

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LAMAR CHAMBERS

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.Ct. No. 73446

D.C. No. C292987-1

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**APPELLANT'S APPENDIX
Volume XIV**

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Chambers v. State Case No. 73446

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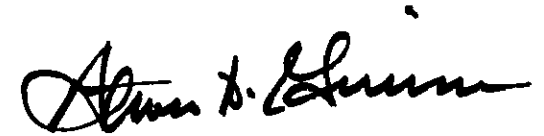
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CASE NO. C292987

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DEPT. NO. 5



CLERK OF THE COURT

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

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

REPORTER'S TRANSCRIPT
OF
PRELIMINARY HEARING

BEFORE THE HONORABLE CYNTHIA CRUZ
JUSTICE OF THE PEACE

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

APPEARANCES:

For the State:	MEGAN THOMSON, ESQ. MICHELLE EDWARDS, ESQ. Deputy District Attorney
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For the Defendant:	ABEL YANEZ, ESQ. Deputy Public Defender
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Also Present:	ROY NELSON, ESQ.
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Reported by: RENEE SILVAGGIO, C.C.R. NO. 122

I N D E X

State of Nevada v. Gary Lamar Chambers, 13F11113X

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

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

DEFENSE WITNESSES:

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

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

STATE'S EXHIBITS:

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

DEFENSE EXHIBITS:

(None offered)

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MISCELLANEOUS

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Las Vegas, Clark County, Nevada
Friday, September 27, 2013, 8:00 a.m.
(Proceedings commenced as follows:)

* * * * *

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

09:31AM

THE COURT: Let's go on the record on
Gary Lamar Chambers, 13F11113X.

Mr. Chambers is present, in custody.
Good morning, Mr. Chambers.

THE DEFENDANT: Good morning.

09:31AM

THE COURT: With the assistance of Mr. Yanez.
MR. YANEZ: Good morning.

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

MS. THOMSON: Yes, Your Honor.

MR. YANEZ: Yes, Your Honor.

09:31AM

And I would invoke the Exclusionary Rule
throughout the proceeding.

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

We do have a court observer here today;

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

3 State, call your first witness.

4 MS. THOMSON: Thank you, Your Honor.

09:31AM

5 The State calls Elizabeth Papoutsis.

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

8

9 LISA ELIZABETH PAPOUTSIS.

10 called as a witness on behalf of the State,

11 having been first duly sworn,

12 was examined and testified as follows:

13

14 THE WITNESS: I do.

09:32AM

15 THE CLERK: Please be seated.

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

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

09:32AM

20 THE WITNESS: Lisa Papoutsis.

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

22

23 DIRECT EXAMINATION

24 BY MS. THOMSON:

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

3 A. I go by Lisa.

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

09:32AM

5 A. Lisa.

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

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

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

9 A. Yes.

09:33AM

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

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

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

09:33AM

16 THE COURT: It will.

17 MS. THOMSON: Thank you.

18 BY MS. THOMSON:

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

09:33AM

20 A. Money.

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

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

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

1 A. Yes, it is.

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

4 A. Yes.

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

6 A. Gary Bly.

7 THE REPORTER: Gary, what was it?

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

9 THE REPORTER: Thank you.

09:34AM 10 BY MS. THOMSON:

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

13 A. I don't understand.

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

09:34AM 15 A. No.

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

17 A. Yes.

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

09:34AM 20 A. Yes.

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

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

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

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

6 A. Money.

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

9 A. Yes.

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

11 A. Yes.

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

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

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

16 A. No.

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

18 A. Yes.

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

21 A. Within a couple minutes.

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

24 A. Yes, it was.

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

3 A. Sitting on my couch.

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

09:36AM

5 A. Correct.

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

7 A. I was on the big couch.

8 Q. Okay. And the layout of your living room, can you

9 kind of describe for us where the big couch is and where the

09:36AM

10 little couch is in relationship to the front door?

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

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

09:36AM

15 (Sotto voce at this time.)

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

18

19 (State's Proposed Exhibit 17

09:36AM

20 was marked for identification.)

21

22 MS. THOMSON: May I approach?

23 THE COURT: You may.

24 BY MS. THOMSON:

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

4 A. Yes.

09:37AM

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

8 THE COURT: Mr. Yanez, any objection?

09:37AM

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

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

13 MS. THOMSON: Thank you.

14

09:37AM

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

17

18 BY MS. THOMSON:

09:37AM

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

21 A. Yes.

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

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

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

1 door?

2 A. To the door, yes.

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

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

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

7 A. Yes.

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

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

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

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

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

19 A. I believe the big one.

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

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

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

1 you --

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

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

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

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

9 A. The three of us?

09:39AM 10 Q. Uh-huh.

11 A. Yes.

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

14 A. Yes.

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

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

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

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

21 Q. Okay. What color holster?

22 A. Black.

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

24 A. No, not really.

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

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

09:40AM

5 Q. Okay. And what did he do?

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

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

09:41AM

10 A. He's got --

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

13 A. Speaking of Money.

14 Q. Okay. So your statement was directed towards
15 Gary Bly?

09:41AM

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

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

09:41AM

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

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

24 A. Pretty close.

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

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

09:41AM 5 And then Money said something.

6 And then Gary Bly got shot.

7 Q. Okay. Who shot Gary Bly?

8 A. Money.

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

09:42AM 10 A. No.

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

13 A. He raised the gun towards me.

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

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

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

19 A. No.

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

21 A. Yes.

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

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

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

2 A. Yes.

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

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

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

8 A. Yes.

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

13 (Sotto voce at this time.)

14 THE WITNESS: I don't remember.

09:43AM 15 BY MS. THOMSON:

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

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

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

23 A. Money saying that.

24 Q. Okay.

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

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

09:44AM 5 A. In his hand.

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

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

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

09:44AM 10 A. Yes.

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

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

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

09:44AM 15 A. Yes.

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

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

19 Q. Okay.

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

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

22 A. Yes.

23 Q. What happened?

24 A. I got shot.

1 Q. And where were you shot?

2 A. In my hand.

3 Q. You went to the hospital thereafter?

4 A. Yes.

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

6 A. Yes.

7 Q. Okay. What treatment did you receive?

8 A. Um, surgery.

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

09:45AM 10 A. Three days.

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

13 A. Yes.

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

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

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

21 A. Yes (indicating).

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

1 A. Yes.

2 Q. Okay.

3 MS. THOMSON: Court's indulgence.

4 (Sotto voce at this time.)

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

6 THE COURT: Mr. Yanez, cross.

7 MR. YANEZ: Thank you, Judge.

8

9 CROSS-EXAMINATION

09:46AM 10 BY MR. YANEZ:

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

12 A. No.

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

09:46AM 15 A. No.

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

19 A. No.

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

22 A. No, that's not accurate.

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

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

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

4 THE WITNESS: I don't understand.

09:47AM

5 BY MR. YANEZ:

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

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

09:47AM

10 A. No.

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

13 A. Yes.

09:47AM

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

17 A. No.

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

09:48AM

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

22

23 (Recess in proceedings.)

24

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

3 MS. THOMSON: Yes, Your Honor.

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

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

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

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

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

3 Does that make sense?

4 THE WITNESS: Yes.

09:53AM

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

7 BY MR. YANEZ:

09:53AM

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

12 A. Yes.

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

09:54AM

15 A. Yes.

16 Q. How many times?

17 A. Maybe once or twice.

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

09:54AM

20 A. No.

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

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

24 Q. Okay. Maybe I'm mistaken.

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

3 A. I don't sell drugs.

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

7 A. Yes.

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

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

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

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

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

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

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

18 A. Um, speed.

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

09:55AM 20 A. Yes.

21 Q. Any other drugs besides that?

22 A. No.

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

1 correct?

2 A. Yes.

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

09:55AM 5 A. No.

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

7 A. No.

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

9 A. He asked if he could come over.

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

12 A. Yes.

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

09:56AM 15 A. Correct.

