

1	CUSTODIAN OF RECORDS or Designee	DJJS Parole
2	CUSTODIAN OF RECORDS or Designee	Las Vegas City Marshall's Office
3	CUSTODIAN OF RECORDS or Designee	NLVPD Records
4	DUNBAR, P.	LVMPD #9356
5	ESPARZA, Brandi	3917 N. Nellis, #125, LV, NV
6	ESPARZA, Daniel	3817 N. Nellis, #125, LV, NV
7	GARCIA, Andrew	6752 Tiffollo Lane, LV, NV
8	GARCIA, Angel	6752 Tiffollo Lane, LV, NV
9	GETHOEFER, W.	LVMPD #6798
10	GOTO, Donald	3150 S. Nellis Bl., #1105, LV, NV
11	GREISSEL, M.	LVMPD #7996
12	HERNANDEZ, E.	LVMPD #7567
13	HOLMES, B.	LVMPD #7576
14	HOSKINS, K.	LVMPD #9303
15	HYT, S.	LVMPD #1505
16	JENSEN, R.	LVMPD #3551
17	JOHNSON, M.	LVMPD #8721
18	JONES, R.,	LVMPD #8876
19	LANINGHAM, Amber	3895 Boulder Hwy., LV, NV
20	MACDONALD, J.	LVMPD #4660
21	MAVGLIA, J.	LVMPD #4422
22	MOORE, E.	CCSD #235
23	NAVA, E.	LVMPD #8449
24	OGRAM, M.	LVMPD #6147
25	REED, Gary	DJJS Probation
26	ROSS, M.	LVMPD #11162
27	SAMED, Jamil	3700 E. Bonanza Rd., #2091, LV, NV
28	VIANO, K.	LVMPD #8583

1 VORCE, M.

LVMPD #7769

2 WALKER, Deandre

60 N. Pecos Rd., #11-2174, LV, NV

3 WATSON, Michelle

Rebel Gas Station

4 WIGGINS, Darrell

DJJS Probation

5 These witnesses are in addition to those witnesses endorsed on the Information and/or  
6 Indictment and any other witness for which a separate Notice has been filed.

7  
8  
9  
10 BY

  
DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

11  
12  
13  
14 CERTIFICATE OF ELECTRONIC FILING

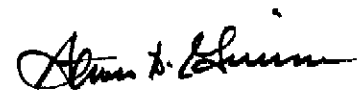
15 I hereby certify that service of Notice of Witnesses, was made this 8<sup>th</sup> day of March,  
16 2010, by Electronic Filing to:

17  
18 PUBLIC DEFENDER

19 E-mail Address: pdclerk@co.clark.nv.us

20  
21 /s/ D. Jason

22 Secretary for the District Attorney's Office  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT

**NOTC**

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
SONIA V. JIMENEZ  
Chief Deputy District Attorney  
Nevada Bar #008818  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BARRON HAMM,  
#2707761

Defendant.

CASE NO: C256384

DEPT NO: VII

SUPPLEMENTAL NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: BARRON HAMM, Defendant; and

TO: PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

NAME

ADDRESS

ALCALAL, Jose

5820 Meike Ave., LV, NV

AL-HNAITI, Younes

3700 Bonanza Rd., #2091, LV, NV

BOOTH, I.

NLVPD #921

COSTELLO, J.

LVMPD #9139

HENNESY, OFFICER

LVMPD

HOLLIS, D.


DCFS

JOINSON, M.

LVMPD #8721

1 KUBLA, K. LVMPD #13135  
2 LAWS, R. LVMPD #9075  
3 MADRID, Margarita 2400 Wright, NLV, NV  
4 MILLER, OFFICER LVMPD  
5 MONTEL, OFFICER LVMPD  
6 MONTES, Jose 1209 Ferguson, NLV, NV  
7 O'BRIEN, D. LVMPD #6192  
8 OWEN, Chilo 2920 S. Nellis Bl., LV, NV  
9 PEREZ, M. NLVPD #1566  
10 SAMANA, L. NLVPD #1371  
11 SIMPSON, J. NLVPD #1530

12 These witnesses are in addition to those witnesses endorsed on the Information and  
13 any other witness for which a separate Notice has been filed.  
14

15  
16 BY   
17 DAVID ROGER  
18 DISTRICT ATTORNEY  
Nevada Bar #002781

19 CERTIFICATE OF ELECTRONIC FILING

20 I hereby certify that service of Supplemental Notice of Witnesses, was made this 10<sup>th</sup>  
21 day of March, 2010, by Electronic Filing to:  
22

23 PUBLIC DEFENDER

24 E-mail Address: pdclerk@co.clark.nv.us

25  
26 BY: /s/ D. Jason

27 Secretary for the District Attorney's Office  
28

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 12 2010

BY   
TINA HURD, DEPUTY

1 IND  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 SONIA V. JIMENEZ  
6 Chief Deputy District Attorney  
7 Nevada Bar #008818  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 BARRON HAMM,  
14 #2707761

15 Defendant.

Case No. C256384  
Dept No. VII

AMENDED  
INDICTMENT

17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss:

19 The Defendant(s) above named, BARRON HAMM, is accused by the Clark County  
20 Grand Jury of the crimes of **SECOND DEGREE MURDER WITH THE USE OF A**  
21 **DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165), ASSAULT**  
22 **WITH A DEADLY WEAPON (Category B Felony - NRS 200.471)**, committed at and  
23 within the County of Clark, State of Nevada, on or about the 3rd day of May, 2009, as  
24 follows:

25 COUNT 1 – SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON

26 did then and there willfully, feloniously, without authority of law, and with malice  
27 aforethought, kill JARED FLEMMING, a human being by shooting the said JARED


28 ///

1 FLEMMING in the back, with a deadly weapon, to-wit: a firearm, the said actions of the  
2 Defendant resulting in the death of the said JARED FLEMMING,

3 COUNT 2 – ASSAULT WITH A DEADLY WEAPON

4 did then and there wilfully, unlawfully, feloniously and intentionally place another  
5 person, to-wit: JARED FLEMMING and/or HEATHER HERNANDEZ and/or TYJUAN  
6 BELL and/or MALIQUE HALEY and/or MICHAEL VILLANUEVA, in reasonable  
7 apprehension of immediate bodily harm with use of a deadly weapon, to-wit: a firearm, by  
8 pointing the firearm at said individuals and yelling for everyone to get on the ground and/or  
9 for everyone to lay on the ground.

10  
11  
12 DAVID ROGER  
13 DISTRICT ATTORNEY  
14 Nevada Bar #002781

15 BY   
16 SONIA V. JIMENEZ  
17 Chief Deputy District Attorney  
18 Nevada Bar #008818  
19  
20  
21  
22  
23  
24  
25

26 DA#09F09275X/djj  
27 LVMPD EV#0905030318  
28 2ND DEGREE MURDER WDW;  
AWDW - F

**FILED IN OPEN COURT**  
STEVEN D. GRIERSON  
CLERK OF THE COURT

**MAR 12 2010**

BY   
TINA HURD, DEPUTY

1 **GMEM**  
2 **DAVID ROGER**  
3 **DISTRICT ATTORNEY**  
4 Nevada Bar #002781  
5 **SONIA V. JIMENEZ**  
6 Chief Deputy District Attorney  
7 Nevada Bar #008818  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**

10 Plaintiff,

11 -vs-

12 **BARRON HAMM,**  
13 **#2707761**

14 Defendant.

CASE NO: C256384  
DEPT NO: VII

**GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **COUNT 1 - SECOND DEGREE MURDER**  
17 **WITH THE USE OF A DEADLY WEAPON** (Category A Felony - NRS 200.010,  
18 **200.030, 193.165), and COUNT 2 - ASSAULT WITH A DEADLY WEAPON**  
19 **(Category B Felony - NRS 200.471)** as more fully alleged in the charging document  
20 attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as  
22 follows:

23 The State will retain the full right to argue on the charge of Second Degree Murder.  
24 Both parties agree to stipulate to a sentence of eight (8) to twenty (20) years for the deadly  
25 weapon enhancement. Both parties also agree to stipulate to a sentence of twenty-four (24)  
26 to seventy-two (72) months for the charge of Assault with Use of a Deadly Weapon and  
27 agree to run the sentence consecutive to Count 1. Further, this agreement is conditional  
28 on the Court agreeing to and following through with the stipulated portion of the sentence.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

**I understand that as a consequence of my plea of guilty to Count 1, the Court must sentence me to life with the possibility of parole with eligibility for parole beginning at ten (10) years; OR a definite term of twenty five (25) years with eligibility for parole beginning at ten (10) years. I also understand that due to my use of a deadly weapon in the commission of my crime, the Court, after considering all the factors required by law, must impose a consecutive sentence of one (1) to twenty (20) years which must not be greater than the sentence imposed for the underlying crime.**

**I understand that as a consequence of my plea of guilty to Count 2, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000. I understand that the law requires me to pay an Administrative Assessment Fee.**

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that I am not eligible for probation for the offense of Second Degree Murder with Use of a Deadly Weapon to which I am pleading guilty.

I understand that I am eligible for probation for the offense of Assault with the Use of a Deadly Weapon to which I am pleading guilty. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I also understand that I must submit to blood and/or saliva tests under the Direction of the Division of Parole and Probation to determine genetic markers and/or secretor status.



1 I understand that if more than one sentence of imprisonment is imposed and I am  
2 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
3 the sentences served concurrently or consecutively.

4 I also understand that information regarding charges not filed, dismissed charges, or  
5 charges to be dismissed pursuant to this agreement may be considered by the judge at  
6 sentencing.

7 I have not been promised or guaranteed any particular sentence by anyone. I know  
8 that my sentence is to be determined by the Court within the limits prescribed by statute.

9 I understand that if my attorney or the State of Nevada or both recommend any  
10 specific punishment to the Court, the Court is not obligated to accept the recommendation.

11 I understand that if the State of Nevada has agreed to recommend or stipulate a  
12 particular sentence or has agreed not to present argument regarding the sentence, or agreed  
13 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor  
14 when the offense could have been treated as a felony, such agreement is contingent upon my  
15 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing  
16 is continued). I understand that if I fail to appear for the scheduled sentencing date or I  
17 commit a new criminal offense prior to sentencing the State of Nevada would regain the full  
18 right to argue for any lawful sentence.

19 I understand if the offense(s) to which I am pleading guilty to was committed while I  
20 was incarcerated on another charge or while I was on probation or parole that I am not  
21 eligible for credit for time served toward the instant offense(s).

22 I understand that as a consequence of my plea of guilty, if I am not a citizen of the  
23 United States, I may, in addition to other consequences provided for by federal law, be  
24 removed, deported, excluded from entry into the United States or denied naturalization.

25 I understand that the Division of Parole and Probation will prepare a report for the  
26 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
27 sentencing, including my criminal history. This report may contain hearsay information  
28 regarding my background and criminal history. My attorney and I will each have the

1 opportunity to comment on the information contained in the report at the time of sentencing.  
2 Unless the District Attorney has specifically agreed otherwise, then the District Attorney  
3 may also comment on this report.

4 WAIVER OF RIGHTS

5 By entering my plea of guilty, I understand that I am waiving and forever giving up  
6 the following rights and privileges:

7 1. The constitutional privilege against self-incrimination, including the right to refuse  
8 to testify at trial, in which event the prosecution would not be allowed to comment to the  
9 jury about my refusal to testify.

10 2. The constitutional right to a speedy and public trial by an impartial jury, free of  
11 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the  
12 assistance of an attorney, either appointed or retained. At trial the State would bear the  
13 burden of proving beyond a reasonable doubt each element of the offense charged.

14 3. The constitutional right to confront and cross-examine any witnesses who would  
15 testify against me.

16 4. The constitutional right to subpoena witnesses to testify on my behalf.

17 5. The constitutional right to testify in my own defense.

18 6. The right to appeal the conviction, with the assistance of an attorney, either  
19 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional  
20 or other grounds that challenge the legality of the proceedings and except as otherwise  
21 provided in subsection 3 of NRS 174.035.

22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my  
24 attorney and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against  
26 me at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and  
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been  
2 thoroughly explained to me by my attorney.

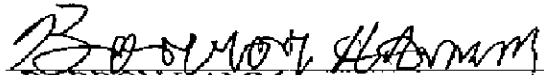
3 I believe that pleading guilty and accepting this plea bargain is in my best interest,  
4 and that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
7 set forth in this agreement.

8 I am not now under the influence of any intoxicating liquor, a controlled substance or  
9 other drug which would in any manner impair my ability to comprehend or understand this  
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and  
12 its consequences to my satisfaction and I am satisfied with the services provided by my  
13 attorney.

14 DATED this 12 day of March, 2010.

15   
16 BARRON HAMM  
17 Defendant

18 AGREED TO BY:

19   
20 SONIA V. JIMENEZ  
21 Chief Deputy District Attorney  
22 Nevada Bar #008818  
23  
24  
25  
26  
27  
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of  
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)  
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution  
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are  
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading  
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or  
16 other drug at the time I consulted with the defendant as certified in paragraphs  
17 1 and 2 above.

18 Dated: This 12 day of March, 2010.

19   
20 ATTORNEY FOR DEFENDANT  
21  
22  
23  
24  
25  
26  
27  
28

djj

1 IND  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 SONIA V. JIMENEZ  
6 Chief Deputy District Attorney  
7 Nevada Bar #008818  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 BARRON HAMM,  
14 #2707761

15 Defendant.

Case No. C256384  
Dept No. VII

16  
17 AMENDED  
18 INDICTMENT

17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss:

19 The Defendant(s) above named, BARRON HAMM, is accused by the Clark County  
20 Grand Jury of the crimes of **SECOND DEGREE MURDER WITH THE USE OF A**  
21 **DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165), ASSAULT**  
22 **WITH A DEADLY WEAPON (Category B Felony - NRS 200.471),** committed at and  
23 within the County of Clark, State of Nevada, on or about the 3rd day of May, 2009, as  
24 follows:

25 COUNT 1 – SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON

26 did then and there willfully, feloniously, without authority of law, and with malice  
27 aforethought, kill JARED FLEMMING, a human being by shooting the said JARED

28 ///


EXHIBIT 1

1 FLEMMING in the back, with a deadly weapon, to-wit: a firearm, the said actions of the  
2 Defendant resulting in the death of the said JARED FLEMMING,

3 COUNT 2 – ASSAULT WITH A DEADLY WEAPON

4 did then and there wilfully, unlawfully, feloniously and intentionally place another  
5 person, to-wit: JARED FLEMMING and/or HEATHER HERNANDEZ and/or TYJUAN  
6 BELL and/or MALIQUE HALEY and/or MICHAEL VILLANUEVA, in reasonable  
7 apprehension of immediate bodily harm with use of a deadly weapon, to-wit: a firearm, by  
8 pointing the firearm at said individuals and yelling for everyone to get on the ground and/or  
9 for everyone to lay on the ground.

10  
11  
12 DAVID ROGER  
13 DISTRICT ATTORNEY  
14 Nevada Bar #002781

15 BY   
16 SONIA V. JIMENEZ  
17 Chief Deputy District Attorney  
18 Nevada Bar #008818  
19  
20  
21  
22  
23  
24  
25

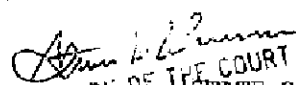
26 DA#09F09275X/djj  
27 LVMPD EV#0905030318  
28 2ND DEGREE MURDER WDW;  
AWDW - F

**FILED**

MAR 23 2 58 PM '10

Eighth Judicial District Court  
Clark County, Nevada**ORIGINAL**  
RECEIVED IN  
EXPRESS BOX

2010 MAR 17 A 7:55

  
CLERK OF THE COURT  
STATE OF NEVADA

Plaintiff,

vs.

HAMM, BARRON

Defendant

Case No.: C256384

Dept No.: 7

MEDIA REQUEST AND ORDER FOR CAMERA  
ACCESS TO COURT PROCEEDINGS

ROBERT MARTINEZ of KLAS TELEVISION, requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in the courtroom of Dept. No. 7, the Honorable Judge Linda M. Bell, commencing on the 14 day of MAY, 2010. *h/s 8:45 am*

I certify that I am familiar with the contents of Nevada Supreme Court Rules 229-249, inclusive, and understand this form MUST be submitted to the Court at least SEVENTY-TWO (72) hours before the proceedings commence, unless good cause can be shown. IT IS FURTHER UNDERSTOOD that approved media must arrange camera pooling prior to any hearing, without asking this Court to mediate disputes.

DATED this 12 day of MARCH, 2010.

ROBERT MARTINEZ


Media Representative

The Court determines camera access to proceedings, in compliance with the court's policy, ☐ WOULD ☒ WOULD NOT distract participants, impair the dignity of the court or otherwise materially interfere with the achievement of a fair trial or hearing herein;

Therefore, the Court hereby ☐ DENIES ☒ GRANTS permission for camera access to ROBERT MARTINEZ of KLAS TELEVISION, as requested for each and every hearing on the above-entitled case, at the discretion of the judge, and unless otherwise notified. This Order is in accordance with Nevada Supreme Court Rules 229-249, inclusive, and is subject to reconsideration upon motion of any party to the action.

IT IS FURTHER ORDERED that this entry shall be made a part of the record of the proceedings in this case.

DATED this 16 day of March, 2010.

  
District Court Judge

Fax Form 72 hours prior to the hearing to (702) 671-4548.

Eighth Judicial District Court  
Clark County, Nevada

ORIGINAL

FILED

MAR 23 2 59 PM '10  
State of Nevada

*Sharon J. Hamm*  
CLERK OF THE COURT  
vs.

Barron Hamm

Defendant

Case No.: 00C256384  
2010 MAR 17 A 7 55

Dept No.: 7

NOTIFICATION OF  
MEDIA REQUEST

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rules 229-249, inclusive, that media representatives from KLAS TV8 have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 16 day of March, 2010.

*E. J. Elhane*  
Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 16 day of March, 2010, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-249, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

District Attorney

455-2294

Defendant

Public Defender

455-5112

*E. J. Elhane*  
Eighth Judicial District Court



**THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
189 - 195  
WILL FOLLOW VIA  
U.S. MAIL**



**CLARK COUNTY COURTS  
EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554  
FAX (702) 474-2434

Edward A. Friedland  
Clerk of the Court

Steven D. Grierson  
Assistant Clerk of the Court

PUBLIC DEFENDER

Date: May 18, 2010  
Case No: C256384

Attached are pleadings received by the Office of the District Court Clerk on:

May 18, 2010

Pleadings: MOTION FOR COURT TRANSCRIPTS.

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

<sup>#</sup>  
Barron HAMN 2707761

Defendant

) Case No.: C256-384

) Dept. No.: CH V11

) Docket No.: \_\_\_\_\_

Motion for court transcripts

I will like all my court transcripts  
from all my court date's

RECEIVED

MAY 18 2010

CLERK OF THE COURT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATED THIS 15<sup>th</sup> day of May, 20 10.

