

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

GARY LAMAR CHAMBERS

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
Aug 09 2018 08:41 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
S.Ct. No. 73446  
D.C. No. C292987-1

**APPELLANT'S APPENDIX**

**Volume 1**

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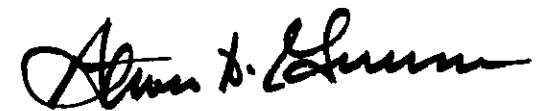
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**Chambers v. State Case No. 73446**

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CLERK OF THE COURT

1 **INFM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 10/14/13  
13 9:30 A.M.  
14 YANEZ, A.

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,  
16  
17 Plaintiff,

18 -vs-

19 GARY LAMAR CHAMBERS,  
20 #877763  
21 Defendant.

Case No: C-13-292987-1  
Dept No: XV

**INFORMATION**

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

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That GARY LAMAR CHAMBERS, the Defendant(s) above named, having  
27 committed the crimes of **BURGLARY WHILE IN POSSESSION OF A FIREARM**  
28 **(Category B Felony - NRS 205.060); MURDER WITH USE OF A DEADLY WEAPON**  
**(Category A Felony - NRS 200.010, 200.030, 193.165); ATTEMPT ROBBERY WITH**  
**USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165);**  
**ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony -**  
**NRS 193.330, 200.010, 200.030, 193.165); BATTERY WITH USE OF A DEADLY**  
**WEAPON (Category B Felony - NRS 200.481) and POSSESSION OF A FIREARM BY**  
**EX-FELON (Category B Felony - NRS 202.360), on or about the 9th day of July, 2013,**

1 within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes  
2 in such cases made and provided, and against the peace and dignity of the State of Nevada,

3 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

4 did then and there wilfully, unlawfully, and feloniously enter, while in possession of a  
5 firearm, with intent to commit robbery, and/or larceny and/or assault and/or battery that  
6 certain building occupied by LISA PAPOUTSIS, located at 3610 North Las Vegas  
7 Boulevard, Space 45, Las Vegas, Clark County, Nevada, the Defendant did possess and/or  
8 gain possession of a deadly weapon consisting of a firearm during the commission of the  
9 crime and/or before leaving the structure.

10 COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

11 did then and there wilfully, feloniously, without authority of law, and with malice  
12 aforethought, kill GARY BLY, a human being, by shooting the said GARY BLY in the  
13 head, with a deadly weapon, to-wit: a firearm, during the commission of the crime, said  
14 killing having been (1) willful, deliberate and premeditated; and/or (2) committed during the  
15 perpetration or attempted perpetration of robbery.

16 COUNT 3 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully and feloniously attempt to take personal  
18 property, to-wit: U.S. currency, from the person of LISA PAPOUTSIS, or in her presence,  
19 by means of force or violence, or fear of injury to, and without the consent and against the  
20 will of the said LISA PAPOUTSIS, by pointing a gun at the said LISA PAPOUTSIS and  
21 demanding her money, Defendant using a deadly weapon, to-wit: a gun, during the  
22 commission of said crime.

23 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

24 did then and there, without authority of law, and malice aforethought, willfully and  
25 feloniously attempt to kill LISA PAPOUTIS, a human being, by shooting at and into the said  
26 LISA PAPOUTIS, with a deadly weapon, to-wit: a firearm.

27 //

28 //

1     COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON

2             did then and there wilfully, unlawfully and feloniously use force or violence upon the  
3     person of another, to-wit: LISA PAPOUTSIS, with use of a deadly weapon, to-wit: a  
4     firearm, by shooting at and into the hand of the said LISA PAPOUTSIS with said firearm.

5     COUNT 6 - POSSESSION OF FIREARM BY EX-FELON

6             did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
7     or under his control, a weapon, to-wit: a firearm, the said Defendant being an ex-felon,  
8     having in 2003, been convicted of Robbery With Use of a Deadly Weapon and First Degree  
9     Kidnapping, in Case No. C185775 and having in 1997, been convicted of Larceny from the  
10    Person, in Case No. C142992 and having in 1997, been convicted of Larceny from the  
11    Person, in Case No. C142991, in the 8th Judicial District Court, Clark County, a felony  
12    under the laws of the State of Nevada.

13                                     STEVEN B. WOLFSON  
14                                     Clark County District Attorney  
                                      Nevada Bar #001565

15  
16                                     BY /s//MEGAN THOMSON  
17                                     MEGAN THOMSON  
                                      Chief Deputy District Attorney  
18                                     Nevada Bar #011002

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

21 <u>NAME</u>	<u>ADDRESS</u>
22             BERG, LANCE – ADDRESS UNKNOWN	
23             BIDDLE, SHEROD – ADDRESS UNKNOWN	
24             BLY, ANGELA – ADDRESS UNKNOWN	
25             BRAHAM, CHARLIE – ADDRESS UNKNOWN	
26             BROSNAHAN, BRETT – LVMPD P#13927	
27             BUNTING, CHRIST – LVMPD P#6484	
28             COLLINS, ERIC – LVMPD P#3744	

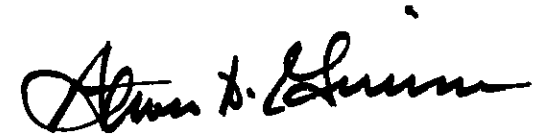
1 CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER  
2 CUSTODIAN OF RECORDS – CLARK COUNTY FIRE-RESCUE DEPT.  
3 CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS  
4 CUSTODIAN OF RECORDS – LVMPD RECORDS  
5 CUSTODIAN OF RECORDS – MEDIC WEST  
6 CUSTODIAN OF RECORDS – NLV FIRE-RESCUE DEPT.  
7 DARR, ANNETTE – LVMPD P#5485  
8 FENRICH, ERIC – LVMPD P#13145  
9 GILLIS, MATTHEW – LVMPD P#6432  
10 GRAHAM, BRIDGE – ADDRESS UNKNOWN  
11 GRIEVE, BRADLEY – ADDRESS UNKNOWN  
12 LACEY, CYNTHIA – ADDRESS UNKNOWN  
13 MCCARTHY, JASON – LVMPD P#4715  
14 PAPOUTSIS, LISA – ADDRESS UNKNOWN  
15 PLUMLEE, DANIEL – ADDRESS UNKNOWN  
16 POMEROY, DEBRA – 106 WEST COLONIAL ST., WOODBURY, TN 37190  
17 RAETZ, DEAN – LVMPD P#4234  
18 RODRIGUEZ, MICHAEL – LVMPD P#12717  
19 ROGERS, ROBERT – LVMPD P#2858  
20 SHEPERSKY, DANIEL – 3610 N. LAS VEGAS BLVD., #62, LVN 89115  
21 TELGENHOFF, DR. GARY – CLARK COUNTY CORONER  
22 TERRELL, MICHAEL – ADDRESS UNKNOWN  
23 WATTS, JOE – DISTRICT ATTORNEY INVESTIGATOR  
24  
25  
26

27 DA#13F11113X/mmw/GCU  
28 LVMPD EV#1307091392  
(TK5)

CASE NO. C292987

Electronically Filed  
07/23/2014 03:21:36 PM

DEPT. NO. 5



CLERK OF THE COURT

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	Case No. 13F11113X
	)	
- vs -	)	
	)	
GARY LAMAR CHAMBERS,	)	
	)	
Defendant.	)	
_____	)	

REPORTER'S TRANSCRIPT  
OF  
PRELIMINARY HEARING

BEFORE THE HONORABLE CYNTHIA CRUZ  
JUSTICE OF THE PEACE

Friday, September 27, 2013, 8:00 a.m.

APPEARANCES:

For the State:	MEGAN THOMSON, ESQ. MICHELLE EDWARDS, ESQ. Deputy District Attorney
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For the Defendant:	ABEL YANEZ, ESQ. Deputy Public Defender
--------------------	--

Also Present:	ROY NELSON, ESQ.
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Reported by: RENEE SILVAGGIO, C.C.R. NO. 122

## I N D E X

State of Nevada v. Gary Lamar Chambers, 13F11113X

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
--	---------------	--------------	-----------------	----------------

### STATE'S WITNESSES:

Lisa Elizabeth Papoutsis	5	18	36	
38				
Dr. Gary Telgenhoff	44	52	57	
--				
Brett Brosnahan	61	63	--	
--				
Bridgett Graham	67	81	--	
--				
Bradley Grieve	89	94	101	
--				
Daniel Plumlee	103	109	117	--

### DEFENSE WITNESSES:

(None called)	--	--	--	
--				

			<u>Marked</u>	<u>Admitted</u>
--	--	--	---------------	-----------------

### STATE'S EXHIBITS:

Exhibit No. 17			8	
9				
Exhibit No. 8		4		--
Exhibit No. 1		4		56
Exhibit No. 9		4		--
Exhibit No. 10		4		--
Exhibit No. 13		4		114
Exhibit No. 14		4		114
Exhibit No. 15		4		114
Exhibit No. 16		4		W/D

DEFENSE EXHIBITS:

(None offered)

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MISCELLANEOUS

Page

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Rebuttal Argument by Ms. Thomson..... 123

\* \* \* \* \*

1 Las Vegas, Clark County, Nevada

2 Friday, September 27, 2013, 8:00 a.m.

3 (Proceedings commenced as follows:)

4 \* \* \* \* \*

5  
6 (State's Proposed Exhibits 1, 8, 9, 10, 13, 14, 15 and 16  
7 respectively, were marked for identification.)  
8

9 THE COURT: Let's go on the record on  
09:31AM 10 Gary Lamar Chambers, 13F11113X.

11 Mr. Chambers is present, in custody.

12 Good morning, Mr. Chambers.

13 THE DEFENDANT: Good morning.

14 THE COURT: With the assistance of Mr. Yanez.

09:31AM 15 MR. YANEZ: Good morning.

16 THE COURT: Parties, are we ready to proceed at  
17 this particular juncture?

18 MS. THOMSON: Yes, Your Honor.

19 MR. YANEZ: Yes, Your Honor.

09:31AM 20 And I would invoke the Exclusionary Rule  
21 throughout the proceeding.

22 THE COURT: For the record, the defendant is  
23 present, he has invoked the Exclusionary Rule.

24 We do have a court observer here today;

1 otherwise, the courtroom is clear, but we'll maintain the  
2 Exclusionary Rule in effect.

3 State, call your first witness.

4 MS. THOMSON: Thank you, Your Honor.

09:31AM

5 The State calls Elizabeth Papoutsis.

6 THE MARSHAL: Go ahead, step up, remain standing  
7 and raise your right hand to be sworn by the clerk.

8

9 LISA ELIZABETH PAPOUTSIS.

10 called as a witness on behalf of the State,

11 having been first duly sworn,

12 was examined and testified as follows:

13

14 THE WITNESS: I do.

09:32AM

15 THE CLERK: Please be seated.

16 THE MARSHAL: You're going to have to speak up  
17 into the microphone so everyone can hear you.

18 THE CLERK: Please state your name and spell it  
19 for the record.

09:32AM

20 THE WITNESS: Lisa Papoutsis.

21 L-I-S-A, P-A-P-O-U-T-S-I-S.

22

23 DIRECT EXAMINATION

24 BY MS. THOMSON:

1 Q. Good morning, ma'am. Do you go by Lisa or is that  
2 your given name?

3 A. I go by Lisa.

4 Q. What is the name that you were given at birth?

09:32AM 5 A. Lisa.

6 Q. Okay. So you're not Elizabeth?

7 A. No. That's my middle name.

8 Q. Do you know anyone present in the courtroom today?

9 A. Yes.

09:33AM 10 Q. Will you please point to the individual and describe  
11 something they're wearing today?

12 A. They're over there (indicating), and they're wearing  
13 blue.

14 MS. THOMSON: Let the record reflect the  
09:33AM 15 identity of the defendant?

16 THE COURT: It will.

17 MS. THOMSON: Thank you.

18 BY MS. THOMSON:

19 Q. And by what name did you know this individual?

09:33AM 20 A. Money.

21 Q. Okay. Directing your attention back to the 9th of  
22 July, at that time where were you living?

23 A. 3610 North Las Vegas Boulevard, Number 45.

24 Q. And is that commonly known as Van's Trailer Park?

1 A. Yes, it is.

2 Q. On that morning were you home with someone in your  
3 trailer?

4 A. Yes.

09:33AM 5 Q. Okay. And who were you home with?

6 A. Gary Bly.

7 THE REPORTER: Gary, what was it?

8 THE WITNESS: Bly, B-L-Y.

9 THE REPORTER: Thank you.

09:34AM 10 BY MS. THOMSON:

11 Q. Before the 9th, had Gary lived with you, being  
12 Gary Bly?

13 A. I don't understand.

14 Q. Okay. On the 9th was Gary Bly living with you?

09:34AM 15 A. No.

16 Q. Okay. Had he moved out shortly before the 9th?

17 A. Yes.

18 Q. Okay. But he was at your apartment -- or your home  
19 that morning; correct?

09:34AM 20 A. Yes.

21 Q. Okay. Walk me through what happened that morning  
22 between you and Gary Bly leading up to your getting a phone  
23 call from Money.

