

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LAMAR CHAMBERS

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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S.Ct. No. 73446
D.C. No. C292987-1

APPELLANT'S APPENDIX

Volume 9

JEAN J. SCHWARTZER, ESQ
Nevada Bar No. 11223
Law Office of Jean J. Schwartzer
10620 Southern Highlands Pkwy
Suite 110-473
Las Vegas, Nevada 89141
(702) 979-9941
Attorney for Appellant

STEVEN B. WOLFSON, ESQ.
Nevada Bar No. 1565
Clark County District Attorney
Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

Chambers v. State Case No. 73446

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1 we're on the same page so no one's confused. You did testify
2 at the preliminary hearing that you sold drugs to Gary
3 Chambers, right?

4 A Yeah.

5 Q Okay. You'd agree with me that you never told that
6 to the detective when he interviewed you on July 9th, right?

7 A Correct.

8 Q You also testified at the preliminary hearing, again
9 under oath, that you didn't take any illegal drugs within 48
10 hours of the shooting on July 9th. Do you remember saying
11 that?

12 A Yes.

13 Q And again, that was under oath, correct?

14 A Yes.

15 Q That wasn't the truth, was it?

16 A That was the truth.

17 Q Didn't you tell the doctors at UMC that the last
18 time you used meth was the day before?

19 A No.

20 Q You didn't say that?

21 A I don't remember saying that.

22 Q The truth, ma'am, is that on July 9th, on that
23 morning, Gary Chambers came over to your house to buy
24 methamphetamines, right?

25 A I don't know.

1 Q He took out his wallet to pay you for the
2 methamphetamines when he walked into your trailer, right?

3 A Not that I know of.

4 Q He gave you money, didn't he?

5 A No, he did not.

6 Q It wasn't the full amount you were asking for,
7 right?

8 A He never had money.

9 Q You got upset with him because he wasn't giving you
10 the full amount. That's what the argument was about, was it
11 not, ma'am?

12 A No, it was not.

13 Q He was breaking a house rule, wasn't he?

14 A What, coming at nine, 10 o'clock in the morning?

15 Q No. He was breaking the house rule that says
16 nothing personal, just business. Any rules are broken I will
17 stab you in the neck.

18 A Well, that's not me saying that. That's not me
19 writing that. And that was not my sign. That was Leo's sign.
20 That had nothing to do with me.

21 Q When you and Gary Chambers starting arguing over the
22 amount of the money, you started accusing him of trying to
23 shortchange you and trying to rob you.

24 A Wrong.

25 Q Gary Bly came out of the back of the trailer and

1 confronted him, didn't he?

2 A He confronted him, yes.

3 Q He chest bumped, didn't he, got in his face.

4 A Yes, I believe so.

5 Q And Mr. Bly's the one that had the gun.

6 A No.

7 Q And then a struggle ensued between Gary Chambers and

8 Gary Bly and the gun went off. Isn't that true, ma'am?

9 A It's true that there was a chest bump, there was a

10 struggle, there was confrontation. But Gary had no -- Gary

11 Bly had no weapons and it had nothing to do with any money

12 because there was no money.

13 Q Ma'am, when did you get out of the hospital after

14 July 9th?

15 A Three days later.

16 Q So the 12th, approximately?

17 A Somewhere around there.

18 Q And you went back to your trailer, right?

19 A Correct.

20 Q When you went back to your trailer, you found

21 something that belonged to Gary Chambers, didn't you?

22 A Sure did.

23 Q Okay. You found his wallet, right?

24 A Correct.

25 Q Again, this is after the incident, after you had

1 been at UMC for three days, right?

2 A Correct.

3 Q His identification was inside of his wallet, right?

4 A Correct.

5 Q But you didn't call the police.

6 A No.

7 Q You called a neighbor named Daniel Plumlee, right?

8 A Correct.

9 Q You told him about finding Gary Chambers' wallet and
10 ID inside of your house.

11 A Correct.

12 Q And you gave that to Daniel Plumlee, right?

13 A I let him pick it up and take it, yes.

14 Q Where did you find Gary Chambers' wallet and ID?

15 A On the coffee table.

16 Q Let me show you Defendant's Exhibit F. Is this the
17 coffee table you're referring to?

18 A Yes.

19 Q Where on that coffee table did you find it?

20 A I believe my purse wasn't there when I got home, and
21 it was somewhere around there where the purse is now.

22 Q Can you go ahead and mark it on the screen so the
23 jury can see?

24 A Underneath the books, behind the purse somewhere.
25 It was like right after here (indicating), up here more.

1 Right over here. General vicinity, real close.

2 Q You'd agree with me that in that picture that you
3 just saw, and I can put it back up there, his wallet is
4 nowhere to be found, right?

5 A What do you mean? Oh, on that picture?

6 Q Correct.

7 A Can't see it through the purse and the phone book
8 and whatever else is there.

9 Q Okay. So you'd agree with me in this picture you
10 cannot see this wallet or ID that you claim was left there,
11 right?

12 A Not on this picture, no.

13 THE COURT: When was that photo take?

14 MR. YANEZ: July 9th.

15 THE COURT: That was by the investigators right
16 after the incident?

17 MR. YANEZ: That's my understanding.

18 THE COURT: She's at the hospital already?

19 MR. YANEZ: Correct. That's what the CSA testified
20 to earlier.

21 THE COURT: So she went to the hospital without her
22 purse?

23 MR. YANEZ: I don't know, Judge.

24 THE COURT: I'm just trying to understand -- all
25 right. I'm trying to make sure that the jury understands the

1 facts and doesn't speculate as to anything. Go ahead.

2 MR. YANEZ: Thank you.

3 BY MR. YANEZ:

4 Q Ma'am, do you know what the State of Nevada Victims
5 of Crime Program is?

6 A A little bit.

7 Q Okay. That's a program that the State of Nevada has
8 that allows people who are victims of crimes to apply for
9 financial assistance, right?

10 A So I've been told.

11 Q And you actually applied for it, right?

12 A Yes.

13 Q Okay. And that program can help with loss of
14 income, right?

15 A So they say.

16 Q Paying rent for you to live somewhere?

17 A It said relocating on the paperwork.

18 Q Okay. And were you granted any money?

19 A No.

20 Q Do you know why you were not granted any money?

21 A Because the case is not closed, it's pending.

22 Q It's not because you're a drug dealer?

23 A No, it's not because I was a drug dealer or am.

24 Q Now, on July 9th, you had a lot of cash on your
25 person, in your clothes, right?

1 A I don't know what you consider a lot of money. It
2 was half of my rent.

3 Q Okay. And how much was that?

4 A Three hundred dollars.

5 Q Okay. So you had about \$300 in your pockets?

6 A No.

7 Q Okay. Where was it at?

8 A On my person.

9 Q Okay. Where do you store your money at, ma'am? I
10 don't know.

11 A In my personal safe.

12 Q Okay. And you're pointing to your chest.

13 A My chest.

14 Q Okay. So in your bra or --

15 A Yes.

16 Q And the police eventually find that money or become
17 aware of that money, right?

18 A After they took my clothes, yes. I'm sure they did.

19 Q Do you remember the police taking pictures of the
20 money?

21 A No.

22 Q Okay. So you had about \$300, right?

23 A Correct.

24 Q That's the \$300 that's on you when Gary comes over
25 on July 9th, right?

1 A Yes.

2 Q And you also had some jewelry you were wearing,
3 right?

4 A Correct.

5 MR. YANEZ: Court's indulgence. Judge, we have a
6 stipulation as to Defendant's Exhibit G, which is a photograph
7 that I'm going to show the witness.

8 THE COURT: That's fine. You may show her.

9 MR. YANEZ: Thank you.

10 BY MR. YANEZ:

11 Q Ma'am, showing you this exhibit. That's some of the
12 jewelry that you had on you when Gary came over your house on
13 July 9th, right?

14 A Yes.

15 Q This was actually taken off of you when you went to
16 UMC, correct?

17 A Correct.

18 Q The \$300 that you had, Gary never tried to take that
19 from you, right?

20 A I don't know how to answer that.

21 Q Well, he didn't -- it's a yes or no answer.

22 A He didn't get it.

23 Q He didn't try to take it either, right?

24 A No.

25 Q He didn't try to take the jewelry that I just showed

1 you, right?

2 A No.

3 Q Okay. In fact, Gary didn't take anything from you
4 or from your trailer on July 9th, right?

5 A It depends how you would like me to answer that.
6 Took a life, took part of me.

7 Q Ma'am, in the context that I'm talking about --

8 A Monetary or materialistic, no, he didn't, that I
9 know of.

10 Q He took no personal property --

11 A That I know of. Nothing that I had on me.

12 Q Let me finish my question. You've already told the
13 jury that he didn't take any personal property from you, cash,
14 jewelry, nothing, correct?

15 A Correct.

16 Q He didn't take any personal property from Gary Bly,
17 correct?

18 A Correct.

19 Q The truth of the matter is that Gary never tried to
20 rob you, did he?

21 A I don't know what he was there for. No, he didn't
22 rob me.

23 Q And when you testified at the preliminary hearing
24 under oath, you also told us back then that Gary Chambers
25 never mentioned anything about a robbery, right?

1 A No, he did it -- well, no, he didn't mention that.

2 MR. YANEZ: Nothing further. Thank you, Judge.

3 THE COURT: All right. Let's have redirect.

4 MS. THOMSON: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. THOMSON:

7 Q When you say that Lenny [sic] didn't try to take
8 anything from you, do you mean that he did not physically try
9 to remove items from you or that he did not demand anything
10 from you?

11 A He did not physically try to remove anything.

12 Q And that photograph you were just shown of the
13 jewelry, those rings, were they cut off your fingers?

14 A Yes, they were.

15 Q So they were not in that condition when they were on
16 you.

17 A No.

18 Q The \$264 that you had, the rent money that you had
19 on you, would you agree that those were all twenties and four
20 ones?

21 MR. YANEZ: Your Honor, I'm going to object. It
22 misstates the evidence. I believe she said \$300.

23 THE COURT: Well, what's your basis of saying 264
24 now?

25 MS. THOMSON: Because counsel said you had \$264 on

1 you; isn't that correct? And she said, yes, approximately.

2 MR. YANEZ: No. I believe she said she had 300,
3 but --

4 THE COURT: Well, I'll let you answer the question
5 because I don't remember the specific number.

6 BY MS. THOMSON:

7 Q Do you remember how much you had on you?

8 A To the best of my recollection, I thought it was
9 about half of my rent. Probably was the 264, yes, because
10 that's what it took me to get my car out of impound.

11 Q Was that money that you got back from the police
12 after you were released from the hospital or back from the
13 hospital?

14 A Yes, the hospital.

15 Q Okay. So the police never took it.

16 A Correct.

17 Q And would you agree that the money that you got back
18 was all twenties and four ones?

19 A I can't remember.

20 Q Okay. Did you take your purse to the hospital with
21 you when you went to the hospital that morning?

22 A No, not that I know of. No.

23 Q Fair to say that when you left in the ambulance your
24 concern wasn't about the property in the house?

25 A Correct.

1 MR. YANEZ: I'm going to object as to leading,
2 Judge.

3 THE COURT: Overruled. Go ahead.

4 BY MS. THOMSON:

5 Q When you found the wallet that had the defendant's
6 ID in it in your home, you didn't throw it away.

7 A No.

8 Q And did you go through it before you called --

9 A I didn't even touch it.

10 Q You called --

11 A Dan.

12 Q And you had him come get it.

13 A Yes.

14 Q I'm going to ask you kind of a sensitive question.
15 You don't have to give me specific details. Is it fair to say
16 that Gary Bly was pretty sick?

17 A Yeah.

18 Q And we're not talking about like mental health
19 issues.

20 A (Witness shakes head no.)

21 Q Was Leo McGowan at your home that day before you
22 were taken to the hospital in the ambulance?

23 A He wasn't there that morning when the three of us
24 were there, no.

25 Q And can you describe what Leo looked like at that

1 time?

2 A Short, blond, Irish-looking guy, five-five maybe,
3 blond hair, maybe blue or hazel eyes. I think he -- I don't
4 know if he had like a Mohawk or kept it braided at that time.
5 It's hard to remember.

6 Q Is it fair to say that he had hair, though, he
7 wasn't bald?

8 A Oh, yeah, he was not bald.

9 Q Wasn't shaved clean?

10 A No.

11 Q You were asked a question early on about whether you
12 had told the detectives that you believed that Money had come
13 looking for Gary Bly, and Mr. Yanez told you that you had said
14 that they were looking for them. Do you remember saying that?
15 Or looking for Bly, I'm sorry.