I, Barron HAMM, do

solemnly swear, under the penalty of perjury, that

the above statement is accurate,

correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted,

Defendant

LAS VEGAS, NV 89101

To the Clerk of the Court

STEVEN D. GRIEASON  
200 LEWIS AVE - 3<sup>rd</sup> Floor  
LAS VEGAS 89155-1111

0000041015P

[illegible]

1 JOCP

FILED

MAY 20 2010

*Ann L. Blum*  
CLERK OF COURT

2 ORIGINAL

3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6

7 THE STATE OF NEVADA,  
8

9 Plaintiff,

10 -vs-

CASE NO. C256384

DEPT. NO. VII

11  
12 BARRON HAMM  
13 #2707761

14 Defendant.


15 JUDGMENT OF CONVICTION  
16 (PLEA OF GUILTY)  
17

18  
19 The Defendant previously appeared before the Court with counsel and entered  
20 a plea of guilty to the crimes of COUNT 1 – SECOND DEGREE MURDER WITH USE  
21 OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030,  
22 193.165; COUNT 2 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in  
23 violation of NRS 200.471; thereafter, on the 14<sup>TH</sup> day of May, 2010, the Defendant  
24 was present in court for sentencing with his counsel SCOTT COFFEE,  
25 Deputy Public Defender, and good cause appearing,  
26

27 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
28 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee

1 including testing to determine genetic markers, \$36,796.27 Restitution to the Fleming  
2 Family and \$6,000.00 Restitution to Victims of Violent Crimes, the Defendant is  
3 sentenced to the Nevada Department of Corrections as follows: As to COUNT 1 – to  
4 LIFE with a MINIMUM parole eligibility of TEN (10) YEARS plus a CONSECUTIVE  
5 term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
6 NINETY-SIX (96) MONTHS for the Use of a Deadly Weapon; as to COUNT 2 - to a  
7 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of  
8 TWENTY-FOUR (24) MONTHS, COUNT 2 to run CONSECUTIVE to COUNT 1; with  
9 THREE HUNDRED SEVENTY-FIVE (375) days credit for time served.  
10  
11

12  
13 DATED this 19 day of May, 2010.

14  
15  
16   
17 LINDA BELL  
18 DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**CLARK COUNTY COURTS  
EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-0530  
FAX (702) 474-2434

Steven D. Grierson  
Clerk of the Court

Vacant  
Assistant Clerk of the Court

TO: PUBLIC DEFENDER  
CC: BARRON HAM

Date: JULY 14, 2010  
Case No: C256384

Attached are pleadings received by the Office of the District Court Clerk:

Pleadings: Motin to Withdrawal Plea

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC



1 Barron Hamm #1052277  
2 Defendant/In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE of NEVADA  
8 Plaintiff,  
9  
10 vs.  
11 BARRON HAMM  
12 Defendant,

Case No. 6256384  
Dept. No. VII  
Docket \_\_\_\_\_

13  
14 MOTION TO WITHDRAW COUNSEL

15 Date of Hearing: \_\_\_\_\_

16 Time of Hearing: \_\_\_\_\_

17 'ORAL ARGUMENT REQUESTED, Yes ☒ No \_\_\_\_\_

18 COMES NOW, Defendant, Barron Hamm, proceeding in proper person,  
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel  
20 of record in the proceeding action, namely,

21 scott coffee

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court  
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
24 Affidavit of Defendant.

25 DATED: this 2 day of July, 2010

26 BY: Barron Hamm #1052277  
27 Barron Hamm #1052277  
28 Defendant/In Propria Personam

1 BARRON HAMM  
2 052277 / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7 THE STATE of NEVADA  
8 Plaintiff  
9  
10 vs.  
11 BARRON HAMM  
12 Defendant  
13

Case No. C256384  
Dept No. VII  
Docket \_\_\_\_\_

14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that DEFENDANT, BARRON  
16 HAM, to Withdraw Counsel

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_ M. In Department ✓ of said Court.

19  
20 CC:FILE

21  
22 DATED: this 02 day of July, 2010.

23  
24 BY: \_\_\_\_\_  
25 \_\_\_\_\_ #  
26 /In Propria Personam  
27  
28

## POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, CS 384, in Department No. 7<sup>th</sup>.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a "... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce  
6 and deliver to the Defendant all documents and personal property in his/their possession belonging to  
7 him or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers.  
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: this 2 day of July, 2010.

BY: Barton Haman 195 22 78  
Barton Haman #  
Defendant/In Propria Personam

NAME: Barron Hamm # 105 2277

HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA 89018

DATE: 7-2-2010

TO: Mr S. Coffee

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: 0256 384

DEPT. NO.: VII

CASE NAME: Barron Hamm

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Barron Hamm

/////

/////

/////

**CERTIFICATE OF SERVICE BY MAILING**

I, BARRON HAMM, hereby certify, pursuant to NRCP 5(b), that on this 2  
day of July, 2010, I mailed a true and correct copy of the foregoing, "

Motion to Withdraw Counsel"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Judge: Linda Bell  
200 LEWIS AVE  
LAS VEGAS NV 89155  
DEPT 7

Mr DAVID ROGES  
District Attorney  
200 LEWIS AVE  
LAS VEGAS NV 89155

Country Clerk office  
200 LEWIS AVE  
LAS VEGAS NV 89155

CC:FILE

DATED: this 02 day of July, 2010.

#  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding motion

To withdraw counsel  
(Title of Document)

filed in District Court Case number C 256-384

☒ Does not contain the social security number of any person.

-OR-

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

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

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

Barron Hamm  
Signature

07-02-2010  
Date

Barron HAMM  
Print Name

Defendant Pro-SC  
Title

BARRON HAMM  
#1052277-ADSP

P.O. Box 650

INDIAN SPRING, NV 89018



Las Vegas PAUC 01151





**CLARK COUNTY COURTS  
EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-0530  
FAX (702) 474-2434

Steven D. Grierson  
Clerk of the Court

Vacant  
Assistant Clerk of the Court

TO: PUBLIC DEFENDER  
CC: BARRON HAM

Date: JULY 14, 2010  
Case No: C256384

Attached are pleadings received by the Office of the District Court Clerk:

Pleadings: Motin to Withdrawal Plea

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

1 BARRON HAMM  
1052277 / In Propria Personam  
2 Post Office Box 650 [HDSP]  
Indian Springs, Nevada 89018  
3  
4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE of NEVADA  
9 Plaintiff

10 vs.

11 BARRON HAM  
12 Defendant  
13

Case No. C256884

Dept No. VII

Docket \_\_\_\_\_

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Defendant, Barron Hamm  
16 Motion to Withdraw Plea

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M. In Department VII of said Court.  
19

20 CC:FILE  
21

22 DATED: this 22 day of July, 2010  
23

24 BY: \_\_\_\_\_  
25 \_\_\_\_\_ #  
26 /In Propria Personam  
27  
28

CLERK OF THE COURT

JUL 13 2010

RECEIVED

1  
2  
3  
4  
5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF  
6  
7 NEVADA IN AND FOR THE COUNTY OF CLARK  
8  
9

10 THE STATE OF NEVADA,  
11 Plaintiff

CASE NO. C256384

DEPT. NO. VII

12 v.

13 Barron Hamm  
14 105 22 77 Defendant.

15 MOTION TO WITHDRAWAL PLEA

16 COMES NOW, Defendant, Barron Hamm -, proceeding in proper  
17 person, and moves this Honorable Court for an Order granting him permission to withdrawal his Plea  
18 Agreement in the the case number C256384 , on the date of 14 in the month  
19 of 05 in the year 2010 where defendant was then represented by S. Coffee as  
20 counsel. This Motion is based on all papers and pleadings on file with the Clerk of the Court which are  
21 hereby incorporated by this reference, and Points and Authorities herein and attached Affidavit of  
22 Defendant.  
23  
24

25 Dated this 02 day of July , ~~2009~~ 2010

26 Respectfully submitted,

27 Barron Hamm  
28 Defendant in Proper Person

MEMORANDUM OF POINTS AND AUTHORITIES

NRS. 176.165 PROVIDES:

A motion to withdraw a plea of guilty or nolo contendere may be made only before sentence is imposed, or imposition of sentence is suspended. To correct manifest injustice, the court, after sentencing, may set aside the judgment of conviction and permit the defendant to withdraw his or plea.

Failure to adequately inform a defendant of the full consequences of his/her plea creates manifest injustice which could be corrected by setting aside the conviction and allowing him/her to withdraw the guilty plea. Meyer v. State, 603 P.2d 1066 (Nev. 1979), and Little v. Warden, 34 P.3d 540 (Nev.2001).

Defendant herein alleges that his/her plea is in error and must withdraw the plea pursuant to the following facts: Appellant primarily contends that his Voluntary agreement was conditional on the court agreeing to and following through with stipulated portion of the sentence promise in the Guilty Plea Agreement, "These promises was not kept," Count 1 - Second Degree Murder w/ the use of a Deadly weapon 8 to 20 yrs for the deadly weapon enhancement and 2 1/2 to 7 1/2 months for the charge of assault w/ use of a deadly weapon, to run consecutive to Count 1.

Appellant next contends that all of the foregoing elements of the consequences of the Plea had not been thoroughly explained to him by his attorney. Appellant believe that pleading guilty and accepting this plea bargain of which he had no knowing nor understanding of "Amended Indictment" would be in his best interest, and that a trial would be in his best interest.

Finally, we note that at appellant

1 Sentencing Counsel failed to present any  
2 evidence, or witnesses on his behalf in sup-  
3 port of a more lenient sentence, further  
4 shown by the factual basis which is  
5 accurate, not agreement voluntarily  
6 understood by appellant in the  
7 absence of his signing said agreement,  
8 pg 5 and 6 of the said agreement.

9 Counsel's failure to investigate  
10 Santobello v. NY, 404 U.S. 257, Boykin v.  
11 Alabama 395 U.S. 238, McCarthy v. U.S. 394  
12 U.S. 459; also Federal Rule 32(d), and  
13 lack of preparation for trial left appellant  
14 without a defense for trial. We conclude  
15 that counsel's performance was so deficient  
16 as to render a more plea agreement  
17 unreliable. We conclude that appellant  
18 was denied his Sixth Amendment right to  
19 the effective assistance of counsel SEE  
20 Strickland v. Washington, 466 U.S. 668, 101 S.Ct. 2052, 80  
21 LEd 2d 674 (1984) and appellant's judgment of  
22 conviction by Guilty Plea be withdrawn  
23 and this matter be remanded to the  
24 District Court for further proceedings.

Therefore, pursuant to the facts and the law stated herein, Defendant requests that his guilty plea be withdrawn.

Dated this 010 day of 21, 2010

Respectfully Submitted,

Barron Hamm

CERTIFICATE OF SERVICE BY MAILING

I, Barron Hamm, hereby certify, pursuant to NRCP 5(b), that on this 20<sup>th</sup> day of July, 2010, I mailed a true and correct copy of the foregoing Motion To Withdraw Plea, by depositing it in the High Derest State Prison legal mail service provided through the Law Library, with First class Postage prepaid, and addressed to the following:

Mr. David Roger  
District Attorney  
200 Lewis Ave  
Las Vegas, NV. 89155  
~~████████████████████~~

Judge Linda Bell  
~~████████████████████~~  
200 Lewis Ave  
Las Vegas, NV 89155  
DEPT 7

County Clerk  
200 Lewis Ave  
Las Vegas NV  
89155

~~████████████████████~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CC: File

Dated this 20<sup>th</sup> day of July, 2010

BY: Barron Hamm  
HDCC \*1052277

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

## To Withdraw Plea

(Title of Document)

filed in District Court Case number C 256384

☒ Does not contain the social security number of any person.

**-OR-**

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

A. A specific state or federal law, to wit:

(State specific law)

-or-

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

Bawlon Hamm

Signature

07-2010

Date \_\_\_\_\_

BACON HAM

Print Name \_\_\_\_\_

Defendant Pro Se

Title

1  
2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE of NEVADA

8  
9 Plaintiff,

10 vs.

11 Barron Hamm

12 Defendant,

Case No. C256384

Dept. No. VII

Docket \_\_\_\_\_

13  
14 ORDER

15 Upon reading the motion of defendant, Barron Hamm, requesting  
16 withdrawal of counsel, scott coffee, Esq., of the Clark county Public  
17 Defender's Office, and Good Cause Appearing,

18 IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is  
19 GRANTED.

20 IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address, all  
21 documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

22  
23 DATED and DONE this 2 day of July, 2010.

24  
25  
26 DISTRICT COURT JUDGE  
27  
28



ORIGINAL

0042  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
309 South Third Street, Suite #226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

73  
FILED  
JUL 21 2010  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
v.  
  
BARRON HAMM,  
  
Defendant.

CASE NO. C256384X  
DEPT. NO. VII

Aug 4, 2010  
DATE: ~~July 30, 2010~~  
TIME: ~~9:00 a.m.~~ 8:45AM

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, the Defendant, BARRON HAMM, by and through SCOTT L. COFFEE, Deputy Public Defender, and hereby submits this motion to withdraw as attorney of record.

This Motion is based upon all the papers and pleadings on file herein, the attached points and authorities attached hereto, and oral argument at the time set for hearing this Motion.

DATED this 20 of July, 2010.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By   
SCOTT L. COFFEE, #5607  
Deputy Public Defender

15  
RECEIVED  
JUL 21 2010  
CLERK OF THE COURT

09C256384  
MWCN  
Motion to Withdraw As Counsel  
864327



1 Barron Hamm #1052277  
2 Defendant/In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE of NEVADA  
8 Plaintiff,  
9 vs.  
10 BARRON Hamm  
11 Defendant,  
12

Case No. 6256384  
Dept. No. VII  
Docket \_\_\_\_\_

13  
14 MOTION TO WITHDRAW COUNSEL

15 Date of Hearing: \_\_\_\_\_

16 Time of Hearing: \_\_\_\_\_

17 'ORAL ARGUMENT REQUESTED, Yes ☒ No \_\_\_\_\_"

18 COMES NOW, Defendant, Barron Hamm, proceeding in proper person,  
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel  
20 of record in the proceeding action, namely,

21 scott coffee

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court  
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
24 Affidavit of Defendant.

25 DATED: this 2 day of July, 2010

26 BY: Barron Hamm 1052277  
27 Barron Hamm #1052277  
28 Defendant/In Propria Personam

1 BARRON HAMM  
vs 2277 / In Propria Personam  
2 Post Office Box 650 [HDSP]  
3 Indian Springs, Nevada 89018  
4

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7 THE STATE of NEVADA  
8 Plaintiff

9  
10 vs.

11 BARRON HAMM  
12 Defendant

Case No. C256384

Dept No. VII

Docket \_\_\_\_\_

13  
14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that DEFENDANT, BARRON  
16 Ham, to Withdraw Counsel

17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department VII of said Court.

19  
20 CC:FILE

21  
22 DATED: this 22 day of July, 2010.

23  
24 BY: \_\_\_\_\_ #  
25 \_\_\_\_\_ /In Propria Personam  
26  
27  
28

## POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, 250384, in Department No. 7th.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a "... prompt accounting of all his client's. . . property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce  
6 and deliver to the Defendant all documents and personal property in his/their possession belonging to  
7 him or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers.  
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 DATED: this 2 day of July, 2010.

12  
13 BY: Barton Hamm 135 2274  
14 Barton Hamm  
15 Defendant/In Propria Personam  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NAME: Barron Hamm # 105 2277

HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA 89018

DATE: 7-2-2010

TO: Mr S. Coffee

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: 6256 384

DEPT. NO.: VII

CASE NAME: Barron Hamm

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Barron Hamm

/////

/////

/////

**CERTIFICATE OF SERVICE BY MAILING**

I, BARRON HAMM, hereby certify, pursuant to NRCP 5(b), that on this 2  
day of July, 2010, I mailed a true and correct copy of the foregoing, "Motion to Withdraw Counsel"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Judge: Linda Bell  
200 LEWIS AVE  
LAS VEGAS NV 89155  
DEPT 7

Mr David Rages  
DISTRICT ATTORNEY  
200 LEWIS AVE  
LAS VEGAS NV 89155

Country Clerk Office  
200 LEWIS AVE  
LAS VEGAS NV 89155

CC: FILE

DATED: this 02 day of July, 2010.

#  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

To withdraw counsel  
(Title of Document)

filed in District Court Case number C 256 384

☒ Does not contain the social security number of any person.

-OR-

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

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

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

Barron Hamm  
Signature

07-02-2010  
Date

Barron HAMM  
Print Name

Defendant Pro-se  
Title



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF MOTION**

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD will be heard on 30<sup>th</sup> day of July, 2010, at 10:00 a.m. in Department No. VII of the District Court.

DATED this \_\_\_\_\_ day of July, 2010.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By:   
SCOTT L. COFFEE, #5607  
Deputy Public Defender

**RECEIPT OF COPY**

RECEIPT OF COPY of the above and foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD is hereby acknowledged this 24 day of July, 2010.

CLARK COUNTY DISTRICT ATTORNEY

By: 

1 Barron Hamm #1052277  
2 Defendant/In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

FILED

JUL 26 2010

Atty. General  
CLERK OF COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

09C266384  
MWCN  
Motion to Withdraw As Counsel  
887389



7 THE STATE of NEVADA

8 Plaintiff,

9 vs.

10 BARRON Hamm

11 Defendant,

Case No. 0256384

Dept. No. VII

Docket \_\_\_\_\_

8-6-10

12 MOTION TO WITHDRAW COUNSEL

13 Date of Hearing: 8-6-10

14 Time of Hearing: \_\_\_\_\_

15 'ORAL ARGUMENT REQUESTED, Yes ☒ No \_\_\_\_\_

16 COMES NOW, Defendant, Barron Hamm, proceeding in proper person,  
17 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel  
18 of record in the proceeding action, namely,

19 scott coffee

20 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court  
21 which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
22 Affidavit of Defendant.

23 DATED: this 2 day of July, 2010

24 BY: Barron Hamm #1052277  
Barron Hamm #1052277  
Defendant/In Propria Personam

MCF

1.

9

1 BARRON HAMM  
2 032277 / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7 THE STATE of NEVADA  
8 Plaintiff

9 vs.

10 BARRON HAMM  
11 Defendant  
12

Case No. C256384

Dept No. VII

Docket \_\_\_\_\_

13 **NOTICE OF MOTION**

14 **YOU WILL PLEASE TAKE NOTICE, that** DEFENDANT, BARRON

15 Ham, to Withdraw Counsel

16 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
17 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department VI of said Court.

18  
19  
20 CC:FILE

21  
22 **DATED:** this 02 day of July, 2010.