24 A. Um, I had woke up around seven or eight, told

1 Gary Bly that I was going to go pick up his prescription for  
2 him. Went and picked up his prescription, got some breakfast,  
3 brought it back. We were having breakfast, and then I received  
4 a phone call.

09:34AM 5 Q. Okay. And who was the phone call from?

6 A. Money.

7 Q. Okay. And you had spoken with him previously on the  
8 phone -- ever before that day?

9 A. Yes.

09:35AM 10 Q. Okay. You recognized his voice?

11 A. Yes.

12 Q. And when he called you what did he say or ask?

13 A. He wanted to know if he could stop by.

14 Q. Okay. Did that seem odd to you based on anything you  
09:35AM 15 had observed around the time of the phone call?

16 A. No.

17 Q. Okay. And did you tell him he could stop by?

18 A. Yes.

19 Q. And how long between the time that you hung up the  
09:35AM 20 phone with him before he arrived at your home?

21 A. Within a couple minutes.

22 Q. Okay. And when you were in the home with Mr. Bly,  
23 where -- or, I'm sorry, was the front door open?

24 A. Yes, it was.

1 Q. Okay. Inside your home when Money arrived at the  
2 door, where were you?

3 A. Sitting on my couch.

4 Q. Okay. And you had two couches; correct?

09:36AM 5 A. Correct.

6 Q. Were you on the big couch or the little couch?

7 A. I was on the big couch.

8 Q. Okay. And the layout of your living room, can you  
9 kind of describe for us where the big couch is and where the  
09:36AM 10 little couch is in relationship to the front door?

11 A. When you walk in the front door, you walk into the  
12 love seat, the love seat is there, and the couch was to the  
13 left of the front door (indicating).

14 MS. THOMSON: Okay. Court's indulgence.

09:36AM 15 (Sotto voce at this time.)

16 MS THOMSON: In a second I'm going to show you  
17 sort of a diagram.

18  
19 (State's Proposed Exhibit 17  
09:36AM 20 was marked for identification.)

21

22 MS. THOMSON: May I approach?

23 THE COURT: You may.

24 BY MS. THOMSON:



1 Q. Showing you what's been marked as State's Proposed  
2 Exhibit 17, ignoring the writing, but for basically the  
3 pictures, is that the layout of your home at that time?

4 A. Yes.

09:37AM

5 MS. THOMSON: Okay. And I'd move for admission  
6 of State's Proposed Exhibit 17, for purposes of the diagram  
7 alone in terms of layout of the home.

8 THE COURT: Mr. Yanez, any objection?

09:37AM

9 MR. YANEZ: For those purposes and for prelim, I  
10 have no objection, Judge.

11 THE COURT: It will be deemed admitted for  
12 purposes of Preliminary Hearing only.

13 MS. THOMSON: Thank you.

14

09:37AM

15 (State's Exhibit 17  
16 was admitted into evidence.)

17

18 BY MS. THOMSON:

09:37AM

19 Q. So you indicated that you were on the large couch;  
20 correct?

21 A. Yes.

22 Q. And were you in the middle or at one of the two ends?

23 A. Um, sort of in the middle towards the right side.

24 Q. Okay. The right side being closest to the front

1 door?

2 A. To the door, yes.

3 Q. Okay. And where was Gary Bly when Money arrived?

4 A. He was to the left side of me.

09:38AM 5 Q. Okay. So he was on the large couch closest to the  
6 kitchen?

7 A. Yes.

8 Q. Okay. When Money arrived, walk me through step by  
9 step what happened after he arrived at your door.

09:38AM 10 A. Um, I saw his van pull up. He parked it. He was  
11 getting out, he was coming to the door.

12 Gary Bly had gotten up and walked towards the  
13 back -- towards the bathroom or the back door. Um, had come  
14 back in.

09:38AM 15 Money came in. I believe he sat down for a  
16 moment, maybe on the arm of the couch.

17 Q. Is that the big couch or the little couch, if you  
18 remember?

19 A. I believe the big one.

09:39AM 20 Q. Okay. And then what happened?

21 A. Um, we were still having breakfast and basically  
22 something was said to the effect of do you know what this is  
23 about?

24 Q. Who said this is the thing to the effect of -- do

1 you --

2 A. Money said: Do you know what this is about?

3 Q. Was that to you or was that to Gary Bly or just to  
4 the room?

09:39AM 5 A. I believe out loud.

6 Q. Okay. Were the three of you -- being yourself,  
7 Gary Bly and Money -- the only ones in the trailer at that  
8 time?

9 A. The three of us?

09:39AM 10 Q. Uh-huh.

11 A. Yes.

12 Q. Okay. When he said: Do you know what this is about,  
13 did you see anything in Money's hands?

14 A. Yes.

09:39AM 15 Q. What did you see in his hands?

16 A. Um, I thought I saw his car keys and I believe I saw  
17 a gun.

18 Q. Okay. The gun that you believe you saw, could you  
19 tell if it was in a holster or not?

09:40AM 20 A. I believe it was.

21 Q. Okay. What color holster?

22 A. Black.

23 Q. Okay. And do you have familiarity with guns?

24 A. No, not really.

1 Q. Okay. After he said the thing that was similar to,  
2 Do you know what this is about, what happened next?

3 A. Um, I think I said: No, I don't know what this is  
4 about.

09:40AM 5 Q. Okay. And what did he do?

6 A. Um, I believe I saw the gun and, um, Gary Bly had  
7 walked back into the room, and I had said: I think he's going  
8 to rob me.

9 Q. Okay. And when you said that, were you --

09:41AM 10 A. He's got --

11 Q. -- speaking of Money, or were you speaking of  
12 Gary Bly when --

13 A. Speaking of Money.

14 Q. Okay. So your statement was directed towards  
09:41AM 15 Gary Bly?

16 A. I was saying to Gary Bly: I believe Money is going  
17 to rob me.

18 Q. Okay. And what, if anything, do you see Gary do --  
19 or, yeah, Gary Bly do?

09:41AM 20 A. He was walking back into the room, and I don't think  
21 he believed me until he saw the gun, and then he approached  
22 Money.

23 Q. Okay. How close did he get to Money that you saw?

24 A. Pretty close.

1 Q. Okay. And what did Money do when Gary Bly approached  
2 him?

3 A. Well, he said a little something -- like Gary Bly  
4 said something to him, like: Oh, no, man.

09:41AM 5 And then Money said something.

6 And then Gary Bly got shot.

7 Q. Okay. Who shot Gary Bly?

8 A. Money.

9 Q. Did Gary Bly have any weapons that you saw?

09:42AM 10 A. No.

11 Q. Okay. After he, being Money, shot Gary, what did  
12 Gary do?

13 A. He raised the gun towards me.

14 Q. Okay. Did he say anything to you when he raised the  
09:42AM 15 gun towards you?

16 A. I'm not -- I don't remember.

17 Q. Okay. Do you remember talking to the police shortly  
18 thereafter?

19 A. No.

09:42AM 20 Q. Okay. When -- did you go to the hospital that day?

21 A. Yes.

22 Q. Okay. While you were at the hospital, did detectives  
23 come and see you there?

24 A. There was one there when I got there, yes.

1 Q. All right. And did you talk to that detective?

2 A. Yes.

3 Q. Okay. And do you know whether or not that detective  
4 recorded your statement to him?

09:43AM 5 A. He said he did.

6 Q. Okay. And have you had an opportunity to review a  
7 transcript of that statement?

8 A. Yes.

9 Q. Okay. Do you remember telling that detective that  
09:43AM 10 Gary then, after shooting -- I'm sorry. That Money, after  
11 shooting Gary Bly, looked at you and said: You know what this  
12 is about, give me your money?

13 (Sotto voce at this time.)

14 THE WITNESS: I don't remember.

09:43AM 15 BY MS. THOMSON:

16 Q. Okay. Would looking at your statement help refresh  
17 your recollection?

18 A. I remember that being said, but everything happened  
19 so fast.

09:43AM 20 Q. Okay. And when you say you remember that being said,  
21 do you remember your saying it, or do you remember Money saying  
22 it?

23 A. Money saying that.

24 Q. Okay.

1           A.    I remember saying that to the officer, what was said  
2 to me.

3           Q.    Okay.  When he said that to you, where was the gun  
4 when Money said that to you?

09:44AM 5           A.    In his hand.

6           Q.    Okay.  Was it pointed at you or away from you?

7           A.    It was -- he was lifting it up towards me.

8           Q.    Okay.  And did he at some point, point it actually at  
9 you?

09:44AM 10          A.    Yes.

11          Q.    Okay.  What part of your body was it pointed at?

12          A.    Towards my, um, middle area (indicating).

13          Q.    Okay.  And you're referring with your hand to your  
14 torso?

09:44AM 15          A.    Yes.

16          Q.    Okay.  And when he did that what did you do?

17          A.    I had my phone in my hand and, um, when he raised the  
18 gun, I hit or smacked the gun down.

19          Q.    Okay.

09:44AM 20          A.    Trying to defend myself.

21          Q.    And when you did that, did anything happen?

22          A.    Yes.

23          Q.    What happened?

24          A.    I got shot.

1 Q. And where were you shot?

2 A. In my hand.

3 Q. You went to the hospital thereafter?

4 A. Yes.

09:45AM 5 Q. Did you receive any treatment at the hospital?

6 A. Yes.

7 Q. Okay. What treatment did you receive?

8 A. Um, surgery.

9 Q. Okay. How long were you in the hospital?

09:45AM 10 A. Three days.

11 Q. And do you still have any markings from where you  
12 were shot?

13 A. Yes.

14 Q. Okay. Where are those, if you could point to them  
09:45AM 15 for us?

16 A. A bullet went through here and came out the other  
17 side (indicating).

18 Q. And what you've described is between the thumb and  
19 pointer finger on your left hand, and then out the other side  
09:45AM 20 being sort of the heel of your hand almost (indicating)?

21 A. Yes (indicating).

22 Q. Okay. You said that you were living at Van's Trailer  
23 Park, specifically Space Number 45; is that located here in Las  
24 Vegas, Clark County, Nevada?



1 A. Yes.

2 Q. Okay.

3 MS. THOMSON: Court's indulgence.

4 (Sotto voce at this time.)

09:46AM 5 MS. THOMSON: I'll pass the witness.

6 THE COURT: Mr. Yanez, cross.

7 MR. YANEZ: Thank you, Judge.

8

9 CROSS-EXAMINATION

09:46AM 10 BY MR. YANEZ:

11 Q. Lisa, on July 9th, you were a drug dealer; correct?

12 A. No.

13 Q. You didn't sell drugs on July 9th or before that  
14 date?

09:46AM 15 A. No.

16 Q. Make sure I understand your testimony that's under  
17 oath, you have never sold drugs to Mr. Chambers; is that  
18 accurate?

19 A. No.

09:46AM 20 Q. No, you haven't sold drugs or, no, that's not  
21 accurate?

22 A. No, that's not accurate.

23 Q. So you agree with me then your testimony is that you  
24 have never sold drugs to Mr. Chambers?

1 MS. THOMSON: Judge, I would object, that  
2 misstates her response.

3 THE COURT: Well, let's see what she says.

4 THE WITNESS: I don't understand.

09:47AM

5 BY MR. YANEZ:

6 Q. Sure. Let me ask it to you again.

7 Your testimony -- I want to make sure I  
8 understand it, your testimony is that you have never in your  
9 life sold drugs to Mr. Chambers (indicating)?

09:47AM

10 A. No.

11 Q. It took a while for you to respond, you'd agree, to  
12 my question?

13 A. Yes.

09:47AM

14 Q. Okay. So you had to think about it, you weren't sure  
15 if you had or hadn't sold drugs to Mr. Chambers; is that  
16 correct?

17 A. No.

18 Q. Have you ever sold drugs to anyone else besides  
19 Mr. Chambers?

09:48AM

20 THE COURT: All right. Hold on. I'll see you  
21 in chambers.

22

23 (Recess in proceedings.)

24

1 THE COURT: All right. State, you have a record  
2 that you need to make for me.

3 MS. THOMSON: Yes, Your Honor.

4 In our discussions in the back, the Court  
09:52AM 5 expressed some concern regarding the path down which Mr. Yanez  
6 was asking questions associated to this witness's potential  
7 sale of narcotics.

8 I informed the Court in the back that I have no  
9 problem, that I can grant authority up to today's date for  
09:52AM 10 prosecute -- no, no, that was wrong, I'm sorry -- grant  
11 immunity up to today's date for any prosecution associated to  
12 the selling of drugs, so that there's no issues with having to  
13 get counsel and talk with regard to that and mess up the timing  
14 on our hearing.

09:53AM 15 THE COURT: All right. And for the record, the  
16 Court has noted that depending on what I'm going to allow  
17 leeway regarding with interactions with Mr. Chambers, I am  
18 putting a relevancy time line for the purposes of the  
19 Preliminary Hearing only, Mr. Yanez, as to 45 days with anybody  
09:53AM 20 else aside from Mr. Chambers.

21 So, ma'am, here's what this basically means:  
22 We're trying not to stick you into a quandary that you can make  
23 an admission that could be detrimental to you, so the State is  
24 basically saying that, if you make an admission that you may

1 have had something to do with selling drugs, they're not going  
2 to come and prosecute you.