16 A I don't remember saying that. He could have been
17 looking for him. Didn't know why he was coming over.

18 Q Do you remember the detective asking you, and I'm on
19 page 58, "All right. I mean, the way you're describing this
20 to me, he didn't come there and have anything to do with Gary.
21 He wasn't even looking for Gary." And you responded today,
22 "No, it didn't see like it. No."

23 A We never got that far. I mean, I was heavily
24 medicated. I mean --

25 Q So, do you remember having that interaction with the

1 detective?

2 A Actually saying that to the detective?

3 Q Uh-huh.

4 A No, I don't really remember saying that.

5 Q Okay.

6 MS. THOMSON: Court's indulgence. I'll pass the
7 witness.

8 THE COURT: Recross.

9 MR. YANEZ: Nothing further, Judge.

10 THE COURT: Anything from the jurors? You have one?
11 Go ahead and write it down. Make sure you write your name and
12 your juror number.

13 JUROR NO. 7: It might have already been answered.
14 I'm not sure.

15 THE COURT: Go ahead and write it down anyway and
16 we'll take a look. You guys can approach.

17 (Bench conference transcribed as follows)

18 THE COURT: Okay. We can ask her. I'll just ask
19 her.

20 (End of bench conference)

21 THE COURT: So I'm going to give this question. It
22 says, "What did she say the gun looked like?" The question
23 is, what do you recall the gun looked like?

24 THE WITNESS: Black, and in a black nylon-like
25 holster, cloth-like holster, black.

1 THE COURT: All right.

2 MS. THOMSON: Your Honor, may I ask a follow-up
3 question?

4 THE COURT: Yes. I'll let both of you ask a follow
5 up if you want.

6 MS. THOMSON: Thank you.

7 BY MS. THOMSON:

8 Q How familiar are you with firearms?

9 A Not that familiar.

10 Q Do you know the difference between a revolver and a
11 semiautomatic?

12 A Through the western movies, I believe so, yes.

13 Q Do you remember if what you saw was a revolver or a
14 semiautomatic or did you have an opportunity to really see?

15 A I can't say. I can't say for sure what I remember
16 seeing.

17 MS. THOMSON: I have no further questions.

18 THE COURT: Anything?

19 MR. YANEZ: No, Judge.

20 THE COURT: All right. I have a question. Gary
21 Bly. First of all, how do you spell Bly?

22 THE WITNESS: B-l-y.

23 THE COURT: So if I understand, you said he had
24 moved out. He had lived there some time and he wasn't living
25 there at the time of the incident. Is that what I heard you

1 say?

2 THE WITNESS: Yes. He had spent the night -- he
3 spent -- that's the night before because we were going to go
4 handle his business. So, yes, he had stayed with me. He
5 moved out three or four days prior. Then he spent the night
6 so we could get up and go take care of --

7 THE COURT: Okay. That clarifies that. So he did
8 spend that night before.

9 THE WITNESS: Yes.

10 THE COURT: So you both woke up at the same place.

11 THE WITNESS: Yes.

12 THE COURT: All right. Very good. I just needed to
13 clarify that. Anything else?

14 MS. THOMSON: No, Your Honor.

15 THE COURT: All right. You are excused then. Thank
16 you very much for your time. Please watch your step, ma'am.

17 I plan to take a break at this time. Tomorrow is
18 Friday. Can we start at nine tomorrow, folks? We're not done
19 yet. Nine too early? We've got to keep moving. I'm trying
20 to get this done as soon as we can.

21 Ladies and gentlemen, I'm going to excuse you. I'm
22 going to direct that you be back here ready to go at nine in
23 the morning. Again, you can bring in coffee or juice, water.

24 During this overnight recess you are admonished not
25 to converse among yourselves or with anyone else on any

1 subject connected with the trial. Do not read, watch, or
2 listen to any report of or commentary on the trial or any
3 person connected with the trial by any medium of information
4 including, without limitation, newspapers, television, radio,
5 or Internet. And do not form or express any opinion on any
6 subject connected with the trial until the case is finally
7 submitted to you. And do not perform any research about this
8 case, the facts of the case, the subject matter of the case,
9 or the issues of the case.

10 With that, you are excused. Please be safe
11 overnight and we'll see you back here tomorrow. Please leave
12 your notes. They'll be left right where they are for you to
13 resume tomorrow.

14 (Jury recessed at 4:48 p.m.)

15 THE COURT: Have a seat for a second. I noticed
16 yesterday when the clerk read the charges from the
17 information, what she read didn't include Count Six. There
18 might have been some agreement to remove Count Six. I checked
19 the file and I don't see an amended information yet. Is that
20 something that you're going to do or what --

21 MS. THOMSON: Well, I just assume, and maybe that
22 was my fault with Mr. Yanez, I have never done a trial with an
23 ex-felon in possession where they asked to not have the
24 ex-felon in possession separate because, of course, that
25 informs the jury that he's a robber and a kidnapper.

1 THE COURT: Oh. That's why it was omitted from the
2 reading.

3 MS. THOMSON: Right.

4 THE COURT: All right. That explains it. So by
5 separate, what do you mean? Do you mean am I still going to
6 -- well, how are we going to sentence him on that charge?

7 MS. THOMSON: My experience, what happens is we --

8 THE COURT: Or adjudicate him on that charge.

9 MS. THOMSON: We do the first five counts, jury does
10 their thing, they come back and they say this is what we have
11 decided. And then we say surprise, here's Count Six, and then
12 pretty much --

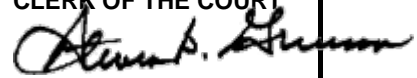
13 MR. YANEZ: That's my understanding as well.

14 MS. THOMSON: -- the argument on Count Six is here's
15 the certified JFCs. Thank you. And then they go back and
16 they do their thing and they come back and they say here's our
17 verdict on Count Six. Then we say good news or not good news,
18 you're done.

19 THE COURT: We'll do it that way. Thank you for
20 explaining it. Thank you very much.

21 So Court is adjourned. We'll see you guys back here
22 at nine. All right?

23 (Court recessed for the evening at 4:49 p.m.)
24
25



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C292987-1
)	DEPT NO. II
vs.)	
)	
GARY LAMAR CHAMBERS,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE RICHARD SCOTTI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

FRIDAY, FEBRUARY 24, 2017

APPEARANCES:

For the State:	MEGAN S. THOMSON, ESQ. Chief Deputy District Attorney BRYAN S. SCHWARTZ, ESQ. Deputy District Attorney
For the Defendant:	ABEL M. YANEZ, ESQ.

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1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 24, 2017, 9:07 A.M.

2 * * * * *

3 (Outside the presence of the jury.)

4 THE COURT: -- 2987. Something to put on the
5 record?

6 MS. THOMSON: Yes, Your Honor. We wanted to sort of
7 bring it before the Court. We're not entirely prepared to
8 file the motion to do audio visual testimony. The motion
9 requires certain documents attached to include a document that
10 has signature from the individual who will be testifying audio
11 visually. That has been provided to Maricopa County. They
12 are getting the signature from the witness and sending it back
13 to us. We just haven't gotten it back yet today.

14 THE COURT: Very good.

15 MS. THOMSON: What happened this morning in the
16 hearing in Maricopa County that was pursuant to the motion to
17 compel, is she was brought before the court, she did appear.
18 She indicated to the court she could not travel because of
19 stress and having recently had a heart attack. The court did
20 not order her to travel and did not place her into custody,
21 obviously. However, did order her to testify via -- they use
22 the word Skype, but basically audio visually.

23 As a result of that, we have -- they have ordered
24 her that she must either testify today or Monday and they're
25 doing their paperwork on their end. We have the motion to

1 provide to the Court, but it is not complete yet because we
2 have not yet gotten that document back from them.

3 THE COURT: Sounds like you've been busy.

4 MS. THOMSON: Yes, sir.

5 THE COURT: All right. Appreciate you updating the
6 Court, so I won't address the issue until it's presented to
7 me.

8 MR. YANEZ: I'm just going to inform the Court, I'm
9 going to strongly object to this type of testimony. I would
10 refer the Court, I did a very cursory review of the case law,
11 but I think it's --

12 THE COURT: If you want to provide something for me
13 to look over at lunch or something, that would be great.

14 MR. YANEZ: A couple of things. Again, this is
15 cursory, Judge. There's a Nevada Supreme Court case that
16 speaks to face-to-face confrontation. It's Smith vs. State,
17 and the Nevada cite is 111 Nevada 499. And the Supreme Court
18 there talks about one of the components of the confrontation
19 clause, both under the Nevada and U.S. Constitutions, is not
20 only the ability to cross-examine, but the ability to have
21 your accuser before you. The Supreme Court put it as always
22 more difficult to tell a lie about a person to his face than
23 behind his back.

24 THE COURT: You don't need to summarize it, I'm
25 going to read it. In fact, she's going to pull it up for me

1 so I can look at it right while we're doing business today and
2 she's going to key site it also to make sure that any other
3 relevant authority is brought to my attention.

4 MR. YANEZ: One last case, Judge, that's actually
5 specific to Skype-type video technology. It's a Supreme Court
6 case of New Mexico that came down less than a year ago. The
7 cite on that is 376 P3rd, 184. It's State versus Thomas.
8 Although it's a New Mexico Supreme Court case, it does
9 interpret federal law, which would also be binding on Nevada
10 courts.

11 THE COURT: All right. Looks like you've been busy
12 too. Thank you for that guidance. I'll take a look at it and
13 be prepared to intelligently discuss the issues with you guys.

14 MR. YANEZ: Yeah. And I'll reserve all other
15 discussion till then. Thank you, Judge.

16 THE COURT: All right. Very good. Can we bring the
17 jurors in?

18 MS. THOMSON: Yes, Your Honor.

19 THE COURT: All right. Please proceed, Marshal.

20 (Jury reconvened at 9:11 a.m.)

21 THE COURT: Welcome back. Thank you all for being
22 here. Happy Friday. Let you get situated, let me know when
23 you all are ready. This is State versus Chambers, C292987.
24 The jurors are all present. Counsel, are you ready to
25 proceed?

1 MS. THOMSON: Yes, Your Honor.

2 THE COURT: All right. Then, I think we were in the
3 middle of -- let's take a look -- Lisa Papoutsis. We need to
4 bring Ms. Papoutsis back to the stand; is that correct?

5 MS. THOMSON: I believe we concluded with her.

6 THE COURT: We concluded with Ms. Papoutsis?

7 MS. THOMSON: Yes, Your Honor.

8 THE COURT: All right. Then we can have the State
9 call its next witness.

10 MS. THOMSON: Thank you, Your Honor. The State
11 calls Daniel Plumlee.

12 THE COURT: This is State's witness number six.

13 DANIEL PLUMLEE, STATE'S WITNESS, SWORN

14 THE CLERK: Thank you. Please be seated. If you
15 could state your first and last name, spelling it for the
16 record.

17 THE WITNESS: Daniel Plumlee. D-a-n-i-e-l,
18 P-l-u-m-l-e-e.

19 MS. THOMSON: May I proceed?

20 THE COURT: You may.

21 DIRECT EXAMINATION

22 BY MS. THOMSON:

23 Q Sir, you brought some papers in with you. If you
24 could turn those over. If you need to refer to them we can do
25 that, but not have them open while we're chatting.

1 So, I'm going to direct your attention back to July
2 9th of 2013. Do you recall that date?

3 A Yes.

4 Q And at that time, were you working at the Van's
5 Trailer Oasis?

6 A Yes, I was.

7 Q And that's located at 3610 North Las Vegas Boulevard
8 here in Clark County, Nevada?

9 A Yes.

10 Q What did you do there?

11 A I worked maintenance.

12 Q Can you describe generally your job description at
13 that time?

14 A Fixing whatever needed fixed on the trailers.

15 Q And did you work with Lance Berg, an individual who
16 went by Bamm, and Bradley Grieve?

17 A Yes.

18 Q At approximately 10 that morning, were you doing
19 work on any of the trailers that became sort of an issue later
20 that day?

21 A Yes, I did.

22 Q Do you recall what trailer that was?

23 A Trailer 45.

24 Q And do you know who lived at trailer 45 at that
25 time?

1 A Yes.

2 Q And who was that?

3 A That was Lisa.

4 Q And is that Lisa Papoutsis?

5 A Yes.

6 Q Showing you what's been marked as State's Exhibit 5.

7 Is this the trailer that you're referring to?

8 A Yes.

9 Q And that morning, what were you doing at trailer 45?

10 A I was fixing the front door.

11 Q When you were fixing the front door, was there
12 anyone inside the trailer?

13 A Yes. There was Lisa and a guy named Gary.

14 Q Was that Gary Bly?

15 A Yes.

16 Q While you were fixing the front door, were they
17 talking to you, you talking to them?

18 A Yes.

19 Q During that conversation, did it get heated at all?
20 Was anyone angry?

21 A No.

22 Q Anyone acting sort of differently than you would
23 anticipate they would act?

24 A No.

25 Q Did you know if there was anyone else who at that

1 time was living at trailer 45?