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

17 A. No.

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

19 A. No, I did not.

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

22 A. No.

23 MS. THOMSON: Objection, asked and answered.

24 THE COURT: Move on, Mr. Yanez.

1 BY MR. YANEZ:

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

09:56AM

5 A. Yes.

6 Q. You interviewed with the police; correct?

7 A. Yes.

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

09:56AM

11 A. I'm -- two times.

12 Q. You spoke to the police two times?

13 A. I believe so, yes.

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

09:57AM

16 A. Yes.

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

18 A. I believe two days ago.

19 Q. Where did that happen at?

09:57AM

20 A. At my house.

21 Q. Who came to speak to you?

22 A. Said they were homicide detectives.

23 Q. Do you remember their names?

24 A. One's name was Matt --

1 THE REPORTER: Matt?

2 THE WITNESS: Gillis (phonetic), yes.

3 BY MR. YANEZ:

4 Q. Gillis was the last name?

09:57AM 5 A. I believe so.

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

7 A. There was another one there.

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

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

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

12 A. No, I really don't.

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

09:57AM 15 A. Yes.

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

17 A. I don't believe it was.

18 Q. How long did that interview last?

19 A. Maybe 15, 20 minutes.

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

22 A. Yes.

23 Q. Any other times besides those two?

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

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

2 A. Last week.

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

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

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

9 A. I don't remember.

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

11 A. Yes.

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

14 A. No.

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

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

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

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

1 counsel will be able to look at.

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

09:59AM

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

09:59AM

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

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

09:59AM

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

18 Correct, Mr. Yanez?

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

10:00AM

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

23 MR. YANEZ: Fair enough. I agree.

24 THE COURT: All right.

1 (Sotto voce at this time.)

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

3 MR. YANEZ: Thank you.

4 BY MR. YANEZ:

10:00AM

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

7 A. No.

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

10:01AM

10 A. Yes.

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

12 A. I believe he did, yes.

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

10:01AM

16 Do you remember that?

17 A. No.

18 (Sotto voce at this time.)

19 BY MR. YANEZ:

10:01AM

20 Q. Do you remember a discussion about automatic and
21 semiautomatic handguns?

22 A. Vaguely.

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

1 gun; do you remember that?

2 A. Yes.

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

10:02AM 5 A. No.

6 MR. YANEZ: Can I approach, Judge?

7 THE COURT: You may.

8 (Sotto voce at this time.)

9 BY MR. YANEZ:

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

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

14 BY MR. YANEZ:

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

19 A. (Witness complies.)

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

21 A. Yes.

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

1 correct?

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

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

6 A. Yes.

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

12 A. I don't remember.

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

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

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

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

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

1 A. Yes.

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

10:05AM

5 A. No.

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

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

10:06AM

11 A. Correct. Yes.

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

14 A. Yes.

10:06AM

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

19 A. Yes.

10:06AM

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

22 A. No.

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

24 A. While he was being shot or --

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

4 A. Yes.

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

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

7 Q. Two times in total?

8 A. In total.

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

11 A. Yes.

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

14 A. Yes.

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

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

18 A. Yes, yes.

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

21 A. I believe so.

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

23 A. Yes.

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

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

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

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

6 A. Yes.

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

9 A. That I recall.

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

12 A. I don't know.

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

14 A. Yes.

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

16 A. Yes.

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

18 A. I don't know.

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

10:09AM 20 A. No.

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

22 A. Yes.

23 Q. Who is Leo McGowan?

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

1 Q. He also lived with you; correct?

2 A. Yes.

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

4 A. No.

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

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

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

10:10AM 10 A. Yes.

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

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

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

16 A. No.

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

18 A. No.

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

1 A. Yes.

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

6 A. No.

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

9 A. No.

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

12 A. Yes.

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

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

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

19 A. No, I did not.

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

22 THE COURT: Any redirect?

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

1 REDIRECT EXAMINATION

2 BY MS. THOMSON:

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

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

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

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

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

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

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

18 Would you agree with that?

19 A. No.

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

21 THE WITNESS: No.

22 BY MS. THOMSON:

23 Q. Okay. You do not agree --

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

1 to the question.

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

4 MS. THOMSON: Thank you.

10:14AM

5 BY MS. THOMSON:

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

8 A. No.

9 Q. Okay.

10:14AM

10 MS. THOMSON: May I approach?

11 THE COURT: You may.

12 (Sotto voce at this time.)

13 BY MS. THOMSON:

10:14AM

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

16 A. (Witness complies.)

17 Q. You've read it over?

18 A. Yes.

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

10:15AM

20 A. Vaguely.

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

24 A. Yes.

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

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

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

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

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

12 A. Yes.

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

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

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

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

10:16AM 20 THE COURT: Sustained.

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

1 speculation. If she knows, she knows.

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

4 THE COURT: Then re-ask it.

10:16AM

5 MS. THOMSON: Okay.

6 BY MS. THOMSON:

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

9 A. I don't remember.

10:16AM

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

13 A. Of what?

14 Q. Of people.

10:17AM

15 A. No.

16 Q. Okay.

17 MS. THOMSON: May I approach?

18 THE COURT: Yes.

19 BY MS. THOMSON:

10:17AM

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

23 A. Yes.

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

1 A. No.

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

3 A. Yes.

4 Q. Do you recognize those initials?

10:17AM 5 A. Yes.

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

7 A. Yes.

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

9 A. Me.

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

12 A. Don't remember.

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

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

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

17 A. No.

18 (Sotto voce at this time.)

19 MS. THOMSON: Pass the witness.

10:18AM 20 THE COURT: Any recross?

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

22 THE COURT: Sure.

23

24 RECROSS-EXAMINATION

1 BY MR. YANEZ:

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

10:18AM

5 A. Yes.

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

8 A. No.

10:19AM

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

12 A. Yes.

13 Q. How soon -- when?

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

10:19AM

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

16 A. Yes.

17 Q. What drugs did you take?

18 A. Soma, Lortab.

19 Q. Anything else?

10:19AM

20 A. No.

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

23 A. No.

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

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

4 A. I don't remember.

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

6 THE COURT: State.

7 MS. THOMSON: Court's indulgence.

8 I have nothing further.

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

11 They all ask that you step down.

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

17 You can step down.

18

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

10:20AM 20

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

1 MR. YANEZ: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

14 speak with her.

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

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

17 them hooked up.

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

19 THE MARSHAL: Go ahead and follow me.

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

21 your right hand to be sworn by the clerk.

22

23 DR. GARY TELGENHOFF

24 called as a witness on behalf of the State,

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

3
4 THE WITNESS: I do.

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

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

9 THE CLERK: Thank you.

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

11 THE COURT: Yes.

12

13 DIRECT EXAMINATION

14 BY MS. EDWARDS:

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

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

17 Q. How long have you been so employed?

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

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

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

23 Q. Do you have --

24 A. -- of death.

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

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

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

6 A. Yes.

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

8 A. Yes.

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

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

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

14 A. Yes.

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

19 MR. YANEZ: That's correct.

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

24 Go ahead, Ms. Edwards.

1 BY MS. EDWARDS:

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

4 A. Yes.

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

7 A. Yes.

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

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

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

12 A. Yes.

13 Q. Please do so.

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

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

17 A. Yes.

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

10:24AM 20 A. Yes.

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

22 A. Yes.

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

1 A. Yes.

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

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

10:24AM

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

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

10:25AM

11 Q. Okay. Would --

12 A. And then --

13 Q. Go ahead.

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

10:25AM

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

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

18 Q. Is that considered an external examination?

19 A. Yes.

10:25AM

20 Q. Okay.

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

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

1 that in what becomes the Autopsy Report?

2 A. Yes.

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

10:26AM 5 A. Correct.

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

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

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

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

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

16 A. Yes.

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

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

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

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

1 left of center, yes.