3 Does that make sense?

4 THE WITNESS: Yes.

09:53AM

5 THE COURT: All right. Mr. Yanez, let's pick  
6 back up and let's ask some questions from there.

7 BY MR. YANEZ:

09:53AM

8 Q. Lisa, do you know what the Judge told you, that up  
9 until today's date, if you were to admit that you were selling  
10 drugs to Gary Chambers or anyone else, they're not going to  
11 prosecute you, do you understand that?

12 A. Yes.

13 Q. Knowing that, having that in mind, let me ask you the  
14 question: Have you ever sold drugs to Mr. Chambers?

09:54AM

15 A. Yes.

16 Q. How many times?

17 A. Maybe once or twice.

18 Q. You'd agree a few minutes ago you had answered no to  
19 that question; correct?

09:54AM

20 A. No.

21 Q. You didn't answer no to that question a few minutes  
22 ago?

23 A. I answered no, it wasn't accurate, I believe.

24 Q. Okay. Maybe I'm mistaken.

1 I'm sorry. How many times have you sold drugs  
2 to Mr. Chambers?

3 A. I don't sell drugs.

4 Q. Okay. Maybe I'm confused. I think I just asked you  
09:54AM 5 if you ever sold drugs to Mr. Chambers, and you said yes; is  
6 that correct?

7 A. Yes.

8 Q. Okay. But you don't sell drugs, you also said that;  
9 correct?

09:54AM 10 A. Yes, I'm not a drug dealer.

11 Q. But you sold drugs before to Mr. Chambers?

12 A. Once, maybe twice. I've only met him three or four  
13 times.

14 Q. Okay. But in your mind that doesn't make you a drug  
09:55AM 15 dealer?

16 A. No, I'm not a drug dealer.

17 Q. What drugs have you sold to Mr. Chambers?

18 A. Um, speed.

19 Q. Okay. When you say "speed," you mean meth?

09:55AM 20 A. Yes.

21 Q. Any other drugs besides that?

22 A. No.

23 Q. On the morning of July 9th, you testified earlier  
24 that Mr. Chambers called you to come over to your trailer;

1 correct?

2 A. Yes.

3 Q. And you knew that was for the purposes of buying  
4 drugs from you again; correct?

09:55AM 5 A. No.

6 Q. You didn't know that's why he was coming over?

7 A. No.

8 Q. He told you he was coming over; correct?

9 A. He asked if he could come over.

09:55AM 10 Q. And when he's purchased drugs before, he's come over  
11 to your trailer; correct?

12 A. Yes.

13 Q. So he told you he was coming over, your testimony is  
14 that it wasn't to purchase drugs?

09:56AM 15 A. Correct.

16 Q. Did he tell you why he was coming over?

17 A. No.

18 Q. You didn't ask him: Why are you coming over, Gary?

19 A. No, I did not.

09:56AM 20 Q. And you didn't because you just assumed he was coming  
21 over to buy drugs; right?

22 A. No.

23 MS. THOMSON: Objection, asked and answered.

24 THE COURT: Move on, Mr. Yanez.

1 BY MR. YANEZ:

2 Q. Your testimony then is that he called you, he told  
3 you he was coming over, you had no idea why he was coming over,  
4 but you said okay?

09:56AM

5 A. Yes.

6 Q. You interviewed with the police; correct?

7 A. Yes.

8 Q. Was it just that one time at UMC, or have you spoken  
9 other times with a police officer or a detective about this  
10 case?

09:56AM

11 A. I'm -- two times.

12 Q. You spoke to the police two times?

13 A. I believe so, yes.

14 Q. Okay. So one time was at UMC when you were getting  
15 treatment for your injury; correct?

09:57AM

16 A. Yes.

17 Q. When was the next time you spoke to the police?

18 A. I believe two days ago.

19 Q. Where did that happen at?

09:57AM

20 A. At my house.

21 Q. Who came to speak to you?

22 A. Said they were homicide detectives.

23 Q. Do you remember their names?

24 A. One's name was Matt --

1 THE REPORTER: Matt?

2 THE WITNESS: Gillis (phonetic), yes.

3 BY MR. YANEZ:

4 Q. Gillis was the last name?

09:57AM 5 A. I believe so.

6 Q. Just him, or was there another detective or officer?

7 A. There was another one there.

8 Q. Okay. Were they in uniform or street clothes?

9 A. One was in street clothes, one was in, like, a  
09:57AM 10 uniform.

11 Q. Okay. Do you know who the other officer was?

12 A. No, I really don't.

13 Q. And they wanted to talk to you about this case,  
14 Gary Chambers' case?

09:57AM 15 A. Yes.

16 Q. Do you know if that interview was recorded?

17 A. I don't believe it was.

18 Q. How long did that interview last?

19 A. Maybe 15, 20 minutes.

09:58AM 20 Q. Any other times besides the UMC time -- and you said  
21 this last one was two days ago; correct?

22 A. Yes.

23 Q. Any other times besides those two?

24 A. Only when I spoke with the D.A.



1 Q. And when did you speak to the D.A.?

2 A. Last week.

3 Q. Okay. When you spoke to the detective and the  
4 officer two days ago, what specifically did they ask you?

09:58AM 5 A. Basically what had happened.

6 Q. Okay. Did they ask you basically the same questions  
7 as the first time, or did they ask you different questions; do  
8 you remember?

9 A. I don't remember.

09:58AM 10 Q. And this occurred at your residence, at your trailer?

11 A. Yes.

12 Q. At the same trailer where this incident happened,  
13 Trailer Number 45?

14 A. No.

09:59AM 15 Q. You live at a different one but in the same trailer  
16 complex?

17 MS. THOMSON: Well, Judge, I'm going to object  
18 to relevance at this point.

19 MR. YANEZ: There's an interview that I didn't  
09:59AM 20 know even existed, I'm just trying to, you know, get a little  
21 information.

22 THE COURT: Here's what we're going to do, we're  
23 not going to put where she lives right now on the record;  
24 however, I can get her to write down on a piece of paper that

1 counsel will be able to look at.

2           You're not allowed to disclose to anybody else,  
3 besides your investigator, Mr. Yanez. I know that you're  
4 trying to find out her current location.

09:59AM

5           I'm going to allow it to be the interview is at  
6 her current residence, but I'm not going to put on the record  
7 where it was at so that would be public knowledge, and for  
8 safety concerns I'm not going to do that.

09:59AM

9           MR. YANEZ: Okay. As long as I can get that  
10 information later, Judge, that's fine.

11           THE COURT: All right. Here's what I'm going to  
12 do, Ma'am, we're going to have you write down your information  
13 on this piece of paper that my Marshal's providing you.

09:59AM

14           This is not to be disclosed except for it will  
15 be given to the attorneys, and it can go to their investigators  
16 and nowhere else. It will never be used to disseminate it out  
17 into the public.

18           Correct, Mr. Yanez?

19           MR. YANEZ: I'm sorry, Judge? The D.A. --

10:00AM

20           THE COURT: The address is going to be only  
21 disseminated to you and your investigator, and it's to go  
22 nowhere else.

23           MR. YANEZ: Fair enough. I agree.

24           THE COURT: All right.

1 (Sotto voce at this time.)

2 THE COURT: Mr. Yanez, you can proceed.

3 MR. YANEZ: Thank you.

4 BY MR. YANEZ:

10:00AM 5 Q. Lisa, that morning of July 9th, did you have  
6 methamphetamine or any type of drugs inside of your trailer?

7 A. No.

8 Q. You indicated that you believe that Mr. Chambers had  
9 a gun when he came inside your trailer; is that correct?

10:01AM 10 A. Yes.

11 Q. You also said he had car keys in his hands?

12 A. I believe he did, yes.

13 Q. All right. When you spoke -- do you remember when  
14 you spoke to Detective Bunting (phonetic) at UMC, she talked to  
10:01AM 15 you about the type of gun that you thought Mr. Chambers had?

16 Do you remember that?

17 A. No.

18 (Sotto voce at this time.)

19 BY MR. YANEZ:

10:01AM 20 Q. Do you remember a discussion about automatic and  
21 semiautomatic handguns?

22 A. Vaguely.

23 Q. Do you remember the detective asking you whether you  
24 thought it was -- the gun was a revolver or a semiautomatic

1 gun; do you remember that?

2 A. Yes.

3 Q. Do you remember you told the detective that you  
4 thought it was a semiautomatic gun, not a revolver?

10:02AM 5 A. No.

6 MR. YANEZ: Can I approach, Judge?

7 THE COURT: You may.

8 (Sotto voce at this time.)

9 BY MR. YANEZ:

10:02AM 10 Q. Lisa, I'm going to show you what's been provided to  
11 me by the District Attorney, which is apparently transcribed  
12 statements of your interview with Detective Bunting at UMC.

13 MR. YANEZ: I'm referring, Counsel, to page 12.

14 BY MR. YANEZ:

10:02AM 15 Q. I'd ask you to read this to yourself, starting at the  
16 top of page 12 and briefly into page 13. If you can let me  
17 know when you're done, I'll ask you some questions based on  
18 that.

19 A. (Witness complies.)

10:03AM 20 Q. Have you had a chance to read that?

21 A. Yes.

22 Q. Okay. You'd agree with me that, in your interview,  
23 at least on July 9th at UMC, you told Detective Bunting that  
24 you thought it was a semiautomatics handgun and not a revolver;

1 correct?

2 A. I don't remember. I was heavily medicated.

3 Q. Let me ask my question again. You just read a  
4 portion of your statement to Detective Bunting on July 9th;  
10:04AM 5 correct?

6 A. Yes.

7 Q. Okay. You would agree with me that, at least as to  
8 your transcribed statement, maybe not your memory, but your  
9 transcribed statement, you told Detective Bunting that you  
10:04AM 10 thought it was a semiautomatic handgun and not a revolver; is  
11 that accurate?

12 A. I don't remember.

13 Q. You don't remember from what you just read?

14 A. I know what I just read. I just don't know guns. I  
10:04AM 15 don't --

16 Q. Listen to my question carefully, and if I'm being not  
17 clear I apologize.

18 I realize that your memory -- you might not  
19 remember, my question is based on what you just read, okay?

10:04AM 20 And solely based on what you read, which is purportedly your  
21 statement to the detective, you would agree with me that, in  
22 your statement, from what you just read, you told the detective  
23 that you thought it was a semiautomatic handgun and not a  
24 revolver; you'd agree with that, yes, ma'am?

1 A. Yes.

2 Q. Now, you testified that after Gary Bly was shot, that  
3 the handgun that Mr. Chambers, you say, was holding was pointed  
4 towards you; is that accurate?

10:05AM

5 A. No.

6 Q. You actually, after -- or during the time -- let me  
7 rephrase my question.

8 There came a point in time when you are there  
9 with Gary Bly and Mr. Chambers, that you're trying to use your  
10 cell phone; right?

10:06AM

11 A. Correct. Yes.

12 Q. And that was after Mr. Chambers allegedly shot  
13 Mr. Bly?

14 A. Yes.

10:06AM

15 Q. So I think you told the detective that you were  
16 trying to slide your phone, which I take to mean you were  
17 trying to basically get it going so you could make a phone  
18 call?

19 A. Yes.

10:06AM

20 Q. And again, you're doing that after Gary Bly has been  
21 shot; right?

22 A. No.

23 Q. Is that before Mr. Bly was shot?

24 A. While he was being shot or --

1 Q. And you indicated earlier, on direct testimony, that  
2 you smacked the gun away from Mr. Chambers' hand; is that  
3 accurate?

4 A. Yes.

10:07AM 5 Q. And that's when the gun went off; correct?

6 A. No. The gun went off two times that I know of.

7 Q. Two times in total?

8 A. In total.

9 Q. Okay. So your testimony is one shot struck  
10:07AM 10 Gary Bly; right?

11 A. Yes.

12 Q. And then the other shot is the one that hit your  
13 hand?

14 A. Yes.

10:07AM 15 Q. I want to talk about the second shot. Okay?

16 Do you understand that, Lisa? I want to talk  
17 about that second shot.

18 A. Yes, yes.

19 Q. That second shot occurred when you smacked the gun  
10:07AM 20 down from Mr. Chambers' hand; right?

21 A. I believe so.

22 Q. And that's where he hit you in your hand; correct?

23 A. Yes.

24 Q. It wasn't a case of Mr. Chambers shooting you, and

1 you tried to smack the bullet down; right, that isn't what  
2 happened?

3 A. He aimed the gun at me, and then I smacked it down  
4 while I had my phone in my hand.

10:08AM 5 Q. And upon smacking it down, it went off; correct?

6 A. Yes.

7 Q. Those are the only two shots that happened on  
8 July 9th in your trailer; correct?

9 A. That I recall.

10:08AM 10 Q. Mr. Chambers didn't try to shoot you again or  
11 anything like that after you got hit in the hand; right?

12 A. I don't know.

13 Q. But your memory is you heard two gunshots?

14 A. Yes.

10:09AM 15 Q. Gary Bly did live with you for a while; correct?

16 A. Yes.

17 Q. And he would also sell drugs; correct?

18 A. I don't know.

19 Q. You had never seen Gary Bly sell drugs?

10:09AM 20 A. No.