2 A I don't know who else was living there. There may
3 have been one other person named Leo, but I'm not sure.

4 Q Do you remember what Leo looked like around that
5 time?

6 A He's a white guy with long, straight hair, past his
7 shoulders. He's small.

8 Q Did you see him that morning in the trailer?

9 A No.

10 Q When you were fixing the door, did you leave as soon
11 as you finished or did you hang out and chat for a little bit?

12 A I talked to them for a few minutes, and then I left.

13 Q And you said you were fixing the front door; is that
14 correct?

15 A Yes.

16 Q Which side of the trailer -- if you can show us on
17 the screen, if you touch it it will make a mark -- was it?

18 A Right there.

19 Q And did you leave out that door or out another door?

20 A No, I left out the back door.

21 Q And where is that?

22 A That's over on this side.

23 Q When you left the front door area, do you remember
24 if the door was left open or closed?

25 A It was left open, because it was hot out that day.

1 Q When you went out the back door, was everything
2 still sort of the same temperament inside the trailer?

3 A Yes.

4 Q And where did you go when you left out the back
5 door?

6 A I walked up to the gate and --

7 Q Is that the gate that we see next to this van?

8 A Yes.

9 Q When you left out of that gate -- and I'm going to
10 show you State's Exhibit 4 -- can you -- and actually -- can
11 you see the office in this photograph or do you want me --

12 A I can see it.

13 Q When you left out the gate from the rear door of the
14 trailer, can you show us the path you took?

15 A Yeah. I took the path of that tape across the way
16 there.

17 Q So you were headed over to the office?

18 A Yes.

19 Q As you were walking back to the office, did you see
20 anyone approaching Lisa's trailer?

21 A As I was leaving the gate I seen somebody go in it,
22 go in her side of the fence.

23 Q So you didn't see if they actually entered the
24 trailer, but you saw them go into her yard basically?

25 A Yes.

1 Q And did you recognize that individual?

2 A Yes, I did.

3 Q Had you met him before?

4 A Yeah, a few times. I knew him through Bamm.

5 Q Did you know a name for him or just --

6 A I just knew him by Money.

7 Q Okay. Is that individual present in the courtroom
8 today?

9 A Yeah.

10 Q Will you please point to the individual and describe
11 something they're wearing today?

12 A He's right there, wearing blue.

13 MS. THOMSON: Let the record reflect the identity of
14 the defendant.

15 THE COURT: It does.

16 MS. THOMSON: Thank you.

17 BY MS. THOMSON:

18 Q When you saw him walking through the gate to Lisa's
19 trailer, did you pay close attention to him?

20 A Not really.

21 Q Was there anything that stood out to you as he was
22 approaching?

23 A No.

24 Q As you were walking to the office, was there
25 anything that caught your attention that caused you to not

1 complete that trip?

2 A Yes, I heard two gunshots.

3 Q And can you explain how that happened?

4 A By the time I got about to this area I heard the
5 first gunshot. And then I heard the second gunshot and Lisa
6 running out the back door screaming. I came over here, back
7 over here to the -- by here where Brad was and somebody else
8 and seen Money walking out the front door.

9 Q Before you heard the gunshots, did you hear any
10 screaming coming from trailer 45?

11 A No.

12 Q Did you hear screaming during the gunshots?

13 A After the gunshots.

14 Q And the screaming that you heard, was that just
15 Lisa's voice?

16 A Yes.

17 Q When you came back towards her trailer, can you
18 estimate how long it was between the first gunshot and the
19 time you saw Money coming out the front door?

20 A It was under a minute, I'm sure.

21 Q When you saw him coming out the front door --
22 actually, let me clarify. Did you in fact see him exiting the
23 front door?

24 A Seen him walk out the front door, yes.

25 Q When you saw him coming out the front door, did you

1 see anything that caught your attention?

2 A Yeah, he was putting something in his right pocket.

3 Q Were you able to see what it was he was putting in
4 his pocket?

5 A It looked like a gun. I only seen the back part of
6 it.

7 Q And are you familiar with the difference between
8 revolvers and semiautomatics?

9 A Yes.

10 Q Based upon what you were able to see, could you make
11 an assessment about whether or not it was a semiautomatic or a
12 revolver?

13 A It was a revolver.

14 Q When you saw him coming out the door, what did you
15 do?

16 A He started down the steps and I backed up. I was
17 behind Brad and Charlie, so I backed up.

18 Q Did you see where he went when he left Lisa's yard?

19 A Yes. He went and got in a little vehicle that was
20 parked in this area (indicating).

21 Q Do you remember if that vehicle was running when he
22 got into it?

23 A I'm not sure if it was or not.

24 Q Were you able to tell if there was anyone else in
25 that vehicle?

1 A Not at that time, no.

2 Q Fair to say, based upon that, that he got into the
3 driver's side?

4 A What's that?

5 Q Is it fair to say that he got into the driver's
6 side?

7 A Yes, he did.

8 Q When he got in -- or when he was walking from the
9 trailer to that vehicle, am I correct in saying he was walking
10 or did he run or --

11 A He didn't run, he walked, casual.

12 Q And when he got into the vehicle, what if anything
13 did you do?

14 A I kept saying the license plate over and over as he
15 drove out.

16 Q And did you follow the vehicle out to the street?

17 A Yes.

18 Q About how far is trailer 45 from Las Vegas
19 Boulevard, if you can estimate?

20 A It's about probably six trailers back this way.

21 Q When you followed the vehicle the defendant was
22 driving out to Las Vegas Boulevard, did you then stay on Las
23 Vegas Boulevard?

24 A Yes, till the police arrived.

25 Q And did they arrive shortly thereafter?

1 A Yes.

2 Q As the first officer arrived, did you tell him what
3 that license plate number was?

4 A Yes, I did, and I gave him the direction of travel.

5 Q Did you see or hear whether he broadcast that
6 license plate?

7 A I don't remember.

8 Q Between the time that you saw the defendant walking
9 into trailer five [sic] and the time that you saw him walking
10 out and to his vehicle, did you see anyone else go into
11 trailer 45?

12 A No.

13 Q Did you see anyone else come out of trailer 45?

14 A No.

15 Q At any time before the police arrived, did you see
16 anyone other than Lisa and the defendant come out of trailer
17 45?

18 A No.

19 Q You indicated that you knew Lisa was the occupant of
20 trailer 45, and it sounds like you guys were chatting, you had
21 at least a friendly relationship; is that fair?

22 A Yeah.

23 Q Would it be fair to say that as a maintenance worker
24 you sort of knew what was going on in the neighborhood
25 generally?

1 A Yes.

2 Q And would you say that Lisa's trailer was known as a
3 place you could go to buy drugs?

4 A Yes.

5 Q In that neighborhood, what is your experience with
6 people's willingness to call the police?

7 A They don't like to.

8 MR. YANEZ: I'm going to object as speculation,
9 Judge.

10 THE COURT: Sustained. Foundation.

11 BY MS. THOMSON:

12 Q Do the police have a reputation in that community?

13 MR. YANEZ: I'm going to object again, Judge. Lack
14 of foundation, relevance.

15 THE COURT: There's possible relevance, but let's
16 see if he has a basis to know what the reputation might be.
17 So you would know how to lay that, so.

18 MR. YANEZ: And, Judge, one other objection. It's
19 hearsay. If he's basing his testimony on reputation, that's
20 hearsay. It's what other people have told him.

21 THE COURT: Yeah, but he can testify as -- if proper
22 foundation is laid he can testify as to his knowledge of the
23 reputation, but not what other people have told him. Go
24 ahead.

25 MS. THOMSON: Thank you, Your Honor.

1 BY MS. THOMSON:

2 Q You indicated that you worked maintenance in Van's
3 at that time. For how long had you worked there at that time?

4 A Three years.

5 Q And did you continue to work there after this date?

6 A Yes.

7 Q And for approximately how long after this?

8 A Until June of last year.

9 Q In the time that you worked there as maintenance,
10 would it be fair to say that you had contact with nearly all,
11 if not all of the trailers?

12 A Yes.

13 Q And oftentimes your contact with those trailers,
14 would that also involve contact with the residents?

15 A Yes.

16 Q Would you describe yourself as being, not
17 necessarily friendly, but on good terms with most of the
18 residents?

19 A Yes.

20 Q And does that include having conversations with them
21 about what's going on in life, things that have happened
22 around the neighborhood?

23 A Sometimes.

24 Q When there is a big event, much like this one, is
25 there sort of chat around the neighborhood involving it after

1 the incident?

2 A Yeah.

3 Q And in your experience, have there been times that
4 people have asked you to call the police because they --

5 A Yes.

6 MR. YANEZ: Objection. It's hearsay again, Judge,
7 and it's speculation.

8 THE COURT: Overruled. Go ahead.

9 BY MS. THOMSON:

10 Q And you said yes?

11 A Yes.

12 Q Would it be fair to say the police do not have a
13 good reputation in the community?

14 A I'm not sure. I don't have a problem with the
15 police. My opinion is they have a good reputation.

16 Q Maybe it's a bad question. Is there a level of fear
17 perhaps of the police in the community?

18 A Yes.

19 Q After Lisa was taken to the hospital that day -- did
20 you see the ambulance come and take her?

21 A Yes.

22 Q Did you also become aware that she came back to her
23 trailer some days later?

24 A Yes.

25 Q And once she came to her trailer, did you receive a

1 phone call from her?

2 A Yes, I did.

3 Q In -- as the result of that phone call, did you
4 obtain an item from her?

5 A Yes.

6 Q And can you describe for the ladies and gentlemen of
7 the jury what it was that you got from her?

8 A It was a wallet with Gary's ID in it.

9 Q Did you in fact look inside that wallet?

10 A Yes.

11 Q When you looked inside the wallet, was there any
12 money in the wallet?

13 A None when I looked in it, no.

14 Q When you got the wallet from Lisa, what if anything
15 did you do?

16 A I called the police.

17 Q And did someone come out and take it to impound it?

18 A Yes.

19 Q When police came out to the scene on the day of the
20 incident, did they ask you to look at some photos?

21 A I don't remember. Probably.

22 MS. THOMSON: Court's indulgence. May I approach?

23 THE COURT: Yes.

24 BY MS. THOMSON:

25 Q Showing you what's been marked as State's Proposed

1 Exhibit 111. Is the writing on the second half of this page
2 yours?

3 A Yes, it is.

4 Q And do you recall having a detective either read to
5 you this paragraph or reading it yourself?

6 A Yes.

7 Q And then thereafter you signed underneath?

8 A Yes, I did.

9 Q After you read the paragraph or it was read to you,
10 did you look at the photographs that are on page two?

11 A Yes.

12 Q And there is a signature under the photograph in
13 spot number four. Is that your signature?

14 A Yes, it is.

15 Q After you put that signature under spot number four,
16 did you write the words on the second half of page one?

17 A Yes.

18 Q And is this in the same condition as when you last
19 saw it?

20 A Yes, it is.

21 MS. THOMSON: Move for admission of State's Proposed
22 Exhibit 111.

23 THE COURT: All right. Do you want to incorporate
24 by reference your prior comments?

25 MR. YANEZ: Yes, Judge.

1 THE COURT: All right. It will be admitted subject
2 to defense counsel's prior comments.

3 MS. THOMSON: Thank you, Your Honor.

4 THE COURT: We'll mark that as -- what number is
5 that?

6 MS. THOMSON: 111. And permission to publish?

7 THE COURT: Yes.

8 (State's Exhibit 111 admitted.)

9 BY MS. THOMSON:

10 Q Showing you page two of Exhibit 111. The individual
11 that you signed underneath the photograph, why was that the
12 person that you chose?

