

IN THE SUPREME COURT OF THE STATE OF NEVADA

KUPAA KEA

Appellant,

v.

STATE OF NEVADA

Respondent.

Electronically Filed
Sep 20 2017 08:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO. 73016

Appeal from an Order Denying Petition and Supplemental Petition for Writ of
Habeas Corpus (Post-Conviction) in Case CR12-0110
The Second Judicial District Court of the State of Nevada, Washoe County
Honorable Scott Freeman, District Judge

APPELLANT'S APPENDIX – VOLUME 3

VICTORIA T. OLDENBURG, ESQ.
OLDENBURG LAW OFFICE
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ATTORNEY FOR APPELLANT

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1 And there were negotiations in this case that shouldn't be
2 ignored. As I understand it, from reading the documentation,
3 there was methamphetamine involved, and a gang enhancement,
4 and other aspects that were dismissed in consideration of the
5 plea. And Ms. Berning testified it was a pretty good deal
6 because it made him probation eligible.

7 The one thing Ms. Berning couldn't guarantee is what
8 I was going to do at sentencing, and I did what I did at
9 sentencing.

10 So under the circumstances, I am denying the
11 petition.

12 And, Mr. McCarthy, I'm going to have you prepare the
13 order, please.

14 MR. MCCARTHY: I will.

15 THE COURT: And as I shared with Mr. Plater last
16 week, please do it in such a manner, quite candidly, where the
17 matter might be reviewed. So please put all of the issues
18 that I think are going to get on the record as well as from
19 your brief, which I agree with, in that order, denying the
20 petition, and then have Ms. Oldenburg have a chance to review
21 it before you submit it to me.

22 MS. OLDENBURG: I will.

23 THE COURT: All right. Thank you very much.

24 MS. OLDENBURG: Your Honor, I would like to request

1 a copy of the transcript prior to my being required to review
2 the order.

3 THE COURT: Sure. Of course.

4 MS. OLDENBURG: Thank you.

5 THE COURT: We'll be in recess. Thank you.

6 (Proceedings concluded.)

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1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)

3
4 I, SUSAN KIGER, an Official Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, State of Nevada, DO HEREBY CERTIFY:

7 That I am not a relative, employee or
8 independent contractor of counsel to any of the parties, or a
9 relative, employee or independent contractor of the parties
10 involved in the proceeding, or a person financially interested
11 in the proceedings;

12 That I was present in Department No. 9 of the
13 above-entitled Court on ^ DATE, ^ YEAR, and took verbatim
14 stenotype notes of the proceedings had upon the matter
15 captioned within, and thereafter transcribed them into
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of
18 pages 1 through 108, is a full, true and correct transcription
19 of my stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 19th day of June,
21 2017.

22 /s/ Susan Kiger

23 SUSAN KIGER, CCR No. 343
24

EXHIBITS – POST CONVICTION**PLTF: STATE OF NEVADA****PATY: Terrence McCarthy, D.D.A.****DEFT: KUPAA KEA****DATY: Victoria Oldenburg, Esq.****Case No: CR12-0110****Dept. No: 9****Clerk: L. Sabo****Date: 1/23/17**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	Ptnr	WCSO Lab Report	1/23/17	Stip	1/23/17
2	Ptnr	CD – 1 st Police Interview	1/23/17	No Obj	1/23/17
3	Ptnr	CD – 2 nd Police Interview	1/23/17	No Obj	1/23/17
4	----	Number not used	----	----	----
5	State	Transcript of 1 st Police Interview	1/23/17	No Obj	1/23/17
6	State	Transcript of 2 nd Police Interview	1/23/17	No Obj	1/23/17

Post conviction
No. CR12-0110

State

vs.

Kupaa Kea

Def/Plnr Ex. 1

Admitted: 1/23, 2017

JACQUELINE BRYANT, CLERK

By [Signature]
Deputy

L4708-11-2

WASHOE COUNTY SHERIFF'S OFFICE
MICHAEL HALEY, SHERIFF
FORENSIC SCIENCE DIVISION
911 PARR BLVD.
RENO, NV 89512-1000
PHONE (775) 328-2800
FAX (775) 328-2831



LABORATORY NUMBER: L4708-11-2
AGENCY: RENO P.D.
AGENCY CASE #: 11-21113
SUSPECT: KEA, KUPAA
SUSPECT: RODRIGUEZ, MARIO
VICTIM: ANTON, CESAR
VICTIM: VALENCIA, OSCAR
VICTIM: ANTON, CHRISTIAN
PERSON REQUESTING: DET. CROW
DATE OF SUBMISSION: 11/3/2011
OFFENSE: ASSAULT / BATTERY

SCENE

LOCATION OF SCENE: Paradise Park
2600 Paradise Drive

DATE: 10/28/2011
TIME NOTIFIED: 2215 HOURS
TIME BEGAN: 0110 HOURS
TIME COMPLETED: 0420 HOURS

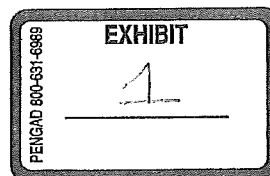
CASE SUMMARY:

Upon arrival at the above listed location, I was met and briefed by Sergeant Della and Detective Millsap. Initial information received was that the shooting was possibly gang related and witnesses state that there were possibly ten (10) shots fired.

The following photographs were taken and the digital images were booked in as evidence under Control #1064777523-0:

- General locational views;
- Overall views of the parking lot / scene, before and after placards #1 - #14 in place;
- One (1) yellow metal "Super X" .22 caliber casing in the parking lot, northeast of the foot bridge / placard #1;

L4708-11-2



Page 1 of 3

0304

- One (1) yellow metal "Super X" .22 caliber casing in the parking lot northwest of placard #1 / placard #2;
- One (1) yellow metal "REM" .22 caliber cartridge – on the foot patch west of placards #1 and #2 / placard #3;
- Red stain on a square cement pad, north of the northern most handicapped parking space, north of placards #1, #2, and #3 / placard #4;
- Overall views of the parking alcove northeast of placard #4, before and after placards #5 - #12 in place;
- Red stain on the asphalt in the parking alcove / placard #5;
- Red stain on the asphalt northeast of placard #5 / placard #6;
- Red stain on the asphalt north of placard #6 / placard #7;
- Red stain partial shoe print on the painted parking space line northwest of placard #7 / placard #8;
- Red stain partial shoe print on the asphalt, north of placard #8 / placard #9;
- Wooden handled claw hammer in the dirt area east of placard #6 / placard #10;
- Red stain to cement curb east of placards #7, #8, and #9, north of the claw hammer at placard #10 / placard #11;
- Tan fleece jacket and plastic shopping bag on the ground under a tree in the dirt area north of placards #5 - #11 / placard #12;
- Overall exterior views of a grey 1989 Cadillac (no license plates / VIN. 1G6DW51YXKR710123) parked in the parking spaces east of placards #1 - #3 / placard #13;
- VIN;
- Temporary moving permit #0002106526 taped to the passenger side windshield of the grey Cadillac;
- General interior views of the grey Cadillac through the windows;
- Broken "Miller" bottle on the ground northwest of the west end of the foot bridge / placard #14; and
- Other views as requested.

Upon completion of the scene processing, the evidence was transported to the Crime Laboratory at 911 Parr Boulevard where it was secured and later entered into the evidence system.

EVIDENCE RECOVERED

Collected At: Paradise Park, 2600 Paradise Drive By: Marci Margritier
 Date: 10/28/2011 Time: 04:20 Hours

CONTROL # DESCRIPTION

1064777523-0 One (1) digital disk containing one hundred and ninety-three (193) digital images.

EVIDENCE RECOVERED cont.

<u>CONTROL #</u>	<u>DESCRIPTION</u>
Q83934	One (1) yellow metal "Super X" .22 caliber casing - from on the asphalt east of the foot bridge / at placard #1; one (1) yellow metal "Super X" .22 caliber casing - from on the asphalt northwest of placard #1 / at placard #2; and one (1) yellow metal "REM" .22 caliber cartridge - from on the footpath west of placards #1 and #2 / at placard #3.
Q83935	Swabs: RS#1 - red stain on a square cement pad / at placard #4; RS#2 - red stain on the asphalt / at placard #5; RS#3 - red stain on the asphalt / at placard #6; RS#4 - red stain on the asphalt / at placard #7; RS#5 - red stain on the asphalt / at placard #8; RS#6 - red stain on the asphalt / at placard #9; RS#7 - red stain to the cement curbing / at placard #11; and H2O / water control.
Q83936	One (1) wooden handled claw hammer with orange and white substance on the handle - from in the dirt area east of placard #6 / at placard #10.
Q83937	One (1) dirty, tan and green "Faded Glory" fleece jacket, size Mens Large, with a dirty, white napkin in the right pocket - from on the ground under the tree / at placard #12.
Q83938	One (1) torn, grey plastic "Kohl's" bag containing one (1) white plastic "Walmart" bag containing one (1) clear plastic bag containing: one (1) blue "The Mountain" t-shirt with a cat on the front, size XL; one (1) red "Time 2 Celebrate" Christmas themed t-shirt, size unknown; and one (1) red t-shirt with an American flag and "America Celebrate Freedom" on the front, size and brand unknown - from on the ground next to the fleece jacket (Control #Q83937) / at placard #12.
Q83939	One (1) empty, broken thirty-two (32) ounce "Miller" beer bottle - from on the ground northwest of the west end of the foot bridge / at placard #14.


MARCI MARGRITIER
Forensic Investigator
Forensic Investigation Section

01-23-12

DATE

Washoe County Sheriff's Office Lab Number Submission Sheet

Analyst

Mam



Evidence Received

10/28

Tech Review

11/3/11

Date

11/3/11

Date Examined

Admin Review

MC10730

Date

1-25-12

Lab Number: L4708-11-2

Offense(s): CONTROLLED SUBSTANCES
ASSAULT / BATTERY

Date Of Submission: 11/3/2011

Request By: DET. CROW

Agency: RENO P.D.

Lab Section: FIS

Case Number: 11-21113

Date Due:

Priority: 1

SUSPECT: KEA, KUPAA

VICTIM: ANTON, CESAR

VICTIM: VALENCIA, OSCAR

VICTIM: ANTON, CHRISTIAN

Comments:

Control Number

Description of Item

W267037

Scene Paradise Park, 2600 Paradise Dr

Washoe County Sheriff's Office

Examination Request Form

LAB USE ONLY

Lab# L4708-11

(Use one form per item)

Date 10.27.11

CONTROL #

W

287037

Agency PPD Case # 11-21113 Offense BDW Phone _____

Requested by: Det. Crow Email _____

Address (if outside Washoe Co.) _____

1- Victim Christina Anton DOB _____ SS# _____
Victim Cesar Anton DOB _____ SS# _____
Victim Oscar Valencia DOB _____ SS# _____
Suspect Unknown DOB _____ SS# _____
SID / FBI# _____

Agency Item # _____ (FIS: Scene X Autopsy _____)

Evidence Description (i.e. swab from counter top, not DNA swab) Paradise Park
2600 Paradise Dr.

A chain of custody is required for each item

For more information regarding the completion of this form, please refer to the Washoe County Sheriff's Office Forensic Science Guidebook at www.washoesheriff.com/forensic-science

EXAM REQUESTED

FIS

____ Process Items for latent prints
____ SUPERGLUE? Yes _____ No _____
____ Shoe/Tire Impressions
____ WIN/AFIS _____ Evaluate and file
____ Print comparison
____ Compare original latents to additional subject(s)

CRIMINALISTICS

____ Seized Drugs
____ Firearm Comparison
____ Toolmark Comparison
____ S/N Restoration
____ IBIS: Date of Offense (Required) _____
____ Other: _____
____ Ignitable Liquids
____ General Unknown
____ Physical Match

DNA EXAM

Can evidence be associated with any nonsuspect individuals? Yes _____ No _____
If yes, elimination references samples MUST be submitted. Analysis will be delayed pending sample receipt.
Have appropriate reference samples been submitted for comparison purposes? Yes _____ No _____
If no, comparison reference samples MUST be submitted. Analysis will be delayed pending sample receipt.
DNA consent form submitted with references samples requiring entry into the DNA database? Yes _____ No _____

Case Synopsis Required

Brief case synopsis attached to laboratory request? Yes _____ No _____

Notes and Special Instructions _____

Court Date: _____

For Toxicology Examination please use the form located in the Toxicology Kits.

Forensic Science Division
911 Parr Blvd. Reno, NV 89512

S-168 (Rev 5/11)

Yellow - Req. Officer; Blue - Lab; White - Evidence

LAB # L4708-112
Phone (775) 328-2800 0623-12
Fax (775) 328-2801 113
EXAMINER M#0843
PAGE 2 OF 0308

INITIAL SCENE INFORMATION

DATE: 10/27
 TIME NOTIFIED: 2215
 TIME ARRIVED: 2300
 TIME COMPLETED: _____

CASE # 10-11-21113
 CASE AGENT Det. Clark

AGENCY: ☐ WCSO
☒ RPD
☐ SPD
☐ OTHER _____

CRIME BDW 690-2556
 REQUESTED BY Sgt. Mandagaran
 NOTIFIED BY RPD Dispatch

LOCATION: 2) Paradise Park - E Parking lot
2600 Paradise Dr.
1) Renown 3) Parking lot @ 855 Mill Ct.
4) Across street from

1- VICTIM INFO:
 NAME: Christian Anton (HMA) 917 Willow
 SSN: _____ @ Renown DOB: 09-27-93

SUSPECT INFO:
 NAME: _____ DOB: _____
 SSN: _____

2- VICTIM: Cesar Anton (HMA) (DOB: 11-04-91) @ Renown

3- VICTIM: Oscar Valencia (HMA) (DOB: 01-12-93) @ Renown

PERSONS ON SCENE:

1) Det. Clark 2) Sgt. Della
Dets. Millsap, Friberg + Clark
 3) Det. Clark
 4) Det. Clark

BRIEFING NOTES: by: Bonneville, Sgt. Della + Det. Millsap

- Members of 2 gangs have been trying to join forces to protect from the "TJs" who've been hitting them pretty good.
 - Shooting in this area last week - possibly between the 2 joining gangs.
 - Arrangements previously made to meet here at the park tonight to fight
 - Witnesses say about 10 shots fired
 - Vs are in parking area by Photo Control #
walking bridge w/ Δ or Δs come out of bushes + start shooting
Unknown how Δ or Δs leave area at this time
- | | | | |
|----------------|---|--|---|
| Photos | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | LAB # <u>L4708-11-2</u>
DATE <u>01-23-12</u>
EXAMINER <u>M80843</u>
PAGE <u>3</u> OF <u>12</u> |
| Latent Process | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Swabs | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| Evidence | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| Diagram | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
- All (3) Vs at
Renown
 • (2) transport
vehicles at Renown