21 Q. Do you know who Leo McGowan (phonetic) is?

22 A. Yes.

23 Q. Who is Leo McGowan?

24 A. He was somebody that was working on my car.



1 Q. He also lived with you; correct?

2 A. Yes.

3 Q. Up until July 9th he was still living with you?

4 A. No.

10:09AM 5 Q. Was he still coming around your trailer on July 9th  
6 or thereabouts?

7 A. He was still living with me after that.

8 Q. Okay. So on July 9th he was living with you. After  
9 July 9th he continued to live with you?

10:10AM 10 A. Yes.

11 Q. And, um, can you give me a description of  
12 Mr. McGowan, is he white? What race is he?

13 A. He's white, he's short, thin, blond hair.

14 Q. And he was there on July 9th with Mr. Chambers and  
10:10AM 15 Gary Bly and yourself?

16 A. No.

17 Q. Have you been convicted of any felonies, Lisa?

18 A. No.

19 Q. I want to clarify something you said on Direct about  
10:10AM 20 what you say Mr. Chambers told you when he walked into your  
21 trailer. You originally said that Mr. Chambers told you, and  
22 I'm going to paraphrase a bit, so you can correct me: You know  
23 what this is about. Does that about sound -- what he said  
24 sound right?

1 A. Yes.

2 Q. The District Attorney then asked you questions about  
3 what you had told the detective about maybe him saying: I'm  
4 here to rob you. Do you remember the District Attorney asking  
10:11AM 5 you that question?

6 A. No.

7 Q. Are you under the influence of any drugs or  
8 prescription medications today, Lisa?

9 A. No.

10:11AM 10 Q. Your memory today as you testify is that Mr. Chambers  
11 walked in and said: You know what this is about?

12 A. Yes.

13 Q. He didn't say anything about: This is a robbery, I  
14 want your money, I want your drugs?

10:12AM 15 A. No, he did not.

16 Q. You'd agree with me, Lisa, that when you spoke to the  
17 detective at UMC, you never told that detective that you had  
18 sold drugs before to Mr. Chambers?

19 A. No, I did not.

10:12AM 20 MR. YANEZ: I have nothing further at this  
21 point, Judge.

22 THE COURT: Any redirect?

23 MS. THOMSON: Yes, Your Honor. Court's  
24 indulgence.

## 1 REDIRECT EXAMINATION

2 BY MS. THOMSON:

3 Q. Mr. Yanez just asked you a question, and I apologize  
4 I wasn't listening clearly, so I'd like to clear it up a little  
10:13AM 5 bit with you.

6 As I understood his question, he, I believe,  
7 asked you whether Money had ever said to you in the apartment  
8 essentially: I want your money and drugs.

9 And was your answer: No, he did not say that?

10:13AM 10 A. Yes, my answer was no.

11 Q. Okay. Was -- is it that the question was too  
12 specific making it a no, or did he not make any statements even  
13 similar to that?

14 A. Didn't make any statements similar to that.

10:13AM 15 Q. Okay. You would agree that you told the detective  
16 while you were at the hospital that he, for lack of a better  
17 word, requested your money.

18 Would you agree with that?

19 A. No.

10:13AM 20 MR. YANEZ: Object as to leading, Judge.

21 THE WITNESS: No.

22 BY MS. THOMSON:

23 Q. Okay. You do not agree --

24 MR. YANEZ: Hold on, there was an objection as

1 to the question.

2 THE COURT: It was a little leading, I'm going  
3 to allow it.

4 MS. THOMSON: Thank you.

10:14AM 5 BY MS. THOMSON:

6 Q. You do not agree that you told detectives that Money  
7 demanded your money?

8 A. No.

9 Q. Okay.

10:14AM 10 MS. THOMSON: May I approach?

11 THE COURT: You may.

12 (Sotto voce at this time.)

13 BY MS. THOMSON:

14 Q. I'm going to have you read this page over quietly to  
10:14AM 15 yourself, please.

16 A. (Witness complies.)

17 Q. You've read it over?

18 A. Yes.

19 Q. Do you remember making the statements on this page?

10:15AM 20 A. Vaguely.

21 Q. Okay. Do you remember saying, he says: You know  
22 what this is about, um, he said he was a cop, you know what  
23 this is about, give me your money?

24 A. Yes.

1 Q. Okay. As you sit here today, is it that you believe  
2 that you told the detective that, but that Money didn't say it?  
3 Or is it your belief that you just don't remember his saying  
4 that at the trailer?

10:15AM 5 A. I don't remember.

6 Q. Okay. After Money shot you in the hand, what did you  
7 do?

8 A. Ran out the back -- ran out the -- ran out towards  
9 the back door.

10:16AM 10 Q. Okay. And the front door was still open at that  
11 point?

12 A. Yes.

13 Q. Okay. You didn't stick around to see if he was going  
14 to shoot you again?

10:16AM 15 A. Huh-uh, no.

16 Q. Okay. Do you know if Money has ever met  
17 Leo McGowan?

18 MR. YANEZ: I'm going to object, that's  
19 speculation, Judge.

10:16AM 20 THE COURT: Sustained.

21 MS. THOMSON: Your Honor, the question was if  
22 she knows. Obviously, if she's present, I'm not asking if  
23 she's heard whether or not they've met. If -- I believe it's  
24 actually a very appropriate question, and that it is not

1 speculation. If she knows, she knows.

2 MR. YANEZ: I'd object to the form of the  
3 question then.

4 THE COURT: Then re-ask it.

10:16AM

5 MS. THOMSON: Okay.

6 BY MS. THOMSON:

7 Q. Have you ever been present where Leo McGowan and  
8 Money were both present?

9 A. I don't remember.

10:16AM

10 Q. Okay. We talked a little bit about the detective  
11 coming to the hospital and talking to you. Do you remember if  
12 anyone ever showed you any photographs?

13 A. Of what?

14 Q. Of people.

10:17AM

15 A. No.

16 Q. Okay.

17 MS. THOMSON: May I approach?

18 THE COURT: Yes.

19 BY MS. THOMSON:

10:17AM

20 Q. Showing you what's been marked as State's Proposed  
21 Exhibit 8, and page 2 specifically of that packet, do you  
22 recognize what I'm showing you?

23 A. Yes.

24 Q. Okay. Have you ever seen this page before?

1 A. No.

2 Q. Okay. Do you see initials on this page?

3 A. Yes.

4 Q. Do you recognize those initials?

10:17AM 5 A. Yes.

6 Q. Okay. Do you know to whom those initials belong?

7 A. Yes.

8 Q. Okay. And to whom do the initials belong?

9 A. Me.

10:17AM 10 Q. Okay. Do you remember making those initials on this  
11 page?

12 A. Don't remember.

13 Q. Okay. Showing you page 1 of State's Proposed Exhibit  
14 8, the bottom half, do you recognize the writing there?

10:18AM 15 A. Are you asking me do I --

16 Q. Like, do you -- is that your handwriting?

17 A. No.

18 (Sotto voce at this time.)

19 MS. THOMSON: Pass the witness.

10:18AM 20 THE COURT: Any recross?

21 MR. YANEZ: I have a little bit, Judge.

22 THE COURT: Sure.

23

24 RECROSS-EXAMINATION

1 BY MR. YANEZ:

2 Q. The night of July 8th going into July 9th, the  
3 morning that you that described, did Gary Bly spend the night  
4 with you there at the apartment?

10:18AM

5 A. Yes.

6 Q. That morning of July 9th, did you take any type of  
7 drugs, whether illegal or prescription?

8 A. No.

10:19AM

9 Q. Within a 48-hour period of July 9th, that morning,  
10 did you take any drugs, whether illegal street drugs or whether  
11 prescribed drugs?

12 A. Yes.

13 Q. How soon -- when?

14 A. Um, I would say a couple days before.

10:19AM

15 Q. A couple days before the morning of July 9th?

16 A. Yes.

17 Q. What drugs did you take?

18 A. Soma, Lortab.

19 Q. Anything else?

10:19AM

20 A. No.

21 Q. Did you see Mr. Bly take any drugs the morning of  
22 July 9th?

23 A. No.

24 Q. Did you see him take any drugs, and again this is



1 where it's prescribed or otherwise, or street drugs, did you  
2 see him take any drugs within a 48-hour period of the morning  
3 of July 9th?

4 A. I don't remember.

10:20AM 5 MR. YANEZ: Nothing further, Judge.

6 THE COURT: State.

7 MS. THOMSON: Court's indulgence.

8 I have nothing further.

9 THE COURT: Ma'am, thank you so much for your  
10:20AM 10 patience and your testimony.

11 They all ask that you step down.

12 Please don't discuss your testimony with anybody  
13 aside from a representative from the District Attorney's Office  
14 or if it's a representative from Mr. Yanez's office. They will  
10:20AM 15 identify themselves as such and give you a business card. All  
16 right? Thank you for your testimony today.

17 You can step down.

18

19 (Whereupon, at this time the witness was excused.)

10:20AM 20

21 THE COURT: All right. As we bring in the next  
22 witness, there's a housekeeping matter. Mr. Yanez, I do have  
23 her address that we will allow you to take, and we will give  
24 you at the end of the proceeding.

1 MR. YANEZ: Thank you.

2 MS. EDWARDS: Your Honor, our next witness is

3 Dr. Telgenhoff. He has individuals present with him who are

4 doing a coroner show. They don't have cameras. They -- but

10:21AM 5 they're requesting to be able to come in and observe and wanted

6 to confirm with you because technically they're media.

7 THE COURT: I think we already have other media,

8 and I don't have a problem with them coming in as long as we

9 don't have any recording devices. And I want you to make sure,

10:21AM 10 and I have Mr. Nelson here for one of our witnesses that we

11 talked about that could need someone to make sure that he knows

12 which witness that is while we're setting up. And if that

13 witness is here, I'd like Mr. Nelson to have an opportunity to

14 speak with her.

10:21AM 15 MS. EDWARDS: Yes, Your Honor. She is somewhere

16 in the building, I will determine the exact location and get

17 them hooked up.

18 THE COURT: Okay. Let's get the doctor in here.

19 THE MARSHAL: Go ahead and follow me.

10:22AM 20 Go ahead and step up, remain standing, raise

21 your right hand to be sworn by the clerk.

22

23 DR. GARY TELGENHOFF

24 called as a witness on behalf of the State,

1                   having been first duly sworn,  
2                   was examined and testified as follows:

3  
4                   THE WITNESS: I do.

10:22AM 5                   THE CLERK: Please be seated. Please state your  
6                   --

7                   THE WITNESS: My name is Dr. Gary Telgenhoff.  
8                   First name is G-A-R-Y; last name, T-E-L-G-E-N-H-O-F-F.

9                   THE CLERK: Thank you.

10:22AM 10                  MS. EDWARDS: May I proceed?

11                  THE COURT: Yes.

12

13                                 DIRECT EXAMINATION

14                  BY MS. EDWARDS:

10:22AM 15                  Q.     What is your occupation, Dr. Telgenhoff?

16                  A.     I'm a medical examiner for Clark County.

17                  Q.     How long have you been so employed?

18                  A.     I'm in my 15th year now.

19                  Q.     What are your duties as being coroner with the  
10:22AM 20                  Clark County Medical Examiner's Office?

21                  A.     I determine cause and manner on the cases that are  
22                  assigned to me --

23                  Q.     Do you have --

24                  A.     -- of death.

1 Q. -- any training or experience for your employment as  
2 a medical examiner?

3 A. I'm sorry, it's hard for me to hear in here.

4 Q. Sorry. Your training and experience to be a coroner  
10:23AM 5 with the Medical Examiner's Office?

6 A. Yes.

7 Q. Fair to say you have a doctoral degree?

8 A. Yes.

9 Q. Okay. And when did you achieve that?

10:23AM 10 A. It was in 1979.

11 Q. And you've -- fair to say you've received specialized  
12 training and experience to specifically conduct autopsies and  
13 work as a coroner?

14 A. Yes.

10:23AM 15 MS. EDWARDS: And, Your Honor, for purposes of  
16 the Preliminary Hearing, I believe defense counsel is willing  
17 to stipulate to his training and qualifications as an expert,  
18 but only for this hearing.

19 MR. YANEZ: That's correct.

10:23AM 20 THE COURT: All right. He'll be deemed as an  
21 expert for purposes -- for purposes of the Preliminary Hearing  
22 as far as being a medical examiner and being sufficiently  
23 qualified for that. So we can dispense with that.

24 Go ahead, Ms. Edwards.

1 BY MS. EDWARDS:

2 Q. Were you working on July 10, 2013, in your capacity  
3 as a coroner for the medical examiner?

4 A. Yes.

10:23AM 5 Q. And did you conduct an autopsy on someone by the name  
6 of Gary Bly?

7 A. Yes.

8 Q. And was that Coroner Case Number 13-06566?

9 A. I'd have to refer to the report to get into details.

10:24AM 10 Q. Would that refresh your memory as to the coroner case  
11 number of the autopsy you performed?

12 A. Yes.

13 Q. Please do so.

14 A. The case number -- one moment, please -- 13-6566.

10:24AM 15 Q. Fair to say a specific case number is assigned to a  
16 specific body that you're going to do an autopsy on?

17 A. Yes.

18 Q. Okay. And when the body was received, was there a  
19 tag on that body with the case number and the decedent's name?

10:24AM 20 A. Yes.