13 A That's the person that I seen.

14 Q Leaving trailer 45?

15 A Yes.

16 MS. THOMSON: Court's indulgence. I'll pass the
17 witness.

18 THE COURT: Okay. Cross-examination.

19 MR. YANEZ: Thank you, Judge.

20 CROSS-EXAMINATION

21 BY MR. YANEZ:

22 Q Good morning, Mr. Plumlee.

23 A Good morning.

24 Q Did I hear you correctly, did you just testify that
25 you did see Gary going inside of trailer 45 on the morning --

1 A I didn't see him going inside, I seen him go in the
2 gate in her yard.

3 Q Okay. So once he went inside the gate you lost view
4 of him?

5 A Yes.

6 Q Fair to say based on that, you didn't see him
7 walking in with a gun, correct?

8 A No, I did not.

9 Q You would also agree with me that your memory or
10 your ability to see things that morning was a bit clouded as
11 you were under the influence of drugs. Is that fair to say?

12 A If you'd like. I don't think it was, but I'd used
13 that morning, so.

14 Q Okay. And when you say you had used that morning --

15 A I used methamphetamine.

16 Q You used methamphetamines that morning. Okay. This
17 incident happened the morning of July 9th, right?

18 A It did.

19 Q But you don't think that clouded your judgment.

20 A No, I don't.

21 Q You testified that you saw, when Mr. Chambers was
22 leaving the trailer, he was putting what you described as a
23 gun into his pocket.

24 A I only seen the back part of it, but it was the
25 handle of it, yes.

1 Q Which pocket was that, sir?

2 A I believe the right pocket.

3 Q Did he have anything in his left hand?

4 A I don't recall.

5 Q Do you remember testifying at a previous hearing
6 saying that you don't remember him having anything in his
7 pocket, that he didn't -- I'm sorry -- he didn't have anything
8 in his left hand?

9 A I don't think he did, but I don't remember what I
10 said. If I said that in the statement, then that's what it --

11 Q Okay. And from what you were able to see, I know
12 you couldn't see the entire gun, from what you were able to
13 see you didn't see the gun inside of a holster or anything
14 like that, correct?

15 A No. Correct.

16 Q Now, I want to talk to you a bit about this phone
17 call you got from Lisa after the shooting. Do you remember
18 how long after the shooting you got the phone call?

19 A It was probably five to seven days.

20 Q Five to seven days from July 9th?

21 A Yes. That was when she was able to go back in her
22 trailer.

23 Q And you went and picked up a wallet based on that
24 conversation?

25 A Yes, I did.

1 Q Inside that wallet was the identification of Gary
2 Chambers?

3 A Yes.

4 Q And you eventually called the police you said,
5 right?

6 A I called them right away.

7 Q Where did you call them from?

8 A My cell phone.

9 Q Okay. Where were you at when you called?

10 A Trailer 45.

11 Q And where did the police respond to?

12 A Trailer 45.

13 Q And you're the one who personally handed the wallet,
14 Lisa did not hand that wallet over, correct?

15 A Yeah. Correct.

16 MR. YANEZ: I have nothing further, Judge. Thank
17 you.

18 THE COURT: Thank you, sir. State?

19 MS. THOMSON: Just briefly.

20 REDIRECT EXAMINATION

21 BY MS. THOMSON:

22 Q When you called the police from trailer 45 with the
23 wallet, was Lisa present?

24 A Yes, she was.

25 Q Did she express any objection to your calling the

1 police?

2 A No, she did not.

3 MR. YANEZ: Nothing further.

4 THE COURT: Anything from the jurors for Mr.
5 Plumlee? All right. Then, sir, you are excused. Thank you
6 for your time.

7 THE WITNESS: Thank you.

8 THE COURT: Please watch your step. We wish you
9 well. Thank you, sir.

10 MS. THOMSON: Your Honor, the State --

11 MR. SCHWARTZ: The State's going to call Brett
12 Brosnahan.

13 BRETT BROSDAHAN, STATE'S WITNESS, SWORN

14 THE CLERK: Thank you. Please be seated. If you
15 could state your first and last name, spelling them for the
16 record.

17 THE WITNESS: First name is Brett, B-r-e-t-t. Last
18 name is Brosnahan, B-r-o-s-n-a-h-a-n.

19 MR. SCHWARTZ: Court's indulgence.

20 THE COURT: Thank you for being here today.

21 THE WITNESS: Thank you.

22 DIRECT EXAMINATION

23 BY MR. SCHWARTZ:

24 Q How you doing, sir?

25 A I'm well. How are you?

1 Q Very good. Sir, how are you currently employed?

2 A I'm a police officer with the Las Vegas Metropolitan
3 Police Department.

4 Q How long have you been with Metro?

5 A Almost eight years.

6 Q And I want to direct your attention to July 9th,
7 2013. Were you working for Metro at that time?

8 A I was.

9 Q As a patrol officer?

10 A Correct.

11 Q And did you have occasion to respond to a call at
12 Van's Trailer Park?

13 A I did.

14 Q And is that here in Clark County?

15 A It is.

16 Q And what was the nature of that call?

17 A It was a 415A, which is a shooting call. It was
18 broadcast over our radio. A tone alert came out and the
19 details were quickly broadcast.

20 Q And do you recall sort of if you were n that area at
21 that time?

22 A I was. I was parked in the parking lot at Cheyenne
23 Sports Complex at Pecos and Cheyenne.

24 Q And approximately how far away is that?

25 A Under two miles.

1 Q So fair to say you responded fairly quickly?

2 A Yes.

3 Q Tell me about what happened when you arrived.

4 A When I arrived I came to the southern entrance to
5 Van's Trailer Oasis and was greeted by Daniel Plumlee, a
6 resident at the complex.

7 Q Is that the gentleman that just left?

8 A Yes.

9 Q I want to show you State's Exhibit 4. Would this be
10 sort of if we were proceeding in this direction, that would
11 have been the direction you came from?

12 A Correct.

13 Q Is that your patrol vehicle?

14 A It is not.

15 Q But you came in this way and you're greeted by Mr.
16 Plumlee?

17 A Correct.

18 Q What if anything did Mr. Plumlee say or do?

19 A Mr. Plumlee quickly told me that the --

20 MR. YANEZ: I'm going to object as to any hearsay,

21 MR. SCHWARTZ: It's for the effect on the listener,
22 Your Honor, not for the truth of the matter asserted.

23 THE COURT: Can you approach? I'd like to know what
24 it is that he said to see if it -- whether it could be
25 prejudicial.

1 (Bench conference transcribed as follows)

2 MR. SCHWARTZ: There's two reasons [inaudible] of
3 what [inaudible] right now [inaudible] it's being [inaudible]
4 to show --

5 THE COURT: You're anticipating him saying anything
6 that's inconsistent with what Mr. Plumlee testified to?

7 MS. THOMSON: It's not [inaudible]

8 THE COURT: Okay.

9 MR. YANEZ: [inaudible] Mr. Plumlee memorized --

10 THE COURT: The jury has to know how they connected
11 it to the license plate, right? The jury needs to know how he
12 got from point A to point B. That's all he's really trying to
13 establish.

14 MR. YANEZ: [inaudible]

15 MS. THOMSON: [inaudible]

16 THE COURT: I don't see this as prejudicial. It
17 does help to explain some kind of actions taken by the
18 officer. I don't see how it's prejudicial. I'm going to go
19 ahead and allow it.

20 MR. YANEZ: Okay. [inaudible]

21 THE COURT: I don't think it's -- it's not being
22 introduced for the truth of the matter asserted.

23 MR. YANEZ: Just making my objection.

24 THE COURT: I understand. Thank you.

25 (End of bench conference)

1 BY MR. SCHWARTZ:

2 Q Sir, so again I'll ask my question again. What if
3 anything did Mr. Plumlee say or do to you?

4 A Mr. Plumlee said that there had been a shooting,
5 that the suspect had left in a gray Saturn or Land Rover, and
6 he gave me the license plate, which I do not recall but I
7 quickly broadcast over the radio.

8 Q When you say broadcast over the radio, what does
9 that mean?

10 A I got on my radio, my car radio, and notified
11 dispatch of the plate that Mr. Plumlee had just given me. So
12 that would be recorded in the event details.

13 Q Is that also known as the CAD log?

14 A Correct.

15 Q And would looking at that CAD log refresh your
16 recollection as to what the actual license plate was?

17 A It would.

18 MR. SCHWARTZ: May I approach, Your Honor?

19 THE COURT: Yes.

20 MR. SCHWARTZ: For the record, I've shown defense
21 counsel the document I'm going to show the witness.

22 BY MR. SCHWARTZ:

23 Q Would you take a look at this, sir, and see if this
24 refreshes your recollection as to what the license plate was
25 that Mr. Plumlee provided.

1 A Yes, it's right here. It's PH96679 with a Nevada
2 plate.

3 Q Thank you.

4 THE COURT: So, jurors, I just want to give you a
5 cautionary instruction. So you just heard testimony from the
6 witness as to what Mr. Plumlee said was the license plate
7 number of the car in which the alleged suspect was leaving in.
8 That testimony is offered not for the truth of the matter
9 asserted. Namely, this witness here is testifying as to what
10 Mr. Plumlee said the license plate was, not for you to know as
11 a matter of fact what the license plate was. It's simply for
12 you to explain or for you to understand what this officer and
13 maybe others did in their investigation. All right? So it
14 just helps put in context what they did next. All right? Go
15 ahead.

16 MR. SCHWARTZ: Thank you, Your Honor.

17 BY MR. SCHWARTZ:

18 Q Sir, what did you do after you spoke with Mr.
19 Plumlee?

20 A After I spoke to Mr. Plumlee I entered the complex
21 and went to space number 45 where I was told the shooting had
22 occurred.

23 Q Did you, upon arriving at space 45, what did you do?

24 A There was a lot of people outside and they were all
25 telling me that the person who had been shot was inside.

1 MR. YANEZ: Object again. Hearsay, Judge.

2 MR. SCHWARTZ: At this point, Your Honor, it is
3 going to be offered for the effect on the listener, also as a
4 present sense impression. He's just going in as a result of
5 his understanding of what's being said to him.

6 THE COURT: I'll overrule the objection. Plus,
7 there's been no -- well, I don't need to comment on whether
8 anyone's been shot. I'm simply going to say that the
9 objection's overruled.

10 MR. SCHWARTZ: Thank you.

11 BY MR. SCHWARTZ:

12 Q Continue.

13 A So then I went inside of trailer 45 using the
14 western entrance, climbed up the stairs, and immediately upon
15 entering found a male laying on his left side in a semi-fetal
16 position on the floor. The male had an apparent gunshot wound
17 to his head and there was a lot of blood pooling underneath
18 him.

19 Q Showing you State's Exhibit 23. Is this what you
20 would see as you enter the front -- let me zoom out a little
21 for you -- as you entered the front west entrance of that
22 trailer?

23 A Correct.

24 Q And can you describe for me where you saw that male
25 with the gunshot wound?

1 A From this vantage point, it would be in the bottom
2 right-hand corner of that picture, kind of out of frame of
3 where the picture's actually depicting.

4 Q And if I show you State's Exhibit 28, can you get a
5 better idea of where that -- you can see the blood in this
6 picture?

7 A Yes. So, I was standing in the doorway that's
8 depicted in the picture looking towards the left-hand side of
9 that photo, and the male would have been down by the loveseat
10 and the couch. His head towards the couch, his feet towards
11 the loveseat.

12 Q Could you put a little mark on where his head was?
13 You can just touch the screen.

14 A (Witness complies)

15 Q And where his feet were, please.

16 A (Witness complies)

17 Q Thank you.

18 A You're welcome.

19 Q And did you just -- what kind of position was his
20 body in? I don't know if you mentioned that.

21 A He was laying on his left-hand side, and he was
22 almost crouched into a fetal position.

23 Q Was anyone else present in that living room
24 specifically at this time?

25 A Yes. There was also a female present and she was

1 kneeling in between the couch and the coffee table facing the
2 loveseat and she had an apparent gunshot wound to her left
3 hand.

4 Q Could you put a third mark there just where she was?

5 A (Witness complies)

6 Q Thank you. What was her demeanor like?

7 A She was hysterical, crying, and visibly upset.

8 Q So what did you do at this point?

9 A At this point, because I wasn't sure if anyone was
10 still in the trailer other than the two I just encountered, I
11 had asked her to leave. She exited the same door that I came
12 into, and instructed her to sit outside. I waited for other
13 units to arrive so that I could clear that trailer, making
14 sure no other suspects or persons were inside.

15 Q Did you have her sit sort of outside under an
16 awning?

17 A Yes.

18 Q Showing you State's Exhibit 8. She's sitting there?

19 A Correct, in the chair that's sitting there.

20 Q Once you were able to sort of get her situated, did
21 you have a chance to speak with her at this point or did you
22 speak with her after you cleared the trailer?

23 A I spoke with her after I cleared the trailer and
24 after medical personnel had arrived.

25 Q So walk me through what you did to clear the

1 trailer.