* Requested to go to Renown 1st

0110

A

back at Paradise Park

- Meet w/ Det. Millsap & get walk-thru
 - additional r/s, hammer, & jacket found
- Photos
 - general locational
 - overall views of parking lot / scene
 - w/ paper evid. tents in place at casing & cartridge
 - overall views of parking lot / scene, after placards #1 - #14 in place
 - (.) y/m "Super X" .22 cal casing in parking lot NE of foot bridge - placard #1
 - (.) y/m "Super X" .22 cal casing in parking lot, NW of placard #1 - placard #2
 - (.) y/m "REM" .22 caliber cartridge - on the footpath W of placards #1 & #2 - placard #3
 - r/s on a ^{square} cement pad, N of the ^{Northern most} handicapped parking space, N of placards #1 - #3 - placard #4
 - ^{overall} parking alcove NE of placard #4, before & after placards #5 - #12 in place
 - r/s on asphalt in parking alcove - placard #5;
 - r/s on asphalt NE of placard #5 - placard #6
 - r/s on asphalt N of placard #6 - placard #7
 - r/s - partial shoe print on painted parking space line NW of placard #7 - placard #8
 - r/s partial shoe print on asphalt, N of placard #8 - placard #9
 - wooden handled claw hammer in dirt area E of placard #6 - placard #10

LAB# 44708412
 DATE 01-23-12
 EXAMINER JACOB
 PAGE 14 OF 12

0310

- RS to cement curb E of placards #7, #8, + #9; N of ^{hammer at} placard #10
- at placard #11;
- tan fleece jacket + plastic shopping bag on the ground under a tree ~~At~~ in the dirt area N of placards #5-#11 - at placard #12
- overall exterior views of a grey 1989 Cadillac parked in the parking spaces E of placards #1-#3 - at placard #13 (no license plates)
- license ~
- VIN (1G6DWS14XKR710123)
- Temporary Moving Permit #0002106526 taped to the passenger side windshield
- general interior views through the windows
 - * RPD has vehicle towed
 - * vehicle believed to belong to Δ
- broken "Miller" beer bottle on the ground NW of the W end of the foot bridge - placard #14
- others as requested

Evidence

- (i) y/m "Super X" casing - placard #1
- (i) y/m "Super X" casing - placard #2

SWabs:

- r/s #1 - placard #4
- r/s #2 - placard #5
- r/s #3 - placard #6
- r/s #4 - placard #7
- r/s #5 - placard #8

LAB # L4708-11-2
 DATE 06-23-12
 EXAMINER Am #0243
 PAGE 5 OF 12
 0311

- R/S #6 - placard #9
- R/S #7 - placard #11
- H2O/water central
- hammer - placard #10
- fleece jacket - placard #12
- Kohl's bag w/ (3) t-shirts - placard #12
- broken "Miller" bottle - placard #14

0420 a

44708112
06.23.12
RECEIVED
JUN 23 6 OF 12

light pole

9'09"

5"

5'12"

2'02"

50

50

footpath

52'11"

3'10"

51'02"

3'05"

4

55'02"

7'08"

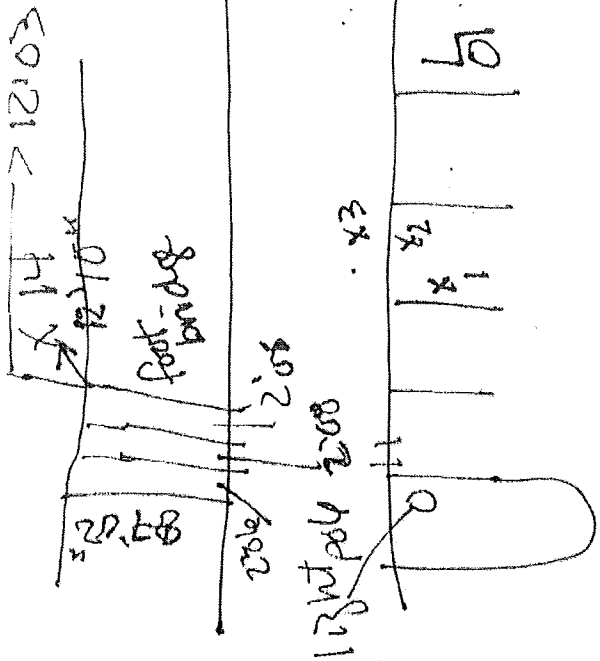
pole to pole
78'07"

footpath

19'09"

light pole

LAB # L4708-11-2
DATE 01-23-12
EXAMINER M. S. B. 10343
PAGE 7 OF 12

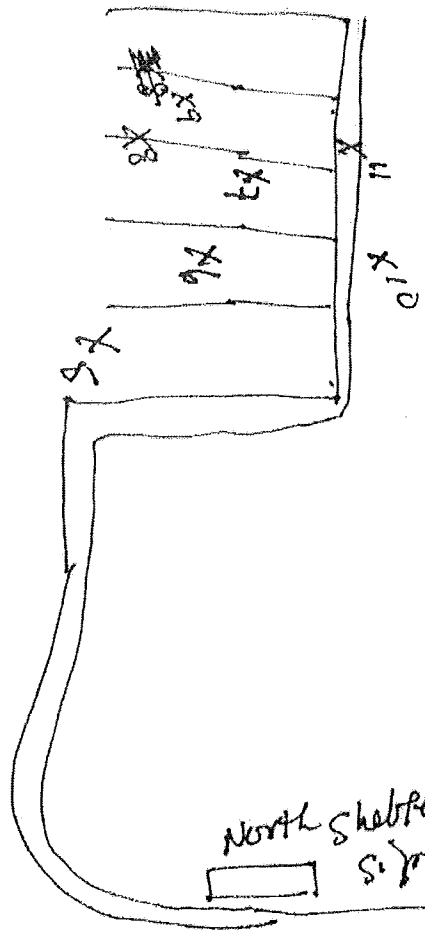


Foot path

light pole

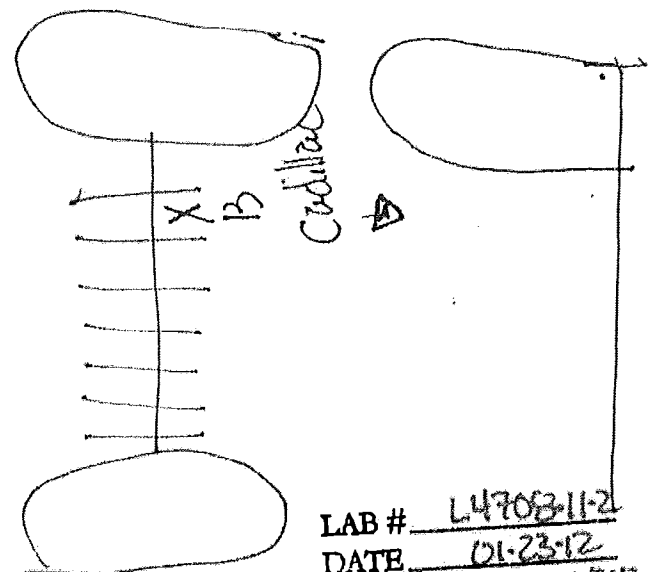
ADDIE

see Q12



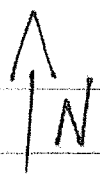
North shelter sign

EL RANCHO



Cadillac

LAB # L470811-2
DATE 01-23-12
EXAMINER Jm#0843
PAGE 8 OF 14



foot path

light pole



Y

S light pole - X N light pole - Y

rear driver tire

86' 06"

front driver tire

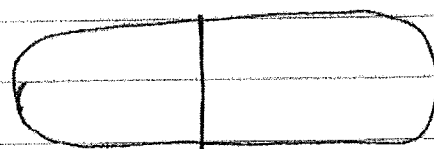
94' 0"

front passenger tire

90' 10"

rear passenger tire

90' 10"



LAB # U4708-11-2
DATE 01-23-12
EXAMINER AW0000
PAGE 9 OF 12

0315

FIELD EVIDENCE LOG

AGENCY/CASE #: _____ SCENE: _____

DATE: _____ DEPUTY: _____

BAR CODE 10647775230 FORENSIC SCIENCE DIVISION Q83934	DESCRIPTION/LOCATION: BBN 03749 photos (193) 1 BBN 03941 (2) casings + (1) cartridge - .22 cal
FORENSIC SCIENCE DIVISION Q83935	Swabs: RS#1-#7 + H2O/water control
FORENSIC SCIENCE DIVISION Q83936	hammer
FORENSIC SCIENCE DIVISION Q83937	fleece jacket
FORENSIC SCIENCE DIVISION Q83938	Kohl's bag + contents
FORENSIC SCIENCE DIVISION Q83939	broken " Miller " bottle

LAB # L4708.11.2

DATE 01-23-12

EXAMINER M. MOON

Pg. PAGE II of 0517

Washoe County Sheriff's Department Collection Summary

L4708-11

Agency: RENO P.D.








Offense(s): CONTROLLED SUBSTANCES
ASSAULT / BATTERY

Case Number: 11-21113

Collected By: MARCI MARGRITIER

Collected At: MAM-01 Paradise Park, 2600 Paradise Drive

Collection Date and Time: 10/28/2011 4:20:00 AM

Control Number	Description of Item
1064777523-0  WCSO	One (1) digital disk containing one hundred and ninety-three (193) digital images.
Q83934  RPD	One (1) yellow metal "Super X" .22 caliber casing - from on the asphalt east of the foot bridge / at placard #1; one (1) yellow metal "Super X" .22 caliber casing - from on the asphalt northwest of placard #1 / at placard #2; and one (1) yellow metal "REM" .22 caliber cartridge - from on the footpath west of placards #1 and #2 / at placard #3.
Q83935  RPD	Swabs: RS#1 - red stain on a square cement pad / at placard #4; RS#2 - red stain on the asphalt / at placard #5; RS#3 - red stain on the asphalt / at placard #6; RS#4 - red stain on the asphalt / at placard #7; RS#5 - red stain on the asphalt / at placard #8; RS#6 - red stain on the asphalt / at placard #9; RS#7 - red stain to the cement curbing / at placard #11; and H2O / water control.
Q83936  RPD	One (1) wooden handled claw hammer with orange and white substance on the handle - from in the dirt area east of placard #6 / at placard #10.
Q83937  RPD	One (1) dirty, tan and green "Faded Glory" fleece jacket, size Mens Large, with a dirty, white napkin in the right pocket - from on the ground under the tree / at placard #12.
Q83938  RPD	One (1) torn, grey plastic "Kohl's" bag containing one (1) white plastic "Walmart" bag containing one (1) clear plastic bag containing: one (1) blue "The Mountain" t-shirt with a cat on the front, size XL; one (1) red "Time 2 Celebrate" Christmas themed t-shirt, size unknown; and one (1) red t-shirt with an American flag and "America Celebrate Freedom" on the front, size and brand unknown - from on the ground next to the fleece jacket (Control #Q83937) / at placard #12.
Q83939  RPD	One (1) empty, broken thirty-two (32) ounce "Miller" beer bottle - from on the ground northwest of the west end of the foot bridge / at placard #14.

LAB # L4708-11.2

DATE 01-23-12

EXAMINER MARGRITIER

PAGE 12 OF 12

03180

L4708-11-1

WASHOE COUNTY SHERIFF'S OFFICE
MICHAEL HALEY, SHERIFF
FORENSIC SCIENCE DIVISION
911 PARR BLVD.
RENO, NV 89512-1000
PHONE (775) 328-2800
FAX (775) 328-2831



LABORATORY NUMBER:	L4708-11-1
AGENCY:	RENO P.D.
AGENCY CASE #:	11-21113
SUSPECT:	KEA, KUPAA
SUSPECT:	RODRIGUEZ, MARIO
VICTIM:	ANTON, CESAR
VICTIM:	VALENCIA, OSCAR
VICTIM:	ANTON, CHRISTIAN
PERSON REQUESTING:	DET. CROW
DATE OF SUBMISSION:	11/3/2011
OFFENSE:	ASSAULT / BATTERY

SCENE

LOCATION OF SCENE:	Renown Regional Medical Center
DATE:	10/28/2011
TIME NOTIFIED:	2215 HOURS
TIME BEGAN:	2300 HOURS
DATE:	10/29/11
TIME COMPLETED:	0105 HOURS

CASE SUMMARY:

A call was received from Reno Police Department Dispatch stating that Sergeant Mandagaran was requesting assistance from FIS at the scene of a battery with a deadly weapon.

Upon arrival at the scene in Paradise Park, Sergeant Della requested that I respond to Renown Regional Medical Center to process the three (3) Victims prior to processing the scene.

Upon arrival at Renown Regional Medical Center at approximately 2320 hours, I met with Detective Clark and Victim Cesar Anton (Hispanic / male / adult / DOB: 11-04-91) in Emergency Room Blue 14. The following photographs were taken of Victim Cesar Anton and the digital images were booked in as evidence under Control #1064776884-0:

- Overall view, lying atop the bed;
- Facial view;
- Backs and palms of both hands;
- Defect to the front, inside of the left calf / shin; and
- Defect to the back, inside of the left calf.

A Gunshot Residue collection kit was performed on both of Victim Cesar Anton's hands at approximately 0001 hours and after he signed a Consent to Seizure, buccal swabs were collected from him.

I then accompanied Detective Clark to ICU #S-125 where we met with Officer Duralde and Victim Christian Anton (Hispanic / male / adult / DOB: 09-27-93). The following photographs were taken of Victim Christian Anton and the digital images were booked in as evidence under Control #1064776978-0:

- Overall view, lying atop the bed;
- Facial view;
- Backs and palms of both hands;
- Red stain to both hands;
- Defect to the right chest; and
- Defect to the right back.

A Gunshot Residue collection kit was performed on both of Victim Christian Anton's hands at approximately 0025 hours.

I then accompanied Detective Clark to PACU #2A where we met with Victim Oscar Valencia (Hispanic / male / adult / DOB: 01-12-93). The following photographs were taken of Victim Valencia and the digital images were booked in as evidence under Control #1064777259-0:

- Overall view, lying atop the bed;
- Facial view;
- Backs and palms of both hands; and
- Bandaged left lower leg.

A Gunshot Residue collection kit was performed on both of victim Valencia's hands at approximately 0050 hours.

The following items were collected as evidence and taken to the Washoe County Sheriff's Office Crime Laboratory Garage where they were secured and entered into the evidence system.

EVIDENCE RECOVERED

Collected At: Renown Regional Medical Center

By: Marci Margritier

Date: 10/28/2011

Time: 01:05 Hours

CONTROL # DESCRIPTION

1064776884-0 One (1) digital disk containing sixteen (16) digital images.

1064776978-0 One (1) digital disk containing twenty-four (24) digital images.

1064777259-0 One (1) digital disk containing nine (9) digital images.

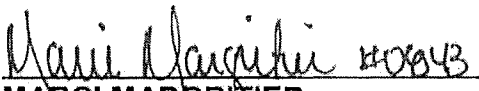
Q83929 One (1) GSR Kit - performed on both hands of Cesar Anton /
Emergency Room - Blue 14.