21 Q. Okay. And that was Mr. Bly?

22 A. Yes.

23 Q. Okay. Did you, in fact, conduct an autopsy on  
24 Mr. Bly?

1 A. Yes.

2 Q. Would you just tell me what the steps of conducting  
3 an autopsy are.

4 A. There's a number of steps associated with autopsy.

10:24AM

5 The first is to get a report from our  
6 investigators, who go out on the scene and collect information  
7 from possible witnesses, also possible police officers.

8 They give me an idea of what kind of case it's  
9 going to be in general. For example, if it's going to be a  
10 gunshot or a stabbing or whatever.

10:25AM

11 Q. Okay. Would --

12 A. And then --

13 Q. Go ahead.

14 A. And then after that, we receive the body in the

10:25AM

15 office, and it's usually an overnight stay for the body in the  
16 refrigerator.

17 The next morning I look at it from head to toe.

18 Q. Is that considered an external examination?

19 A. Yes.

10:25AM

20 Q. Okay.

21 A. And I look at everything from natural processes to  
22 accidental, to identifying marks, a number of things; whatever  
23 appears before me that seems notable.

24 Q. And if there's something notable, do you document

1 that in what becomes the Autopsy Report?

2 A. Yes.

3 Q. Okay. And then you move on to an internal  
4 examination; correct?

10:26AM 5 A. Correct.

6 Q. And specifically what are you looking for during the  
7 internal examination?

8 A. Once again, any abnormality, anything that might  
9 suggest cause of death.

10:26AM 10 Q. Okay. Do you also do toxicology or have toxicology  
11 done on the decedent?

12 A. We collect it at the office under my direction, and  
13 then another lab does the actual testing.

14 Q. Okay. In this specific case, fair to say you  
10:26AM 15 conducted an external examination on the decedent?

16 A. Yes.

17 Q. Anything notable as far as what went to your  
18 determination of cause and manner in your external looking at  
19 the body?

10:26AM 20 A. Yes. There was a gunshot wound of the head.

21 Q. Where on the decedent's head was -- were you able to  
22 determine the entrance of the gunshot wound?

23 A. Yes. It was near the top of the head, just a little  
24 left of center, right on the top (indicating), just a little

1 left of center, yes.

2 Q. Okay. And was there an exit wound associated with  
3 this gunshot wound?

10:27AM

4 A. Yes, there was. I would need to refer once again to  
5 my notes.

6 Q. Would it refresh your memory to refer to your notes  
7 as to where the exit wound was?

8 A. Yes.

9 Q. Please do so.

10:27AM

10 A. I'll be sure I have it just right here.

11 Yes, they do classify it as an exit wound. It's  
12 on the back of the head (indicating) on the right.

13 Q. And that --

14 A. That would be the decedent's right.

10:27AM

15 Q. How do you determine which one is the entrance and  
16 which one is the exit wound?

17 A. A lot of study and a lot of training and experience.

18 Q. Okay. As far as -- fair to say you didn't recover  
19 any bullets from the victim's body?

10:28AM

20 A. Yes.

21 Q. Did you note on your internal examination any  
22 significant findings in that examination?

23 A. Yes. The pathway of the projectile.

24 Q. Okay. And what -- what specifically stood out to you



1 that determined the pathway of the projectile?

2 A. First of all, the entrance wound, and there's some  
3 features with it that I'll go into in a minute if you'd like.

4 You can see, once you open a person's head,  
10:28AM 5 where this particular pathway is going through the brain, and  
6 then you would see the exit wound on the back of the head.

7 So, once again, knowing what entrance and exit  
8 looks like, this is a simple line to connect them.

9 Q. Okay. And fair to say when you're conducting an  
10:28AM 10 autopsy, first you pull back the skin over the skull; correct  
11 (indicating)?

12 A. Correct.

13 Q. And can you see before you get to the brain you have  
14 to go through the actual cranium; correct?

10:28AM 15 A. Yes.

16 Q. And is there any -- were there any findings or  
17 significance as far as the decedent's skull was concerned  
18 before you got to the brain?

19 A. Yes.

10:29AM 20 Q. And what was that?

21 A. There was an entrance hole right at the same place of  
22 entrance, and a few radiating fractures from the entrance hole.

23 Q. Okay. And then below the cranium is where you get to  
24 the brain and the pathway of the projectile; correct?

1 A. Correct.

2 Q. And in the brain, what were the specific injuries  
3 that you saw that indicated that was the pathway of the  
4 projectile?

10:29AM 5 A. Oh, there's a friable, loose, crumbly, if you will,  
6 brain that's left in this pathway.

7 The projectile doesn't just leave a -- a line.  
8 It actually blows (indicating), if you will, energy around it  
9 in a tunnel so that the damage to the brain is bigger than one  
10 might expect with the size of the projectile.

10:29AM 11 Q. And as far as the toxicology of the decedent, fair to  
12 say there were positive results for methamphetamine or the  
13 metabolites?

14 A. Yes.

10:30AM 15 Q. And did you consider that in drawing your conclusion  
16 as to cause and manner of death for this individual?

17 A. I looked at it, but it seems the gunshot wound  
18 trumped all else.

19 Q. Okay. And fair to say your -- or, sorry, for the  
10:30AM 20 record, what is your determination as to cause and manner of  
21 death for Mr. Bly?

22 A. Reading it directly from my report: Perforating  
23 intermediate range gunshot wound of head.

24 Q. And that was the diagnosis; correct?

1 A. Correct.

2 Q. Okay. And as far as the cause of death, that was the  
3 cause as well; correct?

4 A. That is the cause.

10:30AM 5 Q. Okay. And the manner of death, did you make a  
6 determination?

7 A. The manner is homicide.

8 Q. Okay. And you prepared the report that you just read  
9 off of; correct?

10:30AM 10 A. Yes.

11 Q. So the words that you just read were your own words  
12 as you attributed to the injury and the cause of death?

13 A. Correct.

14 MS. EDWARDS: No further questions.

10:31AM 15 THE COURT: Mr. Yanez, cross.

16

17 CROSS-EXAMINATION

18 BY MR. YANEZ:

19 Q. Doctor, your opinion is that it was an intermediate  
10:31AM 20 gunshot -- intermediate range gunshot; correct?

21 A. Yes.

22 Q. Okay. And so we're clear, only one gunshot; correct,  
23 an entrance and an exit in the back right, where you indicated?

24 A. Yes.

1 Q. Okay. When you give a conclusion of inter --  
2 intermediate range, can you give us an estimate of what that  
3 means, what that range is?

4 A. Yes. Based on the trajectory and the characteristics  
10:31AM 5 of bullets striking things, an intermediate shot is one that's  
6 considered for a handgun to be within two feet of the wound.

7 So anything within just barely touching the skin  
8 out to about two feet is where this weapon was when it shot the  
9 projectile.

10:32AM 10 Q. So max distance away two feet?

11 A. Yes.

12 Q. Your opinion though is this wasn't a case of a gun  
13 being placed on the head and the trigger pulled; correct, it  
14 wasn't a contact shot?

10:32AM 15 A. Correct.

16 Q. And that's based on your findings, you didn't find  
17 soot, gunshot -- a burn around the entry hole; was that how you  
18 determine the distance?

19 A. Well, the distance is determined by a few things.

10:32AM 20 Just a little description. When a handgun is  
21 fired, what comes out the end is a little flame, projectile,  
22 soot from the burning gunpowder. And not all the gunpowder is  
23 ignited, so that some of the gunpowder comes out as gunpowder,  
24 strikes the skin and leaves little scratches in it. That's

1 what we call "stippling," or powder burns, but it's not really  
2 a burn.

3 When only a ring of soot is found, we consider  
4 that a contact wound.

10:33AM 5 If just the -- the bullet hole is there without  
6 soot or without stippling, and there's no clothing or barrier  
7 in front of it, we consider that's past two feet, or a distant  
8 shot. Anything between those is intermediate.

9 So an intermediate wound, by definition, needs  
10:33AM 10 to be -- it needs to have stippling with it to be an  
11 intermediate shot.

12 Q. And have you looked at the toxicology report in this  
13 case?

14 A. Yes.

10:33AM 15 Q. Okay. What were the significant findings in the  
16 report of the toxicologist?

17 A. There's methamphetamine present in its breakdown  
18 product.

19 Q. Okay. And its breakdown product is amphetamine?

10:33AM 20 A. Yes.

21 Q. Okay. That's the metabolite --

22 A. Yes.

23 Q. -- of methamphetamine?

24 A. Correct.

1 Q. Okay. Do you have an opinion as to the amount that  
2 was in his blood?

3 A. Yes.

10:34AM

4 Q. Okay. What's your opinion as to the amount in his  
5 bloodstream?

6 A. Very large.

7 Q. Okay. Can you give an opinion with the amount that  
8 you found -- you described it as a very large amount?

9 A. Yes.

10:34AM

10 Q. When he would have ingested that drug prior to death?

11 A. No, I don't have an opinion on that. The  
12 toxicologist might.

13 Q. Okay. You are familiar with the effects of  
14 methamphetamine?

10:34AM

15 A. Yes.

16 Q. It does include causing hallucinations?

17 A. I suppose it could. That's not one of the primary  
18 effects of meth, but if a person is on it for a long time  
19 without a break at high levels, people have been known to  
20 hallucinate on it.

10:34AM

21 Q. Okay. Aggressive behavior?

22 A. Yes.

23 Q. Irrational reactions?

24 A. Yes.

1 Q. Do you have an opinion -- amphetamine, besides being  
2 a metabolite of meth, it's also a drug in itself; correct?

3 A. Correct.

4 Q. Okay. Do you have an opinion as to whether the  
10:35AM 5 amphetamine in this case is a metabolite or was an actual drug  
6 that was ingested, or you're not able to tell the difference?

7 A. Well, in this circumstance, in this particular case,  
8 I would think the probability is high that it's the breakdown  
9 product, given that methamphetamine is there.

10:35AM 10 But just pure amphetamine is very hard to locate  
11 or obtain.

12 Q. Okay. Besides the methamphetamine and the  
13 amphetamine, any other drugs you found in Mr. Bly's blood?

14 A. I need to check the report.

10:35AM 15 Q. To refresh your memory, please take a look.

16 A. Yes.

17 Yes, there was also a product called  
18 phenylpropanolamine.

19 Q. And what is that exactly, what type of drug is that?

10:36AM 20 A. That is a stimulant-type drug also that would have --  
21 it would be in the class of drugs that amphetamine and meth  
22 would be.

23 Q. Is that something that, if someone takes  
24 methamphetamine, that is part of the meth, or is that a whole

1 different drug that would have been ingested?

2 A. Meth is a separate drug that would be ingested.

3 Q. Okay.

4 MR. YANEZ: Okay. I have nothing further,  
10:36AM 5 Judge.

6 MS. EDWARDS: Just a few.

7

8 REDIRECT EXAMINATION

9 BY MS. EDWARDS:

10:36AM 10 Q. Fair to say -- or actually, your conclusion as to  
11 cause and manner of death, is that to a reasonable degree of  
12 medical probability or certainty?

13 A. I need to have that defined before I can say yes or  
14 no.

10:36AM 15 Q. Okay. Are you familiar with the standard of  
16 reasonable degree of medical certainty?

17 A. Well, I've heard a number of definitions.

18 Q. Okay. I'll leave it at that then.

19 Based on your determination as to cause and  
10:37AM 20 manner of death, it is, in your opinion, solely contributed to  
21 the gunshot; correct?

22 A. Correct.

23 Q. And I believe I actually left the pictures with you,  
24 just a couple of quick questions.



1 A. Yes.

2 Q. Do you recall what the decedent looked like, would  
3 you recognize in a photo where the entry wound was?

4 A. I wouldn't without an identifier. In other words,  
10:38AM 5 this was done back in July, I have no memories of any of the  
6 people I've seen, unless I can see a photo of them with the  
7 identifier. It may or may not come back to me.

8 Q. And something that has the coroner's case number on  
9 that, would that be an identifier for you?

10:38AM 10 A. Yes.

11 Q. Okay.

12 MS. EDWARDS: May I approach with State's  
13 Proposed Exhibit 1?

14 THE COURT: Yes.

10:38AM 15 BY MS. EDWARDS:

16 Q. If you could look at that for me, do you see an  
17 identifier in that photograph that helps you?

18 A. Yes.

19 Q. And what is the identifier that assists you?

10:38AM 20 A. There's a small ruler tag that the police -- I  
21 believe the police use this. We have our own tags.

22 Q. But on that tag is the coroner case number that we've  
23 identified; right?

24 A. Yes, it is the coroner's case number.

1 Q. And what, as best as you can determine, is depicted  
2 in that photograph?

3 A. Well, there's a person lying on their back on our  
4 gurney. There's a lot of blood in the picture. There's some  
10:39AM 5 medical intervention in the picture, including an endotracheal  
6 tube in the mouth and a cervical collar.

7 Q. Is there anything on the head that is suggestive or  
8 indicative of the gunshot wound?

9 A. Well, I can't see it that well without being cleaned  
10:39AM 10 up, and that's what we usually do. Also, the area is usually  
11 shaven, and we look at those, but by the time I'm -- I'm  
12 examining it, we will have shaved it.