23  
24 **BY:** \_\_\_\_\_ # \_\_\_\_\_  
25 /In Propria Personam  
26  
27  
28

## POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, 256384, in Department No. 7th.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a "... prompt accounting of all his client's . . . property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censured.

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Dec 08 2017 11:39 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

BARRON HAMM,  
Appellant(s),

vs.

STATE OF NEVADA,  
Respondent(s),

Case No: 09C256384

Docket No: 74096

# RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT  
BARRON HAMM # 1052277,  
PROPER PERSON  
P.O. BOX 1989  
ELY, NV 89301

ATTORNEY FOR RESPONDENT  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89101

**I N D E X**

<b><u>VOLUME:</u></b>	<b><u>PAGE NUMBER:</u></b>
1	1 - 230
2	231 - 460
3	461 - 607

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	08/18/2010	"EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING"	250 - 254
1	09/08/2009	"MOTION TO DISMISS COUNSEL"	132 - 134
1	03/12/2010	AMENDED INDICTMENT	177 - 178
2	08/09/2010	CASE APPEAL STATEMENT	242 - 243
2	02/26/2013	CASE APPEAL STATEMENT	395 - 396
3	08/20/2015	CASE APPEAL STATEMENT	509 - 510
3	09/26/2017	CASE APPEAL STATEMENT	552 - 553
3	12/08/2017	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
2	07/11/2012	CRIMINAL ORDER TO STATISTICALLY CLOSE CASE	301 - 301
2	02/12/2013	CRIMINAL ORDER TO STATISTICALLY CLOSE CASE	384 - 384
2	09/28/2010	DECISION AND ORDER	259 - 261
2	12/19/2012	DEFENDANT'S RESPONSE AND OBJECTION TO STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION FOR TRANSPORTATION OF INMATE FOR COURT.	361 - 364
2	11/30/2012	DEFENDANT'S RESPONSE WHY PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND MOTION TO APPOINT COUNSEL SHOULD ISSUE.	339 - 344
3	12/08/2017	DISTRICT COURT MINUTES	580 - 607
3	12/08/2017	DOCUMENTARY EXHIBITS (UNFILED)	554 - 579
2	01/29/2013	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	371 - 376
3	08/16/2017	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER	536 - 541
1	03/12/2010	GUILTY PLEA AGREEMENT	179 - 186
1	07/22/2009	INDICTMENT	1 - 7
1	07/22/2009	INDICTMENT WARRANT	8 - 8
1	07/23/2009	INDICTMENT WARRANT RETURN	9 - 10



I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	05/20/2010	JUDGMENT OF CONVICTION (PLEA OF GUILTY)	200 - 201
1	07/27/2009	MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS	11 - 11
1	03/23/2010	MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS	187 - 187
2	11/30/2012	MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	347 - 352
2	10/03/2014	MOTION FOR AND ORDER GRANTING REQUEST FOR SENTING TRANSCRIPTS	433 - 435
2	10/31/2012	MOTION FOR APPOINTMENT OF COUNSEL (HABEAS CORPUS)	316 - 318
2	11/16/2012	MOTION FOR CLARIFICATION	327 - 329
2	07/29/2011	MOTION FOR ORDER GRANTING REQUEST FOR SENTENCING TRANSCRIPTS	265 - 267
2	02/25/2013	MOTION FOR RECONSIDERATION; AND FOR APPOINTMENT OF COUNSEL FOR "DIRECT APPEAL"	388 - 394
2	03/06/2015	MOTION REQUESTING OF THE SENTENCING COURT TO ISSUE ITS ORDER GRANTING THE PETITIONER A COPY OF HIS PLEA CANVASSING AND SENTENCING TRANSCRIPTS PURSUANT TO NRS 7.40 ET SEQ. AND 7.055	442 - 447
1	12/11/2009	MOTION TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATIVE COUNSEL	146 - 151
2	06/23/2015	MOTION TO VACATE SENTENCE (CONTINUED)	451 - 460
3	06/23/2015	MOTION TO VACATE SENTENCE (CONTINUATION)	461 - 467
1	07/21/2010	MOTION TO WITHDRAW AS ATTORNEY OF RECORD	219 - 227
1	07/26/2010	MOTION TO WITHDRAW COUNSEL (CONTINUED)	228 - 230
2	07/26/2010	MOTION TO WITHDRAW COUNSEL (CONTINUATION)	231 - 236
2	04/10/2014	MOTION TO WITHDRAW PLEA	409 - 424

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	02/13/2012	MOTION TO WITHDRAWAL PLEA	273 - 293
2	10/22/2013	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - AFFIRMED	404 - 408
3	03/18/2016	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - AFFIRMED	511 - 515
2	10/14/2010	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED	262 - 264
2	08/05/2010	NOTICE OF APPEAL	237 - 241
2	02/22/2013	NOTICE OF APPEAL	385 - 387
3	08/19/2015	NOTICE OF APPEAL	504 - 508
3	09/08/2017	NOTICE OF APPEAL	549 - 551
2	02/04/2013	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	377 - 383
3	08/22/2017	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	542 - 548
1	11/03/2009	NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]	137 - 145
1	02/09/2010	NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]	152 - 167
2	04/10/2014	NOTICE OF MOTION	425 - 425
1	03/08/2010	NOTICE OF WITNESSES [NRS 174.234(1)(A)]	172 - 174
1	07/27/2009	NOTIFICATION OF MEDIA REQUEST	12 - 12
1	03/23/2010	NOTIFICATION OF MEDIA REQUEST	188 - 188
1	08/31/2009	ORDER	109 - 110
2	11/10/2011	ORDER	271 - 272
2	05/07/2012	ORDER	299 - 300
1	09/14/2009	ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS	135 - 136

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	11/04/2014	ORDER DENYING DEFENDANT'S PRO PER MOTION FOR AND ORDER GRANTING REQUEST FOR SENTENCING TRANSCRIPTS	439 - 441
2	04/19/2013	ORDER DENYING DEFENDANT'S PRO PER MOTION FOR RECONSIDERATION; AND FOR APPOINTMENT OF COUNSEL FOR "DIRECT APPEAL"	401 - 403
2	01/29/2013	ORDER DENYING DEFENDANT'S PRO PER MOTION FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE, OR IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE; ORDER DENYING DEFENDANT'S PRO PER MOTION FOR CLARIFICATION	368 - 370
3	07/24/2015	ORDER DENYING DEFENDANT'S PRO PER MOTION TO VACATE SENTENCE	501 - 503
2	05/16/2014	ORDER DENYING DEFENDANT'S PRO PER MOTION TO WITHDRAW PLEA	430 - 432
2	01/17/2013	ORDER DENYING DEFENDANT'S PRO PER REQUEST FOR MOTION TO BE IMMEDIATELY HEARD BY COURT	365 - 367
2	11/02/2012	ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS	319 - 319
3	06/06/2017	ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS	529 - 529
2	04/15/2015	ORDER GRANTING DEFENDANT'S PRO PER MOTION REQUESTING OF THE SENTENCING COURT TO ISSUE ITS ORDER GRANTING THE PETITIONER A COPY OF HIS PLEA CANVASSING AND SENTENCING TRANSCRIPTS PURSUANT TO NRS 7.40 ET SEQ AND 7.055	448 - 450
1	08/24/2009	PETITION FOR WRIT OF HABEAS CORPUS	101 - 108
2	10/31/2012	PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION)	302 - 315
3	05/17/2017	PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION)	516 - 528
1	05/07/2010	PRE-SENTENCE INVESTIGATION REPORT (UNFILED) CONFIDENTIAL	189 - 195
1	08/06/2009	RECEIPT FOR GRAND JURY TRANSCRIPT(S)	100 - 100

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	11/26/2012	REQUEST FOR MOTION TO BE IMMEDIATELY HEARD BY COURT	330 - 334
2	08/12/2010	REQUEST OF STATUS OF MOTIONS	244 - 249
1	08/31/2009	RETURN TO WRIT OF HABEAS CORPUS	111 - 129
2	08/27/2010	STATE'S OPPOSITION TO DEFENDANT'S EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING	255 - 258
2	08/15/2011	STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER GRANTING REQUEST FOR SENTENCING TRANSCRIPTS	268 - 270
2	02/22/2012	STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA	294 - 298
2	10/08/2014	STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION FOR AND (SIC) ORDER GRANTING REQUEST FOR SENTING (SIC) TRANSCRIPTS	436 - 438
2	03/15/2013	STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION FOR RECONSIDERATION & APPOINTMENT OF COUNSEL	397 - 400
2	12/11/2012	STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE, OR IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	357 - 360
3	07/10/2015	STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO VACATE SENTENCE	485 - 488
2	05/01/2014	STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO WITHDRAW PLEA	426 - 429
2	11/14/2012	STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND MOTION TO APPOINT COUNSEL	320 - 326
2	11/27/2012	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR CLARIFICATION	335 - 338
3	07/11/2017	STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT	530 - 535

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		OF HABEAS CORPUS	
2	11/30/2012	STATE'S RESPONSE TO DEFENDANT'S PRO PER REQUEST FOR MOTION TO BE IMMEDIATELY HEARD BY COURT	353 - 356
1	03/10/2010	SUPPLEMENTAL NOTICE OF WITNESSES [NRS 174.234(1)(A)]	175 - 176
1	08/03/2009	TRANSCRIPT OF HEARING HELD ON JULY 14, 2009	13 - 65
1	08/03/2009	TRANSCRIPT OF HEARING HELD ON JULY 21, 2009	66 - 99
3	07/10/2015	TRANSCRIPT OF HEARING HELD ON MAY 14, 2010	468 - 484
1	07/14/2010	UNFILED DOCUMENT(S) - ATTORNEY LETTER W/COPY OF UNFILED MOTIN TO WITHDRAWAL PLEA	202 - 210
1	07/14/2010	UNFILED DOCUMENT(S) - ATTORNEY LETTER W/COPY OF UNFILED MOTIN TO WITHDRAWAL PLEA	211 - 218
1	05/18/2010	UNFILED DOCUMENT(S) - ATTORNEY LETTER W/COPY OF UNFILED MOTION FOR COURT TRANSCRIPT'S	196 - 199
1	03/01/2010	UNFILED DOCUMENT(S) - ATTORNEY LETTER W/COPY OF UNFILED MOTION TO SUPPRESS MY STATEMENT	168 - 171
3	07/21/2015	UNFILED DOCUMENT(S) - MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	491 - 500
2	11/30/2012	UNSIGNED DOCUMENT(S) - ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	345 - 346
3	07/13/2015	UNSIGNED DOCUMENT(S) - ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	489 - 490
1	09/01/2009	WRIT OF HABEAS CORPUS	130 - 131

1 **IND**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **SONIA JIMENEZ**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #008818**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

FILED

JUL 22 11 52 AM '09

*E. J. [Signature]*  
CLERK OF THE COURT

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, )

11 Plaintiff, )

12 -vs-

13 BARRON HAMM,  
14 #2707761

15 Defendant(s). )

Case No. C256384  
Dept. No. XIV

INDICTMENT

18 STATE OF NEVADA }  
19 COUNTY OF CLARK } ss.

20 The Defendant(s) above named, BARRON HAMM, accused by the Clark County  
21 Grand Jury of the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM  
22 (Felony - NRS 205.060); ASSAULT WITH A DEADLY WEAPON (Felony - NRS  
23 200.471); MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.010,  
24 200.030, 193.165); and CARRYING CONCEALED FIREARM OR OTHER DEADLY  
25 WEAPON (Felony - NRS 202.350 (1)(d)(3)); committed at and within the County of Clark,  
26 State of Nevada, on or about the 3rd day of May, 2009, as follows:

27 ///

28 ///

**RECEIVED**

JUL 22 2009

CLERK OF THE COURT

1 COUNT 1 – BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did then and there wilfully, unlawfully, and feloniously enter, while in possession of a  
3 firearm, with intent to commit assault and/or assault with use of a deadly weapon, that  
4 certain building occupied by JAZMIN FLEMMING and/or JARED FLEMMING, located at  
5 2675 Nellis Avenue, # 1142, Clark County, Nevada.

6 COUNT 2 – ASSAULT WITH A DEADLY WEAPON

7 did then and there wilfully, unlawfully, feloniously and intentionally place another  
8 person, to-wit: JARED FLEMMING and/or HEATHER HERNANDEZ and/or TYJUAN  
9 BELL and/or MALIQUE HALEY and/or MICHAEL VILLANUEVA, in reasonable  
10 apprehension of immediate bodily harm with use of a deadly weapon, to-wit: a firearm, by  
11 pointing the firearm at said individuals and yelling for everyone to get on the ground and/or  
12 for everyone to lay on the ground.

13 COUNT 3 – MURDER WITH USE OF A DEADLY WEAPON

14 did then and there wilfully, feloniously, without authority of law, and with malice  
15 aforethought, kill JARED FLEMMING, a human being, by shooting the said JARED  
16 FLEMMING in the back, with a deadly weapon, to-wit: a firearm, the said actions of the  
17 Defendant resulting in the death of the said JARED FLEMMING, the Defendant being  
18 responsible under one or more of the following principles of criminal liability, to-wit: (1) by  
19 having premeditation and deliberation in its commission; and/or (2) the killing occurring  
20 during the perpetration or attempted perpetration of a burglary.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 COUNT 4 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

2 did then and there wilfully, intentionally, unlawfully and feloniously carry concealed  
3 upon his person, a firearm or other deadly weapon, to-wit: a handgun.

4 DATED this 21 day of July, 2009.

5  
6 DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

7  
8 BY   
9 SONIA JIMENEZ  
10 Chief Deputy District Attorney  
Nevada Bar #008818

11 ENDORSEMENT: A True Bill

12   
13  
14 Foreperson, Clark County Grand Jury  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 Names of witnesses testifying before the Grand Jury:  
2 HALEY, MALIQUE, C/O CCDA'S OFFICE  
3 OLSON, DR. ALANE, CLARK COUNTY CORONER'S OFFICE  
4 CHILDS, AUSTON, C/O CCDA'S OFFICE  
5 VILLANUEVA, MICHAEL, C/O CCDA'S OFFICE  
6 BYNUM, BERNARD, C/O CCDA'S OFFICE  
7 BELL, TYJUAN, C/O CCDA'S OFFICE  
8 FLEMMING, JAZMIN, C/O CCDA'S OFFICE  
9 HERNANDEZ, HEATHER C/O CCDA'S OFFICE  
10 WILDEMANN, M., LVMPD #3516  
11 Additional witnesses known to the District Attorney at time of filing the Indictment:  
12 CUSTODIAN OF RECORDS CCDC  
13 CUSTODIAN OF RECORDS LVMPD COMMUNICATIONS  
14 CUSTODIAN OF RECORDS LVMPD RECORDS  
15 CUSTODIAN OF RECORDS NLV PD RECORDS  
16 BUNN, C., LVMPD #4407  
17 FLEMMING-BROWN, KIMBERLY C/O CCDA'S OFFICE  
18 FLEMING, ANTHONY C/O CCDA'S OFFICE  
19 HERNANDEZ, HEATHER C/O CCDA'S OFFICE  
20 HERNANDEZ, DILLON, C/O CCDA'S OFFICE  
21 HALEY, MALIQUE, C/O CCDA'S OFFICE  
22 GONZALES, BRANDON, C/O CCDA'S OFFICE  
23 BYNUM, BERNARD, C/O CCDA'S OFFICE  
24 FLEMMING, JAZMIN, C/O CCDA'S OFFICE  
25 LUNDY, CRYSTAL, C/O CCDA'S OFFICE  
26 VILLANUEVA, MICHAEL, C/O CCDA'S OFFICE  
27 VILLANUEVA, JEOVANY, C/O CCDA'S OFFICE  
28 BELL, TYJUAN, C/O CCDA'S OFFICE

1 CHILDS, AUSTON, C/O CCDA'S OFFICE  
2 CULTON, BRANDILYNN, C/O CCDA'S OFFICE  
3 BEDE, GERALD, C/O CCDA'S OFFICE  
4 CROWDER, SHARI, C/O CCDA'S OFFICE  
5 QUINT, JOHN, C/O CCDA'S OFFICE  
6 KO, ANGELA, C/O CCDA'S OFFICE  
7 SANCHEZ, ANA CHRISTINA, C/O CCDA'S OFFICE  
8 GRAMMAS, K., LVMPD #7808  
9 JOHNSON, K., LVMPD #2892  
10 SHRUM, S., LVMPD #7917  
11 MADDEN, A., LVMPD #13205  
12 REED, G., LVMPD #3731  
13 WILDEMANN, M., LVMPD #3516  
14 JENSEN, B., LVMPD #3662  
15 KYGER, T., LVMPD #4191  
16 SHOEMAKER, R., LVMPD #2096  
17 ROBERTS, L., LVMPD #3379  
18 DUCAS, J., LVMPD #7296  
19 LEMASTER, D., LVMPD #4243  
20 FORD, L., LVMPD #13202  
21 ZYGMONT, P., LVMPD #8558  
22 MYROLD, E., LVMPD #13064  
23 GUERRA, J., LVMPD #8786  
24 RAPOZO, S., LVMPD #8575  
25 BOWER, J., LVMPD #13419  
26 CHAMBERLIN, J., LVMPD #13404  
27 MILLARD, W., LVMPD #9165  
28 REYES, L., LVMPD #13129

1 KILEEN, S., LVMPD #9675  
2 COLEMAN, S., LVMPD #13127  
3 MORRIS, E., LVMPD #13248  
4 KAPP, J., LVMPD #13118  
5 MORALES, C., LVMPD #8788  
6 ZAMBRANO, A., LVMPD #13147  
7 JAPPE, D., LVMPD #9992  
8 CANCEL, W., LVMPD #13404  
9 SUTTON, J., LVMPD #6847  
10 DRANSFIELD, W., LVMPD #10052  
11 PACIFICO, V., LVMPD #6511  
12 FRAZIER, A., LVMPD #9152  
13 CURTIS, C., LVMPD #4427  
14 SMITH, A., LVMPD #3576  
15 BARKER, T., LVMPD #4106  
16 CHANDLER, G., LVMPD #5446  
17 DUKES, J., LVMPD #5656  
18 CARLSON, T., LVMPD #3078  
19 LOURENCO, R., LVMPD #5564  
20 WILDS, M., LVMPD #4957  
21 JOHNSON, K., LVMPD #2892  
22 KOWALSKI, B., LVMPD #8550  
23 COLON, M., LVMPD #7585  
24 RAETZ, D., LVMPD #4123  
25 CALOS, P., LVMPD #4772  
26 TUFTELAND, E., LVMPD #8971  
27 STALLINGS, JOHN, CLARK COUNTY CORONER'S OFFICE  
28 MIELE, SUZANNE, CLARK COUNTY CORONER'S OFFICE

1 STALLINGS, JOHN L., CLARK COUNTY CORONER'S OFFICE  
2 OLSON, DR. ALANE, CLARK COUNTY CORONER'S OFFICE  
3 MATTHIS, SANDY Medic West #602  
4 BUTTON, JEANNIE, 2920 S. NELLIS BLVD., LVNV  
5 OWEN, CHILO, 2920 S. NELLIS BLVD., LVNV  
6 COR REBEL GAS STATION, 2920 S. NELLIS BLVD., LVNV  
7 COR CHAPARRAL HIGH SCHOOL  
8 COR SUNRISE HOSPITAL  
9 COR SAFARI APARTMENTS, 2675 S. NELLIS BLVD, LVNV  
10 CHOCK, DR. S., SUNRISE HOSPITAL, 3186 S. MARYLAND PKWY, LVNV  
11 MARTIN, WANDA, 3391 FLORIE STREET, LVNV  
12 FRAZIER, BOBBIE ANNICE, 3391 FLORIE STREET, LVNV  
13 SMITH, LAQUEENA, 4208 RIKER, LVNV  
14 HAYES, VERNON, 818 I STREET, LVNV  
15 MCALLISTER, FREDRICK, 3391 FLORRIE STREET, LVNV  
16 MARTIN, CARLECIA, 3391 FLORRIE STREET, LVNV  
17 JOHNS, NELSON, 400 WEST STREET, LVNV  
18 MARTIN, STARISHA, PECOS TERRACE APARTMENTS, LAKE MEAD AND PECOS,  
19 LVNV  
20 BRADSHAW, KEYLONDRA, 4208 DOBSON STREET, LVNV  
21  
22  
23  
24  
25

26 DA#09AGJ036X/09F09275X/ds  
27 LVMPD EV# 0905030318  
28 (TK5)

WARR

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED

THE STATE OF NEVADA,

Plaintiff,

-VS-

BARRON HAMM  
ID#2707761

Defendant.