Q83930 Buccal swabs - from Cesar Anton / Emergency Room - Blue 14.
(Consent to Seizure enclosed)

Q83931 Swabs: RS#1 - Fingers of the left hand of Christian Anton;
RS#2 - Web area of the right hand of Christian Anton; and H2O /
water control / ICU #S-125.

Q83932 One (1) GSR Kit - performed on both hands of Christian Anton /
ICU #S-125.

Q83933 One (1) GSR Kit - performed on both hands of Oscar Valencia /
PACU #2A.


MARCI MARGRITIER
Forensic Investigator
Forensic Investigation Section

01-23-11
DATE

Washoe County Sheriff's Office Lab Number Submission Sheet

Analyst

Man



Evidence Received

10/27

Tech Review

S. Kell

Date

12/12

Date Examined

Admin Review

MC6730

Date

1-25-12

Lab Number: L4708-11-1

Offense(s): CONTROLLED SUBSTANCES
ASSAULT / BATTERY

Date Of Submission: 11/3/2011

Request By: DET. CROW

Agency: RENO P.D.

Lab Section: FIS

Case Number: 11-21113

Date Due: Priority: 1

SUSPECT: KEA, KUPAA

VICTIM: ANTON, CESAR

VICTIM: VALENCIA, OSCAR

VICTIM: ANTON, CHRISTIAN

Comments:

Control Number

Description of Item

W267038

Scene Renown Regional Medical Center

Washoe County Sheriff's Office

Examination Request Form

(Use one form per item)

LAB USE ONLY

Lab# L4708-11

Date 10-27-11

CONTROL #

W

267038

Agency RPD Case # 1121112 Offense BDW Phone _____

Requested by: Det. Crow Email _____

Address (if outside Washoe Co.) _____

Victim Christian Anton DOB 09-27-93 SS# _____

Victim Cesar Anton DOB 11-04-91 SS# _____

Suspect Dean Valencia DOB 01-12-93 SS# _____

Suspect Unknown DOB _____ SS# _____

Suspect Unknown DOB _____ SS# _____

Suspect Unknown DOB _____ SS# _____

Agency Item # _____ (FIS: Scene X Autopsy _____)

Evidence Description (i.e. swab from counter top, not DNA swab) _____

A chain of custody is required for each item
For more information regarding the completion of this form, please refer to the Washoe County Sheriff's Office Forensic Science Guidebook at www.washoesheriff.com/forensic-science

EXAM REQUESTED

FIS

____ Process items for latent prints
____ SUPERGLUE? Yes ___ No ___
____ Shoe/Tire Impressions
____ WIN/AFIS _____ Evaluate and file
____ Print comparison
____ Compare original latents to additional subject(s)

CRIMINALISTICS

____ Seized Drugs
____ Firearm Comparison
____ Toolmark Comparison
____ S/N Restoration
____ IBIS: Date of Offense (Required) _____
____ Other: _____
____ Ignitable Liquids
____ General Unknown
____ Physical Match

DNA EXAM

Can evidence be associated with any nonsuspect individuals? Yes ___ No ___
If yes, elimination references samples MUST be submitted. Analysis will be delayed pending sample receipt.

Have appropriate reference samples been submitted for comparison purposes? Yes ___ No ___
If no, comparison reference samples MUST be submitted. Analysis will be delayed pending sample receipt.

DNA consent form submitted with references samples requiring entry into the DNA database? Yes ___ No ___

Case Synopsis Required

Brief case synopsis attached to laboratory request? Yes ___ No ___

Notes and Special Instructions _____

Court Date: _____

For Toxicology Examination please use the form located in the Toxicology Kits.

Forensic Science Division
911 Parr Blvd. Reno, NV 89512

Phone (775) 328-2800
Fax (775) 328-2831

S-168 (Rev 5/11)

Yellow - Req. Officer; Blue - Lab; White - Evidence

LAB # L4708-11-1
DATE 01-23-12
EXAMINER M#0243
PAGE 2 OF 13

0323

INITIAL SCENE INFORMATION

Sgt. Della 745-3788

DATE: 10/27
TIME NOTIFIED: 2215
TIME ARRIVED: 2300
TIME COMPLETED: 1015

CASE # 11-2113

CASE AGENT Det. Crow

CRIME BDW

Millsap
690-2556

AGENCY: ☐ WCSO
☒ RPD
☐ SPD
☐ OTHER

REQUESTED BY Sgt. Mandagaran

NOTIFIED BY RPD Disp

LOCATION: 2) Paradise Park - E Parking lot
2600 Paradise Dr.

3) Parking lot @ 855 Mill St.

1) Renown

4) Across street from

1- VICTIM INFO:

NAME: Christian Anton (HMA) DOB: 09.27.93
SSN: @ Renown

SUSPECT INFO: - from "Dead Side" - off shoot of "Dirty Man"

NAME: _____ DOB: _____
SSN: _____

2- VICTIM: Cesar Anton (HMA) (DOB: 11.04.91) @ Renown

3- VICTIM: Oscar Valencia (HMA) (DOB: 01.12.93) @ Renown

PERSONS ON SCENE:

1) Det. Clark

2) Sgt. Della

Dets. Millsap, Friberg + Clark

3) Det. Clark

4) Det. Clark

BRIEFING NOTES:

by: Bonnette, Sgt. Della + Det. Millsap

- Members of 2 gangs have been trying to join forces to protect from the "TJs" who've been hitting them pretty good.
- Shooting in this area last week - possibly between the 2 joining gangs.
- Arrangements previously made to meet here at the park tonight to fight
- Witnesses say about 10 shots fired
- Vs are in parking area by Photo Control #
- walking bridge w/ Δ or Δs come out of bushes + start shooting
- Unknown how Δ or Δs leave area at this time
- All (3) Vs at Renown
- (2) transport vehicles at Renown

Photos ☒ Yes ☐ No
Latent Process ☐ Yes ☒ No
Swabs ☒ Yes ☐ No
Evidence ☒ Yes ☐ No
Diagram ☒ Yes ☐ No

LAB # L4708.11.1
DATE 01.23.12
EXAMINER M. KOBAL
PAGE 3 OF 13

* Requested to go to Renown 1st

FIS-1 (Rev 2/10)

2320 A

Remmon-ER
Blue 14

"Fiftyfive, Titan" code name

w/ Det. Clark

V: Cesar Anton
(11-04-91 / H/M/A)

• defect to left calf

• Photos

- overall - atop heel
- facial
- heels + palms - both hands
- defect to front, inside of left calf / shin
- defect to back, inside of left calf

* clothing already collected by RPD

- hands not bagged

• Evidence

0001

- GSR Kit - right handed
- Buccal swabs w/ Consent to Seizure

LAB # L4708-11-1
DATE 01-23-12
EXAMINER MROBVO
PAGE 4 OF 13
0325

• ICU # S-125

w/ off Duralde + Det. Clark

• Christian Anton

(H/M/A | DOB: 09-27-93)

- * clothing already collected by RPD
- * hands not bagged

• Photos

- overall - atop bed
 - facial
 - both hands - backs + palms
 - 1s to both hands
 - defect to rt chest
 - defect to rt back
- } w/ assistance from
RN C. Hawking

• Evidence

0025

• GSR ~~right handed~~

• Swabs

- VS #1 - ^{fingers of ~} left hand
- VS #2 - web area of rt hand
- H2O / water control

* V - sedated - buccal swabs not collected

DATE 0623/12
EXAMINER Am#004
PAGE 5 OF 13
0326

PACU #2A

w/ Det. Clark

• Oscar Valencia
(HMA | DOB: 01.12.93)

- out of surgery

• Photos

- Overall - atop bed
- facial
- backs + palms of both hands
- lower left leg w/ bandage - not to be removed
* leg broken + splinted

• Evidence

0050

- GSR * hands not bagged - right handed

* buccal swabs not collected - chemically
impaired from
anesthesia per ED
* clothing already collected by EPO

* no fragments / projectiles removed

0105 C

LAB # 24708-11.1
DATE 01.23.12
EXAMINER M. E. O. B.
PAGE 6 OF 12
0327

FIELD EVIDENCE LOG

AGENCY/CASE #: _____ SCENE: _____

DATE: _____ DEPUTY: _____

<p>BAR CODE</p> <p>10647768840</p> <p>FORENSIC SCIENCE DIVISION</p>  <p>Q83929</p> <p>FORENSIC SCIENCE DIVISION</p>  <p>Q83930</p>	<p>DESCRIPTION/LOCATION: BBN03697</p> <p>photos (16) 1</p> <p>BBN03712</p> <p>GSR Kit</p> <p>Buccal swabs</p>	<p>Cesar Anton</p>
<p>10647769780</p> <p>FORENSIC SCIENCE DIVISION</p>  <p>Q83931</p>	<p>BBN03714</p> <p>photos (24) 1</p> <p>BBN 03737</p> <p>RS#1 & #2</p> <p>Swabs: H2O/water control</p>	<p>Christian Anton</p>
<p>FORENSIC SCIENCE DIVISION</p>  <p>Q83932</p>	<p>DESCRIPTION/LOCATION:</p> <p>GSR Kit</p>	
<p>10647772510</p> <p>FORENSIC SCIENCE DIVISION</p>  <p>Q83933</p>	<p>BBN 03739</p> <p>photos (9) 1</p> <p>BBN 03747</p> <p>GSR Kit</p>	<p>Oscar Valencia</p>
<p>LAB # <u>L4708111</u></p> <p>DATE <u>01-23-12</u></p> <p>EXAMINER <u>M40843</u></p> <p>PAGE <u>7</u> OF <u>3</u></p> <p>0328</p>		

Washoe County Sheriff's Department Collection Summary

L4708-11

Agency: RENO P.D.









Offense(s): CONTROLLED SUBSTANCES
ASSAULT / BATTERY

Case Number: 11-21113

Collected By: MARCI MARGRITIER

Collected At: MAM-00 Renown Regional Medical Center

Collection Date and Time: 10/28/2011 1:05:00 AM

Control Number	Description of Item
1064776884-0	One (1) digital disk containing sixteen (16) digital images.
 WCSO	
1064776978-0	One (1) digital disk containing twenty-four (24) digital images.
 WCSO	
1064777259-0	One (1) digital disk containing nine (9) digital images.
 WCSO	
Q83929	One (1) GSR Kit - performed on both hands of Cesar Anton / Emergency Room - Blue 14.
 RPD	
Q83930	Buccal swabs - from Cesar Anton / Emergency Room - Blue 14. (Consent to Seizure enclosed)
 RPD	
Q83931	Swabs: RS#1 - Fingers of the left hand of Christian Anton; RS#2 - Web area of the right hand of Christian Anton; and H2O / water control / ICU #S-125.
 RPD	
Q83932	One (1) GSR Kit - performed on both hands of Christian Anton / ICU #S-125.
 RPD	
Q83933	One (1) GSR Kit - performed on both hands of Oscar Valencia / PACU #2A.
 RPD	

LAB # L4708-11.1
DATE 01-23-12
EXAMINER MARGRITIER
PAGE 8 OF 13
0329

GUNSHOT RESIDUE COLLECTION (SEM)

INFORMATION SHEET

AGENCY: Reno P.D.
ADDRESS: _____
CASE AGENT _____
PHONE # _____
CASE # _____
TYPE OF CASE BDW RP11-2113
VICTIM: _____
SUSPECT: _____

EVENT INFORMATION

FIREARM: DATE: 10.27.11 TIME: PM
TYPE: _____ CALIBER 22 possibly
MFG: _____ MODEL _____ SERIAL# _____
AMMUNITION _____ MFGR: _____
NUMBER OF SHOTS FIRED _____
BRIEF DESCRIPTION OF EVENT: _____

COLLECTION INFORMATION

COLLECTION CONDUCTED BY: M. Margrifer #0843
DATE: 10.28.11 TIME: 0001
NAME OF SUBJECT: Cesar Anton
THIS PERSON IS THE VICTIM OR A SUSPECT (CIRCLE ONE)
THIS PERSON IS RIGHT-HANDED OR LEFT-HANDED (CIRCLE ONE)
OCCUPATION: _____
DESCRIPTION OF ACTIVITY OF SUBJECT BETWEEN THE TIME OF THE INCIDENT AND THE TIME OF COLLECTION _____

The purpose of this collection kit is to provide the materials for an easy and reliable method to collect gunshot residues from a person suspected of firing or handling a firearm. This specific style of collection kit is designed to be analyzed by means of scanning electron microscopy (SEM) at a laboratory.

Gunshot residues are produced when the primer of a cartridge is fired thereby propelling burning particles of primer mixture into the propellant powder causing it to ignite. The burning of the powder causes the production of gases which push the projectile out through the barrel. Gases containing particles of primer mixture, propellant mixture, and metallic projectile particles and vapor follow the projectile out of the weapon and are sometimes deposited on the exposed portions of the shooter's hands. These materials can also exit the weapon from any opening of the weapon, such as the barrel-cylinder gap, and also be deposited on the hands. Gunshot residues are also present on the surface of a previously discharged (dirty) weapon and can be transferred to the hand (generally the palm surfaces). This kit is designed to "pick-up" these particles of gunshot residue from the skin onto a sticky tape on the head of a metal support stub, which is used to mount the sample in the SEM instrument during laboratory analysis. Remember that the laboratory will be utilizing a very sensitive test to detect and analyze the elemental components and morphology of these very small microscopic particles. You must be very careful to prevent contamination of the samples by not touching the sticky surface of the collection stub, by wearing gloves, and by properly closing the vial cover.

WASHOE COUNTY SHERIFF'S DEPARTMENT
FORENSIC SCIENCE DIVISION

CONSENT TO SEIZURE

I do hereby voluntarily authorize M. Margntier
of the WCC to detain, seize and
transport me from _____
_____ N/A _____
to _____

in Reno, Washoe County, Nevada, for a seizure of samples of:

(Initial items to be seized):

<input type="checkbox"/> Blood Sample(s)	<input type="checkbox"/> Pubic Hair Combing
<input type="checkbox"/> Urine Sample	<input type="checkbox"/> Pubic Hair Standard
<input type="checkbox"/> Head Hair Standard	<input checked="" type="checkbox"/> Saliva Sample - <u>Duccal</u>
<input type="checkbox"/> Swabs/Smears from: _____	<u>swabs</u>
<input type="checkbox"/> Other _____	

for all evidentiary, analysis and comparison purposes in the pending criminal in-
vestigation in BDW
case number 11-21113

I do further authorize N/A
to use medical or duly qualified personnel, including but not limited to a physician,
nurse, phlebotomist, and/or lab technician, to obtain the samples.

21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

Q83930

LAB # L4768-11-1
DATE 01-23-12
EXAMINER Am#0813
PAGE 10 OF 13
0331

1 I am giving this written consent to the above officer freely and voluntarily,
2 without any threats or promises having been made, and after having been informed
3 by said officer that I have a right to refuse this seizure.