13 Q. So is that what the decedent would have looked like  
14 when he initially -- when the body was initially presented and  
10:39AM 15 the autopsy began?

16 A. Correct.

17 MS. EDWARDS: I'd move for the admission of  
18 State's Exhibit 1 based on the doctor's description.

19 MR. YANEZ: No objection for purposes of prelim.

10:39AM 20 THE COURT: It will be deemed admitted for the  
21 purpose of Preliminary Hearing.

22 (State's Exhibit 1  
23 was admitted into evidence.)

24 MS. EDWARDS: I have no further questions for

1 the doctor. Thank you.

2 MR. YANEZ: Nothing further, Judge.

3 THE COURT: Doctor, thank you so much for your  
4 time.

10:40AM 5 I'll ask that you step down, and please don't  
6 discuss your testimony with anybody aside from a representative  
7 from the District Attorney's Office or from Mr. Yanez's office.

8 Again, thank you for your time. You're free to  
9 leave.

10:40AM 10 THE WITNESS: You're welcome.

11

12 (Whereupon, at this time the witness was excused.)

13

14 THE COURT: State, call your next witness.

10:40AM 15 MS. THOMSON: We will call Officer Brosnahan.

16 THE MARSHAL: Go ahead and step up, remain  
17 standing, raise your right hand and be sworn real quick.

18

19 BRETT BROSNAHAN

10:40AM 20 called as a witness on behalf of the State,

21 having been first duly sworn,

22 was examined and testified as follows:

23

24 THE WITNESS: I do.

1 THE CLERK: Please be seated.

2 THE WITNESS: Thank you.

3 THE CLERK: Please state your name and spell it  
4 for the record.

10:41AM 5 THE WITNESS: Brett Brosnahan.

6 B-R-E-T-T, B-R-O-S-N-A-H-A-N.

7 THE CLERK: Thank you.

8

9 DIRECT EXAMINATION

10:41AM 10 BY MS. THOMSON:

11 Q. Good morning, Officer. How are you employed?

12 A. Good. I'm employed by Las Vegas Metropolitan Police  
13 Department.

14 Q. And how long have you been with Metro?

10:41AM 15 A. Four and a half years.

16 Q. Okay. Were you assigned to a call that came out in  
17 the morning hours of July 9th of 2013 at Van's Trailer Park?

18 A. I was.

19 Q. Okay. And when you arrived, what was the first thing  
10:41AM 20 that kind of dictated to you that you were in the right place?

21 A. Daniel Plumlee, a resident of the park, was standing  
22 on Las Vegas Boulevard waving me down.

23 Q. Okay. And as a result of that, did you ultimately  
24 end up at Trailer 45 within the trailer park?

1 A. I did.

2 Q. Okay. And within Trailer 45, did you encounter any  
3 individuals?

4 A. I encountered two individuals.

10:41AM 5 Q. Okay. Were they of same or different genders?

6 A. One was a male, one was a female.

7 Q. Okay. The male that you came into contact with, can  
8 you briefly describe his appearance?

9 A. The male was laying right in front of the door as I  
10:42AM 10 walked in, on his left side, in a semi-fetal position, with,  
11 through my training and experience, what I recognized as an  
12 apparent gunshot wound to the -- the head. And blood was  
13 pooling underneath the right -- I'm sorry, the left side of his  
14 head, the side he was laying on.

10:42AM 15 Q. Okay. And can you describe the appearance of the  
16 female that you made contact with?

17 A. The female was kneeling on the floor in between a  
18 coffee table and the couch, about two to three feet away from  
19 the male holding her left hand in the air with an apparent  
10:42AM 20 gunshot wound to her hand, lots of blood coming from that.

21 Q. What was her demeanor?

22 A. She was hysterical. She was crying and screaming for  
23 me to help the male subject.

24 Q. Okay.

1 MS. THOMSON: May I approach?

2 THE COURT: You may.

3 (Sotto voce at this time.)

4 BY MS. THOMSON:

10:42AM 5 Q. Showing you what's been marked as State's Exhibit 1,  
6 do you recognize the individual depicted in this photograph?

7 A. Yes. That was the male that was laying on the floor  
8 in front of the door.

9 Q. Okay. And when you observed him, he didn't have  
10:43AM 10 medical intervention; correct?

11 A. Correct.

12 MS. THOMSON: I'll pass the witness.

13 THE COURT: Cross.

14 MR. YANEZ: Briefly.

10:43AM 15

16 CROSS-EXAMINATION

17 BY MR. YANEZ:

18 Q. Officer, pursuant to your appearance there at the  
19 scene, did you interview any witnesses?

10:43AM 20 A. I'm sorry?

21 Q. Did you interview any witnesses there at the scene?

22 A. After I had contained the scene, I briefly talked to  
23 a few witnesses, yes.

24 Q. Okay. Did you record any of those interviews?

1 A. I did not.

2 Q. Okay. Did you take any notes of those interviews?

3 A. No, I did not.

4 MR. YANEZ: Nothing further, Judge.

10:43AM 5 THE COURT: Any follow up?

6 MS. THOMSON: No, Your Honor.

7 THE COURT: Officer, thank you so much for your  
8 time. I'll ask that you step down.

9 Please don't discuss your testimony with anybody  
10 aside from a representative from the District Attorney's Office  
11 or from Mr. Yanez's office.

12 Again, thank you for your time this morning.

13 THE WITNESS: Thank you.

14  
10:44AM 15 (Whereupon, at this time the witness was excused.)

16  
17 THE COURT: State, call your next witness.

18 MS. THOMSON: Judge, the State calls  
19 Bridgett Graham.

10:44AM 20 THE COURT: Were you able to get Mr. Nelson in  
21 contact with her prior to this?

22 MS. THOMSON: Yes, and he has indicated that  
23 he's finished speaking with her also.

24 THE COURT: Okay.

1 THE MARSHAL: Straight ahead, step up, raise  
2 your right hand to be sworn by the clerk.

3 THE COURT: Where is Mr. Nelson?

4 MS. THOMSON: He indicated he would be here in a  
10:44AM 5 moment.

6 THE COURT: Okay.

7 THE MARSHAL: Raise your right hand to be sworn  
8 by the clerk.

9  
10:45AM 10 BRIDGETT GRAHAM  
11 called as a witness on behalf of the State,  
12 having been first duly sworn,  
13 was examined and testified as follows:

14  
10:45AM 15 THE WITNESS: I do.

16 THE CLERK: Please be seated.

17 THE MARSHAL: Have a seat and speak into the  
18 microphone so they can all hear you.

19 THE CLERK: Please state your name and spell it  
20 for the record.

21 THE WITNESS: Bridgett.

22 THE CLERK: Spell it.

23 THE WITNESS: B-R-I-D-G-E-T-T.

24 THE CLERK: And your last name, please?



1 THE WITNESS: Graham, G-R-A-H-A-M.

2 THE CLERK: Thank you.

3 THE COURT: We're going to wait and get  
4 Mr. Nelson up here before we proceed.

10:46AM 5 (Sotto voce at this time.)

6 MS. THOMSON: If the Court -- I think I have a  
7 witness that's going to be relatively short, if we want to pull  
8 her off, put her in the room and put this other witness on  
9 while we're waiting for Mr. Nelson?

10:46AM 10 THE COURT: Ms. Graham, I'm going to ask that  
11 you step down while we just wait for your attorney to get back  
12 up here, we're going to put another quick witness on the stand.

13 MS. THOMSON: I apologize. Instead, I will call  
14 Bradley Grieve.

10:48AM 15 THE COURT: Let's call Ms. Graham back. We've  
16 got Mr. Nelson.

17 MS. THOMSON: Thank you.

18 THE MARSHAL: Go ahead and have a seat. You are  
19 still under oath.

10:48AM 20 THE COURT: Thank you, Ms. Graham. If at any  
21 time that you need to speak to your attorney, just let us know,  
22 and Mr. Nelson will be available for you.

23 You can proceed.

24 MS. THOMSON: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MS. THOMSON:

3 Q. Good morning, ma'am.

4 You received a subpoena to be present today;  
10:48AM 5 correct?

6 A. Yes.

7 Q. And you understand that that's a Court order that is  
8 not an invitation but a requirement?

9 A. Yes.

10:48AM 10 Q. Okay. And you understand that, if you did not  
11 appear, that I could seek a warrant and require your presence  
12 in custody?

13 A. Yes.

14 Q. Okay. You also understand that if you're in custody  
10:49AM 15 then that could have implications on your custody of your  
16 child?

17 A. Yes.

18 Q. Okay. And so you're here today because you don't  
19 want to be in custody; is that fair?

10:49AM 20 A. Yes.

21 Q. Do you know anyone present in the courtroom today?

22 A. Yes.

23 Q. Will you please point to the individual and describe  
24 something they're wearing today?

1 A. Gary Chambers, the inmate outfit (indicating).

2 MS. THOMSON: Let the record reflect the  
3 identity of the defendant?

4 THE COURT: It will.

10:49AM

5 MS. THOMSON: Thank you.

6 BY MS. THOMSON:

7 Q. Directing your attention back to July 9th of this  
8 year, were you in a vehicle with Mr. Chambers and his daughter  
9 on that date?

10:49AM

10 A. Yes.

11 Q. Okay. Where were you -- where did he pick you up?

12 A. Craig and Nellis.

13 Q. Okay. And were you at someone's apartment when he  
14 picked you up?

10:49AM

15 A. Yes.

16 Q. Okay. Who were -- whose apartment were you at?

17 A. Bam's.

18 THE REPORTER: Bam?

19 THE WITNESS: Yes.

20 THE REPORTER: B-A-M?

21 THE WITNESS: Mm-hmm.

22 BY MS. THOMSON:

23 Q. And were you with anyone at Bam's apartment?

24 A. No, it was me and Erica.

1 Q. Okay. So it was just you and Erica?

2 A. Yes.

3 Q. And Mr. Chambers picked you up there; correct?

4 A. Yes.

10:50AM 5 Q. Okay. Where, when you got in the vehicle, was it  
6 your understanding that you would be going with Mr. Chambers?

7 A. Home.

8 Q. Okay. And that's your home or his home?

9 A. Mine.

10:50AM 10 Q. Okay. Did you go to your home?

11 A. Um, no.

12 Q. Okay. About what time was it that he picked you up?

13 A. Um, I believe ten -- ten o'clock, 10:30.

14 Q. Okay. And after he picked you up, where did he drive  
10:50AM 15 to?

16 A. Um, a trailer park.

17 Q. Okay. Do you know the name of the trailer park?

18 A. No.

19 Q. Okay. Do you remember generally where it was  
10:50AM 20 located?

21 A. Yes.

22 Q. Okay. Generally, where was it located?

23 A. Las Vegas Boulevard.

24 Q. Okay. And when you got to the trailer park, did he

1 indicate why you were there?

2 A. Supposed to just pick up a package.

3 Q. Okay. Did he indicate that he had anything that he  
4 needed to give to anybody?

10:51AM 5 A. Yes, Bam's keys.

6 Q. Okay. And when -- once he pulled -- well, was he  
7 driving, or were you or Erica driving?

8 A. No, he was.

9 Q. Okay. Once he pulled in to the trailer park, what  
10:51AM 10 did he do?

11 A. Um, pulled up to the trailer, and he got out and went  
12 to another trailer.

13 Q. Okay. When -- while you were in the car before he  
14 got out, did you see or hear his phone ring at all?

10:51AM 15 A. Yes.

16 Q. Okay. And when it rang, were you able to see who the  
17 phone identified as the caller?

18 A. SSI.

19 Q. Okay. And did you make any comment to him about  
10:51AM 20 that?

21 A. Yes, I told him that SSI was calling, so I thought it  
22 was the Social Security.

23 Q. And did you see him answer a call from SSI?

24 A. Yes.

1 Q. Okay. And what, if anything, did you hear from his  
2 end of the conversation?

3 A. I'm walking out right now.

4 Q. Okay. And was that before he got out of the car?

10:52AM

5 A. Yes.

6 Q. Okay. And did he then get out of the car and go into  
7 the trailer that you spoke of?

8 A. Yes.

10:52AM

9 Q. Okay. When you saw him get out of the car, did you  
10 see anything in his hands?

11 A. No.

12 Q. After he got out of the car, did you -- could you see  
13 him the whole time between the time he got out of the car till  
14 the time he got back into the car?

10:52AM

15 A. Yes. I couldn't see inside of the trailer though.

16 Q. Okay. Do you know if he went into a trailer?

17 A. I just seen -- I just see him go inside the gate. We  
18 was parked down from the trailer he actually went in. I just  
19 see him go inside the gate, I didn't see him go inside the  
20 house.

10:52AM

21 Q. Okay. So you were in a position where you couldn't  
22 see the front door of that trailer?

23 A. Yes.

24 Q. Okay. Did you hear anything while he was gone from

1 the car?

2 A. Um, no, 'cause I was too busy playing a game on my  
3 phone, but I just seen workers outside and that's it.

4 Q. Okay. You didn't hear any sounds that caught your  
5 attention or concerned you?

10:53AM

6 A. Yes. After a few minutes later I heard, like, four  
7 shots.

8 Q. Okay. And after you heard the shot what did you do?

9 A. I looked at Erica, and I just said: Erica, I just  
10 heard gunshots. And I was like: Where is Dad? Where is Dad?  
11 And then she was like: Girl, you tripping --

10:53AM

12 THE REPORTER: Slow down.

13 THE WITNESS: I told her, I said: I heard  
14 gunshots, Erica, where's Dad? Where's Dad? She said: You  
15 didn't hear no gunshots, girl, you're tripping.