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

10:27AM

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

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

8 A. Yes.

9 Q. Please do so.

10:27AM

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

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

13 Q. And that --

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

10:27AM

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

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

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

10:28AM

20 A. Yes.

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

23 A. Yes. The pathway of the projectile.

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

1 that determined the pathway of the projectile?

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

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

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

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

12 A. Correct.

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

10:28AM 15 A. Yes.

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

19 A. Yes.

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

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

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

1 A. Correct.

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

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

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

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

14 A. Yes.

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

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

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

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

24 Q. And that was the diagnosis; correct?

1 A. Correct.

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

4 A. That is the cause.

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

7 A. The manner is homicide.

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

10:30AM 10 A. Yes.

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

13 A. Correct.

14 MS. EDWARDS: No further questions.

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

16

17 CROSS-EXAMINATION

18 BY MR. YANEZ:

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

21 A. Yes.

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

24 A. Yes.

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

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

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

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

11 A. Yes.

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

10:32AM 15 A. Correct.

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

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

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

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

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

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

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

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

14 A. Yes.

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

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

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

10:33AM 20 A. Yes.

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

22 A. Yes.

23 Q. -- of methamphetamine?

24 A. Correct.

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

3 A. Yes.

10:34AM

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

6 A. Very large.

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

9 A. Yes.

10:34AM

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

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

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

10:34AM

15 A. Yes.

16 Q. It does include causing hallucinations?

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

10:34AM

21 Q. Okay. Aggressive behavior?

22 A. Yes.

23 Q. Irrational reactions?

24 A. Yes.

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

3 A. Correct.

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

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

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

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

14 A. I need to check the report.

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

16 A. Yes.

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

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

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

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

1 different drug that would have been ingested?

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

3 Q. Okay.

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

6 MS. EDWARDS: Just a few.

7

8 REDIRECT EXAMINATION

9 BY MS. EDWARDS:

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

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

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

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

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

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

22 A. Correct.

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

1 A. Yes.

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

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

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

10:38AM 10 A. Yes.

11 Q. Okay.

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

14 THE COURT: Yes.

10:38AM 15 BY MS. EDWARDS:

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

18 A. Yes.

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

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

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

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

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

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

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

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

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

16 A. Correct.

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

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

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

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

24 MS. EDWARDS: I have no further questions for

1 the doctor. Thank you.

2 MR. YANEZ: Nothing further, Judge.

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

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

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

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

11

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

13

14 THE COURT: State, call your next witness.

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

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

18

19 BRETT BROSNAHAN

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

21 having been first duly sworn,

22 was examined and testified as follows:

23

24 THE WITNESS: I do.

1 THE CLERK: Please be seated.

2 THE WITNESS: Thank you.

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

10:41AM 5 THE WITNESS: Brett Brosnahan.

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

7 THE CLERK: Thank you.

8

9 DIRECT EXAMINATION

10:41AM 10 BY MS. THOMSON:

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

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

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

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

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

18 A. I was.

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

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

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

1 A. I did.

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

4 A. I encountered two individuals.

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

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

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

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

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

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

21 Q. What was her demeanor?

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

24 Q. Okay.

1 MS. THOMSON: May I approach?

2 THE COURT: You may.

3 (Sotto voce at this time.)

4 BY MS. THOMSON:

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

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

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

11 A. Correct.

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

13 THE COURT: Cross.

14 MR. YANEZ: Briefly.

10:43AM 15

16 CROSS-EXAMINATION

17 BY MR. YANEZ:

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

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

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

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

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

1 A. I did not.

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

3 A. No, I did not.

4 MR. YANEZ: Nothing further, Judge.

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

6 MS. THOMSON: No, Your Honor.

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

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

12 Again, thank you for your time this morning.

13 THE WITNESS: Thank you.

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

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

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

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

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

24 THE COURT: Okay.

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

3 THE COURT: Where is Mr. Nelson?

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

6 THE COURT: Okay.

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

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

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

16 THE CLERK: Please be seated.

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

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

21 THE WITNESS: Bridgett.

22 THE CLERK: Spell it.

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

24 THE CLERK: And your last name, please?

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

2 THE CLERK: Thank you.

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

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

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

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

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

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

17 MS. THOMSON: Thank you.

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

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

23 You can proceed.

24 MS. THOMSON: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MS. THOMSON:

3 Q. Good morning, ma'am.

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

6 A. Yes.

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

9 A. Yes.

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

13 A. Yes.

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

17 A. Yes.

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

10:49AM 20 A. Yes.

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

22 A. Yes.

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

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

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

4 THE COURT: It will.

10:49AM

5 MS. THOMSON: Thank you.

6 BY MS. THOMSON:

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

10:49AM

10 A. Yes.

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

12 A. Craig and Nellis.

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

10:49AM

15 A. Yes.

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

17 A. Bam's.

18 THE REPORTER: Bam?

19 THE WITNESS: Yes.

20 THE REPORTER: B-A-M?

21 THE WITNESS: Mm-hmm.

22 BY MS. THOMSON:

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

24 A. No, it was me and Erica.

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

2 A. Yes.

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

4 A. Yes.

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

7 A. Home.

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

9 A. Mine.

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

11 A. Um, no.

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

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

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

16 A. Um, a trailer park.

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

18 A. No.

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

21 A. Yes.

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

23 A. Las Vegas Boulevard.

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

1 indicate why you were there?

2 A. Supposed to just pick up a package.

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

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

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

8 A. No, he was.

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

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

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

10:51AM 15 A. Yes.

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

18 A. SSI.

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

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

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

24 A. Yes.

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

3 A. I'm walking out right now.

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

10:52AM

5 A. Yes.

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

8 A. Yes.

10:52AM

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

11 A. No.

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

10:52AM

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

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

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

10:52AM

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

23 A. Yes.

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

1 the car?

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

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

10:53AM

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

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

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

10:53AM

12 THE REPORTER: Slow down.

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

10:53AM

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

18 THE COURT: Sustain it.

19 BY MS. THOMSON:

10:53AM

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

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

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

3 Q. Okay.

4 A. And then we got in the car.

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

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

9 Q. So you asked him that?

10:54AM 10 A. Yeah.

11 Q. Okay. And how did he respond?

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

14 And we got in the car and drove off.

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

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

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

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

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

3 A. Methamphetamine.

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

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

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

13 A. Okay.

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

17 A. Um, no.

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

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

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

23 A. Yes.

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

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

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

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

4 BY MS. THOMSON:

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

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

11 Q. Okay.

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

14 And I heard her yelling.

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

17 Q. Okay.

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

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

22 THE COURT: Overruled.

23 MS. THOMSON: Thank you.

24 BY MS. THOMSON:

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

4 A. I never said that at all.

10:57AM

5 Q. Okay.

6 MS. THOMSON: May I approach?

7 THE COURT: You may.

8 (Sotto voce at this time.)

9 BY MS. THOMSON:

10:57AM

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

12 A. (Witness complies.)

13 Okay, yeah.

14 Q. Okay.

10:57AM

15 A. I read it.

16 Q. You've reviewed that?

17 A. Yes.

18 Q. Do you remember making that statement?

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

10:57AM

20 Q. Okay.

21 A. I couldn't remember.

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

24 A. Yes.

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

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

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

8 A. Yes.

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

11 A. Yes.

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

14 A. My -- about what?

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

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

19 THE REPORTER: With his wife, who?

10:59AM 20 THE WITNESS: Dawn Chambers.

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

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

24 BY MS. THOMSON:

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

10:59AM

5 A. No. I just call him Dad.

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

11:00AM

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

12 Q. Okay.

13 A. And he'd come over.

11:00AM

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

16 A. Before the 9th?

17 Q. Mm-hmm.

18 A. Yes, I did talk to him.

11:00AM

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

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

1 parole.