4
5 Cesar Anton
6 SIGNATURE

7
8 Cesar Anton
9 PRINT THE NAME OF PERSON
10 CONSENTING TO SEIZURE

11 [Signature] #9727
12 SIGNATURE OF OFFICER

13 M. [Signature]
14 SIGNATURE OF WITNESS

15 J. WADE CLARK JR. #9727
16 PRINT NAME OF OFFICER

17 M. Margitier #0843
18 PRINT NAME OF WITNESS

19
20 10.28.11
21 DATE AND TIME

GUNSHOT RESIDUE COLLECTION (SEM)

INFORMATION SHEET

AGENCY: Reno P.D.
ADDRESS: _____
CASE AGENT: _____
PHONE #: _____
CASE #: RP11-21113
TYPE OF CASE: BDW
VICTIM: Cesar Anton, Christian Anton, Oscar Valencia
SUSPECT: UNKNOWN

EVENT INFORMATION

FIREARM: DATE: 10-27-11 TIME: PM
TYPE: _____ CALIBER: .22 possibly
MFG: _____ MODEL: _____ SERIAL#: _____
AMMUNITION: _____ MFGR: _____
NUMBER OF SHOTS FIRED: _____
BRIEF DESCRIPTION OF EVENT: _____

COLLECTION INFORMATION

COLLECTION CONDUCTED BY: M. Magniter #0843
DATE: 10-28-11 TIME: 0025
NAME OF SUBJECT: Christian Anton
THIS PERSON IS THE VICTIM OR A SUSPECT (CIRCLE ONE)
THIS PERSON IS RIGHT-HANDED OR LEFT-HANDED (CIRCLE ONE)
OCCUPATION: _____
DESCRIPTION OF ACTIVITY OF SUBJECT BETWEEN THE TIME OF THE INCIDENT AND THE TIME OF COLLECTION: _____

The purpose of this collection kit is to provide the materials for an easy and reliable method to collect gunshot residues from a person suspected of firing or handling a firearm. This specific style of collection kit is designed to be analyzed by means of scanning electron microscopy (SEM) at a laboratory.

Gunshot residues are produced when the primer of a cartridge is fired thereby propelling burning particles of primer mixture into the propellant powder causing it to ignite. The burning of the powder causes the production of gases which push the projectile out through the barrel. Gases containing particles of primer mixture, propellant mixture, and metallic projectile particles and vapor follow the projectile out of the weapon and are sometimes deposited on the exposed portions of the shooter's hands. These materials can also exit the weapon from any opening of the weapon, such as the barrel-cylinder gap, and also be deposited on the hands. Gunshot residues are also present on the surface of a previously discharged (dirty) weapon and can be transferred to the hand (generally the palm surfaces). This kit is designed to "pick-up" these particles of gunshot residue from the skin onto a sticky tape on the head of a metal support stub, which is used to mount the sample in the SEM instrument during laboratory analysis. Remember that the laboratory will be utilizing a very sensitive test to detect and analyze the elemental components and morphology of these very small microscopic particles. You must be very careful to prevent contamination of the samples by not touching the sticky surface of the collection stub, by wearing gloves, and by properly closing the vial cover.

Q03932

GUNSHOT RESIDUE COLLECTION (SEM)

INFORMATION SHEET

AGENCY: Reno P.D.
ADDRESS: _____
CASE AGENT: _____
PHONE #: _____
CASE #: RP11-2113
TYPE OF CASE: BDW
VICTIM: Cesar Anton, Christian Anton, Oscar Valencia
SUSPECT: UNKNOWN

EVENT INFORMATION

FIREARM: DATE: 10-27-11 TIME: PM
TYPE: _____ CALIBER: 22 possibly
MFG: _____ MODEL: _____ SERIAL#: _____
AMMUNITION: _____ MFGR: _____
NUMBER OF SHOTS FIRED: _____
BRIEF DESCRIPTION OF EVENT: _____

COLLECTION INFORMATION

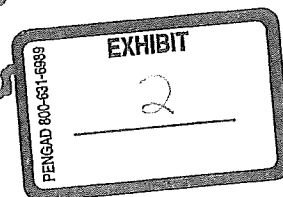
COLLECTION CONDUCTED BY: M. Margitier #0843
DATE: 10-28-11 TIME: 0050
NAME OF SUBJECT: Oscar Valencia
THIS PERSON IS THE VICTIM OR A SUSPECT (CIRCLE ONE)
THIS PERSON IS RIGHT-HANDED OR LEFT-HANDED (CIRCLE ONE)
OCCUPATION: _____
DESCRIPTION OF ACTIVITY OF SUBJECT BETWEEN THE TIME OF THE INCIDENT AND THE TIME OF COLLECTION

The purpose of this collection kit is to provide the materials for an easy and reliable method to collect gunshot residues from a person suspected of firing or handling a firearm. This specific style of collection kit is designed to be analyzed by means of scanning electron microscopy (SEM) at a laboratory.

Gunshot residues are produced when the primer of a cartridge is fired thereby propelling burning particles of primer mixture into the propellant powder causing it to ignite. The burning of the powder causes the production of gases which push the projectile out through the barrel. Gases containing particles of primer mixture, propellant mixture, and metallic projectile particles and vapor follow the projectile out of the weapon and are sometimes deposited on the exposed portions of the shooter's hands. These materials can also exit the weapon from any opening of the weapon, such as the barrel-cylinder gap, and also be deposited on the hands. Gunshot residues are also present on the surface of a previously discharged (dirty) weapon and can be transferred to the hand (generally the palm surfaces). This kit is designed to "pick-up" these particles of gunshot residue from the skin onto a sticky tape on the head of a metal support stub, which is used to mount the sample in the SEM instrument during laboratory analysis. Remember that the laboratory will be utilizing a very sensitive test to detect and analyze the elemental components and morphology of these very small microscopic particles. You must be very careful to prevent contamination of the samples by not touching the sticky surface of the collection stub, by wearing gloves, and by properly closing the vial cover.

Q03933

1st Interview
w/ Ken "Kru"



Post conviction
No. CR12-0110

State

vs.

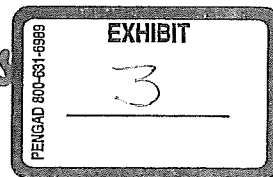
Kupaa Kea

Def't/Plnt's Ex. 2

Admitted: 1123, 20 17
JACQUELINE BRYANT, CLERK

By Adabo
Deputy

2nd Interview
w/ Ken "Krum"



Postconviction

No. CR12-0110

State

vs.

Kupaa Kaa

Def/Ans Ex. 3

Admitted: 1/23, 2017

JACQUELINE BRYANT, CLERK

By [Signature]
Deputy

1

2

3

4

ORIGINAL

5

6

7

8

TRANSCRIPTION OF DVD

9

10

11:51 minutes

11

12

13

4

15

16

17

18

19

20

21 TRANSCRIBED BY:

CHRISTINA AMUNDSON

22

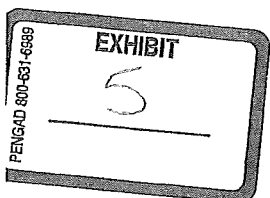
CCR #641 (Nevada)

23

CSR #11883 (California)

24

25



Post conviction

No. CR12-0110
State

vs.

Kupaa Kia

Rsp/State Ex. 5

Admitted: 1/23, 2017
JACQUELINE BRYANT, CLERK

By [Signature]
Deputy

DVD 2, 3:55 minutes

1

2 (Kupaa sitting in interview room. Detective enters
3 at 2:54.)

4 BY THE DETECTIVE:

5 Q Hi --

6 A Kupaa.

7 Q Huh?

8 A Kupaa?

9 Q Kupaa?

10 A Yeah.

11 Q Used to be Paul, right?

12 A Yeah.

13 Q You're a lot bigger than I remember you.

14 Do you remember me?

15 A I don't.

16 Q --

17 A No.

18 Q We stopped you before down on -- you used
19 to rep Sunset.

20 A Yeah.

21 Q How are you doing?

22 A Cool.

23 Q You still look like you're repping Sunset
24 with all the gray.

25 A No.

1 Q No, you're not with Sunset, are you?
2 A -- teaser --
3 Q You look like teasers from -- Sunset?
4 A -- I don't know -- they weren't doing
5 things for me.
6 Q Yeah. Sunset wasn't doing things for you?
7 Can you spell your first name for me?
8 A K-u-p-a-a.
9 Q Last name K-e-a?
10 A Yeah.
11 Q Nickname? I think you used to be -- when
12 you were with Sunset. Krums?
13 A Nah. D Boy.
14 Q Naughty Boy?
15 A D Boy.
16 Q D Boy --
17 A No. I know you was gonna say something.
18 It was Krums.
19 Q It was Krums.
20 A Yeah.
21 Q With a C or a K?
22 A With a K.
23 Q Have you seen D Boy lately?
24 A No -- school.
25 Q I heard that fool was moving weight, dude.

1 A Yeah.

2 Q You know what I'm talking about?

3 A --

4 Q -- from -- when we sent him to prison for
5 the second -- he got some connections in there.

6 A Yeah.

7 Q He came out he was moving weight. I never
8 did catch him dirty.

9 A Yeah?

10 Q But I believe it. He got hooked up there
11 too -- when's last time you seen him?

12 A When I used kick at Grove, like three years
13 ago, maybe, nah. Like two, maybe.

14 Q Sunset used to be my gang. You know gang
15 officers are assigned to gangs.

16 A Yeah.

17 Q And so I was all over Sunset.

18 A Yeah?

19 Q I knew all you guys. I've run into you
20 just a couple of times.

21 A Yeah.

22 Q --

23 A That's where I -- I was, like, 13.

24 Q Yeah. You were a little kid, man. You're
25 all fucken grown up. How tall are you now?

1 A Like five-seven.

2 Q Geez. You were probably like five-three,
3 five-two, when I met you.

4 A -- hair too.

5 Q Your skin used to be a little darker, I
6 think.

7 A Maybe. I've been locked up for days now --

8 Q You just got out, huh?

9 A Yeah, like two months ago.

10 Q Uh-huh -- or something like that?

11 A --

12 Q I want to talk to you about your car being
13 stolen. All right?

14 A (Witness nods.)

15 Q You tried to report it stolen today, right?

16 A Yeah, this morning.

17 Q This morning?

18 A Yeah.

19 Q What kind of car is it?

20 A A 1989 Cadillac Brougham.

21 Q It doesn't have plates on it, though,
22 right?

23 A No. I got a permit, though. My title's in
24 the car.

25 Q Is the permit in your name?

1 A Yes, it is.

2 Q Okay. And the title's in your name?

3 A Yes, it is. I have -- well, I signed the

4 paper but I haven't turned it over to get a new one.

5 Q Do you have a license?

6 A I don't. That's why I'm not doing it yet.

7 Q Okay. Have you been rolling it -- it's

8 okay if you've been rolling your car without a

9 fucking license --

10 A Here and there.

11 Q Here and there.

12 A Like to work, yeah?

13 Q Where are you working?

14 A Wal-Mart.

15 Q Which Wal-Mart?

16 A Kietzke.

17 Q Okay. What's your date of birth?

18 A 11/5/93.

19 Q Is it Krums with a C or a K -- K, right?

20 A K-r-u-m-s.

21 Q Don't try to tell me you're fucken D Boy.

22 I ain't that stupid. I remember D Boy.

23 A Yeah, yeah --

24 Q He is, man. He is. What color is your

25 Cadillac?

1 A Grey. It's like charcoal grey, not like--
2 Q Any special features? Tinted windows,
3 rims, anything like that?
4 A I have rims on them.
5 Q What kind of rims?
6 A I don't know what they call them --
7 streets.
8 Q Are they, like, cool rims or --
9 A Good rims, nice rims. Those are like,
10 fucken, black people rims.
11 Q Black people rims?
12 A Yeah -- black people rims.
13 Q Black people rims.
14 A I don't know how to explain them.
15 Q Boy, that sounds bad.
16 When was the last time you seen your car?
17 A Last night.
18 Q Last night?
19 A Yeah, last night.
20 Q Where did you last see the car at?
21 A In the parking lot.
22 Q What parking lot?
23 A The one at my apartments.
24 Q What's the address there?
25 A 2055 Candle Street, Apartment Number E.

1 Q Okay.

2 A They told me they found it.

3 Q Yeah, we did find it.

4 A In the middle of the street, I think.

5 Q Huh?

6 A In the middle of the street.

7 Q Yeah. We found your car.

8 A My stereo --

9 Q Uh-huh.

10 A And my speakers?

11 Q Uh-huh.

12 A -- trunk --

13 Q What are you claiming now if you're not

14 claiming Sunset. Are you claiming TJ?

15 A No, hell nah. I wouldn't hip-hop with a

16 flip-flop.

17 Q Okay. You got any new tats or anything?

18 A Uh-uh.

19 Q Let me see your hands. "Ghetto" what?

20 A "Ghetto dreams."

21 Q "Ghetto dreams."

22 A Yeah.

23 Q Is that it? Do you have any Sunset shit on

24 you?

25 A Nah.

1 Q Okay. I just want to see if you're still
2 down, because you wear a lot of grey. You remember
3 Sunset's colors were gray, right?

4 A Gray and blue.

5 Q It used to only be gray --

6 A --

7 Q -- back in the day when Sniper started it.

8 Did you ever know Sniper?

9 A Nah -- the first generation Sunset. He
10 lived over by me.

11 Q Okay. One of the dumb kids instead of --
12 kid who doesn't know what the fuck he's
13 representing.

14 (Phone call interruption.)

15 BY INTERVIEWER:

16 Q They actually towed the car.

17 A Ah, bummer, I can't --

18 Q We'll give it back to you.

19 A Oh, okay.

20 Q Well -- do you have keys to that car with
21 you right now?

22 A I got a spare one.

23 Q Okay. Is it drivable?

24 A I don't have a license, though.

25 Q Like, could we drive it back, or something,

1 for you?

2 A Yeah.

3 Q Okay. Do you got a key?

4 A Yeah.

5 Q Okay. Can I see it?

6 A It's this one. You didn't find my other
7 keys? Because I got my badge on that one for my
8 school.

9 Q Where are you going to school?

10 A Oh, not for school. For my work.

11 Q For Wal-Mart?

12 A Yeah. Did you find them?

13 Q I think we probably did. I'm not sure,
14 man.

15 A All my shit's in it still, right?

16 Q I believe so. Want to tell me what you
17 were up to yesterday.

18 A I was with my girl for the morning. I was
19 cruising and shit and a live fucking -- just buying
20 shit, like games and shit like that.