10:53AM

16 MR. YANEZ: I'm going to object, Judge, to any  
17 statements of Erica. They're hearsay.

18 THE COURT: Sustain it.

19 BY MS. THOMSON:

10:53AM

20 Q. Okay. After you heard the gunshot or shots, and you  
21 made statements, did you see Mr. Chambers again?

22 A. Yes. I seen him walking -- I jumped out the car  
23 'cause I was looking for him because honestly I thought  
24 somebody shot him or something, so I jumped out of the car,

1 running towards where he was -- where I seen him go in, but he  
2 was walking towards me.

3 Q. Okay.

4 A. And then we got in the car.

10:54AM 5 Q. Okay. And once he got to the car, did Erica ask him  
6 any questions?

7 A. We just asked him what happened, what was that? What  
8 was that?

9 Q. So you asked him that?

10:54AM 10 A. Yeah.

11 Q. Okay. And how did he respond?

12 A. No, he didn't say -- he didn't say nothing, he was  
13 like: Nothing, man, just come on.

14 And we got in the car and drove off.

10:54AM 15 Q. Okay. Did he, either at that point or at some point  
16 while you were in the car, indicate why he had gone to that  
17 trailer?

18 A. Um, indicated -- well, my understanding, we were just  
19 supposed to go to a trailer to pick up a package and that's it.

10:54AM 20 And -- but I didn't know anything else was going on, anything  
21 else like that. That was -- that's it.

22 And we was driving off, and he didn't really say  
23 nothing, just: He shouldn't have wrestled me. That's all I  
24 heard.



1 Q. All right. Did he ever tell you what was in that  
2 package that he was picking up?

3 A. Methamphetamine.

4 Q. Okay. And did he, at any time from the time he came  
10:55AM 5 out of the trailer to the last of your contact with him that  
6 day, tell you what had happened inside the trailer?

7 A. No. All he just kept telling me was he shouldn't be  
8 wrestling, he shouldn't have been wrestling. And that's when  
9 we kept getting phone calls to Erica's phone, Bam kept calling,  
10:55AM 10 was like: What did he do? What did he do?

11 Q. Okay, let me pause you. You can't talk about any  
12 statements, that's why I'm cutting you off.

13 A. Okay.

14 Q. At any time during your contact with Mr. Chambers  
10:55AM 15 that day did he indicate to you that the female inside the  
16 apartment had been yelling?

17 A. Um, no.

18 Q. Okay. Did you talk to police after this incident?

19 A. After the incident, only when they came to the house  
10:56AM 20 to investigate.

21 Q. Okay. And have you had an opportunity to review the  
22 transcript of the conversation you had with them?

23 A. Yes.

24 Q. Okay. Do you recall telling police that he, being

1 Mr. Chambers, said: She started screaming and yelling --

2 MR. YANEZ: I'm sorry, the page?

3 MS. THOMSON: Oh, I'm sorry. Page 54.

4 BY MS. THOMSON:

10:56AM 5 Q. That Mr. Chambers had said to you that she, being the  
6 lady inside the apartment, or the trailer, started screaming  
7 and yelling: Somebody trying to rob her, I'm trying to rob  
8 her, tell us --

9 A. No. I said -- I said I heard her say that when we --  
10:56AM 10 when I ran out the car to see 'cause I thought he got shot.

11 Q. Okay.

12 A. And then that's when I heard her say: He's trying to  
13 rob me, he's trying to rob me.

14 And I heard her yelling.

10:56AM 15 Mr. Chambers never told me that. I said I heard  
16 that.

17 Q. Okay.

18 MR. YANEZ: And I'll object to that as hearsay,  
19 Judge.

10:56AM 20 MS. THOMSON: And, Judge, if it's screaming, I  
21 think that that's a sufficient basis.

22 THE COURT: Overruled.

23 MS. THOMSON: Thank you.

24 BY MS. THOMSON:

1 Q. Do you remember telling police that Mr. Chambers  
2 said: I tried to rob her, and then they had got up and -- and  
3 so I pulled out my gun?

4 A. I never said that at all.

10:57AM

5 Q. Okay.

6 MS. THOMSON: May I approach?

7 THE COURT: You may.

8 (Sotto voce at this time.)

9 BY MS. THOMSON:

10:57AM

10 Q. I'm going to have you read just that paragraph  
11 quietly to yourself, please.

12 A. (Witness complies.)

13 Okay, yeah.

14 Q. Okay.

10:57AM

15 A. I read it.

16 Q. You've reviewed that?

17 A. Yes.

18 Q. Do you remember making that statement?

19 A. Yes. I'm sorry about that, yes, ma'am.

10:57AM

20 Q. Okay.

21 A. I couldn't remember.

22 Q. And what you told the police that day, was that what  
23 you remembered having happened?

24 A. Yes.

1 Q. Okay. Roughly, how long have you known Mr. Chambers?

2 A. Um, I never met him personally because my son's  
3 grandmother is his wife. So he always been in prison, and my  
4 son always went to go see him, but I never really seen him till  
10:58AM 5 he got out of prison, which was a year ago, and then that's  
6 when I met him, and that was like this was my first time.

7 Q. Okay. So you'd met him within the last year?

8 A. Yes.

9 Q. And this is the first time you've had contact with  
10:58AM 10 him?

11 A. Yes.

12 Q. Okay. Had you ever heard him talking before that  
13 day?

14 A. My -- about what?

10:59AM 15 Q. About anything. Have you ever had any conversations  
16 with him?

17 A. I mean we used to all hang around each other. Like,  
18 I used to live with his wife, Dawn Chambers, which is --

19 THE REPORTER: With his wife, who?

10:59AM 20 THE WITNESS: Dawn Chambers.

21 MS. THOMSON: Dawn, like D-A-W-N.

22 THE WITNESS: I used to go with them, and we  
23 used to have conversations, but not on no, like --

24 BY MS. THOMSON:

1 Q. Okay. So let me ask you, I think we might be using  
2 sort of different terms. When I ask you if you know someone, I  
3 mean have any level of contact, familiar with, like a name.  
4 Are you interpreting no as a more intimate relationship?

10:59AM

5 A. No. I just call him Dad.

6 Q. Okay. Okay. Would it be fair to say that you had  
7 had contact with Mr. Chambers, whether you lived together or  
8 you'd met each other, before the 9th of July?

11:00AM

9 A. Yes. I -- I knew him -- or me and his daughter used  
10 to live with him, but then I moved -- I moved out to another  
11 apartment with my friend.

12 Q. Okay.

13 A. And he'd come over.

11:00AM

14 Q. All right. Had you talked to him within the two days  
15 before the 9th?

16 A. Before the 9th?

17 Q. Mm-hmm.

18 A. Yes, I did talk to him.

11:00AM

19 Q. Okay. When you spoke with him within those two days  
20 before the 9th, did he make any statements to you about a  
21 robbery?

22 A. Um, he used to always, like, say something, like,  
23 watch, I'm going to come up, I'm going to come up. But we  
24 never thought he would do anything stupid because he's on

1 parole.

2 Q. What do you -- what does "I'm going to come up" mean  
3 to you?

4 A. Either get money or anything.

11:00AM 5 MR. YANEZ: I'm going to object, that's  
6 speculation, Judge.

7 She asked what she thought Mr. Chambers was  
8 referring to when he made that statement, supposedly.

9 MS. THOMSON: I think she can speak to her  
11:00AM 10 understanding affect on the listener.

11 Additionally, I can ask some follow-up  
12 questions.

13 THE COURT: I'm going to -- okay. While I  
14 understand what you're saying, Mr. Yanez, I think she's trying  
11:01AM 15 to explain what that term means, I'm going to make the State do  
16 some follow-up questions, so.

17 BY MS. THOMSON:

18 Q. Okay. The term, "I'm going to come up," is that a  
19 term that you use commonly in your sort of daily interactions?

11:01AM 20 A. Well, where we're from, when we say he's going to  
21 come up, you either go hustle, sell drugs, anything, do you  
22 understand? So that's basically what I thought, but that's  
23 never a robbery or anything, because I never thought he would  
24 do that because he's on parole. That's my feeling.

1 But it means anything, robbery, I mean selling  
2 drugs, doing anything, hustle, it doesn't matter.

3 Q. Okay.

4 MS. THOMSON: Court's indulgence.

11:01AM

5 BY MS. THOMSON:

6 Q. Did he say anything to you specifically using the  
7 term "robbery" or a term that, in your community, is known to  
8 mean robbery?

9 A. I mean, yes.

11:02AM

10 MR. YANEZ: I'm going to object as to vague and  
11 ambiguous. I'm not sure what "your community" means. I think  
12 it's a vague and ambiguous question.

13 MS. THOMSON: And I believe that was the phrase  
14 that she used to explain to come up.

11:02AM

15 THE COURT: I think she understands the  
16 question. I'll overrule it.

17 Go ahead. You can answer the question.

18 THE WITNESS: I mean, yes, he said it a couple  
19 times, he was going to hit a lick, but me and his daughter was  
20 like: Stop playing, you're not going to do that, you're on  
21 parole. You know what I'm saying? We never thought of him  
22 ever robbing anybody or hitting them or anything like that.

11:02AM

23 BY MS. THOMSON:

24 Q. And hitting a lick, is that a burglary or is that a

1 robbery, or is that just generically a crime?

2 A. Robbery.

3 Q. Okay.

4 (Sotto voce at this time.)

11:02AM 5 MS. THOMSON: Pass the witness.

6 THE COURT: Mr. Yanez, cross.

7 MR. YANEZ: Thank you.

8

9 CROSS-EXAMINATION

11:03AM 10 BY MR. YANEZ:

11 Q. Ms. Graham, the -- during the time you were at the  
12 trailer park when you heard the gunshots, during that time you  
13 were high on methamphetamine; correct?

14 A. I was coming down, yes.

11:03AM 15 Q. You had --

16 A. I was high that -- the night before.

17 Q. Okay. Well, you had taken meth the night before;  
18 right?

19 A. Yes.

11:03AM 20 Q. And you sniffed it; correct?

21 A. Yes.

22 Q. All right. And you also sniffed it the morning of  
23 July 9th; correct?

24 A. No. I did some after the event. I didn't do nothing



1 before the event.

2 Q. So your testimony is that the morning of July 9th --

3 A. I was coming down.

4 Q. Let me ask my question, please.

11:03AM 5 A. Go ahead.

6 Q. My question is: The morning of July 9th, did you  
7 take methamphetamine?

8 A. Yes, after -- when I got home, yes.

9 Q. Okay. Do you remember about what time it was?

11:03AM 10 A. It was like 11:30.

11 Q. 11:30 in the morning?

12 A. Eleven -- 11:30, twelve o'clock.

13 Q. Okay.

14 A. I believe so, I'm not sure.

11:04AM 15 Q. And was that before or after you had been to the  
16 trailer park when you heard the gunshots?

17 A. It was after.

18 Q. Okay. So you had some the night before, and then you  
19 had some after you had heard the gunshots at the trailer park;  
11:04AM 20 right?

21 A. Yes.

22 Q. Now, at no time during your interaction with  
23 Mr. Chambers, on July 9th, you never saw him with a gun;  
24 correct?

1 A. No.

2 Q. You had -- you spoke to the detectives, the police,  
3 on July 9th; right?

4 A. Yes.

11:04AM 5 Q. You actually told them that you thought you heard  
6 four gunshots; right?

7 A. Yes.

8 Q. Right?

9 A. Yes.

11:04AM 10 Q. And that's still your testimony today, you believe  
11 that there were four gunshots?

12 A. Yes.

13 Q. Your understanding of -- in talking with  
14 Mr. Chambers, in going to the trailer park, your understanding  
11:05AM 15 that Mr. Chambers was going to that trailer park to pick up  
16 methamphetamine; correct?

17 A. Yes, that's it, that's all.

18 Q. He didn't tell you: Hey, I'm going to go inside here  
19 and do a lick; right?

11:05AM 20 A. No.

21 Q. He didn't say: I'm going in here to rob this drug  
22 dealer?

23 A. No.

24 Q. You talked about the meaning of the statement: I'm

1 going to come up.

2 A. Yes.

3 Q. Right?

4 That also can mean, I'm going to make money, I'm  
11:05AM 5 going to become rich, whether it's done legally or done  
6 illegally; correct?

7 A. Right.

8 Q. All right. So it's like you're an aspiring  
9 basketball player or rap star, you can say: I'm going to come  
11:05AM 10 up -- that's basically the same thing; correct? I'm going to  
11 make it big time?

12 A. Right.

13 Q. Okay. So when you heard Mr. Chambers say, I'm going  
14 to come up, he never said I'm going to come up because I'm  
11:05AM 15 going to rob people and make money, he just said: I'm going to  
16 come up?

17 A. Right.

18 Q. You testified that you had heard Mr. Chambers say  
19 that he was going to do a lick in the past?

11:06AM 20 A. Yes, in the past it was like three weeks before the  
21 prior of that day, of July 9th. He's always said that, but we  
22 never -- I never believed it.