JUL 22 11 52 AM '09

*E. J. Bell*  
CLERK OF THE COURT

CASE NO: C256384

DEPT NO: XIV

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 22ND day of JULY, 2009, in the above entitled Court, charging Defendant BARRON HAMM, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); (1) CT - ASSAULT WITH A DEADLY WEAPON (F); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (F); and (1) CT - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (F).

**YOU ARE, THEREFORE, COMMANDED** forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ NO BAIL.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this 22<sup>nd</sup> day of July, 2009.

DAVID ROGER  
District Attorney  
Nevada Bar #002781

BY

*Scott S. Mitchell*  
SCOTT S. MITCHELL  
Chief Deputy District Attorney  
Nevada Bar #000346

*Linda Marie Bell*  
DISTRICT JUDGE  
LINDA MARIE BELL  
BAIL \$ NO BAIL

DA#09F09275X/ds  
LVMPD EV#0905030318  
08/03/1991; BMA; SS #UNKNOWN  
(TK5)

RECEIVED

JUL 22 2009

CLERK OF THE COURT

WARR

DISTRICT COURT  
CLARK COUNTY, NEVADA

47  
FILED

THE STATE OF NEVADA,

Plaintiff,

-vs-

BARRON HAMM  
ID#2707761

Defendant.

2009 JUL 22 11:53 AM 309A 10:01

CASE NO: C256384

DEPT NO: XIV

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 22ND day of JULY, 2009, in the above entitled Court, charging Defendant BARRON HAMM, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); (1) CT - ASSAULT WITH A DEADLY WEAPON (F); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (F); and (1) CT - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (F).

**YOU ARE, THEREFORE, COMMANDED** forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ NO BAIL.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this 22<sup>nd</sup> day of July, 2009.

DAVID ROGER  
District Attorney  
Nevada Bar #002781

BY

Scott S. Mitchell  
SCOTT S. MITCHELL  
Chief Deputy District Attorney  
Nevada Bar #000346

Linda Marie Bell  
DISTRICT JUDGE  
LINDA MARIE BELL  
BAIL \$ NO BAIL

DA#09F09275X/ds  
LVMPD EV#0905030318  
08/03/1991; BMA; SS #UNKNOWN  
(TK5)

RECEIVED

JUL 23 2009  
CLERK OF THE COURT

CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

Emil A. Fain  
CLERK OF THE COURT  
JUL 22 2009

# LAS VEGAS METROPOLITAN POLICE DEPARTMENT TEMPORARY CUSTODY RECORD

I.D. # 2167761 Event #         

Page 1 of 1  
DATE OF ARREST 1/22/04 TIME OF ARREST 1545

INTAKE NAME (AKA, ALIAS, ETC.) First Name

First Name First Name Middle First Name

ADDRESS 3341 FIVE - Ave BLDG / APT #         

DATE OF BIRTH 8-8-41 RACE B SEX M HEIGHT 5'11" WEIGHT 200 HAIR BLK EYES BRN

LOCATION OF CRIME (If - Street - City - State - Zip) CCDC CCDC

CITY Las Vegas SOCIAL SECURITY # W4 Speak English? Yes ☒ No ☐

LOCATION OF ARREST CCDC Sector/Beat          PCN #         

STATE NV ZIP 89121

PLACE OF BIRTH San Diego, CA

BKG. CODE          CHARGE          ORD / NRS # 205.060

M. GM F ARR TYPE EVENT NUMBER WARR / NCIC NUMBER LV JC DC OTHER

9984 Burglary while in poss of deadly weapon 200.4712 671 0905030318 C256384                                    

5024 Assault w/ a Deadly Weapon 200.030 671                                    

5045 Murder w/ use of a Deadly Weapon 200.030 671                                    

9991 Carrying a concealed weapon 202.350 671                                    

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

Transferring Officer's Signature          P #          Agency         

Arresting Officer's Signature          P #          Agency         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:         

APPROVAL CONTROL # FOR ADDITIONAL CHARGES:

RAO

Eighth Judicial District Court  
Clark County, Nevada

ORIGINAL

FILED AFTER HOURS

JUL 27 2009

EDWARD A. FRIEDLAND  
CLERK OF THE COURT

State of Nevada

Plaintiff,

vs.

Hamm, Barron

Defendant

2009 JUL 27 A 7:55

Case No.: 09-C-256384

Dept No.: 14

MEDIA REQUEST AND ORDER FOR CAMERA  
ACCESS TO COURT PROCEEDINGS

Eunette Gentry of KVVU FOX5 News, requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in the courtroom of Dept. No. 14, the Honorable Judge Mosley, Donald M., commencing on the 27th day of July, 2009. 9:00 AM

I certify that I am familiar with the contents of Nevada Supreme Court Rules 229-249, inclusive, and understand this form MUST be submitted to the Court at least SEVENTY-TWO (72) hours before the proceedings commence, unless good cause can be shown. IT IS FURTHER UNDERSTOOD that approved media must arrange camera pooling prior to any hearing, without asking this Court to mediate disputes. BW return

DATED this 26th day of July, 2009.Eunette Gentry

Media Representative

The Court determines camera access to proceedings, in compliance with the court's policy, ☐ WOULD ☒ WOULD NOT distract participants, impair the dignity of the court or otherwise materially interfere with the achievement of a fair trial or hearing herein;

Therefore, the Court hereby ☐ DENIES ☒ GRANTS permission for camera access to Eunette Gentry of KVVU FOX5 News, as requested for each and every hearing on the above-entitled case, at the discretion of the judge, and unless otherwise notified. This Order is in accordance with Nevada Supreme Court Rules 229-249, inclusive, and is subject to reconsideration upon motion of any party to the action.

IT IS FURTHER ORDERED that this entry shall be made a part of the record of the proceedings in this case.

DATED this 27 day of July, 2009.

Donald M. Mosley  
District Court Judge



Eighth Judicial District Court  
Clark County, Nevada

ORIGINAL

State of Nevada

Plaintiff,

vs.

Barron Hamm

Defendant

Case No. 09C256384

Dept No.: 27 A 755

NOTIFICATION OF  
MEDIA REQUEST

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Nevada Supreme Court Rules 229-249, inclusive, that media representatives have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 27 day of July, 2009

*E.R. Ehaney*

Eighth Judicial District Court

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 27 day of July, 2009, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-249, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

District Attorney

455-2294

Defendant

Public Defender

455-5112

*E.R. Ehaney*

Eighth Judicial District Court

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
DISTRICT COURT

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
BARRON HAYM,  
Defendant.

ORIGINAL

No. 09ACJ036X

C256384

Taken at Las Vegas, Nevada  
Tuesday, July 14, 2009  
2:24 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

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

GRAND JURORS PRESENT ON JULY 14, 2009

DARNE SCHLISMANN, Foreperson  
KATHRYN RILEY, Deputy Foreperson  
LILLIAN SANDOVAL, Secretary  
SHELLEY HOOPER, Assistant Secretary  
CINDY BRECK  
RUDOLFO BUYAO  
DONNA FISHER-BROWN  
VALERIE HICKS  
ANDREW HOLLAND  
HAL LA VINE  
FRANCINE MURPHY  
JEAN PARDEE  
PATRICK RIORDAN  
WILLIAM ROBERTS  
IRENE RODRIGUEZ

FILED

AUG 3 1 56 PM '09

CLERK OF

Also present at the request of the Grand Jury:  
Victoria Villegas,  
Chief Deputy District Attorney

INDEX OF WITNESSES

Examined

MALTIQUE HALEY	8
ALANE OLSON	51
AUSTON CHILDS	57
MICHAEL VILLANUEVA	77
BERNARD BYNUM	104

INDEX OF EXHIBITS

Grand Jury Exhibits

Identified

1 - PROPOSED INDICTMENT	6
2 - INSTRUCTIONS	7
4 - PHOTOGRAPH	52
5 - PHOTOGRAPH	54
6 - PHOTOGRAPH	53
7 - PHOTOGRAPH	40
8 - PHOTOGRAPH	40
10 - PHOTOGRAPH	39
11 - PHOTOGRAPH	22
12 - PHOTOGRAPH	22
13 - PHOTOGRAPH	23
14 - PHOTOGRAPH	23
15 - PHOTOGRAPH	23
17 - PHOTOGRAPH	24
18 - PHOTOGRAPH	24
19 - PHOTOGRAPH	24
20 - PHOTOGRAPH	25
21 - PHOTOGRAPH	25
22 - PHOTOGRAPH	25
23 - PHOTOGRAPH	25
24 - PHOTOGRAPH	25
27 - PHOTOGRAPH	26

C256384

1 28 - PHOTO LINE-UP 46  
 2 29 - PHOTO LINE-UP 73  
 3 30 - PHOTO LINE-UP 149  
 4 31 - PHOTO LINE-UP 117  
 5 32 - PHOTO LINE-UP 98  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 LAS VEGAS, NEVADA, JULY 14, 2009

2 \* \* \* \* \*

3  
 4 DANETTE L. ANTONACCI,

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

9 MS. VILLEGAS: Okay. This is on case  
 10 number CGAGJ036X. This is on State of Nevada versus  
 11 Barron Hamm. First of all, my name is chief deputy  
 12 district attorney Victoria Villegas. I'm the prosecutor  
 13 handling this case. The one that is also going to be  
 14 with me is Sonia Jimenez. Now we're not going to be  
 15 finishing up this case today, we're just putting on the  
 16 witnesses that we have and then it will be continued  
 17 onto next week. So I believe we have time for that.  
 18 And then hopefully by then Sonia Jimenez will be out of  
 19 her trial today and she'll be joining me next week for  
 20 the presentation of this case.

21 Proposed Indictment that you have before  
 22 you is Grand Jury Exhibit Number 1.

23 In it we have charged the following counts:  
 24 Count 1, burglary while in possession of a firearm;  
 25 Count 2, assault with a deadly weapon; Count 3, murder

1 with use of a deadly weapon; and Count 4, carrying  
 2 concealed firearm or other deadly weapon.  
 3 Now prior to the hearing today you were  
 4 handed a jury instruction which will be marked as Grand  
 5 Jury Exhibit Number 2 and it's a four page set of  
 6 instructions. Did everybody have an opportunity to read  
 7 the instructions?

8 A JUROR: Yes.

9 MS. VILLEGAS: And does anyone have any  
 10 questions regarding the instructions?

11 Okay. So we'll start off with Malique  
 12 Harley. Or Haley. I'm sorry.

13 Stand up, raise your right hand.

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

19 THE WITNESS: Yes.

20 THE FOREPERSON: Please be seated.

21 You are advised that you are here today to  
 22 give testimony in the investigation pertaining to the  
 23 offenses of burglary while in possession of a firearm,  
 24 assault with a deadly weapon, murder with use of a  
 25 deadly weapon, carrying concealed firearm or other

1 deadly weapon, involving Barron Hamm.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

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

6 THE WITNESS: Malique Haley.

7 M-A-L-I-I-Q-U-E, H-A-L-E-Y.

8 THE FOREPERSON: Thank you, sir.

9 MALIQUE HALEY,

10 having been first duly sworn by the Foreperson of the  
 11 Grand Jury to testify to the truth, the whole truth,  
 12 and nothing but the truth, testified as follows:  
 13

14 EXAMINATION

15  
 16 BY MS. VILLEGAS:

17 Q. So Malique, you have two I's?

18 A. Yes.

19 Q. Malique, how old are you?

20 A. Fifteen.

21 Q. Do you go to school?

22 A. Yes.

23 Q. What grade are you in school right now?

24 Did you just finish one grade and you're  
 25 now going onto a next grade?

1 A. Ninth.  
 2 Q. Ninth?  
 3 A. Yes.  
 4 Q. So did you just finish ninth grade?  
 5 A. No, I just finished eighth grade and I'm  
 6 going to ninth.  
 7 Q. So you're going to the ninth grade this  
 8 coming school year?  
 9 A. Yes.  
 10 Q. Do you know an individual by the name of  
 11 Jared Fleming?  
 12 A. Yes.  
 13 Q. How do you know Jared Fleming?  
 14 A. Since I was in kindergarten.  
 15 Q. So how many years ago was that?  
 16 A. About nine.  
 17 Q. About nine years?  
 18 A. Yes.  
 19 Q. Now did there come a time that you got  
 20 invited to his birthday party on May 2nd, 2009?  
 21 A. Yes.  
 22 Q. And how did you get to -- first of all, how  
 23 did you get to this birthday party?  
 24 A. His sister dropped us off.  
 25 Q. Prior to that did you go somewhere to get

1 to -- did you go to Jared's house?  
 2 A. Oh, yeah, I went to Jared's house and  
 3 then --  
 4 Q. And from there you met up with Jared?  
 5 Is that yes?  
 6 A. Yes.  
 7 Q. Okay. You can't shake your head because  
 8 the court reporter in front of you has to type  
 9 everything that you say. Okay?  
 10 A. Okay.  
 11 Q. Now so you met up with Jared at his house?  
 12 A. Yes.  
 13 Q. Who else was there besides Jared?  
 14 A. His dad, his step-mom, his little sisters,  
 15 his older sister Jazmin and Brandy, and then shortly  
 16 after Mikey came.  
 17 Q. Okay. And then you said that --  
 18 A. Michael.  
 19 Q. From there you said his sister. Which  
 20 sister was it that dropped you off where the party was  
 21 going to be located?  
 22 A. Jazmin.  
 23 Q. Okay. So Jazmin drove you and who else?  
 24 A. Jared and Michael.  
 25 Q. To her apartment?

1 A. Yes.  
 2 Q. Is this apartment located at the Safari  
 3 Apartments?  
 4 A. Yes.  
 5 Q. Is that on South Nellis Boulevard,  
 6 Apartment 1142, here in Las Vegas, Clark County, Nevada?  
 7 A. Yes.  
 8 Q. Now approximately what time was it that you  
 9 got to this apartment?  
 10 A. We got to Jared's at about seven, 7:30.  
 11 Q. Seven o'clock?  
 12 A. Yes.  
 13 Q. Seven, 7:30 in the evening?  
 14 A. Yes.  
 15 Q. What time was the party supposed to start?  
 16 A. Eight.  
 17 Q. And when you got there at around 7:30 were  
 18 there already, what time did the people start coming to  
 19 this party?  
 20 A. Two people arrived about nine, at nine.  
 21 Q. Around nine. And who was that; do you  
 22 know?  
 23 A. They both were named Chris. One was  
 24 Christopher Williams and one was Christopher McCraney.  
 25 Q. And do you know these two guys named Chris?

1 A. Yes.  
 2 Q. Did you go to school with them?  
 3 A. One year.  
 4 Q. One year. Okay. And how long have you  
 5 known Chris? Both -- first one would be Chris McCraney?  
 6 A. For about seven years.  
 7 Q. And then the other one?  
 8 A. Same amount.  
 9 Q. Same amount?  
 10 A. Yes.  
 11 Q. Now how many people then showed up at this  
 12 party throughout the night?  
 13 A. A lot of people.  
 14 Q. A lot.  
 15 Now this apartment, is this, do you recall  
 16 how many bedrooms this apartment was?  
 17 A. Two.  
 18 Q. Two bedrooms. And did Jared's sister  
 19 Jazmin stay for the entire night throughout the party?  
 20 A. She left a couple times but she was there.  
 21 She might have went back to his dad's house a couple  
 22 times.  
 23 Q. Okay. When the party first started were  
 24 there any kind of food being served?  
 25 A. Well, bowl of chips that we bring from his

1 dad's house.  
 2 Q. Now was there any alcohol that was there?  
 3 A. Not at first and then when people started  
 4 arriving alcohol started coming.  
 5 Q. And do you know what kind of alcohol was at  
 6 this party?  
 7 A. I don't know alcohol. I just know the Bud  
 8 Light. I just know beer, like Bud Light.  
 9 Q. So you saw some beer. Besides beer, do you  
 10 know, have you heard of what is called jungle juice?  
 11 A. Yes.  
 12 Q. What is jungle juice?  
 13 A. It's like -- well, I don't know what it is  
 14 but I heard it it's like juice and then alcohol poured  
 15 into it.  
 16 Q. And was this jungle juice in some type of  
 17 container?  
 18 A. An orange like cooler, like a Gatorade  
 19 cooler. Like the big orange coolers.  
 20 Q. So like one of those big jugs?  
 21 A. Like the orange cooler, like the water  
 22 cooler you press the button and it comes out.  
 23 Q. So that's where this mixture of jungle  
 24 juice was located?  
 25 A. Yes.