21 Q With your girl?

22 A Yeah. Not for the whole time. Not for the
23 for whole day.

24 Q Okay. Who's your girl?

25 A Janet Mescal. It's my baby's momma.

1 Q Luis's sister?
2 A Luis Mescal.
3 Q You're dating his sister?
4 A Yeah.
5 Q She's pretty, man.
6 A Yeah.
7 Q You're sure -- has she graduated yet?
8 A No. She still goes to school.
9 Q Where is she going to school?
10 A I don't know -- oh, shoot. Washoe.
11 Q Okay. She was going to Reed for a while.
12 Fucking small world, man.
13 A Yeah.
14 Q Do you know her brothers, Gustavo and?
15 A I don't know them like that.
16 Q -- Broli.
17 A She told me -- she told me about them.
18 Heard he's Norte --
19 Q He did.
20 A I guess he don't like me.
21 Q Why?
22 A Oh, it was like -- this tall -- break his
23 face.
24 Q Why would you break your girlfriend's
25 brothers face?

1 A -- like you fucken chap -- some beef but I
2 didn't know.

3 Q Did you just call him a "chap" --

4 A I know he was gonna come say something to
5 me.

6 Q Did you just call him a "chap"?

7 A -- say something --

8 Q What the fuck is "chap"?

9 A -- Nortes.

10 Q Okay. I've heard "bastard, you know --

11 A --

12 Q Chap.

13 A Yeah.

14 Q What's "chap" mean?

15 A You know, like a scrap?

16 Q Yeah?

17 A --

18 Q Okay. But nobody really knows what it
19 means. They just say it? Does "chap" mean
20 something in Spanish?

21 A Chapete. I don't even know. I don't think
22 anybody knows.

23 Q -- a lot more, and that's like a new term.

24 A Yeah.

25 Q Yeah. And everybody's saying it now and I

1 gotta be up on my game. I gotta remember all this
2 fucken lingo. I'm up to speed on the blacks, dude.
3 I've learned "catch a fade." You heard that one?
4 Funkin' --

5 A Yeah.

6 Q -- all that shit -- a lot of brothers
7 lately.

8 A Yeah -- more --

9 Q So I took my eyes off of the Hispanics and
10 I'm losing touch with that game now. Like "chap"
11 came out when I was dealing with all the black
12 people.

13 A Yeah -- Northern California people came
14 like, you know, how all -- I was like -- I got --
15 went to Elko again.

16 Q Okay.

17 A Fucken, Buster, to them, that's a good
18 sign, Buster. If you call them "Buster," that's
19 like hell, yeah, because that means busting up
20 surveillance to avoid recognition. So to us -- I
21 guess. I don't know. It's hella weird.

22 Q That's new, too, to me.

23 You know why they call them "busters,"
24 right?

25 A They get busted.

1 Q No, no. They're Norteno. They're all the
2 Northern California Hispanics that were farm
3 workers.

4 A Yeah.

5 Q So they were like clod busters when they
6 were working the fields right, and they'd have to
7 break up the clods before they'd plant the new seed.

8 A Yeah.

9 Q Because they're all migrant farm workers.
10 That's where "buster" came from.

11 A Yeah.

12 Q -- education from -- you keep educating me
13 and I'll keep --

14 A --

15 Q You like Copenhagen?

16 A Nah. I'm cool with that.

17 Q I am --

18 A My breath --

19 Q So you're dating Janet. You don't have her
20 pregnant, do you?

21 A She's pregnant.

22 Q With your baby?

23 A Yeah. Nah, somebody else's baby.

24 Q I don't know, man. Hell no. I haven't
25 seen her in a while. How far along is she?

1 A About two months now. Sticking out.

2 Q Really?

3 A Yeah.

4 Q You knocked her right up.

5 A Yeah.

6 Q Were you already talking to her before you

7 got out?

8 A Yeah.

9 Q Did you just meet her one night for the

10 first time and got down on it?

11 A Yeah.

12 Q You gotta let me know your secret. I

13 couldn't get laid in a whorehouse.

14 A What the fuck.

15 Q Well, maybe there, yeah. Janet, wow. That

16 just blows my mind, dude. Were you and -- dude Ira?

17 A He's after me.

18 Q Okay. You got a beef with him?

19 A He's not even a real person. He's not even

20 real.

21 Q He's not Norte?

22 A He says he is but then he tells people --

23 tells girls -- tells girls he is. But when you

24 catch him, like, with your homeys or when we're

25 banging them up, I'm not gonna judge this, my family

1 is. He's -- over some -- some shit.

2 Q Luis started WSF.

3 A Yeah. He wants to jump me.

4 Q He jumped you? When.

5 A When I got out.

6 Q Where did this happen?

7 A -- we were -- and then I just got dropped.

8 Q --

9 A Now he's locked up --

10 Q Wow.

11 A Yeah. Yeah.

12 Q So you were with Janet yesterday fucking

13 shopping, buying games?

14 A And shit like that.

15 Q Driving your car place to place.

16 A Yeah.

17 Q -- I know you were driving without a

18 license.

19 A Yeah.

20 Q I'm not a probation officer. I'm a fucking

21 cop. Do you understand that?

22 A Yeah.

23 Q Okay. So where did you drive to?

24 A Little Caesars for sure.

25 Q --

1 A Yeah.

2 Q When was that?

3 A I don't know, to be honest.

4 Q Approximately noon?

5 A Nah. It was during like -- I was out and

6 about from around 3:00 to around 7:00.

7 Q 3:00 p.m.?

8 A Yeah. To around 7:00.

9 Q Okay.

10 A Maybe 2:00 p.m.

11 Q 2:00 p.m.

12 A Till 7:00 p.m.

13 Q Till 7:00 p.m.?

14 A Yeah.

15 Q And the first stop was Little Caesars?

16 A Yeah.

17 Q Second stop?

18 A Second stop was Game Stop.

19 Q Which Game Stop?

20 A The one by --

21 Q I don't even know where that is. Is it

22 right by the Big 5?

23 A Yeah.

24 Q -- what time was that approximately?

25 A --

1 Q Drove the car there too?

2 A Yeah.

3 Q Okay. How long were you in there?

4 A Like ten minutes at the most.

5 Q Okay. Next stop?

6 A Just went to kick it.

7 Q --

8 A Nah -- my girl --

9 Q --

10 A I don't know.

11 Q Where did this happen?

12 A Over by Merchant.

13 Q Okay. Well, hold on, then.

14 -- stop, Game Stop, third stop?

15 A I don't think there was a third stop.

16 Q Okay. And when you were driving back by

17 Merchant --

18 A Yeah, coming down through Oddie.

19 Q Approximately what time, do you think?

20 A Five-ish -- four or five, maybe. Four or

21 five.

22 Q --

23 A Driving --

24 Q Driving so ...

25 A We were at the gas station and they just

1 popped out on me.

2 Q The gas station at the end of Merchant?

3 A By the Rainbow.

4 Q Yeah, rainbow?

5 A Yeah.

6 Q You got hit up?

7 A Yeah.

8 Q By who?

9 A Do Si, or some shit like that.

10 Q Who is Do Si? Do Si crew? Do Si gang?

11 A They're a gang.

12 Q Okay.

13 A For sure it was --

14 Q Did you know them guys?

15 A I went to school with one of them --

16 Traner.

17 Q --

18 A Fuck. Ivan, or some shit. But you know

19 how Traner works, right -- schools, like he was on

20 the slower -- side.

21 Q Okay.

22 A --

23 Q Ivan. Is it Hector?

24 A I don't know, to be honest.

25 Q Ivan from -- you just know him as Ivan?

1 A I couldn't really understand what they were
2 saying. I was more worried about her than
3 anything -- gang -- I knew his face. We used to be
4 in school together.

5 Q Did he have any guns or anything, threaten
6 to bust on you?

7 A They're just like, Where are you from and
8 shit. I don't bang.

9 Q Okay.

10 A And then, fucking, I was about to come out
11 of the store, I paid for the gas. I was coming out
12 of the store and then fucking --

13 Q How many people were there? Was there four
14 or five, you said?

15 A They were all in the truck.

16 Q What kind of truck?

17 A Like a Jeep Cherokee --

18 Q I'm trying to figure out if they really
19 stole your car, if you were being followed.

20 A I don't think they followed me, though. I
21 wasn't paying attention because I was --

22 Q Was it an SUV or a truck?

23 A Jeep Cherokee -- you know how it looks?
24 It's like an SUV but smaller.

25 Q What color?

1 A Gray.

2 Q Do you know whose car that is?

3 A If I don't know them, I don't know the car.

4 Q Okay. They scratched that beef.

5 A They just said, Where you from? I don't

6 bang and shit. Oh, this is Do Si.

7 Q Then what did you do? Drive off?

8 A I just went back to my car and pumped gas

9 and I was going on my way.

10 Q Where did you go from there?

11 A Going down Merchant, I went to my girl's

12 house?

13 Q Janet's?

14 A Yeah.

15 Q Where is that?

16 A Sun Valley.

17 Q 617 Sand Hill.

18 A I don't know the address but I'd know if I

19 was driving.

20 Q 5617 Sand Hill.

21 Is Gustavo's Charger still there, the black

22 one?

23 A No -- her brother don't like me.

24 Q Why?

25 A Because her brother's Norte and he said --

1 Q They're sons were Montello. Do you know
2 that?
3 A They were Surenos, right?
4 Q They were Montello. They were down
5 Montellos for a long time and some shit happened --
6 A Yeah.
7 Q -- and they're no longer Montello. Bad
8 shit happened.
9 A They fucked up, or what?
10 Q Well, murder.
11 A Shit --
12 Q No. They burnt their bridge with Montello
13 over that murder. So --
14 A --
15 Q Yeah, they are.
16 A They're coming back, huh?
17 Q In prison. They're in prison. They'll be
18 hitting the streets this next year, a couple of them
19 will be getting out. Once these two -- out, fucking
20 Montello's back. The ones who are out now ain't
21 gonna do nothing without those guys --
22 A -- I seen him too --
23 Q Are you talking about Duarte?
24 A -- he's old --
25 Q He got out of prison -- Norte -- Gordita

1 from Montello. And I'm like what the fuck -- crew
2 and shit. They're like we got -- so it's
3 different--

4 Q Yeah. And now --

5 A And now he's so used to -- so he can --
6 best friends and shit --

7 Q Yeah.

8 A That was weird.

9 Q Yeah.

10 A Tweaking like a motherfucker, though.

11 Q Duarte's crazy.

12 A He'd be tweaking and shit.

13 Q Duarte's fucken crazy.

14 A He walks around with a boom box. It's so
15 funny.

16 Q Did he have the -- was he wearing sweats or
17 jeans?

18 A He had khakis on.

19 Q Khakis. Have you ever seen him in his gray
20 sweats with a "Oppressed prison style"?

21 A No.

22 Q I mean, these are like Wal-Mart sweats,
23 dude. They're like \$6 sweats -- and his white --
24 and he'll have two pocket knives, one in each side.

25 A Yeah.

1 Q He's bat shit crazy. He's a bad
2 motherfucker.

3 A Yeah.

4 Q He is one of the few gangsters out there
5 that I think is legit. He is, man. He'll handle
6 business.

7 A Yeah.

8 Q He -- I remember he was walking down an
9 alley one time shooting at South Siders, broad
10 daylight. There were people everywhere. He just
11 didn't give a fuck, you know. He didn't run off
12 either.

13 A Not in a car.

14 Q Uh-huh.

15 A -- prison.

16 Q Uh-huh.

17 A -- are crazy. Fuck that.

18 Q Okay. So you just went home to Janet's
19 about 7:00 and stayed there?

20 A It was around 7:00 -- 6:00 or 7:00, maybe
21 8:00, and we went home. Went back to my pad, me and
22 her, and we just -- we handled business and we
23 passed out. Nobody was home.

24 And I parked my car in somebody else's
25 space because my sister didn't let me park in hers

1 because she has the bike and she has a truck and she
2 gets mad if I use the -- use her space.

3 So I parked in somebody else's and Janet
4 wakes up and tells me that the car is gone. So she
5 wakes me up, tells me that it's gone. I'm like what
6 the fuck.

7 And then I thought it got towed because it
8 was somebody else's parking spot -- like calling the
9 places, calling them like, Do you have my car and
10 all this and nobody found it. And that's when I
11 finally just filed a police report.

12 Q When we set out today, you weren't there?

13 A Oh, no.

14 Q Right, on Cannon?

15 A Yeah.

16 Q We went to your house.

17 A My sister told me.

18 Q Where were you? You called, right?

19 A Yeah but they didn't tell me to stay home.

20 Q Well, how the fuck are we going to take the
21 report if you're not there?

22 A I don't know.

23 Q Right?

24 A I was --

25 Q It's kinda stupid, isn't it?

1 A Thought they were gonna call me or
2 something.

3 Q No. We wanted you to do a statement for
4 us?

5 A Like written?

6 Q Yeah. And you were gone.

7 A -- do now --

8 Q Yeah. But it just seemed fishy because
9 normally when somebody calls to report their car
10 stolen they're there when we get there. Okay. If
11 they're not there when we get there, it's because
12 they really robbed a bank or something with their
13 car and they just want to separate themselves, okay?
14 So we gotta make sure you didn't rob a bank or
15 murder anybody.

16 A What the fuck would anybody be robbing a
17 bank. It'd be stupid.

18 Q People do it all the time. People do
19 something wrong with their car and they try to
20 report it stolen before the police come talk to
21 them. So that's what I'm here to talk to you about.
22 You didn't do anything like that?

23 A Nah.

24 Q Okay. Everything you tell me is gonna jive
25 with what Janet tells me?

1 A Yeah.

2 Q Okay. So you just honestly don't think you
3 need to be home to do your stolen vehicle report.

4 A They didn't tell me to stay home.

5 Q All right -- started on this report right
6 now. If you can just fill in this top part. It's
7 self-explanatory, name, address -- tell about how
8 your car was stolen, who you think may have done it,
9 who you think it was --

10 A I don't know who done it.

11 Q Okay. Just do that --

12 A Or a matter of fact, I do -- the black
13 people because where I live I mess with the black
14 people.

15 Q You would blame them -- you're being
16 racist. Poor black people.

17 (Detective exits interview room. Kupaa
18 filling out statement.)

19 (Detective reenters interview room at 44:46)

20 BY THE DETECTIVE:

21 Q Did the statement?

22 A Yeah.

23 Q You're very literate.

24 A Graduated with honors.

25 Q Did you -- look like you, dress like you,

1 they can't even spell simple fucken words. They
2 spell "the" t-h-a. You know what I'm saying?

3 A Yeah.

4 Q You should do yourself a favor and stop
5 dressing down, because you could have a bright
6 future.

7 And that's the truth, the whole truth, and
8 nothing but the truth, right?

9 A Yeah.

10 Q Nothing different? Are you sure about
11 this?

12 A I am sure.

13 Q You're sure you didn't drive it to Paradise
14 Park and fucken leave it there after a fight?

15 A Nah.

16 Q Because that's what happened. All right,
17 brother? You know and I know, okay, you were in a
18 fight where some shots got fired. I'm not saying
19 you shot, okay, but I know you were there -- gang
20 too. It's in your car, it's in your bedroom.
21 Okay -- hit you up -- why would hit you up? You
22 know what I'm saying?