23 Q. Did he tell you specifically that directly to you?

24 A. I mean he told -- he told me and my sister that

1 before -- he's going to do a lick, he was going to come up, but  
2 we never believed him.

3 Q. Do you remember where you were at when he told you  
4 that?

11:06AM 5 A. It was at his house.

6 Q. Do you know who else was present, who else would have  
7 heard him say that?

8 A. It was just me, him and his daughter and a little  
9 girl, his girlfriend was in her room.

11:06AM 10 Q. So when you say his daughter you mean Erica?

11 A. Yes.

12 Q. Okay. So you, Erica and Mr. Chambers?

13 A. Yes.

14 Q. Was there anyone else present?

11:06AM 15 A. No.

16 Q. Do you remember your interview with Detective Bunting  
17 on July 9th?

18 A. Yes.

19 Q. Do you remember how much time, hours or minutes,  
11:07AM 20 before you had taken meth? In other words, how much time  
21 passed in between you taking meth and your interview with the  
22 police?

23 A. Um, it was three hours before they got there.

24 Q. And you'd agree that when the interview with the

1 police started they told you to be truthful?

2 A. Yes.

3 Q. Right? And they actually threatened you with  
4 charging you with being an accessory to murder; right?

11:07AM 5 A. Yes.

6 Q. Is it fair to say that the questions that the  
7 detective asked you, they were looking for you to say that  
8 Gary Chambers had a gun?

9 A. I was just -- honestly, I was just thinking of my  
11:08AM 10 kids and everything, and which is something -- I didn't -- I  
11 didn't know nothing about a robbery or nothing like that.

12 He used to say that, yeah, but we never thought  
13 he would actually do one, we didn't know nothing about that  
14 day. We just thought he was going to get some dope, and then  
11:08AM 15 we was going to leave.

16 Q. During the time you were being questioned by the  
17 police, were your kids in the custody of CPS?

18 A. No. My -- my son lives with his -- with  
19 Dawn Chambers.

11:08AM 20 My first son lives with his aunt.

21 And my daughter, she's with her God mom.

22 Q. So no kids were in the custody of CPS during the time  
23 you were being interviewed on July 9th?

24 A. No.

1 MR. YANEZ: I have nothing further at this time,  
2 Judge.

3 THE COURT: Any redirect?

4 MS. THOMSON: No, Your Honor.

11:09AM

5 THE COURT: Ma'am, thank you so much for your  
6 patience and your testimony. We all ask that you step down.

7 Please don't discuss with anyone your testimony  
8 aside from a representative from the District Attorney's Office  
9 or Mr. Yanez's office, or I'm going to keep Mr. Nelson on your  
10 case.

11:09AM

11 So, Mr. Nelson, you're going to be officially  
12 appointed on this until the conclusion of the case.

13 So if you have any questions as to what's going  
14 on, Ms. Graham, get in contact with Mr. Nelson, he'll give you  
15 his card today. All right?

11:09AM

16 THE WITNESS: Thank you.

17 MR. NELSON: I would just ask for -- request  
18 from the DA's Office a copy of the Arrest Report or the Police  
19 Report to give her a full understanding of what's going on.

11:09AM

20 THE COURT: I'll make sure that they get a --  
21 make sure they get -- Mr. Nelson gets a copy of the general  
22 discovery packet, and we'll make sure that Mr. -- Drew's office  
23 knows that we kept you on the case.

24 MR. NELSON: Thank you, Your Honor.

1

2

(Whereupon, at this time the witness was excused.)

3

4

THE COURT: All right. State, call your next  
11:09AM 5 witness, please.

6

7

MS. THOMSON: The State calls Daniel Plumlee --  
or, actually, you know what, I forgot that we put, let's take  
8 Bradley Grieve. Sorry.

9

THE MARSHAL: Go ahead and step up. Remain  
11:10AM 10 standing. Raise your right hand and be sworn by the clerk.

11

12

BRADLEY GRIEVE

13

called as a witness on behalf of the State,

14

having been first duly sworn,

11:10AM

15

was examined and testified as follows:

16

17

THE WITNESS: I do.

18

THE CLERK: Please be seated.

19

Please state your name and spell it for the

11:10AM

20

record.

21

THE WITNESS: My name is Bradley Grieve.

22

B-R-A-D-L-E-Y; Grieve, G-R-I-E-V-E.

23

THE CLERK: Thank you.

24

MS. THOMSON: May I proceed?

1 DIRECT EXAMINATION

2 BY MS. THOMSON:

3 Q. Good morning, sir.

4 Directing your attention -- I'm sorry. She took  
11:11AM 5 my Complaint so I'm a little -- back to July 9th of this year,  
6 where were you living at that time?

7 A. I was at 3610 North Las Vegas Boulevard in the  
8 trailer that's used as the office, Number 48.

9 Q. Okay. And on July 9th, did something happen that  
11:11AM 10 ultimately caused you to have contact with police officers?

11 A. Yes. I was coming back from Lowe's hardware, and  
12 when I came into the park, I heard this yelling. And it was  
13 right by the office, so I pulled my truck over because it  
14 was -- I heard it inside my truck and I had closed windows.

11:11AM 15 And, um, and so I parked it, and I got out of  
16 the car, and that's when I -- I heard some more yelling, and  
17 then I heard shots from a weapon.

18 Q. Okay. Where did you hear the yelling coming from?

19 A. I didn't know at first, but when I got out of the  
11:12AM 20 truck, I could -- I recognized it was Lisa, the woman that  
21 lived in Number 45.

22 Q. Okay.

23 A. Her voice.

24 Q. Okay. Did you see Lisa leaving here today earlier?



1 A. No. No.

2 Q. Okay. Have you been directly outside the door the  
3 whole day?

4 A. Yeah.

11:12AM 5 Q. Okay. You have not gone to smoke or anything?

6 A. Oh, yeah, I've gone to smoke.

7 Q. Okay. So you haven't necessarily seen everyone who  
8 was coming in and out of the courtroom?

9 A. No.

11:12AM 10 Q. Okay. So you recognized the yelling coming from  
11 Trailer 45. Did you see anyone coming out of that trailer as  
12 you came up?

13 A. Well, after -- after the, um, when I heard the shots,  
14 I still heard her yelling and, um -- and so I knew she was  
11:13AM 15 okay, and, um, I walked into her -- into her yard, and I got to  
16 the bottom of her stairs, and, um, that's when I saw an  
17 individual come out and, um, um -- and, um, he looked at me, I  
18 looked at him, and all he said was that that bitch was crazy.

19 And, um -- and, um -- and then I stepped back,  
11:13AM 20 and he walked past me and went out the yard.

21 Q. Okay. The individual that you saw come out of the  
22 trailer, did you see anything in his hands?

23 A. Well, I -- when he's coming down the stairs, I  
24 noticed that he -- there was a revolver in -- or I mean, not a

1 revolver, but a gun in his pocket, and he was gripping the butt  
2 of the gun, and it was about three-quarters of the way out of  
3 his pocket.

11:14AM 4 Q. Okay. And where did he go as he left the trailer, if  
5 you know?

6 A. Well, all I know is that he walked past me, and he  
7 went out the gate, and he made a right and went down towards  
8 the front entrance of the park. But I didn't see him actually  
9 walk down there because, when he left the gate of her yard, he  
11:14AM 10 just walked in the other, you know, I couldn't see him after  
11 that.

12 Q. Okay. Where did you go?

13 A. I went up into the trailer.

14 Q. Okay. And when you got into the trailer what did you  
11:14AM 15 see?

16 A. Right by the door, I, um, saw this individual that  
17 was staying with Lisa, his name was Gary, and he was laying by  
18 the side of -- close to the door.

19 Q. Okay.

11:14AM 20 A. And I saw what looked like a head wound, and, um --  
21 and, um, he was shaking, and, um, I knelt down, and I got to  
22 his shoulder, and I said: Hold on, Gary, the paramedics are  
23 here.

24 Q. Okay.

1           A.    And then Lisa, the woman that was living there too,  
2 she was screaming, and she was pretty hysterical, and so I got  
3 her to go over and sit on her couch, and I told her more or  
4 less the same thing, and then I exited the trailer.

11:15AM

5                       And at that time, I -- there wasn't a lot of  
6 blood at first with that -- with Gary, and when I -- by the  
7 time I left, there was a pretty big pool of blood.

8           Q.    While you were inside the trailer, did you see anyone  
9 other than Gary and Lisa?

11:15AM

10          A.    No.

11          Q.    Okay. Did you see anyone leaving the trailer other  
12 than the individual that you crossed paths with at the stairs?

13          A.    No.

11:16AM

14          Q.    Okay. After you left the trailer, at some point that  
15 day, did you have contact with a -- an individual or more than  
16 one individual of law enforcement?

17          A.    Oh, yeah. As soon as I walked out of the trailer,  
18 there was, um, a police officer by the gate and, um -- and I  
19 just relayed -- I just told him basically what I told you, and  
20 he was making calls and stuff like that.

11:16AM

21          Q.    Okay. Sometime later that day, did a detective ask  
22 you to look at some pictures?

23          A.    Yes.

24          Q.    Okay.

1 MS. THOMSON: May I approach?

2 THE COURT: You may.

3 (Sotto voce at this time.)

4 BY MS. THOMSON:

11:16AM

5 Q. Showing you what's been marked as State's Proposed  
6 Exhibit 9, specifically page 2, have you seen this page before?

7 A. Yes.

8 Q. Okay. And is there a signature on this page that you  
9 recognize?

11:16AM

10 A. Yes, it's on Number 3.

11 Q. Okay. And is it your signature?

12 A. Yes.

13 Q. Okay. Is this a true and accurate copy of the  
14 photographs that you were shown that day?

11:17AM

15 A. Yes.

16 Q. And with regard to page 1, there is some handwriting  
17 on the bottom half of this page. Do you recognize that  
18 handwriting?

19 A. Yes. That is my -- it looks like mine.

11:17AM

20 Q. Okay. And is that an accurate copy of the  
21 handwriting or what you wrote on the day when you saw the  
22 photos?

23 A. Yes.

24 Q. Okay. And I see that you have your Voluntary

1 Statement up on the stand with you. As you've testified here  
2 today, has it been from memory, or have you been reading the  
3 statement?

11:17AM 4 A. Oh, I've read it and I've read it when they first  
5 gave it to me, but it's from memory.

6 Q. Okay. Let me have you turn it over so we don't have  
7 any confusion.

8 A. Okay.

9 Q. Thank you.

11:17AM 10 Are you familiar with a Leo McGowan?

11 A. Yeah.

12 Q. Okay. Did you see him that day at Trailer 45?

13 A. No.

14 Q. Had you seen him that day at all?

11:18AM 15 A. I'm not sure.

16 Q. Okay.

17 A. I'm not sure.

18 MS. THOMSON: Pass the witness.

19 THE COURT: Cross.

11:18AM 20

21 CROSS-EXAMINATION

22 BY MR. YANEZ:

23 Q. Mr. Grieve, are you the manager of the maintenance  
24 department there at the trailer park?

1           A.    I was -- at that time I was filling the position of  
2 the manager plus the head of maintenance, and that's what I  
3 did. I did both jobs at the time.

4           Q.    Okay. Is that where you're still currently employed?

11:18AM

5           A.    Yes.

6           Q.    Okay. How many gunshots did you hear?

7           A.    I heard a -- I heard a bang and then a bang-bang,  
8 and -- three shots.

11:18AM

9           Q.    Okay. So your memory is you heard three shots that  
10 morning?

11          A.    Yeah, yeah.

12          Q.    Within a 48-hour period before those gunshots that  
13 you heard, going back 48 hours, did you take any type of drugs,  
14 whether prescription drugs, illegal drugs, any type of medicine  
15 or medications?

11:19AM

16          A.    No, not at all.

17          Q.    Do you have any prior felony convictions, sir?

18          A.    Oh, yes.

19          Q.    Okay. What -- any within the last ten years?

11:19AM

20          A.    No, I don't think so.

21          Q.    Okay. Have you completed any term of probation or  
22 parole within the past ten years?

23          A.    Yeah, parole.

24          Q.    Okay. When did you finish -- and I'm assuming the

1 parole was for a felony?

2 A. Yes. Yes.

3 Q. Okay. When did you expire that term of parole?

4 A. It was when I first came to Las Vegas, about eight  
5 years ago.

11:19AM

6 Q. Okay. Was that for a conviction here in Nevada or a  
7 different state?

8 A. No. It was in California.

9 Q. Okay. What was the conviction or convictions for?

11:19AM

10 A. It was for manufacturing.

11 Q. Manufacturing drugs?

12 A. Yes.

13 Q. Okay. Any drug in particular?

14 A. Yeah, methamphetamine.

11:19AM

15 Q. Okay. Anything else within the past ten years,  
16 felony convictions or parole or probation?

17 A. No, not at all.

18 Q. I'm sorry, one more question. What city was that  
19 conviction out of?

11:20AM

20 A. Um, it was out of, um, Mira Loma.

21 Q. I'm sorry?

22 A. Mira Loma.

23 Q. Okay.

24 A. As in San Bernardino Courts.