2 A I waited for my partner to get there, Officer
3 Rodriguez arrived, and him and I basically split the trailer
4 in two. He went towards the southern end of the trailer; I
5 went towards the northern end. We basically search anywhere a
6 person could hide in the trailer; bedrooms, cabinets, things
7 like that. So I ended up coming through the kitchen and then
8 through the rear bedroom to the northern end of the trailer.

9 Q And what if anything or anyone did you find at this
10 point?

11 A I did not find any other people inside the trailer.

12 Q Did you find any animals?

13 A I did. There was two dogs inside of the trailer.

14 Q Did Mr. Rodriguez, Officer Rodriguez locate anyone
15 else in the trailer?

16 A He did not.

17 Q Okay. Once you cleared the trailer, what did you do
18 next?

19 A After that, medical personnel had arrived and they
20 started to treat the male victim that was laying on the
21 ground. I stood by with them while they started to treat him.
22 They made the decision to transport, so the male was taken
23 from the trailer. As soon as he was out, I went outside and
24 began to engage the female in conversation.

25 Q Okay. Again, is she sitting in this chair we're

1 looking at here?

2 A Yes. At that time, she was also being tended to by
3 medical personnel.

4 Q Would that be specifically to her hand?

5 A Correct.

6 Q Again, you mentioned that her demeanor when you
7 first arrived was hysterical. Can you describe for me her
8 demeanor at this point?

9 A She was still somewhat hysterical. I would describe
10 it as shock. Not really fully capable of answering all of my
11 questions.

12 Q What was her breathing like?

13 A Rapid breathing.

14 Q Was she crying?

15 A She was crying.

16 Q When you spoke with her, what if anything did she
17 tell you?

18 A I was able to get her name and her date of birth and
19 the name of the male victim that was laying inside and his
20 date of birth.

21 Q Is that Mr. Gary Bly?

22 A Correct. And then, she also described her
23 relationship with Mr. Bly, stating that he was a former
24 roommate of hers that had moved out the night previously. And
25 then, I started to ask her what had occurred this day that

1 brought me to that trailer.

2 Q Was she able to give you any idea of what had
3 happened that day?

4 A Yes. She quickly said that a male known to her as
5 Money had come into the trailer, said you know what this is
6 about, and then shot Mr. Bly, and then quickly left. I'm
7 sorry. Shot Mr. Bly and her and then quickly left.

8 Q And she referred to this person as Money.

9 A Correct.

10 Q Did she mention anything to you about the -- a gun
11 being used?

12 A She did say there was a gun. She had a hard time
13 describing it, thinking it could possibly be a black gun.

14 Q Did she make any mention of anyone else being in the
15 trailer at that time?

16 A No, she did not.

17 Q Once you spoke with her, was she eventually
18 transported as well to the hospital?

19 A She was.

20 Q After she was transported, Mr. Bly was obviously
21 transported as well. What were your duties at that point?

22 A At that time, I secured the scene, which means I put
23 up caution tape to prevent any access to the scene itself, to
24 trailer 45, and then blocked off and cordoned an area around
25 the trailer to make sure only essential personnel were to

1 enter the scene. And then, I began to prep a briefing for the
2 detectives that would be arriving for the investigation.

3 Q And how did you prep that briefing?

4 A I used the patrol trunk of my car and basically used
5 white board markers on that and I documented the facts or the
6 information that was given to me from witnesses, other
7 officers, or people present.

8 Q Showing you what's been marked as State's Exhibit 1.
9 Does this appear to be a picture of that briefing that you
10 just described to us?

11 A Yes.

12 Q This is your patrol vehicle?

13 A Correct.

14 Q And you would mark any sort of information you
15 gathered up to this point on the vehicle. And what was the
16 purpose of that again?

17 A It's to brief the detectives that are arriving for
18 the investigation.

19 Q Did you also have occasion to sort of segregate
20 witnesses?

21 A Yes. We were able to grab witnesses, the ones that
22 were around trailer 45, Mr. Plumlee. I think the complex
23 manager was involved in that. And we were able to kind of put
24 them off and away from everyone else that was at the scene.

25 Q As you were arriving this day, you're obviously in a

1 marked patrol vehicle?

2 A Correct.

3 Q Are you in a traditional uniform that we would
4 typically see Metro police officers wearing?

5 A Yes.

6 Q And is that uniform somewhat distinct from, for
7 example, like a paramedic's, what they would wear?

8 A Absolutely. Yes.

9 Q Does it say Metro police on your uniform?

10 A On both of the shoulders it has the Metro police
11 patch, and then on our chest we wear the seven-point star that
12 also indicates Metropolitan Police Department.

13 MR. SCHWARTZ: Court's indulgence.

14 BY MR. SCHWARTZ:

15 Q You described this uniform for us. It's different
16 from the one you're wearing today.

17 A Yes, it is.

18 Q What is this uniform for?

19 A This is my SWAT uniform, where I'm currently
20 assigned.

21 Q Okay. Thank you.

22 A You're welcome.

23 MR. SCHWARTZ: No further questions, Your Honor, at
24 this point.

25 THE COURT: All right. The defense counsel may now

1 cross-examine.

2 CROSS-EXAMINATION

3 BY MR. YANEZ:

4 Q Good morning, Officer.

5 A Good morning.

6 Q You indicated that you and another police officer
7 cleared trailer 45?

8 A Correct.

9 Q So it was just you two who did that initially?

10 A Initially, correct.

11 Q Were there other times besides when you cleared the
12 trailer that you were inside of that trailer?

13 A After I left to speak with her I did not go back in.

14 Q So it was just clearing the trailer, you came back
15 outside, and never went back in.

16 A Correct.

17 Q During the time that you and your partner, let's say
18 for lack of a better term -- he was a uniformed police officer
19 too, right?

20 A Yes.

21 Q During that time you were clearing the trailer, you
22 didn't remove any objects from that trailer?

23 A I did not remove. I did move a stool that the two
24 dogs were hiding behind because they were basically running
25 back and forth through the scene. So I ended up putting them

1 in a back bedroom, the northern bedroom of the trailer.

2 Q I'm sorry. Did you say a stool?

3 A There was a stool by the kitchen.

4 Q Okay. So that is the only thing from the scene at
5 trailer 45 that you either touched, moved, did something
6 different to change the scene; is that fair?

7 A Correct.

8 Q And that's the same for your partner. You didn't
9 see him touching, removing anything from the scene when you
10 were clearing the trailer.

11 A I did not see him move anything, no.

12 Q And you described a conversation that you had with
13 the female who was shot.

14 A Yes.

15 Q And you told the jury that she said that someone
16 named Money had shot her?

17 A Yes.

18 Q She didn't tell you anything about Money left his
19 wallet in my trailer, go ahead and pick it up, it will tell
20 you who it is?

21 A Negative. She did not.

22 Q Thank you, sir.

23 A You're welcome.

24 MR. YANEZ: No more questions.

25 THE COURT: Redirect.

1 MR. SCHWARTZ: Thank you.

2 REDIRECT EXAMINATION

3 BY MR. SCHWARTZ:

4 Q Sir, when you were clearing the trailer, as defense
5 counsel just talked to you about, did you observe any firearms
6 within that trailer?

7 A I did not.

8 MR. SCHWARTZ: Nothing further, Your Honor. Thank
9 you.

10 MR. YANEZ: Nothing further, Judge.

11 THE COURT: Anything from the jurors? All right.
12 Officer Brosnahan, you're excused. Thank you very much.

13 THE WITNESS: Thank you.

14 MR. SCHWARTZ: Your Honor, brief indulgence.

15 MS. THOMSON: Judge, I have received a text. Our
16 next witness is at the building but not quite here yet. If we
17 could take just a brief recess for them to get here?

18 THE COURT: Sure. Let's go ahead and take a
19 15-minute break.

20 MS. THOMSON: Thank you.

21 THE COURT: Ladies and gentlemen of the jury, I'm
22 going to give you a 15-minute break. You're admonished not to
23 converse among yourselves or with anyone else on any subject
24 connected with this trial. Do not read, watch, or listen to
25 any report of or commentary on the trial, or any person

1 connected with the trial by any medium of information. Do not
2 form or express any opinion. Don't do any research. Please
3 leave your notes and enjoy a 15-minute recess. Thank you.

4 (Jury recessed at 9:53 a.m.)

5 THE COURT: We're outside the presence of the jury.
6 The Court's in recess.

7 (Court recessed at 9:54 a.m. until 10:15 a.m.)

8 (Outside the presence of the jury.)

9 THE COURT: State v. Chambers, C292987. So my
10 research on use of audio video testimony has grown to about 15
11 cases so far. I did look at the New Mexico case. The New
12 Mexico case actually -- you know, they ultimately concluded
13 that because the State failed to establish legal
14 unavailability of the witness, they decided not to determine
15 whether cross-examination over Skype was sufficient to fulfill
16 Crawford's requirements, but there are several other cases
17 that did discuss the issue and I need to study them a little
18 more carefully.

19 MS. THOMSON: And so the Court is aware, we did get
20 the documentation necessary. The motion has been filed with
21 Your Honor. My understanding is Arizona is prepared to do the
22 testimony at 3:00, which is 2:00 here.

23 MR. SCHWARTZ: That's correct.

24 THE COURT: I need to read it and then --

25 MS. THOMSON: I understand you haven't ruled on it.

1 I just wanted to kind of give the Court a background so it's
2 not like oh, I can do this over the weekend.

3 THE COURT: No, no. I'll be fully prepared to
4 decide right after lunch. Couple questions. If it does go
5 forward, where is this taking place, at a court reporter's
6 office of is it --

7 MR. SCHWARTZ: At the Maricopa County Courthouse.
8 It will be in a courtroom.

9 THE COURT: Is she being detained pending
10 resolution?

11 MR. SCHWARTZ: She is not being physically detained.
12 She's been ordered to be back at 1:00 -- or, I guess it would
13 be 2:00 our time.

14 THE COURT: All right. What happens if she fails to
15 show up, does she get arrested?

16 MR. SCHWARTZ: She's in violation of the Court -- I
17 attached the Maricopa County court order that directs her to
18 be there, so she'd be in violation of their court order.

19 THE COURT: Why did they refuse to order that she be
20 transported here? Was it health reasons? Is that what you
21 said?

22 MR. SCHWARTZ: She recently had a heart attack.

23 THE COURT: How recent is recently?

24 MR. SCHWARTZ: My understanding is within the last
25 couple weeks, but that's just based on what I've been told. I

1 don't have any proof of that.

2 THE COURT: This isn't the argument. I just wanted
3 to get extra information.

4 MR. YANEZ: That part is very important, because
5 there's no medical proof of that, it's just the witness saying
6 that.

7 THE COURT: It's the witness saying it.

8 MR. YANEZ: Yes.

9 THE COURT: I just wanted to get a little more
10 background information.

11 MR. SCHWARTZ: She could also provide an explanation
12 to Your Honor prior to actually going under oath -- prior to
13 starting her testimony she could give you sworn testimony
14 about her condition as well.

15 THE COURT: Let me read this and then I'll let
16 counsel oppose it. Have you had a chance to --you probably
17 haven't had a chance to read their motion yet.

18 MR. YANEZ: Not -- I mean, I skimmed it but I'd like
19 an opportunity to obviously read it.

20 THE COURT: All right. When do you want to do that?
21 Do you want to do that -- I'll take your argument like 15
22 minutes before lunch and then I'll take my lunch break and
23 consider everything?

24 MR. YANEZ: Well, I'd like -- can I review it over
25 lunch?

1 THE COURT: That would be fine too.

2 MR. YANEZ: Because I want to look at some things
3 like Your Honor's looking at some things.

4 THE COURT: Yeah. All right. Very good. Let's
5 bring the jurors in then. An important case -- we might want
6 to look at this White case, 116 A3rd 520. It's a Maryland
7 Court of Appeals, 116 A3rd 520. It's a June 2015 case,
8 Maryland. Also looking at the Sixth Amendment confrontation
9 right as it applies to a two-way video conference. Again, 116
10 A3rd 520.

11 (Jury reconvened at 10:19 a.m.)

12 THE COURT: All right. Jury's present. Let's
13 proceed. State may call its next witness.

14 MS. THOMSON: Thank you, Your Honor. State calls
15 Detective Bunting.

16 CHRISTOPHER BUNTING, STATE'S WITNESS, SWORN

17 THE CLERK: Thank you. Please be seated. Please
18 state your first and last name, spelling for the record.

19 THE WITNESS: Christopher Bunting,
20 C-h-r-i-s-t-o-p-h-e-r, last name, B-u-n-t-i-n-g.

21 MS. THOMSON: May I proceed?

22 THE COURT: Uh-huh.

23 MS. THOMSON: Thank you.

24 DIRECT EXAMINATION

25 BY MS. THOMSON:

1 Q Good morning, Detective. I'm going to direct your
2 attention back to July 9th of 2013. At that time, what
3 position did you hold with Metro?