23 You want to be honest what happened at the
24 fucken park, because right now we got Marcos next
25 door, okay? He just admitted to shooting the guy in

1 the chest. Okay? He says you were there.

2 A I don't know what he's talking about.

3 Q You don't know what he's talking about,
4 brother?

5 A No.

6 Q Plus we got a .22 right out of your car,
7 okay, and there was 22 rounds fired. This is
8 opportunity, my man, if -- preplanned or whatever,
9 you need to explain your side of the story because
10 you only get one opportunity to right now. Okay?

11 I know you were present at the shooting.
12 You were on youth parole. Okay -- violation, if you
13 want to be -- violation -- from Paradise Park and we
14 show you right there, okay? Plus you just filed a
15 false police report. You know that, right?

16 A That's the truth.

17 Q Honestly?

18 A Yeah.

19 Q Okay. I'm gonna let you know right now
20 that if this is all you had to say, you're gonna be
21 under arrest for shooting two people, two counts of
22 BBW last night. Okay?

23 I'm interested to hear your side, if
24 there's a separate side, okay? If you didn't shoot,
25 you need to let me know. You need to let me who did

1 shoot. Okay? He already told me he shot the one
2 guy in the chest with a revolver. You had the
3 rifle. He says you had the rifle -- the rifle,
4 Junior says you had the rifle. Everybody says you
5 had the rifle. All right?

6 You understand this is serious, right?

7 A Oh, yeah.

8 Q What the fuck happened, man?

9 A That's true.

10 Q That you had the rifle?

11 A That right there (indicating).

12 Q That statement is true.

13 A Yeah.

14 Q Okay. If that's what you're gonna stick
15 with, that's fine. You're gonna fuck your -- up in
16 court over this. You understand that, right?
17 You're probably going to be certified and tried as
18 an adult on this. Okay?

19 If you want to tell me anything else, maybe
20 -- be honest with me, you're more than welcome to.
21 Okay? One guy is circling the drain. He might
22 fucken die. That's the dude he shot, not the dude
23 you shot. He's fucken terrified that that guy's
24 gonna die. You can be tried as a principal, a party
25 to his shooting on that homicide because it's all

1 one event, okay?

2 I know the two guys you shot, you hit in
3 the leg. The guy he shot in the chest, that's going
4 to be a fucken murder. You're going to be a part of
5 that murder. I'll check on -- all right. You're
6 going to be here a little bit, so yell if you want
7 to. All right? Good luck to you.

8 (Detective exits interview room. Kupaa
9 turns off light at 1:06:42)

10 (Detective opens door at 1:20:44)

11 BY THE DETECTIVE:

12 Q You all right?

13 A Yes. Sleep.

14 (Kupaa exits room at 1:20:46)

15 (Kupaa reenters room at 1:21:33)

16 KUPAA: How long am I gonna be?

17 UNIDENTIFIED SPEAKER: I don't know, man.

18 (Kupaa sleeping.)

19 (Detective reenters room at 1:51:37)

20 BY DETECTIVE:

21 Q -- call -- take you up to juvi. I'm going
22 to take you up to juvi. You're under arrest, okay?
23 I don't know if you know that or not yet.

24 A I got it.

25 Q I want to continue talking to you.

1 A Yeah.

2 Q I don't know if you want to talk to me or
3 not. But if you do, I'm gonna have to give you your
4 rights, okay? Do you want to keep talking with me?

5 A Yeah.

6 Q Okay.

7 A I'm having a baby, man.

8 Q What's that, bro?

9 A I'm having a baby, man.

10 Q Okay.

11 A I can't do no fucken --

12 Q Do you know what your rights are?

13 A -- Miranda rights right?

14 Q They're Miranda rights. You have the right
15 to remain silent. Anything you say can and will be
16 used against you in a court of law. You have the
17 right to an attorney -- to have a attorney present
18 with you while you're being questioned. If you
19 can't afford an attorney, one will be appointed to
20 represent you before any questioning, if you wish.

21 You can decide at any time to exercise
22 these rights and not answer any questions or make
23 any statements, all right? Do you understand those?

24 A Yes.

25 Q Okay. Also, you're a juvi, so you have the

1 right to have a parent present with you during
2 questioning, if you wish one, okay?

3 Having those rights in mind, do you want to
4 talk to me right now?

5 A Yes.

6 Q All right, brother. Well, I have your
7 friend next door, Marcos, okay. He already told me
8 about the whole shooting, okay. Four other people
9 told me that you shot the rifle, he shot the
10 handgun. Okay. We served a search warrant on your
11 car. We've got the ammunition that matches the
12 rifle, your ID.

13 Did things just get out of hand with this
14 -- not a plan? Because right now it looks like it
15 was a plan, like you guys planned to ambush these
16 people. That's where it stands if it wasn't planned
17 and it just happened. Okay?

18 But right now I'm thinking you guys planned
19 it. Marcos is saying no, it was not planned. We
20 planned to meet up, we planned to fight. We didn't
21 plan for it to go the distance like that. Okay?
22 But my witnesses and my victims are saying they felt
23 like they were ambushed. Because as soon as they
24 get out of the car, they start taking rounds, okay?

25 Was there something you saw that made you

1 think somebody was in danger and you had to fire
2 rounds? You know what I'm saying? Why don't we
3 just back it up a little bit. I know you were at
4 the park.

5 A My sister's gonna be here? She's my
6 guardian.

7 Q You want your sister here?

8 A Yeah.

9 Q We can bring your sister here.

10 A Yes. She has a lawyer too.

11 Q Huh?

12 A She has a lawyer.

13 Q You think she has a lawyer?

14 A Yeah.

15 Q Do you want her to bring her lawyer here
16 for you?

17 A Yeah.

18 Q You do?

19 A Yeah.

20 Q Okay. Well, we can get a lawyer down here
21 -- or we can get her. I don't know if she'll get a
22 lawyer, okay?

23 A -- be here for right now?

24 Q Yeah, that's fine. I can go get on that
25 right now.

1 A All right. Can my baby's mama come too?

2 Q Your baby mama. Janet.

3 A Yeah.

4 Q I would love to see Janet definitely. Let
5 me get the guys started.

6 A Can I ask you a question, though?

7 Q Yeah.

8 A What am I looking at?

9 Q Well, that all depends on your level of
10 honesty with me, okay? If the dude dies that he
11 shot, which could be a possibility, you don't want
12 any part of that shit, okay, because you'll
13 automatically get tied into his, okay?

14 If the dude doesn't guy, we're just looking
15 at a simple shooting, okay? The fact that you're on
16 parole, I don't know if they're gonna want to try
17 you as an adult or not, but you're still 17 right
18 now, okay? But worst-case scenario, that guy dies,
19 and it's automatic certification for everybody
20 involved. You know what I'm saying?

21 A Damn -- let's say he doesn't die? What are
22 we still looking at?

23 Q Probably a simple shooting, simple
24 charges--

25 A --

1 Q Probably like what you just did. You know,
2 you did some time for -- was it a shooting?

3 A Nah. This one was just, fucken, no
4 license.

5 Q No, no, no, no. The one that sent you up
6 to NYTC.

7 A Oh, we jumped him and stabbed him?

8 Q Yeah.

9 A -- for months.

10 Q Okay. It's probably gonna be something
11 along those lines unless the court decides to
12 certify you as an adult on this. Okay? If you're
13 certifiable, I don't know. Okay? I'll tell you if
14 it's a murder, it's definitely certifiable.

15 You know -- from TZ, the 13-year-old?

16 A Yeah.

17 Q I arrested him for murder, okay? But one
18 thing I can tell you, if that dude does code at the
19 hospital, if he dies and you are honest and upfront
20 with me as far as your involvement -- because I know
21 you didn't shoot that guy, okay? I know you shot
22 the two that are stable that aren't dying, okay?

23 Got shot in the legs. That's not like
24 you're aiming for their heads or anything or they're
25 chest. Like, he aimed at this guy's chest. That's

1 bad. And he was close. He was close, okay? You
2 weren't that close, okay?

3 A Okay. Can I get my sister and Janet here
4 right now?

5 Q Yeah.

6 A --

7 Q We can bring them in the room, yeah. No
8 problem.

9 A All right. Because come back and talk to
10 me --

11 Q Somebody like your sister and Janet?

12 A Yeah, for now, I'm saying, meantime.

13 Q I can talk to you.

14 A --

15 Q Otherwise, we gotta wait for them.

16 A All right, cool.

17 (Detective leaves room at 1:57:57)

18 (Detective reenters room at 2:12:03.)

19 BY DETECTIVE:

20 Q Okay. He's calling. Your sister, she's on
21 the way and the officers are going to Janet's house
22 right now.

23 A She's having a party at her house.

24 Q Janet is?

25 A Yeah. Like her family party.

1 Q I didn't know that -- how long you -- you
2 told me since you got out.

3 A Yeah.

4 Q Yeah, your sister's on her way. So she's
5 your legal guardian, huh?

6 A Yeah.

7 Q How long has she been your legal guardian?
8 Since you got out or --

9 A My mom moved up to North Carolina.

10 Q How long ago did that happen?

11 A When I was locked up.

12 Q Oh, okay. So how old is your sister?

13 A I don't know. 20-something.

14 There's no way I can go home today?

15 Q No. Like I said, dude, I mean, all these
16 people pointed you out as -- with the rifle, okay?
17 The case is very strong with just them, okay, saying
18 that. They'll be getting the 22 round out of your
19 car, okay?

20 Not to mention we got meth out of your car
21 and a scale. The meth was in the ashtray. But
22 that's little stuff, okay? I don't know if it's
23 yours or if it was a friend's who was in your car,
24 but there's meth in there, in the ashtray, just a
25 half gram. That's nothing.

1 The big thing here is the shooting, okay,
2 and --

3 A I don't want do years. I'll break down. I
4 can't do it.

5 Q So much of that depends, I think, on your
6 honesty, okay? Judges are gonna look at this, and
7 if you're not sorry for anything you've done, like
8 you're just hardcore down, they're not gonna be
9 happy.

10 A Can I say something? Like, before this
11 happened, you best believe -- with that full
12 throttle, but I always wanted to graduate, like walk
13 to class and all that. I wanted to see my kid grow
14 and all that shit but --

15 Q Well, I don't know if you're gonna do years
16 or not, man, but if Dude dies, you can do a lot of
17 years. I know you didn't shoot the guy that he
18 shot. The guy that he shot is fucked up. He
19 already died once and they brought him back to life.

20 That's normally not a good sign long-term.
21 The people you shot, you shot in the fucken leg, all
22 right? It doesn't tell me -- what he did I can say
23 is attempted murder because he was only, like,
24 8 feet away. He was close enough to see where he's
25 aiming the gun, okay? He shot them in the chest, a

1 place where a vital organ is, where a reasonable
2 person can believe it's likely to cause serious
3 injury or death, okay?

4 A I can make a deal.

5 Q Your dudes were shot in the leg, okay?
6 That doesn't tell me you were aiming at their head
7 or their heart, okay? Shot in the leg. Now I don't
8 know where you were aiming. But if you were aiming
9 at their leg and that's where you shot them, then it
10 doesn't look to me like you were trying to kill
11 nobody, okay?

12 Was there a reason you shot? Did you see
13 one of them strapped up or were they -- did your
14 finger bump the trigger because you were excited?
15 What? You know what I'm saying? That's what I want
16 to talk to you about. It's not a question of did
17 you shoot, okay? It's a question of why did you
18 shoot, Understand?

19 A Yeah -- legal advice first?

20 Q Well, your sister's coming down, like you
21 requested, because that's your legal guardian.

22 A Yeah.

23 Q Okay? You can do -- I don't give legal
24 advice as a cop.

25 A Yeah.

1 Q Okay? I work -- away from work, okay?

2 A Yeah.

3 Q You're out of town and you want to cut a
4 deal, that's something lawyers do between them,
5 okay? Me and you aren't lawyers, okay? I cut deals
6 on drug cases and stuff. This ain't a drug case.
7 We cops aren't authorized to cut deals on them,
8 okay?

9 But everything that me and you talk about
10 at this point in time, that goes to the lawyers and
11 they're gonna determine innocence, guilt, whatever,
12 ability to win the case. Like, if I had a weak
13 case, your lawyer would be like I ain't cutting no
14 deal, we can beat this, okay? I'm just telling you
15 what we have, it's strong, okay? And I'm not here
16 to fuck your life up.

17 A If dude -- I fucked my own life up.

18 Q That's Marcus. We're taking Marcus to juvi
19 right now. We're done with him, okay? And I don't
20 know if he -- he might get certified because of
21 where he shot the guy.

22 A You think that I can talk to my lawyer -- I
23 was gonna call him from the phone.

24 Q You want to call your lawyer from the
25 phone?

1 A Yeah. But when she comes, because I don't
2 know the number.

3 Q Okay. Do you have the lawyer on your --

4 A She does.

5 Q Okay. What's his name?

6 A She told me this morning. I don't know
7 what the fuck --

8 Q She's had a lawyer for a long time or
9 something or did she just get one from this?

10 A Previous cases.

11 Q It's her lawyer?

12 A I don't know how.

13 Q --

14 A Yeah, but we are gonna pay for it and
15 everything.

16 Q No, dude. That's completely cool. So you
17 want to talk with a lawyer before you talk to me.

18 A Yeah.

19 Q Okay.

20 A If that's all right with you.

21 Q That's fine with me, okay? What I can tell
22 you is, if I book you and then I talk to you later,
23 that's gotta be copasetic between you and your
24 lawyer.

25 A He has to approve it or not?

1 Q Yeah. Yeah. And you've already asked for
2 a lawyer, pretty much is the hint that I'm getting
3 from you.

4 A Yeah.

5 Q You want a lawyer right now?

6 A Yes. I just want to talk to him, ask him--

7 Q Okay. Before I ask you any more questions?

8 A Yeah.

9 Q That's fine. Then I'm gonna stop talking
10 to you. Okay? I don't know if you need your lawyer
11 here tonight or not?

12 A I was gonna call him, you know.

13 Q You just want to call him -- best wait for
14 your sister to get here and have her call him --

15 A If we can answer it, you can't just come
16 talk to me at Jan Evans?

17 Q I can talk to you at Jan Evans, okay, as
18 long as you agree to talk to me, all right? I'm not
19 gonna do anything to jeopardize my case, because
20 it's clean, dude. Okay? I'm not going to risk
21 talking to you outside of -- or anything like that.

22 Everything I'm doing for you at this point
23 is letting you just tell me your side, okay?

24 Because that's gonna help the people that look at
25 this case determine what decisions they make. I

1 don't make the decision on your future, okay? I
2 don't make the decision to say, oh, you're going to
3 prison for three years, five years. That's the
4 judge, okay?