1 like a board on it and then there is cups, like I think  
 2 you put them like bowling pins, and then there is two on  
 3 each side, you can play one player, or there is two on  
 4 one side, and you have to try to shoot the ping pong  
 5 ball into the cup and if you make it somebody from that  
 6 team has to drink it.  
 7 Q. Okay. So were people playing beer pong as  
 8 well as hanging out in this party?  
 9 A. Yes.  
 10 Q. Now did there come a time, first of all did  
 11 there come a time that there were some people that  
 12 showed up that were much older than your age group  
 13 besides the 18 to 21 as you said?  
 14 A. Yes.  
 15 Q. Okay. What, first of all how many people  
 16 showed up, this group that you're talking about that was  
 17 much older? What time do you think they showed up at  
 18 the party?  
 19 A. What time?  
 20 Q. Yeah.  
 21 A. Like ten.  
 22 Q. Ten o'clock in the evening?  
 23 A. Yes, at night.  
 24 Q. And do you know any of their names?  
 25 A. Just Burger B. Barron Hamm.

1 Q. Now did you drink any that night?  
 2 A. I had some of Jared's.  
 3 Q. Jared's jungle juice?  
 4 A. Yes.  
 5 Q. Now did you have any beer?  
 6 A. No.  
 7 Q. Now Jared, how old is Jared?  
 8 A. He was turning 15 the next day.  
 9 Q. Okay. So he's underage; is that right?  
 10 A. Yes.  
 11 Q. And you're underage as well; right?  
 12 A. Yes.  
 13 Q. Okay. And were there other, the kids that  
 14 came to this party, are they mostly your age group?  
 15 A. At first the first couple kids that arrived  
 16 were my age but then older kids started coming.  
 17 Q. When you say older kids, approximately how  
 18 old were they?  
 19 A. Maybe like 15 to 21.  
 20 Q. Did there come a time during this party,  
 21 was there also some kind of game being played?  
 22 A. Beer pong.  
 23 Q. Beer pong. Tell us about this beer pong.  
 24 How is this game beer pong played?  
 25 A. Well, it's like you get a table and you set

1 Q. Burger B?  
 2 A. Yeah.  
 3 Q. So his name is Barron Hamm but then you  
 4 call him Burger B?  
 5 A. Yes, that's what they call him.  
 6 Q. Now how long have you known Burger B or  
 7 Barron Hamm?  
 8 A. I know him but not like personally know  
 9 him.  
 10 Q. When did you start knowing him or seeing  
 11 Burger B?  
 12 A. Like which year?  
 13 Q. Yeah.  
 14 A. Like 2004, 2005.  
 15 Q. What grade were you in at that time?  
 16 A. Fifth.  
 17 Q. Where were you when you saw him?  
 18 A. Parkdale.  
 19 Q. What's Parkdale?  
 20 A. It's like a recreation center and park.  
 21 Q. Where was this located?  
 22 A. On Parkdale.  
 23 Q. Is this near like Boulder Station?  
 24 A. Oh, yes, by Boulder Station.  
 25 Q. Were you playing basketball there?

1 A. Yes.  
 2 Q. And what, was Burger B playing basketball  
 3 as well?  
 4 A. Well, when he was there he played football.  
 5 Q. So you saw him play football?  
 6 A. Yes.  
 7 Q. So you've known him since like fifth grade  
 8 or so, right?  
 9 And so do you recall what he was wearing  
 10 that night when he came to the party at Jazmin's  
 11 apartment?  
 12 A. White T-shirt and it was like air brushed  
 13 with like green and black.  
 14 Q. When you say he was wearing this white  
 15 T-shirt, can you tell how long this --  
 16 A. It was like real long, maybe like to his  
 17 knees.  
 18 Q. And how tall is Burger B?  
 19 A. Not that tall, about 5'5", to 5'10".  
 20 Q. And how tall are you?  
 21 A. 5'3".  
 22 Q. So he's taller than you?  
 23 A. Yes.  
 24 Q. What about his size, what kind of size was  
 25 he?

1 Q. And besides that do you know what else he  
 2 was wearing? What about his pants?  
 3 A. Some black jeans.  
 4 Q. Did he have anything like any covering of  
 5 his hands?  
 6 A. He had gloves on.  
 7 Q. What kind of gloves?  
 8 A. Like white and black baseball gloves.  
 9 Q. Baseball gloves. Okay.  
 10 What about his hair, what kind of hair  
 11 style did he have?  
 12 A. Like sort of an Afro, kind of a scruffy  
 13 Afro.  
 14 Q. Did he have any facial hair?  
 15 A. Scruffy beard, like little patches like.  
 16 Q. Scruffy beard patches or so on his -- which  
 17 part of his face?  
 18 A. All right here.  
 19 Q. By the chin area or so?  
 20 A. Yeah.  
 21 Q. Is that what you're referring to, the side  
 22 of your face?  
 23 A. Yes, his chin, his cheeks.  
 24 Q. Okay. How long did he stay at this party?  
 25 A. Until it was over, so until about twelve.

1 A. Kind of heavy.  
 2 Q. Heavier than you?  
 3 A. Yes.  
 4 Q. What's your weight; do you know?  
 5 A. Like 132.  
 6 Q. And how many pounds do you think he weighs?  
 7 A. I don't know. I'd say about 200.  
 8 Q. 200 or so. Okay.  
 9 Now when he came to this party was he with  
 10 other people?  
 11 A. Yes.  
 12 Q. And do you recall how many people he was  
 13 with?  
 14 A. Probably about four other guys.  
 15 Q. Four other guys. And do you recall what  
 16 they were wearing?  
 17 A. Just plain white shirts.  
 18 Q. Okay. You said he had some kind of white  
 19 T-shirt and it had some, what did you say, air brush?  
 20 A. Yes, it was air brush and it was green and  
 21 black.  
 22 Q. Do you know was there any lettering or so?  
 23 A. It said ATM.  
 24 Q. ATM?  
 25 A. Yes.

1 Q. So what was he doing at this party? Was he  
 2 drinking?  
 3 A. Yes, he was drinking.  
 4 Q. Was he dancing?  
 5 A. Yes.  
 6 Q. And was, were there a lot of people dancing  
 7 as well?  
 8 A. Yes.  
 9 Q. Now did there come a time that they became  
 10 rowdy or he became rowdy?  
 11 A. They started getting a little wild.  
 12 Q. Did anyone stop them?  
 13 A. Not really. People just tried to tell them  
 14 calm down, chill.  
 15 Q. And did he calm down?  
 16 A. No.  
 17 Q. He continued to be loud?  
 18 A. Yes.  
 19 Q. Now what time did the party end?  
 20 A. Around twelve o'clock.  
 21 Q. And how did the party end at twelve?  
 22 A. Jazmin came back and she told everybody  
 23 like she was getting mad because her house was getting  
 24 trashed.  
 25 Q. Okay. So her apartment is getting trashed,

1 right?

2 A. Her apartment is getting trashed.

3 Q. So how was it getting trashed? Was there

4 now a lot of people in this apartment?

5 A. It was a lot of people. And then she

6 wanted everybody to leave because, you know, it was kind

7 of loud and it was getting late and she didn't want the

8 cops to come.

9 Q. Okay. So did you leave?

10 A. I stayed there. I was spending the night

11 that night.

12 Q. Who besides yourself was spending the night

13 at Jazmin's apartment?

14 A. Me, Michael, Giovanni, Jared. And I don't

15 know if our friend Dylan was spending the night but he

16 was there.

17 Q. Now these are all the same age group as

18 you?

19 A. Yes.

20 Q. Now as everyone left who else was left in

21 the apartment besides the names that you just named us?

22 A. Heather, some kid Brendon, and that's it.

23 That's all I know.

24 Q. Okay. And did you guys start helping to

25 clean up the apartment?

1 the entrance of this apartment; is that right?

2 A. Yes.

3 Q. Okay. Say yes.

4 A. Yes.

5 Q. Now in looking at Grand Jury Exhibit

6 Number 13, is this a different view where I'm pointing

7 to, is this still part of the apartment where the window

8 is?

9 A. Yes.

10 Q. And what is that window from, which window

11 is that coming from?

12 A. The kids' room.

13 Q. The kids' room. And that's the room that

14 you and your friend including Jared went to?

15 A. Yes.

16 Q. Now showing you Grand Jury Exhibit

17 Number 14, is this the front door to that apartment?

18 A. Yes.

19 Q. Another view is on Grand Jury Exhibit

20 Number 15. Is this the hallway or walkway as it leads

21 into the apartment?

22 A. Yes.

23 Q. Now when the party was going on, were

24 people just mostly inside the apartment?

25 A. Some people were standing outside in like

1 A. Yeah, we started picking up cups and

2 putting them in a bag, then Heather told us it's all

3 right, she got it, so me, Michael, Giovanni and Jared

4 went in the kids' room to lay down.

5 Q. In the kids' room. Okay.

6 So in this apartment you said there were

7 two bedrooms, right?

8 A. Yes.

9 Q. Now let me just ask you the layout of this

10 apartment. I'm going to show you in the monitor Grand

11 Jury Exhibit Number 11. Can you tell me do you see the

12 apartment on this?

13 A. Yes.

14 Q. And where is the apartment located?

15 A. On the right side.

16 Q. Okay. I need you to come up, stand up next

17 to me and just point to where the apartment is.

18 A. Right here.

19 Q. Okay. So you're saying right there by the

20 bottom; is that what you're saying?

21 A. Yes.

22 Q. On the right side?

23 A. On the right side.

24 Q. Now is it still, on Grand Jury Exhibit

25 Number 12, it's still another view of this, of going to

1 this area.

2 Q. So right here outside the front door?

3 A. Yes.

4 Q. Okay. Now as you walk into the apartment,

5 in Grand Jury Exhibit Number 17, is this the front door

6 to this apartment?

7 A. Yes.

8 Q. And what is this area right here where I'm

9 pointing to?

10 A. The living room.

11 Q. Now this door over here, what is this room

12 that goes next to the door next to the TV stand?

13 A. The children's room.

14 Q. And is that the door that you went into

15 with your friend?

16 A. Yes.

17 Q. Grand Jury 18, is this another picture of

18 the couch?

19 A. Yes.

20 Q. That's still part of the living room?

21 A. Yes.

22 Q. And showing you Grand Jury Exhibit

23 Number 19, there is a door next to this couch. What

24 does this door lead to?

25 A. Jazmin's bedroom.

1 Q. So the other, the second bedroom?  
 2 A. Yes.  
 3 Q. Showing you Grand Jury Exhibit Number 20,  
 4 whose bedroom is this?  
 5 A. Jazmin's.  
 6 Q. Grand Jury Exhibit Number 21, this is the  
 7 door that leads out of Jazmin's bedroom?  
 8 A. Yes.  
 9 Q. And is this a bathroom?  
 10 A. A bathroom area.  
 11 Q. That's connected to Jazmin's bedroom?  
 12 A. Yes.  
 13 Q. Now in Grand Jury Exhibit Number 22, is  
 14 this a dining room area?  
 15 A. Yes.  
 16 Q. And is this where you're saying about the  
 17 beer pong game was being played?  
 18 A. Yes.  
 19 Q. In the kitchen, which is Grand Jury Exhibit  
 20 Number 23, are these what the items were, people were  
 21 drinking out of cups and beer or so?  
 22 A. Yes, the blue cups.  
 23 Q. Blue cups.  
 24 Now in Grand Jury Exhibit Number 24, do you  
 25 see the jug that you were talking about where the jug

1 over there. And his sister was leaving and then she was  
 2 going to take us because she was going back to her dad's  
 3 house, she was going to take us.  
 4 Q. You guys weren't going to sleep at Jazmin's  
 5 apartment?  
 6 A. Not at first. And then Jared was like  
 7 let's just stay here and she can take us to our house in  
 8 the morning.  
 9 Q. Okay. So then while you guys were in the  
 10 room, did something happen next?  
 11 A. Somebody knocked on the door.  
 12 Q. And did anybody peek outside to see who was  
 13 knocking on the door?  
 14 A. Jared looked out the window.  
 15 Q. Which window did you see Jared look out of?  
 16 A. That window right here in this area.  
 17 Q. So in between these two cribs, this window  
 18 here?  
 19 A. Yes.  
 20 Q. Okay. So did you look out the window?  
 21 A. Yeah, I went like behind Jared, like I  
 22 peeked around from behind Jared to see.  
 23 Q. And when you peeked behind Jared who did  
 24 you see?  
 25 A. Three people.

1 juice --  
 2 A. Yes.  
 3 Q. Can you just point to it for the grand  
 4 jury.  
 5 So it's on the corner of this counter?  
 6 A. Yes.  
 7 Q. And so when you said that you were in the  
 8 kids' room, you went through the door next to that TV  
 9 stand?  
 10 A. Yes.  
 11 Q. And then showing you Grand Jury Exhibit  
 12 Number 27, is this where the kids' room was?  
 13 A. Yes.  
 14 Q. Is this the bed that everybody was going to  
 15 sleep on was on the floor?  
 16 A. Yes.  
 17 Q. Now when you went in this room, who else  
 18 besides yourself -- you can have a seat now -- who else  
 19 besides yourself went into this room?  
 20 A. Me, Michael, Giovanni, Jared and Dylan.  
 21 Q. And so what was the purpose of going to  
 22 this room?  
 23 A. First we were going to, we were just in  
 24 there waiting while they were cleaning up so we could go  
 25 back to Jared's house. We were going to spend the night

1 Q. Three people. Did you recognize any of  
 2 these three people?  
 3 A. Just Barron Hamm.  
 4 Q. Barron Hamm. Who you also call --  
 5 A. Burger B.  
 6 Q. Burger B.  
 7 Now Barron Hamm, was he the one knocking on  
 8 the door or was somebody else knocking?  
 9 A. It was Barron Hamm.  
 10 Q. He was the one by the door knocking?  
 11 A. Yes.  
 12 Q. And what happened when Barron Hamm plus --  
 13 you said there were two other people with him?  
 14 A. Yes.  
 15 Q. And what happened after he was knocking?  
 16 Anybody answer the door?  
 17 A. Well, Jared was like nobody answer the  
 18 door, my sister said the party's over. And then when we  
 19 heard the people coming in Jared was, wanted to go see  
 20 who opened the door, he wanted to see who it was and so  
 21 he went and looked and it was Barron Hamm and two other  
 22 people.  
 23 Q. Okay. So somebody opened the door, it  
 24 wasn't you?  
 25 A. No, I was in the room.



1 Q. It wasn't Jared?  
 2 A. No.  
 3 Q. And who else was in the room with you? Was  
 4 it Mike?  
 5 A. Michael and Giovanni.  
 6 Q. Did any of those two go outside to open the  
 7 door? Did you see them go outside?  
 8 A. No, they were still laying down.  
 9 Q. So they were all still with you in the same  
 10 room?  
 11 A. Yes.  
 12 Q. What about Dylan, was he also in your room  
 13 before --  
 14 A. I think he had went out there like a little  
 15 before they knocked on the door.  
 16 Q. So he was not in the bedroom?  
 17 A. No.  
 18 Q. When the knocking took place?  
 19 A. No.  
 20 Q. You don't know who opened the door?  
 21 A. Somebody -- no, I don't know.  
 22 Q. But somebody opened it because suddenly --  
 23 did you see Burger B come in the apartment?  
 24 A. Yeah, he came and he was right like in the  
 25 middle of the living room by like the couch and the TV.

1 A. I was laying down but when I heard them  
 2 come in I wanted to see who it was so I went and looked.  
 3 I was like oh it's just them. So I went back in the  
 4 room to lay back.  
 5 Q. Here is the door. Were you standing near  
 6 that doorway to the kids' room?  
 7 A. I like looked around the corner. I peeked  
 8 around the corner.  
 9 Q. You peeked around the door where this  
 10 doorway was?  
 11 A. Yes. I was just trying to see who it was.  
 12 Then I seen who it was so I went back into the room.  
 13 Q. Then you went back to the room?  
 14 A. Yes.  
 15 Q. So at that point did you hear what Burger  
 16 B -- was anybody saying anything?  
 17 A. I heard, like Jared was out there and then  
 18 I heard like somebody go "everybody lay down."  
 19 Q. And when you heard that word, "everybody  
 20 lay down," could you tell who was saying that?  
 21 A. Yes.  
 22 Q. Who?  
 23 A. Barron Hamm. Burger B.  
 24 Q. Burger B, Barron Hamm?  
 25 A. Yes.

1 Q. So where were you standing when you saw  
 2 Burger B by the door and you said he's by the TV?  
 3 A. In the living room.  
 4 Q. In the living room?  
 5 A. Like the TV and the couch in the middle.  
 6 Q. So let me go back to that photograph. So  
 7 here is Grand Jury Exhibit Number 17. And you said this  
 8 is the door that leads into the kids' room; is that  
 9 right?  
 10 A. Yes.  
 11 Q. And then here is the front door.  
 12 Whereabouts was Burger B standing? Can you just point  
 13 to it?  
 14 A. Right here by the TV.  
 15 Q. By the TV. So he's already way inside the  
 16 apartment?  
 17 A. Yes.  
 18 Q. What about the other two people that was  
 19 with him, where were they?  
 20 A. They were standing like right behind him  
 21 sort of by the door.  
 22 Q. Were their feet inside the apartment?  
 23 A. Yes, they were inside the apartment.  
 24 Q. Okay. Where were you standing when you saw  
 25 this?

1 Q. Okay. And so at that point what did you  
 2 do? Were you still laying down on the ground by the  
 3 bed?  
 4 A. I wanted to see what happened. First I was  
 5 like maybe they're just playing. So when I looked  
 6 out --  
 7 Q. So you got up again?  
 8 A. Yes.  
 9 Q. So you got up from your bed, like the one  
 10 on the floor, right?  
 11 A. Yes.  
 12 Q. You got up and then what did you -- did you  
 13 peek around the corner again?  
 14 A. Yes.  
 15 Q. And when you peeked around the corner then  
 16 what did you see?  
 17 A. I seen Burger B standing there and like he  
 18 had his hand out like he was holding something.  
 19 Q. So now you're motioning, you have your hand  
 20 out extended in front of you in a 90-degree angle  
 21 straight on, right?  
 22 A. Yes.  
 23 Q. So did you see if he was holding anything  
 24 in his right hand?  
 25 A. I didn't know if he was serious at first

1 because I couldn't see anything. It was kind of dark.  
2 And I was, I looked close enough, I looked hard enough  
3 and I seen something, it was black. So I went back into  
4 the room and I was like Jared, I was like come on, and I  
5 went back.

6 Q. So you saw that he was hiding, he was  
7 holding something, and he said everybody get down; is  
8 that what he said?

9 A. Yes, "everybody lay down."

10 Q. Lay down. Okay.

11 And when you had peeked out, how far away  
12 was Jared from you as you were by this doorway to the  
13 kids' room?

14 A. I can't -- from that picture I can't really  
15 tell.

16 Q. From where you're seated, how far was Jared  
17 from you when you were telling him Jared, come over  
18 here?

19 A. I was probably right here by the door  
20 looking and --

21 Q. And where was Jared; is Jared farther away  
22 from you or closer or what?

23 A. Yeah, he was like talking to him. I could  
24 see him exchanging words, talking.

25 Q. So he wasn't, Jared wasn't arm's reach from

1 you, right?