4 A I was in homicide.

5 Q And on that date, were you assigned to assist on a
6 call that had occurred at 3610 North Las Vegas Boulevard?

7 A I was.

8 Q As an assisting detective, you're basically taking
9 not orders, but direction from the lead detective; is that
10 fair?

11 A Correct. Yes, ma'am.

12 Q And that's because one person trying to do
13 everything at a scene would take days, where you can get it
14 all done in a few hours if lots of people are doing things; is
15 that fair?

16 A Yes, ma'am.

17 Q On that date, what was your role in this
18 investigation?

19 A I responded to UMC trauma and I went there to obtain
20 documentation in reference to the decedent from CSA Ross
21 Lynch, as well as the coroner investigator, Tiffany Brown, and
22 to conduct any interviews with any witnesses or other victims.

23 Q While you were at the hospital, did you in fact
24 conduct an interview with Lisa Elizabeth Papoutsis?

25 A Yes, ma'am.

1 Q And do you recall approximately what time that
2 interview occurred?

3 A I believe it was around 1210 hours.

4 Q So a little bit after noon?

5 A Yes, ma'am.

6 Q When you came into contact with her, do you recall
7 where she was generally?

8 A She was in trauma bed number six.

9 Q So you recall specifically.

10 A I do.

11 Q And can you describe her condition when you came
12 into contact with her?

13 A She was laying in the hospital bed and she had
14 sustained a gunshot wound to her hand.

15 Q You did a taped interview with her; is that correct?

16 A I did.

17 Q And that taped interview, can you approximate how
18 long it took?

19 A Approximately an hour.

20 Q During that hour, at any time did she seem to be
21 incapable of answering your questions, sort of answering wrong
22 or just going off on tangents that made no sense?

23 A No.

24 Q At any time during that interview, was her demeanor
25 different than you would anticipate; i.e., you ask her what's

1 your name and she's like you're a horrible person, screaming
2 at you, that kind of thing?

3 A No. She was consistent and obviously in a little
4 bit of pain, but no, nothing out of the ordinary other than
5 that.

6 Q During that interview, did you talk to her about
7 what had happened at the trailer that day?

8 A I did.

9 Q And for purposes of sort of foundation, you
10 confirmed the address being the same one that the incident had
11 occurred that you were involved in the investigation?

12 A Correct.

13 Q When you spoke with her about the incident at the
14 trailer, did she tell you what statements had been made by the
15 suspect when he came into her trailer?

16 A She did.

17 Q And during your conversation with her, did she ever
18 specifically tell you that that suspect had told her to give
19 the suspect her money?

20 A Yes.

21 MR. YANEZ: I'm going to object, Judge. It's
22 irrelevant, it's compound and there was two layers of hearsay
23 I think in there.

24 THE COURT: Well --

25 MS. THOMSON: It wasn't compound.

1 THE COURT: -- prior inconsistent statement.
2 MS. THOMSON: And it was a prior inconsistent
3 statement.
4 THE COURT: All right. I'm going to overrule that.
5 MR. YANEZ: Whose prior inconsistent statement?
6 MS. THOMSON: Lisa's.
7 THE COURT: Ms. Papoutsis' prior statement. It's
8 being offered for that purpose. But it was compound. Why
9 don't you -- do you still want to assert the compound
10 objection? I can have her break it up.
11 MR. YANEZ: Yes, Judge, please.
12 THE COURT: All right. Go ahead. That's sustained.
13 BY MS. THOMSON:
14 Q You talked to Lisa in the hospital.
15 A I did.
16 Q Lisa told you what statements were made by the
17 suspect.
18 A Correct.
19 Q The statement made by Lisa, that was what the
20 suspect said to her.
21 A Yes.
22 Q Did that include any specific reference to the
23 suspect telling Lisa to give Lisa's money to the suspect?
24 A Yes.
25 Q Okay. Was it phrased obviously a little bit cleaner

1 than that when she said it to you?

2 A Yes, ma'am.

3 Q When you were speaking with her, at any time did she
4 tell you that it was her impression that on that specific day
5 the defendant or the suspect had come to her trailer to see
6 Gary Bly?

7 A No.

8 Q Now, you said part of your goal there at the
9 hospital was to document or at least observe while CSA
10 documents any evidence that may exist at the hospital and talk
11 to any witnesses. Is that a fair statement?

12 A Yes, ma'am.

13 Q And I believe that you said it was CSA Ross Lynch
14 that responded to the hospital?

15 A Yes, ma'am.

16 Q When a CSA is documenting items via photographs,
17 when those are uploaded into OnBase, does it have any sort of
18 notation as to who's updated it or uploaded it?

19 A The person that uploads it.

20 Q So it has like their P number?

21 A Yes, I believe so, it does have their P number.

22 Q And if you can describe what OnBase is for the
23 ladies and gentlemen of the jury?

24 A So OnBase is basically a computer program that
25 allows us to upload documents. So any reports that we have,

1 any photographs that are taken of the scene, of the victim, of
2 any evidence, it's uploaded in OnBase so that people that are
3 involved in that case can actually view those documents or the
4 photographs that were taken by CSA.

5 Q So then, photographs that were taken at the trailer
6 45 and photographs taken from the hospital and photographs
7 taken at an autopsy would all go into this same place and be
8 accessible under the same case number?

9 A Yes, ma'am.

10 Q And we talk about a case number. Is that the event
11 number?

12 A It is.

13 Q The photographs that were taken by Megan Ross Lynch
14 or CSA Ross Lynch, I'm sorry, those you indicated would have
15 her P number. Were those photos also uploaded with the event
16 number?

17 A They were.

18 Q And when she's taking photographs, part of your goal
19 is to know what's going on there so you can convey it back to
20 the lead detective. Is that accurate?

21 A Correct.

22 Q Okay. So you may not be present next to her as
23 she's taking a specific photograph, but you see everything
24 that she documents so that you are able to convey back
25 anything important.

1 A Yes, ma'am.

2 MS. THOMSON: May I approach?

3 THE COURT: Yes.

4 BY MS. THOMSON:

5 Q Showing you what's been marked as State's Proposed
6 Exhibits 117 and 118. Do you recognize these as photographs
7 taken by Ms. Ross Lynch at the hospital on that date
8 associated to the case you're here to testify about today?

9 A Yes, ma'am.

10 Q Do these accurately reflect the items obviously that
11 are depicted in them?

12 A They do.

13 MS. THOMSON: Move for admission of State's Proposed
14 Exhibits 117 and 118.

15 THE COURT: Counsel?

16 MR. YANEZ: Submitted, Judge.

17 THE COURT: All right. Then those will be admitted,
18 117 and 118.

19 (State's Exhibit 117 and 118 admitted.)

20 MS. THOMSON: Thank you, Your Honor. Court's
21 indulgence. I'll pass the witness.

22 THE COURT: All right. You're up, Mr. Yanez.

23 CROSS-EXAMINATION

24 BY MR. YANEZ:

25 Q Good morning, Detective.

1 A Good morning, sir.

2 Q How long have you been with Metro?

3 A Approximately 17 years.

4 Q Okay. So I'm assuming you've worked your way up to
5 detective, correct?

6 A Correct.

7 Q You started as a patrol officer?

8 A Yes, sir.

9 Q Okay. So you've gained a lot of training and
10 experience during those 17 years.

11 A Yes, sir.

12 Q You've dealt with a lot of different crimes?

13 A I have.

14 Q Drug-related crimes, you've dealt with those.

15 A Yes.

16 Q You'd agree with me in your training and experience
17 in dealing with drug crimes people who sell drugs tend to be
18 armed. In other words, they have guns or some type of weapon.

19 MS. THOMSON: Objection, speculation.

20 MR. YANEZ: Seventeen years of training and
21 experience, Judge.

22 THE COURT: Overruled. I'll let him testify to
23 that.

24 A Sometimes. Absolutely.

25 BY MR. YANEZ:

1 Q The reason they do is they're trying to protect
2 their drugs, right?

3 A Correct.

4 Q The money that they're making from the drugs.

5 A Yes, sir.

6 Q Now, when you conduct your investigation,
7 specifically in this case, you're depending on the people you
8 interview, these witnesses, to tell you the truth, right?

9 A Yes, sir.

10 Q You don't want to receive bad or incorrect
11 information, do you?

12 A I do not want to receive bad information, no.

13 Q Okay. Because that could lead your investigation in
14 the wrong direction.

15 A Yes, sir.

16 Q Also, you want the person -- the person you're going
17 to interview, you want that person to be physically and
18 mentally able to do an interview, right?

19 A Yes, absolutely.

20 Q And you determine this by interacting with the
21 witness that you're interviewing.

22 A Yes.

23 Q The way they respond to your questions.

24 A Consistency.

25 Q Body language.

1 A Yes.

2 Q And as -- I just want to make clear as you testified
3 a little bit earlier, you didn't get any feeling that Lisa
4 Papoutsis was unable to do an interview, right?

5 A No.

6 Q She was competent to do the interview?

7 A Yes.

8 Q She was mentally okay to do the interview?

9 A Yes.

10 Q And, of course, if you had any doubt as to that you
11 would have questioned her about it, right?

12 A Yes, or I wouldn't have held the interview.

13 Q It's also true that sometimes when you do interviews
14 of witnesses they might be hesitant to tell you things because
15 they think they're going to be in trouble for something else.

16 A Absolutely.

17 Q Okay. For instance, if you're investigating crime A
18 and maybe they're involved in crime B, they might be hesitant
19 to tell you that?

20 A Yes, sir.

21 Q In this case, though, you made it pretty clear to
22 Lisa that you were only interested in the murder
23 investigation, right?

24 A I was interested in what took place at that --
25 during the incident.

1 Q Right. And you didn't care for anything that wasn't
2 related to that, right?

3 A Well --

4 Q Maybe that was a bad question.

5 A Yeah. I don't know that I understand what you mean
6 by that.

7 Q Let me clarify that. I apologize. When it came up
8 with your discussion with Lisa, the issue of drugs came up,
9 correct?

10 A They did.

11 Q Okay. And you told her, "I have bigger fish to fry
12 than that," right?

13 A Right.

14 Q So you made it clear to her that the drug issue you
15 weren't concerned about, you're doing the homicide
16 investigation and that's what you were concerned about. You
17 made that clear to her, right?

18 A That's a little out of context, I would say, in the
19 way that you're framing it. In the sense that almost
20 everybody that we deal with or a good majority of the people
21 that we deal with typically is drug-related, and sometimes
22 they're concerned about giving their involvement in those type
23 of activities or what have you, so they kind of skirt around
24 those issues. And we make it clear that in this incident that
25 that's not the main purpose for our investigation. So in that

1 sense, yes.

2 Q Let's put it in an even more detailed context. In
3 this case you told Lisa you felt she was leaving something
4 out, right?

5 A Yes, I did.

6 Q You told her that on at least two occasions during
7 the interview, right?

8 A I don't recall exactly how many, but that's probably
9 consistent, yes, sir.

10 Q And after one of those times that you told her that
11 you thought she was leaving something out, the subject of
12 drugs came out, right?

13 A Yes, it did.

14 Q Okay. And that's when you told her, look, I don't
15 care about that, I've got bigger fish to fry.

16 A Yes.

17 Q And that is the context, right? Does that properly
18 set the context, as far as your memory?

19 A Yes, sir.

20 Q Thank you. Now, in your interview of Lisa, she
21 never told you anything about the person who she believed was
22 the suspect in this case. She never told you that that
23 person's wallet was left behind at her trailer, right?

24 A I don't believe so, no.

25 Q Never mentioned anything about a wallet belonging to

1 Gary Chambers, right?

2 A I don't know that she knew that or not.

3 Q That's not my question. My question is: Did she
4 tell you anything related to a wallet belonging to Gary
5 Chambers?

6 A I don't believe so.

7 Q Now, sir, you're familiar with something, a program
8 that's run by the State of Nevada called the Victims of Crime
9 Program?

10 A Familiar with it.

11 Q Okay. As part of your duties as a police officer,
12 don't you sometimes have to fill out documentation regarding
13 the Victims of Crime Program?

14 A Occasionally, but pretty rarely.

15 Q Okay. But that's part of your duty as a police
16 officer, correct?

17 A Yes, sir.

18 Q Okay. And that State of Nevada Victims of Crimes
19 Program, that's something that gives financial assistance to
20 people who are perhaps or alleged to have been victims of
21 crimes, right?