5 Now, listen, what I do make the decision
6 on, do I think this is premeditated, lying in wait
7 for the victims, based upon what I see, the evidence
8 I've seen, or do I think it's accidental or do I
9 think it's not accidental, it's intentional but it's
10 like a heat-of-the-passion-type thing, that's what I
11 do. Okay?

12 Premeditation, lying in wait, that's bad,
13 okay? If you waited in the bushes or whatever for
14 these people to show and up and snipe them, that's
15 very bad. Okay? Some of the evidence suggests that
16 but I haven't made up my mind on that. I am leaning
17 away from that so ...

18 A I'm just scared for myself right now.

19 Did you know Concord from DSG too? Like
20 six months ago he killed somebody and -- or Sparks
21 maybe --

22 Q Guillermo Padilla?

23 A Yeah.

24 Q Uh-huh. I thought he was BMK. He's DSG?

25 A Yes.

1 Q Memo. They also called him "Memo."

2 A Yeah.

3 Q Yep. I didn't think he had it in him.

4 I've talked to that kid before. I think he shot

5 because he was scared.

6 A I think he was fucken crazy in the head,

7 like not even -- like doing shit, like, fucken

8 insane in the head, like -- was slow, I think.

9 Q Yeah. That's another -- that's broad

10 daylight. Tons of witnesses, okay? There's tons of

11 witnesses in this one too.

12 A What are they doing for this?

13 Q The ones who didn't shoot are getting off.

14 So, I mean --

15 A So everybody else is getting -- the only

16 people getting locked up is me and Marco?

17 Q Right now, yeah. I believe you're the only

18 two that shot. That's what everybody else tells me.

19 That's what Marco told me.

20 So Janet's two months' pregnant?

21 A Yeah.

22 Q Does her parents know?

23 A Yeah.

24 Q Are they not happy about it?

25 A They're happy -- but not with me. They

1 don't like me, because of her brother.

2 Q Because of Luis?

3 A I don't see how he turned out Norte and her
4 brother's Montello.

5 Q Well, they used to be Montello. They're no
6 longer Montello.

7 A Yeah.

8 Q Montello's actually gone after them.

9 A Yeah. So what did they do that was so
10 fucked up?

11 Q It was a murder.

12 A -- or what -- people?

13 Q TJ.

14 A And that's why. So all of Montello -- they
15 had a beef.

16 Q They were there. Everybody that was there
17 except for two people snitched, okay? Those two
18 people went to prison for a long time that didn't
19 snitch. Everybody else got off, okay?

20 A Everybody else with Montello was a snitch?

21 Q Yeah -- like it is, like this guy over
22 here, he had a baby and a baby on the way. He only
23 wants to make himself look good, okay? And I think
24 he did that very well. Okay? And I'm not gonna sit
25 here and say, Oh, if you confess everything to me,

1 you're gonna get an easier sentence, okay? Because
2 we don't promise that, okay? You know how things
3 tend to work out sometimes? Sometimes, okay? Maybe
4 a lot of times.

5 But I can't tell you tell me everything you
6 did, and I'm gonna cut you a deal. I'm not gonna do
7 that. I'm not gonna fill your head with false
8 promises. But what I can tell you is your honesty
9 makes you look good before other people, okay?

10 If you look like a shithead in front of
11 other people, they're gonna make decisions that are
12 not in your favor. You know what I'm saying? I
13 don't think you're a shithead. I think something
14 happened that got out of control. I don't think
15 it's premeditated. I think shit just went sideways.
16 That's what I think.

17 A Usually cops just tell you that everybody's
18 snitched so you snitch. Tell me that's not true,
19 though.

20 Q What's that?

21 A That you say he snitched, that way I'll
22 snitch, you know.

23 Q No. He snitched and he's gone to jail,
24 okay? I can't tell you what's gonna happen to him
25 next month. He's not going home because he shot

1 somebody, okay? The guys who snitched on you, they
2 didn't shoot anybody. Therefore, they went home.
3 Okay? I know that only you and him shot somebody
4 okay? I know he shot one guy in the chest. You
5 shot two people in the leg. Okay? That's what I
6 know.

7 A They didn't tell you the whole -- I gotta
8 talk to my lawyer first and then I'll promise you
9 you'll have the full story, more than likely.

10 Q Okay. That's fine. You want to -- until
11 they're here? Are you tired of being stuck in here?

12 A Yeah. If you -- see daylight, see your kid
13 grow up, stuck in this room -- kills everything. So
14 much I could do with my life and for what?

15 Q Well, I kinda want tell -- right now --
16 because you're 17, you're still a minor.

17 A I'm about to be 18.

18 Q I know but you're still a minor. And I
19 know you weren't trying to kill somebody. I know
20 you weren't trying to because you didn't shoot them
21 in their vital organs, their lower extremities,
22 okay? And you were a distance away, a little bit of
23 a distance away, at least -- not as close as 8 feet
24 like he was. All right? I mean, his case was bad
25 as far as what happened --

1 A The police report, the stolen car thing,
2 you can't throw that out?

3 Q You want me to throw that out? I'll throw
4 that out. I won't charge you with that. I was
5 going to. And I'll throw other things out, okay,
6 but one thing I won't throw out is the shooting,
7 okay?

8 A Look, I'll tell you everything if you just
9 hook me up with --

10 Q Right now I just want you to do what you
11 feel you need to do to make yourself look good,
12 okay?

13 A Fuck. You got a microphone in this
14 motherfucker, huh?

15 Q You know that. You know that. I'm not
16 gonna lie to you. I haven't lied to you yet.

17 A -- the microphone and shit.

18 Q Oh, yeah.

19 A Okay.

20 Q But you know what -- start telling on both
21 of you two, how do you think we got to you two so
22 fast, man? I saw your Facebook post. You think I
23 didn't print that shit out to put it in evidence
24 when you're talking about fake ass people, or
25 whatever -- the girl found it, okay. She printed it

1 out, not me.

2 A I didn't put Facebook -- people.

3 Q I heard you were saying something bad about
4 some crew or something like that or you having a
5 12-gauge. Maybe that's just a fucken rap lyric.

6 A It is. That was Concord.

7 Q That was Concord? The -- Padillas --

8 A "I got a 12-gauge, cop, hit him up, fucken
9 my lane, gonna spring him up."

10 Q That's -- no shit, like 12 people -- just
11 me -- that's not counting the homicide detectives
12 that came in last night when we thought this was a
13 homicide. At least three rooms. There's a room
14 right off this room, a room right there.

15 Everybody's on tape, all right? I'm not gonna lie
16 to you.

17 A So when the fuck my lawyer -- isn't that
18 confidential?

19 Q I can hear what your lawyer's saying on the
20 other side.

21 A But you --

22 Q You want me to stop rolling tape when you
23 talk to your lawyer or you want to talk to your
24 lawyer outside of this room? I mean, whatever you
25 want, I'll do it. I mean, I'm not gonna.

1 A I want to talk to my lawyer outside the
2 room, if that's possible.

3 Q You can do that.

4 A -- nowhere to go, mother-fucken police
5 station.

6 Q -- that you got something else that you
7 want to tell me, like I'm missing part of the story.
8 Right now I think I have the full story but that was
9 part of why I brought you down here. If I'm missing
10 a part, I want to know it.

11 A I can talk to you with the tape off?

12 Q This tape off?

13 A Well, whatever tape is recording it,
14 yeah -- talk.

15 Q Yeah, I guess we can go to a different
16 room. Do you want to talk to your lawyer first?

17 A Yeah.

18 Q Yeah. I mean, I don't want to circumvent
19 your lawyer. I don't want to go outside the room
20 with you and your lawyer, okay? I'll entertain
21 whatever you want me to do.

22 A Are they almost here?

23 Q I hope so.

24 A So --

25 Q Because you know what, today's my day off.

1 A Shit.

2 Q I was supposed to get off at midnight last
3 night until this happened, and I didn't get off till
4 like 9:00 a.m. this morning and I came right back at
5 1:00 when we got Junior.

6 A So --

7 Q Everybody. You see I have discovery. I'm
8 not gonna hide anything from you.

9 A Yeah.

10 Q And I wouldn't all it snitching, you know.
11 Because -- snitching, okay? Back in the day there
12 was a time when, like, a Montello got shot by a TJ,
13 they'd be like, That fucker -- from TJ shot me,
14 and -- even, like, the victim side can't snitch
15 anymore when they're shot by somebody. That's
16 relatively knew. That's like maybe eight years old.
17 But back in the '90s and shit if, you know, one dude
18 -- shot another gang they said -- so-and-so.

19 Snitching at that time was if we caught,
20 like, a TJ with dope and -- jail, he'd be like, Oh,
21 my partner so-and-so, he's got a stolen gun. That
22 was -- that's the old term for snitching and it's
23 gotten warped and changed.

24 And it actually hurts more people than it
25 helps, okay, because -- give you an idea. Junior,

1 he had a shotgun, okay -- shotgun, a rifle that he
2 handed off to you. I'm not questioning you about
3 this. I'm just telling you right now.

4 When I wanted to interview him, went to his
5 house last night, he wouldn't answer the door, all
6 right? I put an email to Patrol. Hey, I'd like to
7 talk to this guy voluntarily. If he doesn't come in
8 -- charge on him for a -- charge firing a deadly
9 weapon, because I know he went to that fight with a
10 gun, okay -- a crime.

11 He wasn't aware of that until I explained
12 it to him, you know. So if he did an interview and
13 snitch, I would have arrested him for a felony, and
14 he's an adult. He's 18.

15 Janet's here. That was my text. I think
16 she might actually be here before your sister. You
17 want me to send her in until your sister gets here?

18 A --

19 Q Can't believe you tried telling me you were
20 D Boy.

21 A Can you turn the tapes off?

22 Q Huh?

23 A Can you turn the tapes off?

24 Q No, I can't. Can't do it because there's
25 something called -- and if I do turn it off -- I

1 mean, you can whisper to her in here, if you want.
2 I don't know if it will pick it up. But if we pause
3 it and restart it, your defense attorney will be,
4 You guys are messing with the evidence. You
5 understand? It's got to be uninterrupted.

6 A So how are we gonna do the lawyer thing?

7 Q When your sister gets here -- I'll let you
8 call him outside of this room so it's not recorded?

9 A All right?

10 Q All right, man.

11 (Detective exits room at 2:35:15)

12 (Janet enters room 2:46:41)

13 DETECTIVE: Your sister is out there. You
14 want to start with her before I send your sister in?

15 A Yeah.

16 Q All right, man.

17 A Let me tell you.

18 (Kupaa and Janet whispering)

19 (Detective reenters room with family)

20 DETECTIVE: -- make the phone call from the
21 room next door -- it's not recorded -- so he could
22 talk with the lawyer confidentially, all right?

23 KUPAA: Get the number to the lawyer? You
24 should call him right now.

25 SISTER: Did you not just hear what he

1 said?

2 KUPAA: What?

3 SISTER: -- have him go to the next room.

4 KUPAA: Well, call him and ask him if he

5 can talk right now.

6 SISTER: If he talk what?

7 KUPAA: If he can talk right now.

8 SISTER: What are you doing?

9 MALE FAMILY MEMBER: And I told you what's

10 happening.

11 KUPAA: Are you calling him now?

12 MALE FAMILY MEMBER: I called it twice she

13 doesn't answer but -- cell phone numbers.

14 KUPAA: For what?

15 MALE FAMILY MEMBER: -- call.

16 KUPAA: What else did he tell you?

17 MALE FAMILY MEMBER: What's that?

18 KUPAA: What else did he tell you?

19 MALE FAMILY MEMBER: (To the person on the

20 phone) -- your dad, John, was my lawyer. I have

21 somebody here who would like to talk to you. Your

22 dad was my lawyer and I have somebody here that

23 would like to talk to you -- hold on.

24 (Phone is handed to Kupaa)

25 SISTER: Just tell him to hold on.

1 KUPAA: Hello. On phone.
2 (Kupaa exits room at 3:13:50)
3 DETECTIVE: You guys want to sit back down
4 at the lobby?
5 MALE FAMILY MEMBER: Yeah.
6 (Family exits room at 3:14:25)
7 (Family and Kupaa reenter room at 3:20:15)
8 MALE FAMILY MEMBER: What did he say?
9 KUPAA: He said not to say nothing --
10 automatic trial -- certification, and so I'm going
11 to, like, Elko or -- to the pen.
12 INTERVIEWER: Are you guys ready to go
13 home?
14 (Family exits room at 3:22:45)
15 KUPAA: My attorney told me not to say
16 nothing.
17 BY THE DETECTIVE:
18 Q That's fine. You can do that. All right?
19 So we're good. We're done. All right? I'll get
20 you a ride -- get you sent up there. Okay?
21 (Handcuffs placed on Kupaa)
22 A -- to a place?
23 Q --
24 A Waste any time, man.
25 Q I expected it, actually. You know that?

1 A Why is that?

2 Q Just experience. Have a seat, man. We got
3 a car here. Okay? Everything -- I'm going to
4 submit my case with everything I got.

5 A All right.

6 Q Okay? And maybe they'll hammer you, maybe
7 they'll be easy. But we're done, all right?

8 (Detective exits room at 3:24:12)

9 (Female deputy enters room) at?

10 DEPUTY: Hey, there. I just have a couple
11 of questions for you -- fill my report out.

12 A Okay.

13 Q Real quick. What's your ethnicity? You're
14 not Hispanic.

15 A Fucken --

16 Q That's not an ethnicity.

17 A Just put --

18 Q Okay. Where do you go to school now?

19 A I don't.

20 Q Huh?

21 A I don't.

22 Q You do not? Are you working?

23 A Yeah.

24 Q Wal-Mart. On Kietzke? Graveyard?

25 A Yeah.

1 Q Your telephone number?
2 A I don't have one.
3 Q Okay. --
4 A Reno.
5 Q And no driver's license yet, right?
6 A Uh-uh. I won't even get that now.
7 Q You're gonna forget it?
8 A Probably won't get it now.
9 Q Oh, sorry. Okay.
10 A Fucking --
11 Q -- They're close.
12 A How much is "close"?
13 Q I'm not sure, man. I'll find out as soon
14 as I get done with you. Okay?
15 A All right.
16 Q I got a couple more questions.
17 Tattoo on your -- your left arm --
18 A Yeah. Left arm. "Dreams."
19 Q "Dreams"? And again on your right arm?
20 A Yeah.
21 Q Okay. What else you got?
22 A Dots. That's it.
23 Q Dots? Where?
24 A Left and right.
25 Q Left and right wrist?

1 A Yeah.

2 Q Three dots?

3 A Yeah. Two on the right.

4 Q Two on the right?

5 A Yeah.

6 Q How come only two?

7 A Two --

8 Q Okay. How long you been hanging with JSG?

9 A Never heard of them.

10 Q -- smart, man. It's no big deal. How long

11 you been with them?