2 Could you actually touch him from where you  
3 were standing and where Jared was standing that night?

4 A. No way. I was trying to call him and he  
5 looked at me and he was like don't even trip like that.  
6 And I went back in the room.

7 Q. What were you trying to tell Jared?

8 A. I said come on, come back in the room, and  
9 he was like don't even trip, like that.

10 Q. So Jared told you don't even trip. So what  
11 did Jared do as a result -- so what did you do as a  
12 result of that statement?

13 A. Our friend -- Chris McCraney was in the  
14 room too sleeping on the floor. I went back in the room  
15 to wake him up. I woke him up and I said someone's in  
16 the living room with a gun, he was like what, he was  
17 asleep, and right after that, like maybe a couple  
18 seconds later we heard three gunshots, it was like bang  
19 bang, bang, and then I got under the bed, the crib.

20 Q. So you went hiding under the crib?

21 A. Yes.

22 Q. One of the cribs, right?

23 A. Yes.

24 Q. So Chris McCraney was with you?

25 A. He was laying down on the floor and then

1 Mikey, I seen Mikey get up, I seen his foot, so I hit  
2 his foot and told him to get under the crib with me and  
3 he got under there.

4 Q. So now you have three people under the  
5 crib?

6 A. Chris wasn't under there yet, it was just  
7 me and Mikey, and Chris was like scoot over, scoot over.

8 Q. At this point when you went underneath the  
9 crib had you heard the shots?

10 A. Yes.

11 Q. At that point how many shots did you hear?

12 A. I take that back. Actually I got under the  
13 crib when I seen him with the gun, I got under the crib.

14 Q. So under the crib, no shots were fired?

15 A. No shots yet.

16 Q. And so then as you got under the crib,  
17 you're now under the crib, that's when you heard the  
18 shots?

19 A. That's when I heard the shots. I told  
20 Mikey get under, Chris jumped up and asked me if I could  
21 scoot over and I was like scoot over Mikey and all three  
22 of us were under the crib.

23 Q. How many shots total did you hear?

24 A. Three.

25 Q. What was the succession of the shots?

1 Do you understand my question?

2 A. No.

3 Q. How fast were these shots coming from like  
4 when you heard them?

5 A. The first two came like bang bang. And  
6 then the third one a couple seconds later went bang.

7 Q. So you heard the first two and then there  
8 was a pause?

9 A. Yes. It sounded like a cap gun so I didn't  
10 know if --

11 Q. So you thought it was a cap gun?

12 A. When I went out, when Heather and then came  
13 back in the room and told us come on, we've got to go, I  
14 went to the living room and I was looking, because I  
15 thought they were still in the house when they shot and  
16 I was like where are the bullets, and Heather's like I  
17 don't know, let's go.

18 Q. Without telling us what Heather said,  
19 you --

20 A. I was looking for the bullet holes in the  
21 living room because everyone was standing like towards  
22 the mirror, back towards the mirror.

23 Q. Where is the mirror in the living room?

24 A. If you get the picture with the beer pong  
25 table you can see the mirror sort of like right there by

1 the kitchen. And I was looking over there and I didn't  
2 see anything and I was thinking maybe it was just a cap  
3 gun. And we were all about to leave and that's when we  
4 started looking for Jared.

5 Q. So when, after the shots were fired,  
6 eventually you got out of the, underneath the cribs,  
7 right?

8 A. Yes.

9 Q. And then you walked out. Did Mike walk out  
10 with you as well as Chris?

11 A. Everybody came out of the room.

12 Q. Everybody came out of the room.

13 And as you came out of the room, the first  
14 thing did you see Jared at all?

15 A. No.

16 Q. Now you started looking for bullet holes in  
17 the room?

18 A. Yes.

19 Q. You didn't see any bullet holes?

20 A. Yes.

21 Q. Now was the door, was it still open?

22 A. Yes.

23 Q. When you got out -- hold on. As you got  
24 out of that kids' bedroom and you're now in the living  
25 room looking for the bullet holes, was the door still

1 wide open?

2 A. The front door?

3 Q. Yes.

4 A. Yes.

5 Q. Like the picture right now is what you're  
6 seeing, right?

7 A. Yes.

8 Q. And so Jared was no where inside the  
9 apartment?

10 A. No.

11 Q. So then did you go outside the apartment?

12 A. I was going to leave and then I asked Dylan  
13 where's Jared.

14 Q. Who; you asked Dylan?

15 A. Yes.

16 Q. Without telling us what Dylan said, did you  
17 then go out and look for Jared?

18 A. We were already outside by the door and we  
19 started looking, calling his name, and then we seen  
20 something by the corner, so I don't know if he was  
21 standing up or not, but then we ran over there and when  
22 we hit the corner, yeah.

23 Q. And then hit the corner and it's at that  
24 point, what, you saw Jared?

25 A. Yes.

1 Q. And where was -- now, this corner, is it  
2 far away from the apartment?

3 A. No.

4 Q. Showing you what has been marked as Grand  
5 Jury Exhibit Number 10, do you recognize this  
6 photograph?

7 A. Yes.

8 Q. Okay. Do you see this walkway I'm pointing  
9 to on the bottom right hand?

10 A. Yes.

11 Q. If you continue on this walkway to the  
12 right hand side, what would you hit?

13 A. If you would have made a left you would be  
14 like heading towards Jazmin's apartment.

15 Q. Jazmin's apartment is behind the trees here  
16 in this photograph; is that right?

17 A. To the right.

18 Q. To the right. Okay.

19 A. Yes.

20 Q. And then there is a walkway to the side of  
21 this building; is that right?

22 A. Yes.

23 Q. Now if I go out on to this corner where I'm  
24 pointing --

25 A. Yes.

1 Q. -- and then head right on this walkway,  
2 what would I find at the end of this walkway?

3 A. The parking lot.

4 Q. Was that where Jared was, where you found  
5 Jared?

6 A. No, he was --

7 Q. On the other side?

8 A. If you came down this way.

9 Q. So as opposed to making a right towards the  
10 parking lot you turn left?

11 A. You make a left.

12 Q. So if you make a left, showing you what is  
13 marked as Grand Jury Exhibit Number 7, is this the  
14 walkway that turns left from that apartment? Is this  
15 the walkway that leads on the other side of this?

16 A. Yeah. It, to me it looks like the walkway  
17 if you turn right.

18 Q. The walkway turns right?

19 A. Oh, oh --

20 Q. What?

21 A. In that picture.

22 Q. This picture I'm holding, Grand Jury  
23 Exhibit Number 8, is this more of the walkway that you  
24 saw Jared?

25 A. Yes, because there were stairs.

1 Q. Okay. So here towards the stairs. But  
2 then in the previous one, if you go further down, don't  
3 you see the same stairs?

4 A. Yes.

5 Q. But a more far view?

6 A. But that's coming from the parking lot.

7 Q. Right. But if you continue this walkway  
8 that you go further on, isn't that where the walkway  
9 that you just referred to in Grand Jury Exhibit Number  
10 8?

11 A. Yes.

12 Q. Okay. Now here at the stairs, can you tell  
13 us whereabouts in this area did you see Jared?

14 A. Do you want me to point at it?

15 Q. Sure.

16 A. Right here.

17 Q. So is that by the rocks, not by the  
18 sidewalk?

19 A. By the rocks. In the rocks.

20 Q. In the rocks. Okay.

21 Now in these rocks, is that where some  
22 clothes or material were in this photograph?

23 A. Yes.

24 Q. Does that belong to Jared?

25 A. I don't think so.

1 Q. You don't think so?

2 A. No.

3 Q. But this is the area where you found Jared?

4 A. Yes.

5 Q. And is this the -- there is a wall

6 throughout this side of the --

7 A. And over the wall is the creek.

8 Q. Of the complex, right?

9 A. Yes.

10 Q. Now when you got to Jared, what happened?

11 A. He was just laying there.

12 Q. He was laying there. Was he face down or  
13 face up?

14 A. He was on his back.

15 Q. On his back?

16 A. Yes.

17 Q. So was he still breathing?

18 A. No.

19 Q. No. Was his eyes closed or open?

20 A. They were wide open.

21 Q. Wide open. Now did you go and touch him?

22 A. I was walking up and then I seen him laying  
23 there, I was just thinking I hope he's like hit in the  
24 leg or arm. I knew he was hit because he was laying  
25 down. I was just hoping it was in the leg or arm or

1 something. When I got closer I looked at him and I seen  
2 he wasn't moving or nothing and then I looked closer and  
3 he had a hole in his chest. And so --

4 Q. Which part of his chest did you notice?

5 A. It was like right here in the center.

6 Q. In the center of his chest?

7 A. It's like right here.

8 Q. And you're pointing to the center of your  
9 chest, right?

10 A. Yes.

11 Q. Now was anybody around him besides Jared  
12 that was on the ground?

13 A. Heather.

14 Q. Except the people that you were with,  
15 anybody else around him?

16 A. No.

17 Q. Did you see Burger B anywhere?

18 A. No.

19 Q. What about any of Burger B's friends?

20 A. No.

21 Q. Nobody. So it was just Jared by himself?

22 A. Yes.

23 Q. And eventually -- you said Heather was  
24 there?

25 A. Yes.

1 Q. As well as a lot of people that came from  
2 Jazmin's apartment?

3 A. Yes.

4 Q. Now was Jazmin there during the shooting?

5 A. No.

6 Q. Where was she?

7 A. I think she went back to -- she wasn't  
8 there.

9 Q. So she left?

10 A. Yeah, she left.

11 Q. So eventually did Jazmin come back?

12 A. Yes.

13 Q. And then saw where Jared was?

14 A. Yes.

15 Q. Now did there come a time, let's see, that  
16 as a result of this did you give a taped statement to  
17 Detective Jensen that night?

18 A. Yes.

19 Q. And when you gave this taped statement were  
20 you truthful to the detective when you gave this  
21 statement?

22 A. Not the first time.

23 Q. Not the first time. Why is that?

24 A. I was nervous and I was scared.

25 Q. You were nervous and scared. So you lied

1 about a lot of the facts in this statement?

2 A. Yes, in the first one.

3 Q. What did you tell the detective?

4 There was no party?

5 A. Yeah, I told him there was a party.

6 Q. But you came in much later than usual?

7 A. Yes.

8 Q. And did you tell the detective that you

9 went to Circus Circus?

10 A. Yes.

11 Q. And that wasn't the truth now, was it?

12 A. No.

13 Q. Now did there come a time that you, three

14 days later on May 6th you gave a second time statement

15 to the detective?

16 A. Yes.

17 Q. This is a different detective, right?

18 A. Yes.

19 Q. And at that time did you tell him

20 everything that happened that night?

21 A. Yes. I told him about my first statement

22 and he was like yes, I was going over it and I noticed

23 that you kind of gave --

24 Q. Okay. No. But is it different from -- so

25 in your second statement did you finally just flat out

1 told the truth about what happened?

2 A. I told them everything, the truth.

3 Q. So is this everything of what you're

4 telling to the grand jurors today?

5 A. Yes.

6 Q. Now on that statement on May 6th were you

7 also shown a set of photo line-ups?

8 A. Yes.

9 Q. Showing you what has been marked as Grand

10 Jury Exhibit Number 28. Is this -- first of all, the

11 first page to the line-up there is some instructions; is

12 that right?

13 A. Yes.

14 Q. Was that read to you by the detective?

15 A. Yes.

16 Q. And after the detective read that to you

17 did you then sign your name on this line-up?

18 A. Yes.

19 Q. And date it. And the detective put a date

20 on it; is that right?

21 A. Yes.

22 Q. So you signed your name, Mallique Bailey; is

23 that right?

24 A. Yes.

25 Q. Now then you were shown six photographs.

1 Are these the six photographs which is on the second

2 page of Grand Jury Exhibit Number 28?

3 A. Yes.

4 Q. Now in this six photograph, did you then

5 make an identification of who Burger B was?

6 A. Yes.

7 Q. And did you then put your initials on this,

8 one of the photographs?

9 A. Yes.

10 Q. And do you see your initials on the second

11 page?

12 A. Yes.

13 Q. And where I'm pointing to, is that your

14 initials MB?

15 A. Yes.

16 Q. And you wrote that in?

17 A. Yes.

18 Q. And then on the first page, did you then

19 write something to that effect?

20 A. Yes.

21 Q. What did you write?

22 A. I am sure that's Burger B.

23 Q. Did you say "I am a hundred percent sure --

24 Oh. "I am a hundred percent sure --

25 Q. -- this is Burger B."

1 A. -- this is Burger B."

2 Q. And then you signed your name and then

3 dated it?

4 A. Yes.

5 Q. Now you just told the grand jury that

6 Burger B was the one that you saw pointing something

7 inside that apartment right before the shots that you

8 heard; is that right?

9 A. Yes.

10 Q. You didn't see the shooting; is that right?

11 A. Yes.

12 Q. But you heard it; is that correct?

13 A. Yes.

14 Q. And because at the time, the reason why you

15 didn't see the shooting is because you suddenly went

16 back into the kids' room?

17 A. Yes.

18 Q. And hid underneath the cribs?

19 A. Yes.

20 Q. But you're definite and sure that right

21 before the shooting Jared was in the living room area?

22 A. Yes.

23 Q. He did not go inside the cribs or the kids'

24 room with you guys?

25

1 A. No.  
 2 MS. VILLEGAS: No further questions at this  
 3 time. Pass the witness.  
 4 BY A JUROR:  
 5 Q. I have a question. Did Barron Hamm point  
 6 the gun at you?  
 7 A. No.  
 8 Q. And threaten you with the gun?  
 9 A. No.  
 10 Q. Thank you.  
 11 BY A JUROR:  
 12 Q. You just heard the shots, you didn't see  
 13 him shoot?  
 14 A. Just heard the shots.  
 15 BY THE FOREPERSON:  
 16 Q. You said there was ATM on the T-shirt.  
 17 Does that signify something?  
 18 MS. VILLEGAS: Now that wouldn't be this  
 19 witness to know what that information means.  
 20 THE FOREPERSON: Okay. Anyone else?  
 21 By law, these proceedings are secret and  
 22 you are prohibited from disclosing to anyone anything  
 23 that has transpired before us, including evidence and  
 24 statements presented to the Grand Jury, any event  
 25 occurring or statement made in the presence of the Grand

1 Jury, and information obtained by the Grand Jury.  
 2 Failure to comply with this admonition is a  
 3 gross misdemeanor punishable by a year in the Clark  
 4 County Detention Center and a \$2,000 fine. In addition,  
 5 you may be held in contempt of court punishable by an  
 6 additional \$500 fine and 25 days in the Clark County  
 7 Detention Center.  
 8 Do you understand this admonition?  
 9 THE WITNESS: Yes.  
 10 THE FOREPERSON: You did well. Thank you  
 11 for your testimony. You are excused.  
 12 THE WITNESS: Thank you.  
 13 ME. VILLEGAS: Thank you, Malique.  
 14 State next calls Dr. Alane Olson.  
 15 THE FOREPERSON: Please remain standing and  
 16 raise your right hand.  
 17 You do solemnly swear the testimony  
 18 you are about to give upon the investigation now pending  
 19 before this Grand Jury shall be the truth, the whole  
 20 truth, and nothing but the truth, so help you God?  
 21 THE WITNESS: I do.  
 22 THE FOREPERSON: Please be seated.  
 23 You are advised that you are here today to  
 24 give testimony in the investigation pertaining to the  
 25 offenses of burglary while in possession of a firearm,

1 assault with a deadly weapon, murder with use of a  
 2 deadly weapon, and carrying concealed firearm or other  
 3 deadly weapon, involving Barron Hamm.  
 4 Do you understand this advisement?  
 5 THE WITNESS: Yes, sir, I do.  
 6 THE FOREPERSON: Please state your first  
 7 and last name and spell both for the record.  
 8 THE WITNESS: My name is Alane Olson. My  
 9 first name is spelled A-L-A-N-E, my last name is spelled  
 10 O-L-S-O-N.  
 11 THE FOREPERSON: Thank you, ma'am.  
 12  
 13 ALANE OLSON,  
 14 having been first duly sworn by the Foreperson of the  
 15 Grand Jury to testify to the truth, the whole truth,  
 16 and nothing but the truth, testified as follows:  
 17  
 18 EXAMINATION  
 19  
 20 BY MS. VILLEGAS:  
 21 Q. What is your occupation?  
 22 A. I am a medical examiner. I work at the  
 23 Clark County Coroner's Office.  
 24 Q. And what are your duties as a medical  
 25 examiner?

1 A. My duties as a medical examiner require me  
 2 to perform autopsies and other types of examinations  
 3 with a goal of determining cause and manner of death.  
 4 Q. And how long have you been so employed?  
 5 A. I've worked at the Clark County Coroner's  
 6 Office since September of 2005 and prior to that I  
 7 worked in Reno for just over five years.  
 8 Q. And can you just briefly explain your  
 9 education and experience as a pathologist and medical  
 10 examiner?  
 11 A. I have an undergraduate degree in  
 12 microbiology. I went to the University of Nevada School  
 13 of Medicine where I got my MD degree. Following that I  
 14 moved to Portland, Oregon and spent five years at Oregon  
 15 Health Sciences University in a combined anatomic and  
 16 clinical pathology residency program. Then I moved to  
 17 Milwaukee, Wisconsin and spent one year at the Milwaukee  
 18 County Medical Examiner's Office in a forensic pathology  
 19 fellowship program. And then I moved to Reno and  
 20 started working at the coroner's office there.  
 21 Q. Drawing your attention to May 4, 2009, did  
 22 you perform an autopsy upon an individual identified to  
 23 you as Jared Anthony Fleming?  
 24 A. Yes, I did.  
 25 Q. And showing you what has been marked as

1 Grand Jury Exhibit Number 4, is this Jared Anthony  
 2 Flemming that you did an autopsy?  
 3 A. Yes, it is.  
 4 Q. And you recognize it because of the, not  
 5 only besides the face, but the case number associated to  
 6 it?  
 7 A. Yes. Every coroner's office case receives  
 8 a unique number that identifies it.  
 9 Q. Okay. And as a result of performing this  
 10 autopsy, what observation did you note for as far as  
 11 evidence of injury?  
 12 A. When I examined the body I noted that there  
 13 was a gunshot entry wound on his back. It was on the  
 14 right side near the mid portion or the center line of  
 15 the back.  
 16 Q. Okay. And showing you what has been marked  
 17 as Grand Jury Exhibit Number 6, is this the picture of  
 18 the back of Jared Anthony Flemming?  
 19 A. Yes.  
 20 Q. And do you see the -- you said mid portion  
 21 to the right hand side where you found a wound?  
 22 A. Yes. In this photograph it is below and to  
 23 the right of the case number marker which is a gray  
 24 rectangle.  
 25 Q. So where I'm pointing to, is that what you

1 Q. Okay. So the entry was in the back, exit  
 2 is in the front?  
 3 A. Yes.  
 4 Q. Now as a result of these external  
 5 observations did you do some internal observations for  
 6 evidence of injury?  
 7 A. Yes, I did.  
 8 Q. And what were those?  
 9 A. When I examined his body during the  
 10 internal portion of the autopsy, I noted that the bullet  
 11 went through his right lung, through the spot of the  
 12 right lung, it went into the sack around the heart and  
 13 while there it hit the aorta and the left atrium before  
 14 exiting on the front of his chest.  
 15 Q. So can you tell us like the direction of,  
 16 trajectory of the path of where this missile bullet went  
 17 through?  
 18 A. Yes. The path of the missile was back to  
 19 front, right to left, and slightly upward.  
 20 Q. Okay. And as a result of the autopsy did  
 21 you determine what was the cause of death?  
 22 A. Yes, the cause of death was a gunshot wound  
 23 of the chest.  
 24 Q. And what was the manner of death?  
 25 A. The manner of death was homicide.