22 A Correct.

23 Q And there's certain requirements in order for that
24 person to receive financial assistance, money, from the State
25 of Nevada; is that right?

1 A I'm not that familiar with that program. We were
2 asked to give information to other individuals, so I don't
3 know what those requirements are or what they consist of.

4 Q Okay. Have you ever had to fill out paperwork in
5 regards to that?

6 A I believe once or twice for victims.

7 Q Okay. And it's a Police Report Verification Form,
8 correct?

9 A Once again, sir, I don't -- I haven't had enough
10 interaction to know that much about that program, so.

11 Q You're one of the lead detectives in this case,
12 correct?

13 A I'm an assisting detective, I wasn't the lead in it.

14 Q Okay. But you were involved in the investigation of
15 this case, right?

16 A I assisted the primary detective, yes, sir.

17 Q And you're aware that in this case there was a
18 Police Report Verification filled out for Lisa Papoutsis?

19 A Not until you just said that, and I remember at
20 least.

21 Q Okay. Did you ever speak to a Detective Raetz?

22 A Raetz is in homicide, so, yes, I have.

23 Q Okay. And you discussed the investigation of this
24 case with Detective Raetz, right?

25 A I imagine I did, yes, sir.

1 Q Okay.

2 MS. THOMSON: Can we approach?

3 (Bench conference transcribed as follows)

4 THE COURT: What's the issue?

5 MR. YANEZ: It wasn't filled out by this police
6 officer [inaudible] it's a public record [inaudible] hearsay,
7 it's relevant [inaudible] NRS [inaudible] police officer
8 conducting investigations and their findings pursuant to
9 investigations are admissible [inaudible]. So I'm seeking
10 [inaudible] --

11 THE COURT: First of all, as to admissibility, it is
12 separate from whether this witness can talk about it. What's
13 your --

14 MS. THOMSON: I would expect it should be required
15 to be certified.

16 THE COURT: Want to take a look?

17 MR. YANEZ: [inaudible]

18 THE COURT: Well, it's hearsay unless it comes in on
19 an exception, so she's looking at the exception --

20 MR. YANEZ: I didn't know [inaudible]. I don't want
21 to --

22 THE COURT: Good point. I understand. I think it
23 applies. Take a quick look.

24 MS. THOMSON: [inaudible]

25 THE COURT: That's a good point. Public official or

1 public agency.

2 MR. YANEZ: [inaudible]

3 THE COURT: I have the dot gov designation.

4 MS. THOMSON: [inaudible] statute [inaudible]
5 pursuant to the investigation [inaudible] circled back and
6 took the information but it's not part of the investigation.

7 MR. YANEZ: [inaudible] official capacity.

8 THE COURT: So it's one, two, or three. It's
9 activities of the agency, matters observed. I guess what we
10 need to make sure it doesn't have hearsay within hearsay. Is
11 there a statement of --

12 MR. YANEZ: This form was completed by Detective
13 Raetz in his capacity.

14 THE COURT: The detective.

15 MS. THOMSON: What does it say?

16 THE COURT: Let's take a look at it. Let me take a
17 look. Well, I mean, this is two hearsays here. The first
18 exception to the hearsay document is 155. Then the internal
19 layer of hearsay, the victim's prior statement is inconsistent
20 with what she said here on the bench or on the witness stand,
21 so it's -- this is admissible as a prior inconsistent
22 statement. I'm going to go ahead and allow it. All right?
23 Let's go.

24 (End of bench conference)

25 MR. YANEZ: Judge, at this point, based on our

1 discussion, I move for admission of Defense Proposed Exhibit
2 H.

3 THE COURT: It will be admitted subject to the
4 discussion on the bench conference.

5 (Defendant's Exhibit H admitted.)

6 MR. YANEZ: Thank you.

7 BY MR. YANEZ:

8 Q Detective, I want to show you this exhibit, Defense
9 Exhibit H, and see if it refreshes your memory as to some of
10 the things that a police officer will investigate and fill out
11 in the State of Nevada Victim of Crime Program. Did that make
12 sense? I know it was long-winded.

13 A Okay.

14 MR. YANEZ: Permission to approach, Judge?

15 THE COURT: Yes.

16 BY MR. YANEZ:

17 Q Just take a look at that, sir. Let me know when
18 you're done.

19 A Okay.

20 Q Have you had an opportunity to look at that?

21 A I have.

22 Q Okay. Did that refresh your memory on kind of some
23 of the things you as a detective or the police officers would
24 require for an alleged victim to apply for this program?

25 A Yes.

1 Q Okay. And one of the things, of course, and this is
2 -- I'm picking up where we left off where you didn't remember
3 before you saw this document, one of the things is the person
4 must report a crime, right?

5 A Once again, sir, I don't know all the requirements.
6 So just to clarify how this works is the victim advocate -- I
7 can't recall the name of the agency, but I think it's a Lynn
8 Green typically that I've dealt with in the past a couple
9 times. She provides paperwork for those individuals, so we
10 don't know the requirements of all that. They ask us for
11 information, we provide whatever information they're asking
12 for, and those decisions are made by them, not by us. So if
13 they ask us for info, we give them whatever they're asking
14 for. That's about our involvement in that.

15 Q I understand. And this document that I showed you,
16 this was completed by Detective Raetz, right?

17 A Correct.

18 Q And he was one of the detectives that investigated
19 this case, correct?

20 A Correct.

21 Q So my questions are geared more towards your general
22 understanding based on now reviewing this document and it
23 refreshing your memory. If you're telling me it doesn't
24 refresh your memory, that's fair enough.

25 A All I'm stating is I don't know -- you're asking

1 what the requirements are. I don't know the requirements.
2 All I know is when they come and they ask for information, we
3 provide that information. And then, they're the ones who make
4 that decision.

5 Q Doesn't this document tell you what the required
6 information is?

7 A I can look at it and list off what those
8 requirements are. I didn't memorize the whole form.

9 THE COURT: Do you have any independent knowledge of
10 what the requirements are or do you need to look at the --
11 would your knowledge be simply based upon what you see in the
12 document?

13 THE WITNESS: It would be what I see on that
14 document. So I look at the questions that are on there and I
15 would answer those questions and provide that form back. But
16 memorizing all the questions and the requirements, I have no
17 idea. I can read them off, certainly, if you'd like.

18 BY MR. YANEZ:

19 Q Well, let me have you re-review it, take a look at
20 it again. I'm just going to ask you general questions about
21 it. Okay?

22 A Okay.

23 Q Take your time. Let me know when you're done.

24 A Okay.

25 Q So, let me just ask you some general questions.

1 That's the form that would be filled out and submitted to the
2 State of Nevada in an attempt to get money for the alleged
3 victim, right?

4 A Correct.

5 Q And that document is titled Police Verification Form
6 or something to that extent?

7 A State of Nevada Victims of Crime Program, Police
8 Report Verification.

9 Q Okay. And maybe it will be easier this way. The
10 questions that are asked for the police to fill out, go ahead
11 and start from the -- actually, I don't want to --

12 A Skip the date and things of that nature?

13 Q Let me get this from you. If you need to refresh
14 your memory again --

15 MS. THOMSON: Your Honor, at this point it's in
16 evidence. Why don't we just read it from the document.

17 MR. YANEZ: That's what I was going to do.

18 MS. THOMSON: But asking questions, it's taking it
19 back and forth and asking the detective here, you've looked at
20 this that you've seen twice in your career, I want you to
21 memorize it, I'm going to ask you -- why don't we just have
22 the detective read it into the record.

23 THE COURT: I agree with that.

24 MR. YANEZ: It's my cross-examination, so I'm going
25 to ask him the questions. I just -- I gave him another

1 opportunity to review it in case he forgot. I didn't want to
2 be unfair.

3 THE COURT: All right.

4 BY MR. YANEZ:

5 Q Sir, the questions that are asked are were charges
6 filed or an arrest made, right?

7 A That is correct.

8 Q It says did the victim cooperate with police.
9 That's one of the questions, right?

10 A Yes.

11 Q And the other question is was the victim innocent of
12 wrongdoing, right?

13 A Correct.

14 MR. YANEZ: I have nothing further, Judge.

15 THE COURT: Okay. Thank you, sir. Let's do
16 redirect.

17 MS. THOMSON: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. THOMSON:

20 Q You were asked a question there at the end if that
21 form is -- and I don't remember the exact language, but
22 basically the agency trying to get money for the victim. Is
23 that form an instigation of a request for money for the
24 victim?

25 A I don't -- once again, I'm trying -- I'm not trying

1 to be vague, but it's not my agency, it's not my role as the
2 homicide detective to get or do or anything in relation to the
3 victim advocate office. So what their purpose is in those
4 forms is to provide obviously assistance to that victim. But
5 what type of assistance and the different types each
6 individual receives, I honestly cannot answer that question.
7 I don't know.

8 Q How long have you been a detective with Metro?

9 A I've been on the department for 17 years. In that
10 time, as a detective, at least 10.

11 Q And so, of those 17 years, 10 where you're probably
12 more likely to come into contact with that paperwork. You
13 said you've only done two; is that fair, that you remember?

14 A Well, I don't want to put a specific number on it,
15 but I will say that I don't deal with it that often. And once
16 again, my interaction with that paperwork is here's a form,
17 can you answer these questions for us. I fill out those
18 questions, which you saw is maybe six or seven, and I give it
19 back and that's it. I don't -- we don't really interact in
20 that way. So it's a completely separate entity from us.

21 Q Okay. So what I'm understanding from what you're
22 saying is that someone gives this to you and asks you to fill
23 it out, you don't go seek it out so you can fill it out to
24 give to somebody.

25 A No, not at all.

1 Q So the question was correct or -- sorry, it was a
2 badly phrased question. Do you see it out or is it given to
3 you and requested to be returned?

4 A It is given to me to fill out and return. We don't
5 seek out assistance for our victims. As a homicide detective,
6 I have nothing to do with that. That's a process that's
7 outside of the homicide office and people come to us. We
8 don't initiate it. I don't even follow up on it. That's
9 something that has nothing to do with us other than the
10 requesting information from us.

11 Q Just for clarification. As a homicide detective you
12 will sometimes have victims associated to crimes that are not
13 in fact deceased; is that fair?

14 A Correct.

15 Q Okay. So it's not just that you're not seeking out
16 help for people who are deceased.

17 A Correct.

18 Q You had indicated at the beginning of
19 cross-examination that if you had sensed any inability of Ms.
20 Papoutsis to answer questions or respond appropriately, sort
21 of interact with you in an understandable way, that you would
22 have held the interview. I just want to clarify because
23 there's sort of two interpretations to that statement. Does
24 that mean you still would have gone forward or you would have
25 delayed it until she was able to respond to you appropriately?

1 A So there are on occasion times when people are not
2 able to give us a statement. We attempt to obtain that
3 statement, but because for various reasons, their condition,
4 pain, medication, all those things, we would stop and come
5 back and gain that statement at a later time. Otherwise, the
6 information is kind of useless.

7 Q You were asked about your training and experience,
8 if in your experience drug dealers often carry weapons. Do
9 you recall sort of that line of questioning?

10 A I do.

11 Q And in your experience what is the reason for drug
12 dealers to carry weapons?

13 A Defense, if people are going to rob them. There's a
14 lot of what we call dope rips, so people that are involved in
15 drugs, other people that are aware of that, they come over to
16 steal their drugs or to rob them for their drugs and/or money.

17 Q And the experience you have, I don't know if it
18 would sort of go out this far, so if you don't know the
19 answer, that's perfectly acceptable. But in the time that you
20 have been with Metro, the 17 years, do you have a sense of
21 approximately how much say five grams of meth would cost?

22 A I don't.

23 MS. THOMSON: Pass the witness.

24 THE COURT: Do you have recross?

25 RE CROSS-EXAMINATION

1 BY MR. YANEZ:

2 Q Sir, I just have one last question as to Defense
3 Exhibit H, and I'm just going to read it to you. If you don't
4 believe me or you want to double check it, I'll obviously
5 present it to you. Detective Raetz signed this form, right?

6 A Yes, he did.

7 Q And right above his signature this statement is
8 contained, "I'm a law enforcement official familiar with the
9 facts of the crime referred to above," right?

10 A Correct.

11 MR. YANEZ: Nothing further, Judge. Thank you,
12 Detective.

13 THE COURT: All right. Anything from the jurors?
14 Make sure you have your name and your juror number on it.
15 Very good. Marshal, we have a juror question, juror number
16 seven. Counsel, would you please approach?