12 A Never heard of them.

13 Q So if I put you down for two years, you're

14 good with that?

15 A I guess.

16 Q -- if you did --

17 A --

18 Q How long have you been DSG?

19 A Not DSG.

20 Q Everybody's saying you are.

21 A That's what everybody says.

22 Q What do you say? Are you ashamed of it?

23 A No --

24 Q -- so if I have information that shows that

25 you do?

1 A Words don't mean nothing.
2 Q Huh?
3 A Words on a computer don't mean nothing.
4 Q Words on a computer don't mean nothing?
5 A Nope.
6 Q Got more than that, bud.
7 A I won't lie. Two years.
8 Q Huh?
9 A Two years.
10 Q Two years?
11 A Uh-huh.
12 Q Or three years?
13 A Two.
14 Q Two years, okay. Who started it up?
15 A He's in the pen now so ...
16 Q Who? So who is it?
17 A Guillermo Padilla.
18 Q Okay. Is he a -- last name?
19 A --
20 Q He goes by "Concord"?
21 A Concord.
22 Q I was on this case when he got that one.
23 A Yeah.
24 Q The one in Sparks. Did he just get
25 sentenced for that?

1 A I think he did.

2 Q That's what I was thinking.

3 A 25, right?

4 Q Is that what he got? Damn.

5 When did Guillermo start it?

6 A Four years ago.

7 Q Four. And you've only been in for two?

8 A (Nods.)

9 Q You didn't start it with him?

10 A No.

11 Q No? Why are you smiling for?

12 A I'm thinking.

13 Q What are you thinking about?

14 A What I could have been, what I am now.

15 Q What you could have been?

16 A Yeah. I could have been called a school

17 boy.

18 Q Yeah.

19 A Fucked up.

20 Q Still get your education.

21 A It's not the same.

22 Q -- drop the ball.

23 A Huh?

24 Q -- drop the ball now. You might as well

25 get your education where you started the ball,

1 right?

2 A True -- in the pen, though.

3 Q No?

4 A Pretty sure they don't.

5 Q Probably just more -- stuff?

6 A In the pen?

7 Q I don't know.

8 A I don't think so.

9 Q What's your nickname in --

10 A Krums.

11 Q Krums? Okay. Where's "Paul" come from?

12 A -- didn't know how to say my name so--

13 Q So they just called you "Paul"?

14 A Unless I would correct them.

15 Q Right. Was that in school or just
16 everybody?

17 A Everybody in school -- it started in
18 school.

19 Q "Paul"?

20 A "Papa."

21 Q And it's K-u-p-a-a --

22 A Yeah.

23 Q -- or o-a -- a-a?

24 A Yeah.

25 Q Okay. I'm going to ask you a couple

1 questions that doesn't have anything to do with
2 what -- you know, your whole entire case. It has to
3 do with the -- stuff. I'm just trying to get a
4 grasp on it because we've heard it and I saw some
5 graffiti recently that was put up by -- I just
6 wonder who you guys are cool with because I
7 realize -- stuff --

8 A This is off the record, like --

9 Q Yeah.

10 A -- this shit?

11 Q Uh-huh.

12 A Is that for sure, though?

13 Q Yeah. Want me to go check real quick?

14 A Yeah.

15 Q Okay.

16 (Deputy exits room.)

17 (End of DVD.)

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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)
4

5 I, CHRISTINA MARIE AMUNDSON, a Certified Court
6 Reporter in and for the states of Nevada and
7 California, do hereby certify:

8 That said transcript which appears hereinbefore
9 was transcribed into typewriting as herein appears
10 to the best of my knowledge, skill, and ability and
11 is a true record thereof.
12

13 DATED: At Reno, Nevada, this 18th day of January
14 2017.
15

16
17 /S/ Christina Marie Amundson
18 Christina Marie Amundson, CCR #641 (NV)
19

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ORIGINAL

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TRANSCRIPTION OF DVD

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3:55 minutes

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21 TRANSCRIBED BY:

CHRISTINA AMUNDSON

22

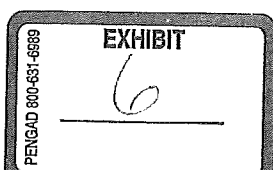
CCR #641 (Nevada)

23

CSR #11883 (California)

24

25



Post conviction

No. CR12-0110

State

vs.

Kupaa Kea

Respt/State Ex. 6

Admitted: 1/23, 20 17

JACQUELINE BRYANT, CLERK

By [Signature]

Deputy

DVD 1, 11:51 minutes

(Detainee sitting at table in handcuffs.
Deputy and detective enter at 1:28 and
Deputy offers beverage)

DEPUTY: Is that good?

DETAINEE: That's cool. Thanks.

DEPUTY: Okay.

BY INTERVIEWER:

Q Your ride's coming, paddy wagon. I can't
take you.

And best of luck to you, you know. I hope
everything works out for you. Okay? We're done
talking after this unless there's anything you wanna
say, but this is your last moment before we get you
up there. Okay?

A -- like, fucken Tuesday -- more shit like,
Come on up, you know?

Q No. I'm pretty much done after tonight,
Brother, for sure. I mean, the gang officers are
gonna wanna talk to you about that sign or something
but I'm just kinda case specific.

You know what I'm saying?

A Yeah.

Q And I hope things do work out and you don't
catch a hefty sentence and -- because I do think

1 every kid deserves a second chance.

2 A Yeah.

3 Q You know? I think your incarceration last
4 time kinda didn't help you like it was intended to.
5 I think it institutionalized you. But it's kinda
6 the way we do good kids, you know. You gotta lock
7 them up so -- the public but you can't
8 institutionalize at the same time.

9 A Yeah.

10 Q So --

11 A This is my --

12 Q Is it?

13 A I just hope, like, I won't do more than
14 three years.

15 Q You don't want more than three years?

16 A Nah.

17 Q You can do three years?

18 A Probably could --

19 Q I hope you don't get too much time.

20 A -- because how close I am to my age.

21 Q Honestly, I think they are too with or
22 without a confession. It's very provable. Even
23 that federal prosecutor could try this case, you
24 know. This is easy so?

25 A --

1 Q There's just overwhelming evidence right
2 now, man. That's all.

3 A So what am I gonna be charged with?

4 Q You're gonna be charged with two count of
5 battery with a deadly weapon, and I was thinking
6 there were some other charges, but, really, the only
7 charges the courts are gonna care about is the
8 battery with a deadly weapon. You know, you also
9 had left in your glove box -- or in your car -- a
10 skill in the car.

11 A -- to my car?

12 Q You filed a false police report. Your car
13 -- hold onto your car just for a little bit,
14 probably. Who do you want the car released to?

15 A My sister.

16 Q Okay. We'll release it to your sister when
17 it's time.

18 A I'll be able to get my speakers and all
19 that stuff, though, right?

20 Q You know, honestly, you being a juvenile --
21 parole, I think they're just gonna detain you until
22 your hearing, just based on my experience, what I've
23 seen.

24 A Yeah.

25 Q I don't think they're gonna call your

1 parents to come pick you up tomorrow.

2 A Of course not -- at least my stuff could be
3 good.

4 Q -- don't do anything -- we're not gonna
5 lose your stuff. It's gonna stay in the car.

6 A All right.

7 Q Until we release it to your sister.

8 A When? Do you know?

9 Q Probably -- I don't know. I'm gonna talk
10 with the DA -- different -- homicide -- codes or
11 whatever, they're gonna probably hold onto it until
12 the resolution of the case, okay -- some shooting,
13 we'll probably be able to release it in a few weeks,
14 you know -- is she upset?

15 A Yeah. She was crying and shit.

16 Q And I feel kinda bad for her -- her baby
17 daddy is gonna get locked up -- the other brother
18 Gustavo -- prison still, ain't he?

19 A -- like that. I don't be asking.

20 Q I think Ray's in prison and Luis is in
21 prison. Gustavo's on the run.

22 A -- camped up?

23 Q Yeah.

24 A And he could die up there, huh -- military,
25 aren't they?

1 Q No.

2 A No?

3 Q The prison's a joke, man. It's not as hard
4 as everybody makes it sound. It's all politics.
5 That's why -- but somebody from the pen comes out on
6 the streets they're telling me, like, glamorized
7 versions of prison -- like shanking and butt-raping
8 and all that shit all the time like people talk
9 about --

10 A Nah. Where does it happen at?

11 Q Huh?

12 A -- at the hard ones, like Folsom.

13 Q Yeah. These Nevada prisons are -- my
14 brother's been to prison in Nevada twice. Says it's
15 a joke, right. He went to prison in Arizona at
16 Florence, which was a max prison.

17 A Yeah.

18 Q And he did his time down there and got out.
19 He's a born-again Christian now and everything.
20 He's like, Dude, I'm never going back to prison.
21 That was the scariest thing ever. Florence was bad
22 but Nevada's not that bad.

23 A -- a lot of years -- is that thing on?

24 Q I don't think so. I turned it off the last
25 time -- grey -- I think --

1 A You think so?

2 Q Probably just habit -- grey -- code.

3 A -- on the color --

4 Q What's the color?

5 A Black and blue.

6 Q Sort of like you got a black rag like IS

7 has or a blue rag?

8 A No. Black rag and blue rag.

9 Q Huh?

10 A -- black rag and blue rag with black rag

11 but -- fucken someone else's shit.

12 Q Just like IS.

13 A I thought -- because Oscar was a Norte.

14 Q They're repping -- they're putting the

15 tracing up on -- the gravity now. They've been

16 seeing --

17 A --

18 Q Uh-huh.

19 A -- up on Merchant -- three times -- hit you

20 up on Merchant, everybody hit up on it, like the

21 walls --

22 Q Oh, yeah, yeah.

23 A -- same shit -- next to my house. I can

24 just see like --

25 Q Dude, I don't think we're gonna stop this,

1 man. You kids just keep getting sucked in.

2 Do you have a dad?

3 A No.

4 Q Do you know where he is, or anything?

5 A Dead.

6 Q I'm sorry to hear that.

7 A I don't know --

8 Q Most of the young kids who get in trouble
9 their dads are -- just left them.

10 A I don't know him so I ain't trippin'.

11 Q Is your aunt going to be okay?

12 A To be honest, it was hard for her being
13 pregnant now -- boyfriend.

14 Q I'll see how much longer and, you know, if
15 you want to call your friend Joe, or whatever, to
16 see if he'll go up there, I'll entertain it. More
17 often than that, I don't bother, all right, because
18 I'm busy with work. All right?

19 A For sure.

20 Q Give me a minute.

21 (Detective exits interview room at 10:21.
22 Detainee sits in silence.)

23 (End of DVD.)

24

25

1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)
4

5 I, CHRISTINA MARIE AMUNDSON, a Certified Court
6 Reporter in and for the states of Nevada and
7 California, do hereby certify:

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13 DATED: At Reno, Nevada, this 18th day of January
14 2017.
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20 /s/Christina Marie Amundson
21 Christina Marie Amundson, CCR #641 (NV)
22

23 -o0o-
24
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Code: 3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KUPAA KEA,

Case No. CR12-0110

Dept. No. 9

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

ORDER TO SET EVIDENTIARY HEARING

The Court is in receipt of Petitioner KUPAA KEA's ("Petitioner" or "Kea") *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on February 14, 2014 and his *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)* (collectively "the Petition") filed on June 22, 2016.¹ The Court is also in receipt of Respondent THE STATE OF NEVADA's ("Respondent" or "the State") *Motion to Dismiss Petition for Writ of Habeas Corpus (Post-Conviction)* filed on February 23, 2015 and the State's renewed *Motion to Dismiss Petition and Supplemental Petition for Habeas Corpus (Post-Conviction)* (collectively "motions to dismiss") filed August 8, 2016.

Based on a careful review of the moving papers and the record, the Court the Court believes an evidentiary hearing is appropriate to assist the Court in its resolution of these matters. The Court orders a hearing. Counsel for parties shall appear before Department Nine of the Second Judicial District Court and present oral arguments on the above listed motions and any other motions ripe for judicial review at the time of the hearing.

¹ Petitioner incorporated fully his original *Petition for Writ of Habeas Corpus (Post-Conviction)* into his *Supplemental Petition for Habeas Corpus (Post-Conviction)*.

1 THEREFORE, and good cause appearing, the Court HEREBY ORDERS counsel for parties
2 shall meet and confer and, thereafter, contact Department Nines' Judicial Assistant within fifteen
3 (15) days to schedule an evidentiary hearing to occur within the next sixty (60) days.

4 DATED: This 5 day of December, 2016.

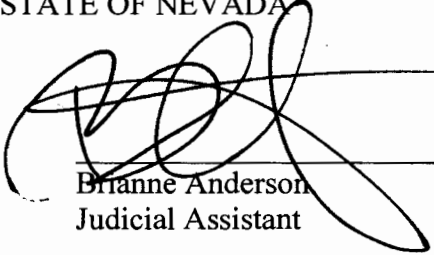
5
6 
7 _____
8 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this day of , 2016, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Further, I certify that on the 5th day of December, 2016, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

KATHERINE LYON, ESQ. for STATE OF NEVADA
KATHRINE BERNING, ESQ. for KUPAA KEA (TN)
VICTORIA OLDENBURG, ESQ. for KUPAA KEA (TN)
TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION
DEREK DREILING, ESQ. for STATE OF NEVADA



Brianne Anderson
Judicial Assistant

FILED

Electronically

03-20-2013:10:53:30 AM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3603579

IN THE SUPREME COURT OF THE STATE OF NEVADA

KUPAA KEA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61160

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingerson
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of battery with the use of a deadly weapon causing substantial bodily harm. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

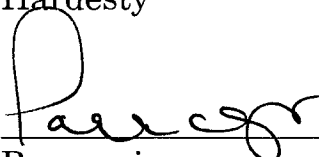
Appellant Kupaa Kea argues that his sentence constitutes cruel and unusual punishment because it is disproportionate to the crime when considering his young age, problems with substance abuse, familial abandonment issues, and acceptance of responsibility for the crimes. We disagree. This court has consistently afforded the district court wide discretion in its sentencing decision. See Houk v. State, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). Regardless of its severity, "[a] sentence within the statutory limits is not 'cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.'" Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994). Kea's sentence of two consecutive terms of 35-156 months is within the statutory

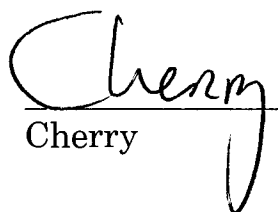
13-047607

limits, NRS 200.481(2)(e)(2), and is not unreasonably disproportionate to the offenses for which he pleaded guilty. Therefore, we conclude that the sentence does not constitute cruel and unusual punishment. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

, J.
Hardesty

, J.
Parraguirre

, J.
Cherry

cc: Hon. Scott N. Freeman, District Judge
Fry & Berning, LLC
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: March 13th 2013

Supreme Court Clerk, State of Nevada

By [Signature] Deputy