1 noted?  
 2 A. Yes.  
 3 Q. Okay. And what else did you note?  
 4 A. I noted that on his chest on the front just  
 5 to the left of center was a gunshot exit wound.  
 6 Q. And showing you what has been marked as  
 7 Grand Jury Exhibit Number 5, do you see the gunshot  
 8 wound on this photograph?  
 9 A. Yes. In the photograph the gunshot exit  
 10 wound is above and to the right of the gray rectangular  
 11 marker.  
 12 Q. And this is where I'm pointing to?  
 13 A. Yes.  
 14 Q. How do you determine what's an entry wound  
 15 versus an exit wound?  
 16 A. Entry wounds typically are circular to  
 17 oval, there is actually tissue missing, and if you try  
 18 to put the edges together you can't do it in an even  
 19 fashion. There often is an abrasion rim around the  
 20 entry wound meaning that the skin in that area has been  
 21 scraped away.  
 22 Exit wounds typically are torn, they're not  
 23 bored out, so with an exit wound you can actually put  
 24 the edges of the torn skin back together and close the  
 25 wound. And that is what I did in this particular case.

1 MS. VILLEGAS: Thank you. No further  
 2 questions for this witness. Pass.  
 3 THE FOREPERSON: Any questions?  
 4 By law, these proceedings are secret and  
 5 you are prohibited from disclosing to anyone anything  
 6 that has transpired before us, including evidence and  
 7 statements presented to the Grand Jury, any event  
 8 occurring or statement made in the presence of the Grand  
 9 Jury, and information obtained by the Grand Jury.  
 10 Failure to comply with this admonition is a  
 11 gross misdemeanor punishable by a year in the Clark  
 12 County Detention Center and a \$2,000 fine. In addition,  
 13 you may be held in contempt of court punishable by an  
 14 additional \$500 fine and 25 days in the Clark County  
 15 Detention Center.  
 16 Do you understand this admonition?  
 17 THE WITNESS: Yes, I do.  
 18 THE FOREPERSON: Thank you for your  
 19 testimony. You are excused.  
 20 THE WITNESS: Thank you.  
 21 MS. VILLEGAS: State next calls Auston  
 22 Childs.  
 23 THE FOREPERSON: Please remain standing and  
 24 raise your right hand.  
 25 You do solemnly swear the testimony

1 you are about to give upon the investigation now pending  
2 before this Grand Jury shall be the truth, the whole  
3 truth, and nothing but the truth, so help you God?

4 THE WITNESS: Yes.

5 THE FOREPERSON: Speak up.

6 THE WITNESS: Yes.

7 THE FOREPERSON: Please be seated.

8 You are advised that you are here today to  
9 give testimony in the investigation pertaining to the  
10 offenses of burglary while in possession of a firearm,  
11 assault with a deadly weapon, burglary with use of a  
12 deadly weapon, and carrying concealed firearm or other  
13 deadly weapon, involving Barron Hamm.

14 Do you understand this advisement?

15 THE WITNESS: Yes.

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

18 THE WITNESS: Auston Childs. A-U-S-T-I-O-N,  
19 C-H-I-L-D-S.

20 THE FOREPERSON: Thank you.

22 AUSTON CHILDS,

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

2 EXAMINATION

4 BY MS. VILLEGAS:

5 Q. Auston, how old are you?

6 A. Twelve.

7 Q. And do you know an individual by the name  
8 of Jared Fleming?

9 A. Yes.

10 Q. How long have you known Jared Fleming?

11 A. For a couple of months.

12 Q. Couple months prior to May 2009?

13 A. No, before.

14 Q. Before that. Okay.

15 So how did you meet Jared?

16 A. By hanging out and seeing him at school.

17 Q. So did you go to the same school as Jared?

18 A. Like I used too and then he went to a  
19 different school.

20 Q. So I need you to scoot up and then speak  
21 into that microphone so everyone can hear.

22 Did there come a time that you got invited  
23 to his birthday party?

24 A. Yes.

25 Q. Was his birthday party at the Safari

1 Apartments at South Nellis Boulevard?

2 A. Yes.

3 Q. And how did you get to Jared's party?

4 A. I walked.

5 Q. You walked from your apartment?

6 A. Yes.

7 Q. And is that a couple apartment complexes  
8 down from Safari Apartments?

9 A. Yes.

10 Q. Now about what time was it that you got to  
11 Jared's birthday party?

12 A. Like around eleven.

13 Q. Eleven o'clock?

14 A. Or ten.

15 Q. Ten o'clock?

16 A. Eleven or ten.

17 Q. Sorry. What?

18 A. Eleven or ten.

19 Q. Eleven or ten. Okay. In the evening,  
20 right?

21 A. Yes.

22 Q. And when you got there around that time  
23 were there a lot of people?

24 A. Yes.

25 Q. And approximately can you tell us how many

1 people were at the party?

2 A. It was a lot of people. I can't remember.

3 Q. Now were there people mostly inside the  
4 apartment?

5 A. It was people inside and outside.

6 Q. Outside. Now when you say they were  
7 outside the apartment, is there some kind of porch area  
8 outside the front door of this apartment?

9 A. Yes.

10 Q. Were they, were some of these people  
11 located in this porch area?

12 A. Yes.

13 Q. And when you got to the apartment, did you  
14 see Jared?

15 A. Yes.

16 Q. How was Jared when you saw him?

17 A. He was like I guess like a little drunk or  
18 whatever.

19 Q. A little drunk. So how can you tell that  
20 he was a little drunk?

21 A. Because he was like, as he was walking he  
22 was stumbling.

23 Q. Stumbling? Speak into the microphone.

24 A. As he was walking he was stumbling and when  
25 I shook his hand he almost fall.



1 Q. He almost fell on you?

2 A. Yeah.

3 Q. Could you also smell some kind of alcohol

4 on him?

5 A. Yes.

6 Q. So when you met up with Jared did you see

7 if there was any alcohol in the apartment?

8 A. Yes.

9 Q. Where was the alcohol located?

10 A. In the kitchen.

11 Q. Kitchen area. Did you have some alcohol

12 that night?

13 A. Yes.

14 Q. You did. Okay. Do you know what kind of

15 alcohol you had?

16 A. Not really.

17 Q. No?

18 A. No.

19 Q. Was it in a cup or was it, do you know if

20 it was beer?

21 A. No, it wasn't beer.

22 Q. Was it called what's called jungle juice,

23 is that what you had?

24 A. I think so.

25 Q. Do you know where you got this juice?

1 A. Yes.

2 Q. Okay. Describe Burger B for me when you

3 saw him that night. Was he at Jared's birthday party?

4 A. Yeah. He had like a white shirt with some

5 writing on it and some black jeans. His hair was curly

6 and --

7 Q. His hair was curly. And what else?

8 A. He had on like some gloves.

9 Q. He had some gloves. And you're pointing

10 to, did he have both gloves or just one of the gloves?

11 A. One.

12 Q. And you lifted up your right hand. Was it

13 the right hand that he had the glove on?

14 A. I'm really not sure. Like either it was

15 the left or the right.

16 Q. So one of his hands had a glove?

17 A. Yes.

18 Q. Do you know what kind of glove it was?

19 A. It was all black one.

20 Q. It was all black. Okay.

21 So -- and did you notice whether Burger B

22 was by himself or was he with some people?

23 A. He was with some other people.

24 Q. And did you recognize any of these people

25 that he was with?

1 A. Like somebody handed it to me as I walked

2 to the kitchen.

3 Q. So somebody gave it to you?

4 A. Yes.

5 Q. You don't remember who it was?

6 A. No.

7 Q. Okay. And so then did there come a

8 time -- first of all did you see some people there

9 that -- let me start over.

10 Do you know an individual by the name of

11 Burger B?

12 A. Yes.

13 Q. Tell me how do you know Burger B?

14 A. I seen him around a couple of times in my

15 apartments and around the city.

16 Q. Okay. And this is before the day, the

17 party on May 2nd?

18 A. Yes.

19 Q. And how many days before? How long have

20 you seen Burger B?

21 A. I'd say like a couple days before or a

22 week.

23 Q. So during that week you've seen him around?

24 A. Yes.

25 Q. From your neighborhood?

1 A. No.

2 Q. Could you tell what they were wearing?

3 A. One guy was wearing a black shirt, black

4 khakis and a do-rag. And the other one a white T-shirt,

5 some black jeans and some white shoes. And the other

6 one I think a red T-shirt, some black pants and black

7 shoes. A white T-shirt -- like most of them had white

8 T-shirts and one had black.

9 Q. Was Burger B the only one with a white

10 T-shirt with some writing on it?

11 A. Yes.

12 Q. Do you recall what the writing said?

13 A. It was ATM with dollar signs.

14 Q. So it says ATM with dollars signs?

15 A. Yes.

16 Q. What color were these?

17 A. Green.

18 Q. Okay. Now what was Burger B doing with

19 these other people when you saw him?

20 A. He was like sitting, like they were

21 standing up in the corner just talking, and then they

22 started getting loud or whatever.

23 Q. Did you see him dancing?

24 A. A little.

25 Q. A little? Did you see him drinking?

1 A. Yes.  
 2 Q. Do you know what he was drinking?  
 3 A. I think he had the same thing I had. Or  
 4 different.  
 5 Q. So he had something in the cup?  
 6 A. Yes.  
 7 Q. Is that what you're saying?  
 8 And then the people that he was with, were  
 9 they also drinking.  
 10 A. No.  
 11 Q. Just him?  
 12 A. Yes.  
 13 Q. Now did there come a time that the party  
 14 broke up?  
 15 A. Yeah. Like --  
 16 Q. How?  
 17 A. Jared's sister came in and told everybody I  
 18 guess they had to leave, and everybody, just like people  
 19 started to leave one at a time or whatever, and I left  
 20 and like --  
 21 Q. So you left the apartment?  
 22 A. Yes.  
 23 Q. So when you left the apartment Jared's  
 24 sister had already showed up: is that right?  
 25 A. Yes.

1 Q. Do you remember what Jared's sister's name  
 2 was?  
 3 A. I can't really remember right now because I  
 4 have a headache.  
 5 Q. So you don't remember her name: is that  
 6 right?  
 7 A. Yes.  
 8 Q. Now when you left, did you leave by  
 9 yourself?  
 10 A. Yes.  
 11 Q. Okay. And as you were leaving the  
 12 apartment, are you already outside the apartment?  
 13 A. Yes.  
 14 Q. Whereabouts? Where were you when you  
 15 started walking? Did you walk towards the playground or  
 16 away from the playground?  
 17 A. I walked like away from the playground.  
 18 Like here is the playground and I walked towards this  
 19 way.  
 20 Q. So is there -- Jazmin's apartment, is it  
 21 near a playground?  
 22 A. Yes.  
 23 Q. So as you walk out of the door, would the  
 24 playground be in front, to the left or to the right?  
 25 A. To the left.

1 Q. To the left. And so did you walk towards  
 2 the left hand side as well?  
 3 A. Yes.  
 4 Q. And so as you're walking out towards the  
 5 playground what happened?  
 6 A. Like I started walking a little bit more  
 7 and like I stopped and tried to sit down on the meter  
 8 box and I heard two gunshots and I looked and I started  
 9 running and then as I ran --  
 10 Q. Let me stop.  
 11 You started walking and then you saw a  
 12 power meter box: is that right?  
 13 A. Yes.  
 14 Q. And are you now at this power meter box in  
 15 the playground itself?  
 16 A. No, it's away from it.  
 17 Q. Away from the playground. Okay.  
 18 You sat down by the power meter box. Are  
 19 you still near Jazmin's apartment?  
 20 A. Yes.  
 21 Q. I mean Jared's apartment.  
 22 A. Yes.  
 23 Q. Sorry.  
 24 And then at that point you heard two  
 25 gunshots?

1 A. Yes.  
 2 Q. You said you turned, so you looked, because  
 3 you made that motion of moving your head to the right:  
 4 is that right?  
 5 A. Yes.  
 6 Q. And when you looked to the right what could  
 7 you see on the right hand side?  
 8 A. I could see a dude like holding a gun. I  
 9 couldn't really see the face from the trees.  
 10 Q. Okay. So stand up for me and tell me how  
 11 was this guy, this dude holding the gun when you went  
 12 and looked to the right?  
 13 A. He was pointing like this. He, he was like  
 14 this.  
 15 Q. So you got your, you're standing, you've  
 16 got your arm stretched to the right hand side and it's  
 17 at a straight ahead and the person as he's pointing --  
 18 is it a he or a she?  
 19 A. A he.  
 20 Q. This person, what was the race of this  
 21 person?  
 22 A. Black.  
 23 Q. Black. Now this person, the person was  
 24 pointing straight on and if he was pointing straight on,  
 25 what's in front of him? Was it another set of apartment

1 complex?  
 2 A. It was like next to Jared's apartment.  
 3 Q. The walkway?  
 4 A. The walkway and the ditch.  
 5 Q. I want you to sit down.  
 6 So he's standing by the walkway near the  
 7 ditch area; is that what you're saying?  
 8 A. Yes.  
 9 Q. And is that near the sidewalk?  
 10 A. Yes.  
 11 Q. And is he outside Jared's apartment?  
 12 A. Yes.  
 13 Q. And as he's outside, was anybody with him  
 14 when you saw this person?  
 15 A. Like two other people were like behind him  
 16 like standing at the park.  
 17 Q. Two other people were behind him. How far  
 18 behind him?  
 19 A. Like from where I'm at to where you're at.  
 20 Q. Okay. So we're talking about, what, ten  
 21 feet away?  
 22 A. Yes.  
 23 Q. And you said directly behind him or to the  
 24 side of him?  
 25 A. Directly behind him.

1 A. He was kind of chubby.  
 2 Q. Chubby?  
 3 A. Yes.  
 4 Q. And then could you see his hair?  
 5 A. No.  
 6 Q. You only saw from what portion of his body?  
 7 A. From shoulders and down.  
 8 Q. Shoulders and down?  
 9 A. Yeah.  
 10 Q. But you could see the writing on his shirt?  
 11 A. Yeah. As he was standing like this you  
 12 could see --  
 13 Q. So with his arms to the right and then is  
 14 his body then facing you? Because you looked to the  
 15 right.  
 16 A. No. Like as he was standing his one leg  
 17 was pointed back and you could see the side.  
 18 Q. So you could see the side of the shirt?  
 19 A. Yes, and he was looking forward.  
 20 Q. And he's looking forward?  
 21 A. Yes.  
 22 Q. Now you said you didn't see his face  
 23 because something was covering it, right?  
 24 A. Yes.  
 25 Q. What was covering it?

1 Q. Directly behind him. And you said there  
 2 were two people behind him?  
 3 A. Yes.  
 4 Q. Now these two people, do you recall what  
 5 they were wearing?  
 6 A. A white T-shirt with black pants and then  
 7 all black.  
 8 Q. All black. And then the other guy?  
 9 A. The white T-shirt. The other dude was  
 10 wearing a black shirt with a black do-rag.  
 11 Q. Okay. So one was wearing a white T-shirt,  
 12 black pants, the other one was wearing black shirt with  
 13 black do-rag; is that what you said?  
 14 A. Yes.  
 15 Q. And black pants?  
 16 A. Yes.  
 17 Q. So these people that you saw -- what about  
 18 the person that was shooting, what was he wearing?  
 19 A. He was wearing the white T-shirt with the  
 20 green in the front and with the black pants.  
 21 Q. So he's wearing a white T-shirt, green  
 22 something on the front and then black pants; is that  
 23 right?  
 24 A. Yes.  
 25 Q. How was he built?

1 A. Like the trees that was on the side of me.  
 2 Q. You mean the leaves that's from these  
 3 trees?  
 4 A. Yes.  
 5 Q. So earlier that night did you see anybody  
 6 else in this party wearing a white shirt with green  
 7 thing on the front and black pants?  
 8 A. No.  
 9 Q. Who was the only person that you -- did you  
 10 see anybody with that outfit?  
 11 A. No.  
 12 Q. No?  
 13 A. Only that one person.  
 14 Q. Only that one person. And who was that?  
 15 A. Burger B.  
 16 Q. But when you saw this person shooting  
 17 straight on outside Jared's apartment towards the ditch  
 18 area, you didn't see the face, right?  
 19 A. No.  
 20 Q. But you saw the clothes that that person  
 21 was wearing?  
 22 A. Yes.  
 23 Q. And so from what you saw of the clothes you  
 24 then assumed it is Burger B; is that right?  
 25 A. Yes.

1 Q. Okay. Now while Burger B was in the  
2 apartment earlier at the party, did you ever see him  
3 pull out a gun?  
4 A. No.  
5 Q. Did you ever see him with a gun?  
6 A. No.  
7 Q. Did you ever see him lift up his shirt  
8 showing his gun?  
9 A. No.  
10 Q. Now did there come a time that you were  
11 shown a photograph line-up on May 7, 2009?  
12 A. Yes.  
13 Q. Showing you what has been marked as Grand  
14 Jury Exhibit Number 29. Do you recognize this document?  
15 A. Yes.  
16 Q. Okay. And these instructions that's on  
17 this document, was that read to you by the detective?  
18 A. Yes.  
19 Q. On May 7, 2009?  
20 A. Yes.  
21 Q. And then did you sign your name on the top?  
22 A. Yes.  
23 Q. Okay. You have to speak up.  
24 A. Yes.  
25 Q. Okay. And after you signed your name, were

1 you shown these six photographs which is the second page  
2 of Grand Jury Exhibit Number 29?  
3 A. Yes.  
4 Q. And in these six photographs did you make a  
5 notation who you identified a person by the name of  
6 Burger B?  
7 A. Yes.  
8 Q. And where, do you see your initials on this  
9 where I'm pointing to?  
10 A. Yes.  
11 Q. Is that your initials, AC?  
12 A. Yes.  
13 Q. And you wrote that on there?  
14 A. Yes.  
15 Q. And as a result of writing that did you  
16 then write this statement?  
17 A. Yes.  
18 Q. So you wrote this: "I am a hundred percent  
19 sure the picture was Burger B."  
20 A. Yes.  
21 Q. And that's in your handwriting?  
22 A. Yes.  
23 Q. So this Burger B was the guy wearing the  
24 white T-shirt with the green writing on the front?  
25 A. Yes.