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

4 A. Either get money or anything.

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

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

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

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

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

17 BY MS. THOMSON:

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

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

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

3 Q. Okay.

4 MS. THOMSON: Court's indulgence.

11:01AM

5 BY MS. THOMSON:

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

9 A. I mean, yes.

11:02AM

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

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

11:02AM

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

17 Go ahead. You can answer the question.

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

11:02AM

23 BY MS. THOMSON:

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

1 robbery, or is that just generically a crime?

2 A. Robbery.

3 Q. Okay.

4 (Sotto voce at this time.)

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

6 THE COURT: Mr. Yanez, cross.

7 MR. YANEZ: Thank you.

8

9 CROSS-EXAMINATION

11:03AM 10 BY MR. YANEZ:

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

14 A. I was coming down, yes.

11:03AM 15 Q. You had --

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

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

19 A. Yes.

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

21 A. Yes.

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

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

1 before the event.

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

3 A. I was coming down.

4 Q. Let me ask my question, please.

11:03AM 5 A. Go ahead.

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

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

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

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

11 Q. 11:30 in the morning?

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

13 Q. Okay.

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

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

17 A. It was after.

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

21 A. Yes.

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

1 A. No.

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

4 A. Yes.

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

7 A. Yes.

8 Q. Right?

9 A. Yes.

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

12 A. Yes.

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

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

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

11:05AM 20 A. No.

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

23 A. No.

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

1 going to come up.

2 A. Yes.

3 Q. Right?

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

7 A. Right.

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

12 A. Right.

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

17 A. Right.

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

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

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

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

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

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

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

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

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

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

11 A. Yes.

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

13 A. Yes.

14 Q. Was there anyone else present?

11:06AM 15 A. No.

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

18 A. Yes.

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

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

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

1 police started they told you to be truthful?

2 A. Yes.

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

11:07AM 5 A. Yes.

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

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

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

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

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

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

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

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

24 A. No.

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

3 THE COURT: Any redirect?

4 MS. THOMSON: No, Your Honor.

11:09AM

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

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

11:09AM

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

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

11:09AM

16 THE WITNESS: Thank you.

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

11:09AM

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

24 MR. NELSON: Thank you, Your Honor.

1

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

3

4 THE COURT: All right. State, call your next
11:09AM 5 witness, please.6 MS. THOMSON: The State calls Daniel Plumlee --
7 or, actually, you know what, I forgot that we put, let's take
8 Bradley Grieve. Sorry.9 THE MARSHAL: Go ahead and step up. Remain
11:10AM 10 standing. Raise your right hand and be sworn by the clerk.

11

12 BRADLEY GRIEVE

13 called as a witness on behalf of the State,

14 having been first duly sworn,

11:10AM 15 was examined and testified as follows:

16

17 THE WITNESS: I do.

18 THE CLERK: Please be seated.

19 Please state your name and spell it for the
11:10AM 20 record.

21 THE WITNESS: My name is Bradley Grieve.

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

23 THE CLERK: Thank you.

24 MS. THOMSON: May I proceed?

1 DIRECT EXAMINATION

2 BY MS. THOMSON:

3 Q. Good morning, sir.

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

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

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

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

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

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

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

22 Q. Okay.

23 A. Her voice.

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

1 A. No. No.

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

4 A. Yeah.

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

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

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

9 A. No.

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

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

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

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

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

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

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

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

12 Q. Okay. Where did you go?

13 A. I went up into the trailer.

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

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

19 Q. Okay.

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

24 Q. Okay.

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

11:15AM

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

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

11:15AM

10 A. No.

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

13 A. No.

11:16AM

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

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

11:16AM

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

23 A. Yes.

24 Q. Okay.

1 MS. THOMSON: May I approach?

2 THE COURT: You may.

3 (Sotto voce at this time.)

4 BY MS. THOMSON:

11:16AM

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

7 A. Yes.

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

11:16AM

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

11 Q. Okay. And is it your signature?

12 A. Yes.

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

11:17AM

15 A. Yes.

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

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

11:17AM

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

23 A. Yes.

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

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

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

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

8 A. Okay.

9 Q. Thank you.

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

11 A. Yeah.

12 Q. Okay. Did you see him that day at Trailer 45?

13 A. No.

14 Q. Had you seen him that day at all?

11:18AM 15 A. I'm not sure.

16 Q. Okay.

17 A. I'm not sure.

18 MS. THOMSON: Pass the witness.

19 THE COURT: Cross.

11:18AM 20

21 CROSS-EXAMINATION

22 BY MR. YANEZ:

23 Q. Mr. Grieve, are you the manager of the maintenance
24 department there at the trailer park?

1 A. I was -- at that time I was filling the position of
2 the manager plus the head of maintenance, and that's what I
3 did. I did both jobs at the time.

4 Q. Okay. Is that where you're still currently employed?

11:18AM

5 A. Yes.

6 Q. Okay. How many gunshots did you hear?

7 A. I heard a -- I heard a bang and then a bang-bang,
8 and -- three shots.

11:18AM

9 Q. Okay. So your memory is you heard three shots that
10 morning?

11 A. Yeah, yeah.

12 Q. Within a 48-hour period before those gunshots that
13 you heard, going back 48 hours, did you take any type of drugs,
14 whether prescription drugs, illegal drugs, any type of medicine
15 or medications?

11:19AM

16 A. No, not at all.

17 Q. Do you have any prior felony convictions, sir?

18 A. Oh, yes.

19 Q. Okay. What -- any within the last ten years?

11:19AM

20 A. No, I don't think so.

21 Q. Okay. Have you completed any term of probation or
22 parole within the past ten years?

23 A. Yeah, parole.

24 Q. Okay. When did you finish -- and I'm assuming the

1 parole was for a felony?

2 A. Yes. Yes.

3 Q. Okay. When did you expire that term of parole?

4 A. It was when I first came to Las Vegas, about eight
5 years ago.

11:19AM

6 Q. Okay. Was that for a conviction here in Nevada or a
7 different state?

8 A. No. It was in California.

9 Q. Okay. What was the conviction or convictions for?

11:19AM

10 A. It was for manufacturing.

11 Q. Manufacturing drugs?

12 A. Yes.

13 Q. Okay. Any drug in particular?

14 A. Yeah, methamphetamine.

11:19AM

15 Q. Okay. Anything else within the past ten years,
16 felony convictions or parole or probation?

17 A. No, not at all.

18 Q. I'm sorry, one more question. What city was that
19 conviction out of?

11:20AM

20 A. Um, it was out of, um, Mira Loma.

21 Q. I'm sorry?

22 A. Mira Loma.

23 Q. Okay.

24 A. As in San Bernardino Courts.

1 Q. Now, you indicated that you had seen a gentleman that
2 you picked out of a lineup coming out of Lisa's trailer;
3 correct?

4 A. Yes.

11:20AM 5 Q. Okay. You never saw that person going into the
6 trailer?

7 A. No.

8 Q. So therefore you wouldn't have known whether that
9 person walked in with a gun or not?

11:20AM 10 A. Absolutely.

11 Q. Now, you did write out a brief one-page statement for
12 the police about what happened; correct?

13 A. Yes.

14 Q. Were you interviewed by the police at all besides
11:21AM 15 what you wrote down?

16 A. No.

17 Q. Okay.

18 A. No, that was the only -- he took my statement and
19 that was it.

11:21AM 20 Q. And when you say he took my statement, that means
21 what you wrote down?

22 A. Yes, what I wrote down.

23 Q. Did he ask you ever -- any police officer ask you:
24 We want to record your statement, ask you some questions?

1 A. No.

2 Q. Now, you testified that you saw this African-American
3 gentleman coming out of Lisa's trailer. How far were you from
4 that gentleman?

11:21AM 5 A. Um, maybe five foot.

6 Q. Was there anyone else with you?

7 A. Um, well, there was, I thought. But, um, but I guess
8 when I entered the yard, nobody came -- no one was behind me,
9 so it was -- I was just the only one that, um, was there at the
10 bottom of the stairs.