17 (Bench conference transcribed as follows)

18 MR. YANEZ: [inaudible]

19 MS. THOMSON: [inaudible]

20 THE COURT: So you guys agree to give number one,
21 not number two. Okay. Thank you. Appreciate it.

22 (End of bench conference)

23 THE COURT: All right. So I'm going to ask you one
24 of these questions here. Detective, this is from one of the
25 jurors. Please direct your answer to them. Did you make it

1 clear the police wanted information simply for the purpose of
2 investigation on a homicide, not to pursue her on drug
3 charges?

4 THE WITNESS: No. If I'm understanding what you
5 mean by that question, no.

6 THE COURT: I can't interpret it. I'll ask the
7 parties if they want to follow up on that, you have a right to
8 do that. State first.

9 BY MS. THOMSON:

10 Q So, let me try kind of rephrasing the question, see
11 if it changes the answer. When you were talking to Lisa
12 Papoutsis, at any point did you give her the impression that
13 you were there to investigate whether or not she was a drug
14 dealer, at least from your perspective, obviously?

15 A No. The purpose of the investigation was to
16 investigate the homicide. That doesn't preclude that other
17 information coming from that isn't pertinent. Say, for
18 instance, motivation for a robbery or the cause of the
19 homicide itself. So all the peripheral information that comes
20 from that is important to us because it gives us a better
21 understanding of why somebody was there at the scene, and
22 maybe a background as to what their motive was for committing
23 that crime. So, everything is pertinent. There are just some
24 things -- my point was that some things are more important
25 than others. Even though you may -- the individual might be

1 concerned about getting in trouble about certain things, well,
2 that may happen. But this is a bigger issue that we're facing
3 right now, and that's the context of my comments to her.

4 Q In an investigation or specifically this
5 investigation, would there have been a differentiation in how
6 you treated her in terms of criminal conduct if she had made a
7 statement like oh, I've sold a sack of weed versus yeah, I had
8 20 pounds of meth delivered that morning?

9 A Well, she's still a victim of a crime. So what
10 happened previous to that is important to me, because once
11 again, it tells that complete story. But it doesn't negate
12 the fact that she's a victim of a crime. And sometimes people
13 in those situations are hesitant to be completely honest with
14 you or tell you the whole circumstances because they're afraid
15 they're going to get in trouble. So it's important for us as
16 investigators in those situations to let them know that you're
17 still a victim of a crime. Just because you're not a perfect
18 person doesn't negate the fact that you are a victim of a
19 crime. So we need to know all of the truth all the way
20 through because that tells us the complete story.

21 Q Let me ask sort of this way. If the criminal
22 conduct that was relevant to being victimized was severe
23 enough, would you potentially share that information with
24 other --

25 A Absolutely. And have many times.

1 Q Okay. So, for example, if she had said, and maybe
2 five pounds isn't enough, but some like, I had a semi-trailer
3 delivered of meth, that would have been something that it
4 would be severe enough that you might pass it on.

5 A Right. Her being a victim of a crime does also not
6 negate the fact that she's committing a crime.

7 Q Okay. That's what I was trying to ask, and I
8 apologize.

9 A Sorry, I misunderstood.

10 THE COURT: Sometimes victims become suspects.

11 THE WITNESS: Absolutely. Frequently. Go ahead.

12 MR. YANEZ: Thank you. Counsel, page 19 to 20.

13 BY MR. YANEZ:

14 Q Detective, I just want to read to you a back and
15 forth that you had with Lisa when we were talking about that
16 bigger fish to fry.

17 A Correct.

18 Q That touches upon the question that the juror had.

19 A Right.

20 Q And I'm going to read it to you. If you don't
21 remember, you doubt --

22 A Please do.

23 Q -- my reading of it, I can show it to you. Okay?
24 At the bottom, the second question to the last. This is you
25 talking. "All right. All right. Look, here's the thing. I

1 mean, Money's calling you and you've seen him a couple of
2 times. I just feel like you're kind of leaving something out.
3 Like, what's the connect between you and Money?" Her answer:
4 "Drugs." Your follow-up question: "All right. Prescription
5 pills? Okay. So he provided you dope and stuff, correct?
6 Okay. I'm not here to take you to jail for -- because you
7 prescription meds. Okay? You know what I'm saying? But
8 we've got bigger fish to fry." Do you remember that back and
9 forth?

10 A Absolutely.

11 Q Thank you.

12 MR. YANEZ: Nothing further, Judge.

13 THE COURT: All right. Thank you, jurors. Is there
14 anything else? Think we can leave it at that then? All
15 right. Detective, thank you very much for your time. You may
16 step down. Have a good day.

17 THE WITNESS: Thank you.

18 THE COURT: All right. What would the State like to
19 do next? Do you have a witness?

20 MS. THOMSON: I believe that David Johnson should be
21 here.

22 THE COURT: Let's go check.

23 DAVID JOHNSON, STATE'S WITNESS, SWORN

24 THE CLERK: Thank you. Please be seated. State
25 your first and last name, spelling it for the record.

1 THE WITNESS: My name is David Johnson. D-a-v-i-d,
2 J-o-h-n-s-o-n.

3 MS. THOMSON: May I proceed?

4 THE COURT: Yes.

5 MS. THOMSON: Thank you.

6 DIRECT EXAMINATION

7 BY MS. THOMSON:

8 Q Good morning, sir. How are you employed?

9 A I am currently working as a forensic scientist II,
10 working for the Las Vegas Metropolitan Police Department
11 Forensic Laboratory in the latent print section.

12 Q And what training and education did you go through
13 to achieve that position?

14 A I have a bachelor's degree in biology from the
15 University of California Riverside. Upon being hired at Metro
16 or Las Vegas Metropolitan Police Department, I went through an
17 extensive training program that involved numerous competency
18 tests, as well as proficiency tests to get me ready for case
19 work. In addition to that, I've done continuing education,
20 whether at conferences or week-long classes. I'm also a
21 member of the International Association for Identification
22 through which I'm a certified latent print examiner. I've
23 also published in the Encyclopedia of Forensic Science.

24 Q Can you describe the process, when you're examining
25 an unknown print, what do you do when you receive a print and

1 someone, a detective asks can you figure out to whom this
2 belongs?

3 A Yes. So if you look at the surface of your hands,
4 they're kind of covered with these lines and ridges. That's
5 what a fingerprint is, is the friction ridge skin that's on
6 the surface of your hands. And when you touch something you
7 can leave behind an impression of those ridges. Kind of like
8 a stamp leaves behind an impression when you put that down on
9 paper. And usually, if it's an unknown sample where we don't
10 know who it belongs to where someone touches either an item of
11 evidence or something at a crime scene, that's what's called a
12 latent print. Generally, we can't see it. It has to be
13 processed either by some chemical or physical means to be able
14 to see that latent print.

15 Then we have known prints or known fingerprints.
16 And that would be when we know who the person is and we take a
17 controlled recording of their skin. So we roll their prints,
18 either using a live scan machine or with ink. Then we conduct
19 a visual examination between say a latent print and a set of
20 known prints. And we're looking for various details. We're
21 looking for like pattern, how the ridges kind of flow, what
22 shape they make. We're looking for individual
23 characteristics, like where those lines start and stop. And
24 even we'll look at things like, you know, the shape of edges
25 or the actual angles and shapes of things, and we'll compare

1 those latent prints to known prints.

2 And if we find that there's significant agreement
3 between say a latent print and a set of known prints, we can
4 make an identification where we say that that latent print was
5 made by the same person that made the set of known prints. If
6 we can't find any agreement, we're finding things that just
7 don't agree or there's no similarities between the two, we can
8 say that the -- we can exclude that person as the source of
9 the latent print.

10 Also, we can -- if we don't have enough information
11 one way or another, that comparison could be incomplete where
12 it's possible that the friction ridge skin either came from a
13 part of the palm that maybe wasn't recorded in their known
14 prints. So then, we would just say that that comparison was
15 incomplete, we need better exemplars in order to be able to
16 finish. We don't know one way or another whether or not that
17 person left that print.

18 Q And you indicated I think that there are times that
19 you receive prints on lift cards, there are times that you're
20 lifting the print yourself off of an item. Is that a correct
21 statement?

22 A Yes.

23 Q Talking about when you're receiving prints off of
24 lift cards, can you describe generally what it is you receive
25 from evidence when you're asked to compare a print from a lift

1 card?

2 A Yes. Our crime scene analysts will submit latent
3 print packets. They'll submit that to our evidence vault
4 where it's placed in secure storage. We'll then go to that
5 secure storage area, retrieve those latent print packets,
6 transfer them using our electronic chain of custody to
7 ourselves and where we will examine them. A lift card is
8 typically a three by five piece of paper where the crime scene
9 analyst has placed a piece of tape where they've lifted the
10 print off of a surface. Or they can submit photographs where
11 they've taken a picture of the latent print on a surface.

12 Q Showing you what's been previously marked as State's
13 Exhibit 92, would this be an example of a piece of tape that
14 you would receive on a lift card?

15 A Correct. They would remove that piece of tape from
16 the rearview mirror in this case, place it on a piece of
17 paper. They would label it with where that lift came from,
18 and then submit that in a latent print packet to the forensic
19 lab.

20 Q And specifically, were you asked to compare some
21 lifts or photographs from trying to lift in a case from July
22 9th of 2013?

23 A Yes, I was.

24 Q And did that event number specifically end in 1392?

25 A It did.

1 Q When you were asked to make those comparisons, did
2 you have a list of possibly known fingerprints, including Gary
3 Chambers, Gary Bly, and Lisa Papoutsis?

4 A Yes, I did.

5 Q During your examination of those prints, the lift
6 card that you get that has that piece of tape on it, does it
7 also have an associated sort of description of where it came
8 from so you know what it is that you're working on?

9 A Yes. The crime scene analyst will label the print
10 with the location information, as well as the event number
11 that was mentioned, as well as like their information of their
12 name and P number of who lifted the print.

13 Q And the prints that you were asked to examine in
14 this case, were those all lifted and basically booked into
15 evidence by CSA Nemcik?

16 A Yes, they were.

17 Q When you were asked to compare the prints that
18 associated to lifts that were detailed as coming from a
19 vehicle, did you find any of those lifts matching any of the
20 three individuals I listed earlier?

21 A Yes, I did.

22 Q And can you describe who that individual was and
23 which lifts it was that matched to that individual?

24 A The individual that was identified to several of the
25 latent prints from that case was Gary Chambers. One of those

1 lift cards was the one that was just shown on the display was
2 a lift card from the driver's side exterior rearview mirror of
3 the car. I believe it was a Saturn, Saturn Vue.

4 Q And you know that only because those were the notes
5 that Amy put on that lift; is that correct?

6 A Yes. I believe there were -- there was another lift
7 card from the hatchback or the hatch of the rear part of the
8 car that was also identified. There were two latent prints on
9 that card that was identified to the left middle and left ring
10 finger of Gary Chambers. I believe there's one other lift
11 card, if I could refer to my report.

12 Q Would it help refresh your recollection?

13 A It would.

14 Q And did you prepare that at or near the time of your
15 examination of the prints?

16 A Yes, I did.

17 Q Okay. Go ahead.

18 A Yes. The other lift card that Gary Chambers was
19 identified to was from the passenger side of the hood of the
20 Saturn Vue.

21 Q With regard to Gary Bly and Lisa Papoutsis, did you
22 in any of the prints that you were asked to compare find any
23 matches to them?

24 A No. I was not able to identify either of those two
25 individuals to any of the lift cards that I compared.

1 Q Now, you described places that are, I suppose,
2 better surfaces for lifting prints, and that is smooth areas;
3 is that correct?

4 A Yes.

5 Q Does the frequency of an area being touched affect
6 the ability of a print to be lifted?

7 A Yes. There are a number of factors that can
8 contribute to whether or not you can recover a latent print
9 from a surface, and how that item is handled or how often that
10 item is handled is one of those factors.

11 Q So, for example, in a convenience store if the
12 handle were perfectly smooth you still wouldn't expect to have
13 really great fingerprints because so many people would leave
14 them?

15 A It is possible that so many people touching the same
16 place would make it difficult to recover latent prints that
17 you could then identify to one individual.

18 Q And there's nothing about a print that will dictate
19 to you how old it is. Is that a fair statement?

20 A Correct.

21 Q After a period of time will a print dissipate such
22 that it cannot be lifted?

23 A It can, depending upon what residue the latent print
24 was left in. So, for example, if the latent print was left
25 was mostly say sweat, once that water is evaporated it is more