11:22AM

11 Q. No other maintenance workers or any other residents
12 of the trailer park, from your memory?

13 A. Well, no, because, um, when I heard the shot, I --
14 after I heard the shots, I heard her still screaming, so I knew
15 she was okay -- or I mean not okay, but she was still alive,
16 and so that's when I -- I had just went in there to see if she
17 was okay. And, um, then the gentleman came out when I was at
18 the bottom of the stairs.

11:22AM

19 Q. So when -- when you're at the bottom of the stairs,
20 those are the stairs leading up to the front door?

11:22AM

21 A. Yes.

22 Q. Of the trailer?

23 A. Yes, sir.

24 Q. And that -- the African-American gentleman that you

1 described, he was leaving at that point?

2 A. Yes.

3 Q. So you're only a matter of feet away from the front
4 door?

11:22AM

5 A. Yes.

6 Q. And when you go inside, Lisa's still inside the
7 trailer?

8 A. Yes.

9 Q. Now, you indicated that you had seen this

11:23AM

10 African-American gentleman with a handgun?

11 A. Yeah, as he was, um -- at the -- at the time, when he
12 came out, um, then it just ran through my mind that, huh, maybe
13 this wasn't a good idea.

14 And so -- but, um, when he started walking

11:23AM

15 down -- I stepped back, and he started walking down the steps,
16 and that's when I could see that, um, in his one hand he was
17 clutching the butt of a weapon, which was about
18 three-quarters -- three-quarters of the way into his pocket.

19 Q. And which pocket was that?

11:23AM

20 A. Um, I think it was his right pocket.

21 Q. Were they -- what kind of pants was he wearing?

22 A. Um, I'm not sure. I -- I don't think they were -- I
23 don't think they were blue jeans. They were -- I'm not -- I
24 can't recall.

1 Q. And I'm assuming this gentleman didn't stop to talk
2 to you. You guys just walked past each other; correct?

3 A. Yes.

11:24AM

4 Q. So whatever view you got of the gun, is it fair to
5 say it was a fairly quick view?

6 A. Yeah, but it was -- I mean it was pretty close too.
7 I mean it was about five feet from me to him, and it was as he
8 was coming down the stairs, that's when I noticed it.

11:24AM

9 Q. I just want to make sure because there was a lot of
10 information there. I was specifically asking timewise, a
11 matter of seconds you two crossing each other's paths?

12 A. Yes. Yes.

13 Q. Okay. Are you able to give a description of what you
14 saw of the handgun?

11:25AM

15 A. Um, all I noticed was -- was his hands around the
16 gun, but I -- I really couldn't tell much about the weapon
17 itself because it was -- it was covered by -- it was inside the
18 pocket.

19 Q. Possible it wasn't a gun?

11:25AM

20 MS. THOMSON: Objection, speculation.

21 THE COURT: We'll see.

22 THE WITNESS: No, I mean, um, it was a gun butt.

23 BY MR. YANEZ:

24 Q. Do you know if it was a revolver or a semiautomatic

1 gun?

2 A. That I don't know.

3 Q. The color?

4 A. Um, if I -- I don't know. I'd be guessing. I just
11:25AM 5 remember his hand around the butt of the gun.

6 Q. So if I understand your testimony, the majority part
7 of the gun is inside his pocket (indicating)?

8 A. Yeah, about three-quarters of the way in, and --

9 Q. So you're only looking at about a quarter of an
11:26AM 10 object that you believe is a gun?

11 A. Yeah.

12 Q. Is that fair to say?

13 A. Absolutely.

14 MR. YANEZ: Court's indulgence.

11:26AM 15 Nothing further -- actually, hold on.

16 Nothing further, Judge.

17 THE COURT: Any redirect?

18 MS. THOMSON: Just one question.

19

11:26AM 20 REDIRECT EXAMINATION

21 BY MS. THOMSON:

22 Q. The individual that you saw coming out of the trailer
23 with the gun tucked part way into his pocket, is that
24 individual present in the courtroom today?

1 A. Yes, he is.

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

4 A. That's him right there (indicating) wearing the blue.

11:27AM 5 MS. THOMSON: Let the record reflect the
6 identity of the defendant?

7 THE COURT: It will.

8 MS. THOMSON: Thank you.

9 I have no other questions.

11:27AM 10 MR. YANEZ: Nothing further, Judge.

11 THE COURT: Sir, thank you so much for your
12 patience and your testimony. They all ask that you step down.

13 Please don't discuss your testimony with anybody
14 aside from a representative from the District Attorney's Office
11:27AM 15 or from Mr. Yanez's office, who will identify himself that
16 that's the person. All right?

17 THE WITNESS: Okay, ma'am. Thank you.

18

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

11:27AM 20

21 MS. THOMSON: As it turns out, I'm just going to
22 have one witness, and I made notes to myself to counsel him on
23 things he can't testify about that I forgot to do so, if I
24 could just have a second?

1 THE COURT: Yes, because my clerk needs to run
2 to the restroom.

3 MS. THOMSON: Okay. Perfect.

4 (Recess in proceedings.)

11:29AM 5 THE MARSHAL: Follow me up, follow me up.

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

8

9 DANIEL PLUMLEE

10 called as a witness on behalf of the State,

11 having been first duly sworn,

12 was examined and testified as follows:

13

14 THE WITNESS: Yes.

11:30AM 15 THE CLERK: Please be seated.

16 Please state your name and spell it for the
17 record.

18 THE WITNESS: Daniel Lloyd Plumlee.

19 D-A-N-I-E-L, L-L-O-Y-D, P-L-U-M-L-E-E.

11:30AM 20 MS. THOMSON: May I proceed? Thank you.

21

22 DIRECT EXAMINATION

23 BY MS. THOMSON:

24 ///

1 Q. Good morning, sir.

2 I'm going to direct your attention back to
3 July 9th of this year. At that time were you working at the
4 Van's Trailer Park on Las Vegas Boulevard?

11:30AM 5 A. Yes, I was.

6 Q. Or North Las Vegas Boulevard, I guess more
7 accurately?

8 A. Yes.

9 Q. On that date did you observe something that
11:30AM 10 ultimately causes you to be present today?

11 A. Yes.

12 Q. Okay. What was the first thing that day that caught
13 your attention?

14 A. Hearing gunshots.

11:30AM 15 Q. Okay. And from where did you hear the gunshots?

16 A. Coming out of Trailer 45.

17 Q. Okay. And did Lisa Papoutsis live there?

18 A. Yes.

19 Q. Okay. And I'm sure I'm mispronouncing that, but --
11:31AM 20 when you heard the gunshots, about what time was it?

21 A. It was probably around 10:00, 10:30.

22 Q. Okay. What had you been doing just before you heard
23 the gunshots?

24 A. I just left Lisa's trailer because I was -- had to

1 fix the front door.

2 Q. Okay. While you were at Lisa's trailer, who, other
3 than yourself, was there?

4 A. Gary, the one that was shot, and Lisa.

11:31AM 5 Q. Okay. Are you familiar with a Leo McGowan?

6 A. Yes.

7 Q. Okay. Was he at the trailer while you were fixing
8 the door?

9 A. No.

11:31AM 10 Q. Okay. As you left the trailer, did you go out the
11 front door or the back door?

12 A. I went out the back door.

13 Q. Okay. And where were you headed?

14 A. To the office.

11:31AM 15 Q. Okay. About how long from the time that you left the
16 back door to the time that you heard the shots?

17 A. I went through the gate, and I just got across the
18 way to the office when I heard the gunshots.

19 Q. Okay. When you heard the gunshots what did you do?

11:31AM 20 A. I turned, started running towards the -- Lisa's
21 trailer.

22 Q. Okay. How many gunshots did you hear?

23 A. I believe there was -- I heard two.

24 Q. Okay. And as you went to Lisa's trailer, what, if

1 anything, did you see?

2 A. Um, when I got to the front gate of Lisa's trailer,
3 and I seen somebody coming out the front door.

4 Q. Okay. Is that individual present in the courtroom
11:32AM 5 today?

6 A. Yes, he is.

7 Q. Will you please point to the individual and describe
8 something that they're wearing today?

9 A. He's wearing the -- the -- sandals.

11:32AM 10 MS. THOMSON: Let the record reflect identity of
11 the defendant?

12 THE COURT: It will.

13 MS. THOMSON: Thank you.

14 BY MS. THOMSON:

11:32AM 15 Q. As he was coming from the trailer, did you observe
16 anything on his person that caused you concern?

17 A. He -- he -- there was blood on him, and I observed
18 him, um, looked like a gun, he was putting it back in his front
19 pocket.

11:33AM 20 Q. Okay. You said that you observed blood on him. Do
21 you remember where you saw the blood?

22 A. I think it was on the right -- I think it was on his
23 right arm.

24 Q. Okay. And it appeared to be blood, you obviously --

1 A. Yeah, it --

2 Q. Okay. Do you -- could you tell what kind of gun it
3 was that he was putting in his pocket?

4 A. No, I couldn't.

11:33AM 5 Q. Okay. Did you -- were you able to tell the color of
6 it?

7 A. No.

8 Q. Okay. As he was coming out of the trailer, did you
9 hear him make any statements?

11:33AM 10 A. Yes. He said: That crazy bitch.

11 Q. Okay.

12 A. As he was walking down the stairs.

13 Q. And about how far away were you from him when he said
14 that?

11:33AM 15 A. About me to you.

16 Q. Okay.

17 MS. THOMSON: Does the Court have a measurement
18 on that, or are we just --

19 THE COURT: One second, please.

11:34AM 20 MS. THOMSON: Thank you.

21 BY MS. THOMSON:

22 Q. We think it's about 18 feet -- or is that -- that
23 can't be inches, that has to be feet.

24 THE COURT: Yep.

1 BY MS. THOMSON:

2 Q. After he said that did you see where he went?

3 A. Yeah. He went through the gate and got in an
4 SUV-type thing.

11:34AM 5 Q. Okay. And when he did that, were you able to see the
6 license plate of the vehicle?

7 A. Yeah.

8 Q. Okay. And did you make a point of remembering that
9 to report it to officers?

11:34AM 10 A. Yes, I did. I followed it out to the -- to the
11 street and waited for the officer to come in.

12 Q. Okay. Fair to say that, as you sit here today, you
13 don't remember that license plate?

14 A. No, it was a handicap plate.

11:34AM 15 Q. Nevada plate, do you remember?

16 A. Yes.

17 Q. Okay. As the defendant was coming out of the
18 trailer, did you know where Lisa was located?

19 A. Yes. She was screaming out the back door, she
11:35AM 20 screamed my name a few times.

21 Q. Okay. Did you observe anyone go into the trailer
22 between the time that you left the back door and the time that
23 you observed the defendant coming out the front door?

24 A. No, I didn't observe anything.

1 Q. Okay. Did you observe anyone else leaving that
2 trailer after the defendant came out the front door?

3 A. No.

4 Q. Have you ever met the defendant before that day?

11:35AM 5 A. Yes.

6 Q. Approximately, how many times?

7 A. Um, quite a few times.

8 Q. Okay. Does he have a familial relationship with
9 someone who works at that park, a family member?

11:35AM 10 A. Yeah, I believe so.

11 Q. Okay. But you don't know for sure?

12 A. I think he does, yes.

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

14 I'll pass the witness.

11:36AM 15 THE COURT: Cross, Mr. Yanez.

16

17 CROSS-EXAMINATION

18 BY MR. YANEZ:

19 Q. Mr. Plumlee, is it fair to say that even before this
11:36AM 20 incident on July 9th, you never liked Mr. Chambers?

21 A. That's not true.

22 Q. That's not true?

23 A. No, it isn't. I do like -- I always have liked

24 Money.

1 Q. I'm sorry, sir?

2 A. I always have liked him.

3 Q. Okay. You spoke to the detectives after the
4 shooting; correct?

11:36AM 5 A. Yes.

6 Q. And didn't you tell the detectives that Mr. Chambers'
7 M.O. and his whole family is to rob people? Do you remember
8 telling that to the detective?

9 A. I didn't tell them the whole family or him is to rob
11:36AM 10 people.

11 Q. You didn't say --

12 A. I don't remember.

13 Q. Let me break it down a little bit so we're not
14 confused as to what you said or didn't say.

11:36AM 15 Didn't you say that Mr. Chambers' M.O. is to rob
16 people?

17 A. I don't -- I don't recall.

18 MR. YANEZ: Permission to approach, Judge?

19 THE COURT: Yes.

11:37AM 20 BY MR. YANEZ:

21 Q. I'm going to show you what is a transcribed statement
22 that you gave to the police. Just ask you to read it to
23 yourself, in particular maybe the last three or four questions.
24 Let me know when you're done, I'm going to ask you some

1 questions.

2 A. (Witness complies.)

3 I -- I still don't recall saying that, but I
4 don't -- I don't remember --

11:37AM 5 Q. Let me -- let me ask you --

6 A. But --

7 Q. Let me ask you some questions so we have a clear
8 record.

9 A. Okay.

11:37AM 10 Q. You did read it; correct?

11 A. Yes, I read it.

12 Q. And it's page 12 of your Voluntary Statement.

13 I know your memory might be different today, but
14 as to what you read just now, which is your statement to the
11:37AM 15 police, you'd agree that you did say: His M.O. is to rob
16 people?

17 A. If it says I said that then, yeah, I said that, but
18 that -- I don't recall saying that.

19 Q. You'd agree with me that you just read that though;
11:38AM 20 correct?

21 A. Yes.

22 Q. It does say that?

23 A. Yeah.

24 Q. But your testimony is, even though you said that,

1 that you have no ill will or animosity towards Mr. Chambers?

2 A. No.

3 Q. When you indicated the 18 feet, that was the distance
4 from where you saw Mr. Chambers with the gun?

11:38AM 5 A. Coming out the front door and the gate, that's about
6 how far it is.

7 Q. Okay. When -- when you saw him coming out, was there
8 anyone else with you, or were you by yourself?

9 A. Brad -- Brad Grieve was in front of me.

11:38AM 10 Q. How far in front of you was he?

11 A. Maybe a foot or two, to my left.

12 Q. I'm sorry, a foot or two to the left?

13 A. Yes.

14 Q. Anyone else with you?

11:38AM 15 A. I don't recall.

16 Q. You'd agree that you never saw Mr. Chambers walking
17 into the trailer; correct?

18 A. Correct.

19 Q. You don't know whether he had a gun or not when he
11:38AM 20 walked in?

21 A. No, I don't -- I don't know.

22 Q. Now, when you saw Mr. Chambers with this gun, where
23 exactly on his body or in his person did you see him with the
24 gun?

1 A. Like his front right pocket (indicating), I just seen
2 the butt of it going in as he was walking out. That was it.

3 Q. Do you know how much of the gun you saw, just the
4 butt, is that it?

11:39AM

5 A. Mm-hmm.

6 Q. Is that a yes?

7 A. Yes.

8 Q. Did you see what color it was?

9 A. No.

11:39AM

10 Q. Could you tell the caliber of it?

11 A. No.

12 Q. Could you tell whether it was a revolver or a
13 semiautomatic?

14 A. By the butt it looked like a revolver.

11:39AM

15 Semiautomatics have different grips, you know.

16 Q. Okay. Fair to say that Mr. Chambers didn't stop to
17 talk to you?

18 A. No, he didn't.

19 Q. Or you guys walked past each other?

11:39AM

20 A. No, I mean he was coming down the stairs, and he --
21 and when he said what he said, I started backing up, and Brad
22 walked in the gate.

23 Q. When you saw what you say is the gun in his pocket,
24 was he holding on to the butt of the gun?

1 A. It was more like he just put it in there.

2 Q. So did you see him take his hand off of it
3 (indicating) or had he already walked by you at that point?

4 A. I don't remember. I -- I don't know.

11:40AM 5 Q. Anything else in his hands?

6 A. No.

7 Q. Do you remember what kind of pants he was wearing?

8 A. They were shorts.

9 Q. Color?

11:40AM 10 A. I don't remember the color.

11 Q. Now, you indicated that you had heard two gunshots?

12 A. Yes.

13 Q. Could you tell by the sound of the gunshot what kind
14 of caliber the gun was?

11:41AM 15 A. It was a large caliber, like a .38 or .357.

16 That's -- you know, like -- I grew up around guns, so that's --
17 it was a --

18 Q. That's what it sounded like to you?

19 A. That's what it sounded like to me.

11:41AM 20 Q. That morning that you heard the gunshots, going back
21 from that morning 48 hours, had you taken any type of drugs,
22 whether illegal narcotics, street drugs, prescription drugs?

23 A. Um, I may have taken meth.

24 Q. Okay. Do you remember when you took meth?

1 A. No, I don't.

2 Q. Okay. But it could have been within 48 hours --

3 A. Yeah.

4 Q. -- hearing the gunshots?

11:42AM 5 A. Yes.

6 Q. Did you get your meth from Lisa?

7 A. No.

8 Q. And when you took the meth, how did you take it, did
9 you inject it? Sniff it?

11:42AM 10 A. Smoked it.

11 Q. Smoked it.

12 Any other drugs besides meth?

13 A. No.

14 Q. Do you have any prior felony convictions within the
11:42AM 15 last ten years?

16 A. Felony, no.

17 Q. Have you done any type of parole or probation within
18 the past ten years?

19 A. Um --

11:42AM 20 Q. And that's whether in this state or another state.

21 A. I've done probation here in town.

22 Q. Okay. Was that for a felony charge?

23 A. No.

24 Q. Any -- any other probation or parole within the past

1 ten years?

2 A. No.

3 Q. Which pocket did you see Mr. Chambers put the gun in?

4 A. I believe his right pocket.

11:43AM 5 Q. And that's his front pocket?

6 A. Yes.

7 Q. Front.

8 And when you -- when you -- you actually walked
9 into the trailer after Mr. Chambers left it; is that correct?

11:43AM 10 A. No, I walked up to the door, the police officer was
11 there then. I didn't go in the trailer.

12 Q. Okay. At no point did you go inside the trailer?

13 A. Not after, no.

14 Q. Okay. You had indicated earlier that you said that
11:43AM 15 Lisa had gone out the back door?

16 A. Yes.

17 Q. Did you see her actually go out the back door?

18 A. No. I could hear her.

19 Q. Okay. You could hear her screaming?

11:43AM 20 A. Yes.

21 Q. So you don't know if she was inside the trailer or
22 she was outside of it?

23 A. She was inside the trailer when I heard her
24 screaming.

1 Q. Okay.

2 A. But she continued screaming out the back door.

3 Q. Is it possible that the methamphetamine you took was,
4 in fact, that morning of the 9th?

11:44AM 5 A. Could have been.

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

7 THE COURT: Redirect?

8 MS. THOMSON: Just briefly.

9

11:44AM 10 REDIRECT EXAMINATION

11 BY MS. THOMSON:

12 Q. You spoke with officers or detectives that day;
13 correct?

14 A. Yes, I did.

11:44AM 15 Q. And do you remember them showing you any photos?

16 A. Yes.

17 MS. THOMSON: May I approach?

18 THE COURT: You may.

19 BY MS. THOMSON:

11:44AM 20 Q. Showing you what's been marked as State's Proposed
21 Exhibit 10, specifically page 2 of the packet, do you recognize
22 what I'm showing you here?

23 A. Yes, I do, that was the lineup they showed me.

24 Q. Okay. And is this an accurate copy of the lineup

1 that they showed you?

2 A. Yes, it is.

3 Q. Okay. And underneath Photograph 4 there's a
4 signature. Is that your signature?

11:44AM 5 A. Yes, it is.

6 Q. Okay. And on page 1 of that packet, there's the
7 second half has some writing on it. Is that your writing?

8 A. Yes, it is.

9 Q. Okay. And is this an accurate copy of the page that
11:45AM 10 you filled out?

11 A. Yes.

12 Q. Okay.

13 MS. THOMSON: Pass the witness.

14 THE COURT: Anything further?

11:45AM 15 MR. YANEZ: Nothing further, Judge.

16 THE COURT: Sir, I ask that you step down.

17 Please don't discuss your testimony with anybody
18 besides a representative from the District Attorney's Office or
19 from Mr. Yanez's office.

11:45AM 20 I thank you for your testimony today. If
21 somebody from Mr. Yanez's office contacts you, they will
22 identify themselves as such. Thank you.

23 THE WITNESS: Thank you.

24

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

2

3 THE COURT: State, any further witnesses?

4 MS. THOMSON: No, Your Honor.

11:45AM

5 THE COURT: Any other evidence to offer to the
6 Court at this particular time?

7 MS. THOMSON: Yes. Marked as State's Proposed
8 Exhibits 13, 14 and -- 13, 14, 15 and 16 are copies of four of
9 the defendant's prior felony convictions. They are certified
10 copies. I ask that each of them be admitted.

11:45AM

11 THE COURT: Mr. Yanez, have you had an
12 opportunity to review these?

13 MR. YANEZ: I have, Judge.

11:46AM

14 THE COURT: Any objection for the admission of
15 those for the purposes of the Preliminary Hearing?

16 MR. YANEZ: For purpose of prelim, no, Judge.

17 THE COURT: All right. They're going to be
18 deemed admitted for the purposes of Preliminary Hearing only.

19

11:46AM

20 (State's Exhibits 13, 14, 15 and 16, respectively,
21 were admitted into evidence.)

22

23 MS. THOMSON: Court's indulgence.

24 THE COURT: You must give those back to Shana.

1 MS. THOMSON: I will. I'm just confirming that
2 I have --

3 (Sotto voce at this time.)

4 MS. THOMSON: Let me make -- oh, yes, okay.

11:46AM 5 So State's Exhibit 16 was a felony with
6 probation and a reduction to a gross misdemeanor. So it is
7 actually not a prior felony conviction.

8 THE COURT: So which one?

9 MS. THOMSON: State's Exhibit 16. So I'll
11:47AM 10 retract that if the Court will allow.

11 THE COURT: You can retract it. It still stay
12 as proposed.

13 (State's Proposed Exhibit 16
14 was withdrawn, will remain a proposed exhibit.)

11:47AM 15
16 THE COURT: So is that -- so are we doing as --

17 THE REPORTER: A what now?

18 MS. THOMSON: No, it's not on the Criminal
19 Complaint. There's only three case numbers, which is why I was
11:47AM 20 a little concerned.

21 THE COURT: Okay.

22 MS. THOMSON: And then before I rest, or as I
23 rest, I'm going to note that, with regard to Count VI, we have
24 not presented any evidence, that we will not be presenting any

1 evidence, and when the Court makes the bindover, I would ask
2 the Court to consider that we have not presented any evidence.

3 There were some issues with witnesses this
4 morning, and we chose to proceed with witnesses that we were
11:47AM 5 able to procure for the morning, rather than ask for a
6 continuance for that one count.

7 THE COURT: All right.

8 MS. THOMSON: And with that, I would rest.

9 THE COURT: All right. Mr. Yanez, any evidence
11:48AM 10 that the defense is presenting at this time to the Court?

11 MR. YANEZ: No, Judge.

12 I've spoken with Mr. Chambers about his right to
13 testify, and at this point he's going to invoke his Fifth
14 Amendment right and remain silent.

11:48AM 15 THE COURT: Is that correct, Mr. Chambers, your
16 attorney has had that discussion with you, and you wish at this
17 particular time to follow his advice and not testify at this
18 particular juncture?

19 THE DEFENDANT: Yes, ma'am.

11:48AM 20 THE COURT: All right. Mr. Yanez, anything
21 else?

22 MR. YANEZ: No, that's it, Judge.

23 THE COURT: Defense rests?

24 MR. YANEZ: Defense rests.

1 THE COURT: All right.

2 MS. THOMSON: I'll waive and reserve.

3 THE COURT: Mr. Yanez, you're up.

4

11:48AM

5

CLOSING ARGUMENT

6

7 MR. YANEZ: Judge, a few things.

8 I'm, again, I know we've all done this a million

9 times, I know what the standard is, I know it's low; however, I

11:48AM

10 think there are a few -- a few charges that I don't think even

11 slight or marginal evidence has been presented, specifically

12 attempt murder with use of a deadly weapon. That is a

13 specific-intent crime, it's not a general-intent crime.

14 My understanding of the testimony, and she was

11:48AM

15 pretty clear about it, is that, as she smacked the gun away,

16 the gun went off.

17 I don't think that those facts in any way

18 support the specific intent to murder somebody.

19 Whether it's some other type of crime, that's

11:49AM

20 noted here, I'm going to disagree with that, but as to

21 specifically as to attempt murder, I don't think the State has

22 met even slight or marginal evidence as to that charge.

23 As well as to, um, the attempt robbery charge,

24 Judge. The alleged victim in that case -- in that charge was

1 Lisa, and she was kind of all over the place with her
2 testimony, but we had no testimony of property that was
3 supposedly taken, that he wanted.

11:49AM 4 The testimony from Lisa was: You know what this
5 is about. That general statement, I don't think, suffices for
6 slight or marginal evidence for an attempt robbery charge.

7 The State's -- obviously, I'm agreeing with the
8 State on Count VI, that there's been no evidence presented as
9 to that, so I'd ask that that be dismissed. I don't think
11:50AM 10 there's opposition to that.

11 And again -- and also as to Count I, Judge, I
12 will challenge Count I as well, having to do with the specific
13 intent going into there, I think the testimony of the specific
14 intent was that Mr. Chambers was supposedly going in there to
11:50AM 15 buy drugs, not to commit a robbery, a larceny, or any type of
16 assault or battery.

17 And, of course, the -- the sticking point with
18 the burglary charge is what is his intent as he is walking into
19 the structure, and I don't think there's been any evidence
11:50AM 20 presented besides him going in there to buy drugs.

21 I'll submit it on that, Judge.

22 THE COURT: Okay.

23

24

REBUTTAL ARGUMENT

1 MS. THOMSON: Starting with the attempt murder,
2 Your Honor, I recognize that we don't have a situation where
3 there's statements. I don't think it makes it very easy;
4 however, I think that we can look at the circumstances to
11:51AM 5 determine his intent.

6 The fact that he had the gun pointed at her
7 torso, pointed at her chest, this is immediately after having
8 shot

9 Mr. Bly in the head. Additionally, the fact that it went off
11:51AM 10 when she hit his hand tells us that his finger was on the
11 trigger when he was doing that.

12 I think that the totality of the circumstances,
13 the fact that he's just shot another man in the head, and he's
14 now pointing the gun at her chest and making statements to her,
11:51AM 15 you know what this is about, demanding money, which I'll get to
16 as we go along, I think is sufficient that the Court can and
17 should bindover the attempt murder with use.

18 As to the attempt robbery, I fully agree, Lisa
19 is kind of a mess; however, she did state that she told police
11:51AM 20 what had happened that day, and that what she told police was
21 that he pointed the gun at her and asked or told or demanded,
22 depending on how -- what rule we want to use, her money, that
23 she knew what this was about, and that he demanded her money.

24 And I think that that is sufficient for the

1 attempt robbery.

2 There is no -- obviously no need that we
3 establish that he actually took anything, otherwise it would be
4 completed.

11:52AM 5 With regard to the burglary, she testified that
6 they did not have any weapons, that he pulled out the weapon.

7 The statements that he made to Bridgett Graham
8 previously about going to hit a lick, whether Bridgett believed
9 him or not, I think, forms a background for this crime.

11:52AM 10 Additionally, the statements that he made to her
11 about having -- I believe that he made statements to her about
12 having gone in to rob, the fact that he brought a gun with him,
13 all of this, in combination with the short period of time that
14 he's in the trailer before the shooting, we know it's very
11:52AM 15 short based upon the testimony of Mr. Plumlee, who had just
16 left the back of her trailer and is not even across the street
17 to the office before he hears the shots.

18 I think this all comes together to form a basis
19 that this Court can rely upon in binding him over on the
11:53AM 20 burglary while in possession of a firearm.

21 And I'd ask that the defendant be held to answer
22 all of the counts with the exception of Count VI, which I would
23 anticipate the Court would not bindover.

24 THE COURT: All right. Mr. Chambers, as I'm

1 sure your attorney has discussed with you, the standard at my
2 particular level is slight or marginal evidence that a crime
3 may have occurred, and you may have been the person to commit
4 the crimes, and send the matter to the District Court.

11:53AM

5 For those reasons, sir, I'm going to hold you to
6 answer in the Eighth Judicial District Court on the charges of:
7 Burglary while in possession of a firearm; murder with use of a
8 deadly weapon; attempt robbery with use of a deadly weapon;
9 attempt murder with use of a deadly weapon; battery with use of
10 a deadly weapon.

11:53AM

11 I'm not binding you up on the substantial bodily
12 harm. I don't think the State met its slight or marginal on
13 the substantial.

14 I'm not binding you over on trafficking, but I
15 will bind you over on possession of firearm by ex-felon.

11:54AM

16 However, State, did you withdraw Exhibit 16?

17 MS. THOMSON: Yes.

18 THE COURT: Okay. So let me see Exhibit 16.

19 So, State -- all right. So you gave me

11:54AM

20 convictions on -- let me see what was admitted.

21 So I have convictions on 775 --

22 THE REPORTER: On what? I'm sorry. What was
23 the conviction on?

24 THE COURT: Conviction on case ending in 775,

1 conviction in the case ending in 991, so I'm interlineating and
2 striking C142992. At this particular juncture there has been
3 nothing presented to the --

4 MS. THOMSON: Your Honor, there were four
11:54AM 5 marked.

6 THE COURT: I'm sorry, oh, this was together.
7 My apologies.

8 MS. THOMSON: Sorry.

9 THE COURT: All right. So I don't think --
11:55AM 10 okay, so strike that.

11 So we are going to leave in the 992. All right.
12 So he's going to go up on those.

13 Sir, you will need to appear with your attorney
14 in the lower level arraignment Court on the following date and
11:55AM 15 time --

16 THE CLERK: October 14th, 9:30, lower level
17 District Court arraignments.

18 THE COURT: Mr. Chambers, good luck to you.

19 THE DEFENDANT: Thank you.

11:55AM 20 MS. THOMSON: Thank you, Your Honor.

21 THE COURT: Count VI is dismissed and I'm
22 striking substantial bodily harm off of Count V.

23 THE CLERK: Got that.

24 MS. THOMSON: VI without prejudice; correct?

1 THE COURT: What?

2 MS. THOMSON: Without prejudice on Count VI,
3 please?

11:55AM

4 THE COURT: I don't know. You didn't dismiss
5 it, that's your problem.

6 MS. THOMSON: I didn't.

7 THE COURT: You didn't voluntarily dismiss it.
8 I'm not binding it over.

9 MS. THOMSON: Okay.

11:55AM

10 THE COURT: So I've heard no evidence on that.

11
12 (Proceedings concluded.)

* * * * *

13 ATTEST: Full, true and accurate transcript of proceedings.
14
15
16

17 /S/Renee Silvaggio
RENEE SILVAGGIO, C.C.R. 122
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