1 MS. VILLEGAS: Thank you. No further  
2 questions.  
3 THE FOREPERSON: By law, these proceedings  
4 are secret and you are prohibited from disclosing to  
5 anyone anything that has transpired before us, including  
6 evidence and statements presented to the Grand Jury, any  
7 event occurring or statement made in the presence of the  
8 Grand Jury, and information obtained by the Grand Jury.  
9 Failure to comply with this admonition is a  
10 gross misdemeanor punishable by a year in the Clark  
11 County Detention Center and a \$2,000 fine. In addition,  
12 you may be held in contempt of court punishable by an  
13 additional \$500 fine and 25 days in the Clark County  
14 Detention Center.  
15 Do you understand this admonition?  
16 THE WITNESS: Yes.  
17 THE FOREPERSON: You did well. Thank you  
18 for your testimony. You are excused.  
19 Fifteen minute break.  
20 (Recess.)  
21 MS. VILLEGAS: State next calls Michael  
22 Villanueva.  
23 Stand up by the chair and raise your right  
24 hand.  
25 THE FOREPERSON: You do solemnly swear the

1 testimony you are about to give upon the investigation  
2 now pending before this Grand Jury shall be the truth,  
3 the whole truth, and nothing but the truth, so help you  
4 God?  
5 THE WITNESS: Huh?  
6 THE FOREPERSON: Say yes if you  
7 acknowledge.  
8 THE WITNESS: Yeah.  
9 THE FOREPERSON: Speak up please.  
10 THE WITNESS: Yes.  
11 THE FOREPERSON: Please be seated.  
12 Now when you respond you have to get your  
13 face close to the microphone so we can all hear you.  
14 Okay?  
15 THE WITNESS: All right.  
16 THE FOREPERSON: You are advised that you  
17 are here today to give testimony in the investigation  
18 pertaining to the offenses of burglary while in  
19 possession of a firearm, assault with a deadly weapon,  
20 murder with use of a deadly weapon, and carrying  
21 concealed firearm or other deadly weapon, involving  
22 Barron Hamm.  
23 Do you understand this advisement?  
24 THE WITNESS: Yeah.  
25 THE FOREPERSON: Yes?

1 THE WITNESS: Yes.  
 2 THE FOREPERSON: Please state your first  
 3 and last name and slowly spell both for the record.  
 4 THE WITNESS: Michael Villanueva.  
 5 M-I-C-H-A-E-L, V-I-L-L-A-N-U-E-V-A.  
 6 THE FOREPERSON: Thank you.  
 7 MICHAEL VILLANUEVA,  
 8 having been first duly sworn by the Foreperson of the  
 9 Grand Jury to testify to the truth, the whole truth,  
 10 and nothing but the truth, testified as follows:  
 11  
 12 EXAMINATION  
 13  
 14 BY MS. VILLEGAS:  
 15 Q. Michael, how old are you?  
 16 A. Twelve.  
 17 Q. And what grade are you in school?  
 18 A. Seventh.  
 19 Q. You just finished seventh grade?  
 20 A. Yes.  
 21 Q. And you're going to be eighth grade in this  
 22 coming school year, right?  
 23 A. Yes.  
 24 Q. Do you know an individual by the name of  
 25 Jared Fleming?

1 A. Yeah.  
 2 Q. How did you know Jared Fleming?  
 3 A. From skateboarding.  
 4 Q. Skateboarding. And how long have you known  
 5 Jared?  
 6 A. Since elementary.  
 7 Q. So how many years ago was that?  
 8 A. Three or four.  
 9 Q. Three or four years.  
 10 And so did there come a time on May 2nd,  
 11 2009 that you got invited to Jared's birthday party?  
 12 A. Yes.  
 13 Q. And how did you -- first of all, how did  
 14 you get to his birthday party?  
 15 A. His sister.  
 16 Q. His sister. What's his sister name?  
 17 A. Jazmin Fleming.  
 18 Q. Where was it that Jazmin -- did she pick  
 19 you up?  
 20 A. Yeah.  
 21 Q. From your house?  
 22 A. No, my mom dropped me off at Jared's.  
 23 Q. At Jared's house?  
 24 A. Then she picked us up from there.  
 25 Q. Do you also have a brother named Giovanni?

1 A. Yes.  
 2 Q. Was he also with you when you went to  
 3 Jared's house?  
 4 A. No, he walked to Jazmin's house.  
 5 Q. Okay. So when you got to Jared's house and  
 6 then when you left Jared's house to go to Jazmin's  
 7 apartment, who were you with besides Jared and Jazmin?  
 8 A. Malique.  
 9 Q. Malique. And who else? That's it?  
 10 A. Yeah, that's it.  
 11 Q. And so did Jazmin then drive all of you,  
 12 all three of you to her apartment?  
 13 A. Yes.  
 14 Q. Approximately what time was it that you got  
 15 to Jazmin's apartment?  
 16 A. Like 7:30.  
 17 Q. 7:30 in the evening?  
 18 Is that yes?  
 19 A. Afternoon, right.  
 20 Q. 7:30 p.m.?  
 21 A. Yeah.  
 22 Q. Okay. Now when you go, when you shake your  
 23 head, she can't write that down, so you have to say yes  
 24 or no.  
 25 A. Okay.

1 Q. Okay. All right. So when you got to  
 2 Jazmin's apartment, what time was the party starting?  
 3 A. Everybody arrived like nine or ten.  
 4 Q. Nine or ten. And so then when people  
 5 started arriving -- first of all, before the party  
 6 started going, like when you said you got there around  
 7 7:30 p.m., was there any alcohol there at the party?  
 8 A. Not at that time.  
 9 Q. Not at that time. What point did alcohol  
 10 suddenly show up at the party?  
 11 A. Like around 8:30.  
 12 Q. 8:30 p.m.?  
 13 A. Uh-huh.  
 14 Q. Do you know who it was that brought this  
 15 alcohol in the party?  
 16 A. No.  
 17 Q. No. And what kind of alcohol did you see  
 18 at the party?  
 19 A. Just a lot of bottles.  
 20 Q. Bottles?  
 21 A. I didn't know what they were called.  
 22 Q. Besides bottles did you also -- is this  
 23 beer bottles?  
 24 A. No. Like I didn't really --  
 25 Q. Did you see any beer?

1 A. Yeah.  
 2 Q. So beer was at the party?  
 3 A. Yes.  
 4 Q. Besides beer, was there other type of  
 5 liquor that was at this party, any type of wine?  
 6 A. I don't think so.  
 7 Q. What about alcohol?  
 8 A. There was alcohol.  
 9 Q. There was alcohol besides beer, right?  
 10 Is that yes?  
 11 A. Yeah.  
 12 Q. Now did you drink any?  
 13 A. No.  
 14 Q. Throughout the night?  
 15 A. No, I just drank water.  
 16 Q. You just drank water?  
 17 A. Yeah.  
 18 Q. Did you drink any type of juice?  
 19 A. No.  
 20 Q. No? Just water?  
 21 A. Because they were mixing it with the  
 22 alcohol.  
 23 Q. Oh. They were mixing it with the alcohol  
 24 so you didn't have any of that, right?  
 25 A. No.

1 A. Yes.  
 2 Q. But prior to that night you didn't know him  
 3 at all?  
 4 A. No.  
 5 Q. But you, as a result of him being at the  
 6 party, everybody was calling him Burger B?  
 7 A. Yes.  
 8 Q. Was he responding to Burger B?  
 9 A. Yeah.  
 10 Q. Okay. Now Burger B, when he was at the  
 11 party, what was he wearing?  
 12 A. I just remember his long white shirt with  
 13 letters on it.  
 14 Q. What color were the letters?  
 15 A. Green.  
 16 Q. Okay. And then what about his hairdo, you  
 17 remember what kind of hair he had?  
 18 A. No.  
 19 Q. What about his size?  
 20 A. He was big.  
 21 Q. He's big?  
 22 A. Yes.  
 23 Q. And how tall was he?  
 24 A. Pretty --  
 25 Q. Taller than you?

1 Q. Now were kids who were underage, were they  
 2 drinking?  
 3 A. Yes.  
 4 Q. And was Jared one of them drinking?  
 5 A. Yeah.  
 6 Q. Okay. Now do you know whether, are you  
 7 familiar with beer pong?  
 8 A. Yeah.  
 9 Q. Were they playing beer pong that night?  
 10 A. Yes.  
 11 Q. And did you play beer pong?  
 12 A. No.  
 13 Q. Now were people also dancing at this party?  
 14 A. Yeah.  
 15 THE FOREPERSON: Could you speak up please.  
 16 THE WITNESS: All right.  
 17 BY MS. VILLEGAS:  
 18 Q. So now did there come a time, did, do you  
 19 know an individual by the name of Burger B?  
 20 A. Yes.  
 21 Q. How do you know Burger B?  
 22 A. I know him from the party because everybody  
 23 was saying his name.  
 24 Q. So that was the first time you ever met  
 25 this person?

1 A. Yes.  
 2 Q. How tall are you?  
 3 A. I don't know. I didn't measure myself.  
 4 Q. You didn't measure yourself. Okay.  
 5 If you stand up, is he like a foot taller  
 6 than you or a little less than a foot or what?  
 7 A. Like a foot.  
 8 Q. Like a foot taller than you?  
 9 A. Yes.  
 10 Q. But he's bigger than you?  
 11 A. Yes.  
 12 Q. You're not -- what's your size? You're not  
 13 that big, right?  
 14 A. No.  
 15 Q. You're skinny. Do you consider yourself  
 16 skinny?  
 17 A. Yes.  
 18 Q. Was Burger B with other people like his  
 19 friends or so?  
 20 A. Yes.  
 21 Q. How many people was he with?  
 22 A. I seen him arrive at the party with three  
 23 people.  
 24 Q. Three people. Were they wearing the same  
 25 type of clothes?

1 A. Baggy, yeah, but not the same thing.  
 2 Q. Do you recall what if any his friends were  
 3 wearing?  
 4 A. No.  
 5 Q. Do you remember anybody with a black  
 6 do-rag?  
 7 A. Yes.  
 8 Q. Okay. Was that one of Burger B friends?  
 9 A. Yes.  
 10 Q. Okay. When I mentioned black do-rag, did  
 11 you remember that now or is that -- do you recall that,  
 12 seeing that person?  
 13 A. Yes.  
 14 Q. Okay. Now this person with the black  
 15 do-rag, can you tell us what his race was?  
 16 A. I think it was black. Yeah, black.  
 17 Q. He was black?  
 18 A. Yes.  
 19 Q. He was African American?  
 20 A. Yes.  
 21 Q. All right. Now was he as big as Burger B?  
 22 A. No, he was skinny and smaller.  
 23 Q. Skinny and smaller. Was, do you know how  
 24 old Burger B is?  
 25 A. No.

1 Q. Two bedrooms. And the one bedroom by the  
 2 cribs, does it look out to the -- what part of the  
 3 apartment -- does it have a window?  
 4 A. Yes.  
 5 Q. And if you look out the window what would  
 6 you see on the other side of this window?  
 7 A. This wall thing that holds something up. I  
 8 don't know what it holds.  
 9 Q. No. But can you see the front door?  
 10 A. Yes.  
 11 Q. Okay. I'm showing you Grand Jury Exhibit  
 12 Number 27. Is this the room with the cribs that you're  
 13 referring to?  
 14 A. Yes.  
 15 Q. And is this the window, the only window for  
 16 that apartment?  
 17 A. Not the only window.  
 18 Q. No, I mean for that room. I'm sorry.  
 19 A. Yes.  
 20 Q. So this is the bedroom window for this  
 21 cribs, right?  
 22 A. Yes.  
 23 Q. And if you look outside this window, is  
 24 this what you would look out and could you see the front  
 25 door? Which is in Grand Jury Exhibit Number 15.

1 Q. What about the person that was with the  
 2 black do-rag, do you know how old he was?  
 3 A. No.  
 4 Q. No? Is he much older than you?  
 5 A. Yeah.  
 6 Q. Is Burger B older than you?  
 7 A. Yes.  
 8 Q. Okay. Now did there come a time that the  
 9 party ended?  
 10 A. Yes.  
 11 Q. Okay. And how did the party end?  
 12 A. Everybody just started leaving.  
 13 Q. Did you happen to know whether Jamir  
 14 showed up?  
 15 A. No.  
 16 Q. Okay. So everybody started leaving and at  
 17 that point where were you when everybody started  
 18 leaving?  
 19 A. Well, we all went to the room.  
 20 Q. To the room. What kind of room?  
 21 A. With the baby cribs.  
 22 Q. Where are the cribs?  
 23 Do you recall how many bedrooms this  
 24 apartment had?  
 25 A. I think it was two.

1 A. Yes.  
 2 Q. So is that the window associated to the  
 3 cribs room?  
 4 A. Yes.  
 5 Q. Now did there come a time there was a knock  
 6 on the door?  
 7 A. Yes.  
 8 Q. So where were you when this knock on the  
 9 door came?  
 10 A. In the room.  
 11 Q. In that cribs room?  
 12 A. Yes.  
 13 Q. And when you were in that cribs room what  
 14 did you see?  
 15 A. I seen Burger B and the guy with the black  
 16 do-rag.  
 17 Q. Okay. So did you only see two people?  
 18 A. Yes.  
 19 Q. Just two?  
 20 A. Yes.  
 21 Q. And in relation to that photograph, can you  
 22 tell us where Burger B -- who was in front of the door?  
 23 A. The guy with the do-rag.  
 24 Q. So was he the one knocking on the door?  
 25 A. Yeah.

1 Q. And where was Burger B in relation to the  
2 guy knocking on the door with the do-rag?  
3 A. He was behind him.  
4 Q. Behind him. So when you look at that photo  
5 can you tell me where was Burger B standing?  
6 A. Behind the guy with the do-rag.  
7 Q. No. Can you point to that photograph which  
8 I have shown you, where in that photograph, yeah, just  
9 point, just go up here and show us whereabouts in this  
10 porch way area was Burger B standing.  
11 A. Like right here.  
12 Q. Right there. So it's not on the mat,  
13 right?  
14 A. No.  
15 Q. Okay. Now can you speak up. And what did  
16 you say?  
17 A. No.  
18 Q. No. Okay. The person standing on the mat  
19 was a guy with a do-rag?  
20 A. Yes.  
21 Q. So what happened after you heard the knock  
22 on the door and you saw Burger B and the other guy with  
23 the do-rag by the door?  
24 A. Jared had went to open the door.  
25 Q. Was Jared with you in the kids' room at

1 that time?  
2 A. Yes.  
3 Q. Who else was in the room besides you?  
4 A. My brother Giovanni and Maliique.  
5 Q. Maliique. Okay. So there were three of  
6 you and then Jared went outside?  
7 A. Yes.  
8 Q. So he went outside to the living room area,  
9 right?  
10 A. Yes.  
11 Q. Did you follow him outside?  
12 A. No.  
13 Q. So what did you do after Jared left the  
14 room; what were you doing?  
15 A. I stayed in the room.  
16 Q. You stayed in the room and then what?  
17 A. I peeked out to see.  
18 Q. So when you peeked out -- and did you peek  
19 out in that doorway outside that bedroom?  
20 A. Yes.  
21 Q. And when you peeked outside what did you  
22 see?  
23 A. I seen the guy with the do-rag and Burger B  
24 in the back.  
25 Q. Okay. Hold on.

1 Let me see.  
2 So I'm showing you what has been marked as  
3 Grand Jury Exhibit Number 17. So first of all, is this  
4 the door that you peeked out of?  
5 A. Yes.  
6 Q. And then this is the front door; is that  
7 right?  
8 A. Yes.  
9 Q. So when you peeked out the door where was  
10 Burger B standing by this area?  
11 A. Can I -- should I point to it?  
12 Q. Sure. Point and then get back on the seat  
13 and tell us where.  
14 A. Okay.  
15 Q. So you pointed to the door. Is he standing  
16 by the door?  
17 A. He was behind the guy with the do-rag.  
18 Q. So who's in front; the guy with the do-rag  
19 still?  
20 A. Yes.  
21 Q. Inside the apartment?  
22 A. Well, he was outside, then he came inside.  
23 Q. Okay. So did both of them come inside the  
24 apartment?  
25 A. Yes.

1 Q. And when both of them came inside what did  
2 you do?  
3 A. I went back into the room.  
4 Q. You went back into the room. And did you  
5 hear any voices coming out of the living room?  
6 A. Yes.  
7 Q. Could you hear these voices? Did you  
8 recognize these voices?  
9 A. No.  
10 Q. No?  
11 A. Well, I did from the party, just one of  
12 them.  
13 Q. What was the voice that you recognized?  
14 A. Burger B's.  
15 Q. Burger B's voice. And what was Burger B  
16 saying when you heard his voice?  
17 A. He said "everybody get on the ground."  
18 Q. Okay. "Everybody get on the ground." And  
19 at that point you're already inside the kids' room,  
20 right?  
21 A. Yes.  
22 Q. And so were you already on the ground?  
23 A. No.  
24 Q. Where were you?  
25 A. I was standing up and then I went to lay



1 down.  
 2 Q. And then you went down to lay down?  
 3 A. Yes.  
 4 Q. And then what happened?  
 5 A. Then Malique told me he had a gun so we  
 6 hid under the cribs.  
 7 Q. Wait a minute. Malique told you, what, he  
 8 had a gun?  
 9 A. That he pulled out a gun.  
 10 Q. Now this is not hearsay because it's only  
 11 offered for the limited purpose of what he did as a  
 12 result of that statement from Malique.  
 13 What did you do when Malique told you  
 14 that?  
 15 A. Well, he told me to hide, so we both went  
 16 under the baby crib.  
 17 Q. Okay. So you were in the middle of this  
 18 room of the kids' room, right?  
 19 A. Yes.  
 20 Q. Until Malique says he has a gun, hide; is  
 21 that what he says?  
 22 A. Yes.  
 23 Q. At that point you immediately, what, dove  
 24 down underneath the crib area?  
 25 A. Yes.

1 Q. And who was with you when you dove  
 2 underneath the crib area?  
 3 A. Gio was to the side in the middle of the  
 4 cribs.  
 5 Q. So this is Giovanni, your brother?  
 6 A. Giovanni.  
 7 Q. Who else? Was Malique with you too?  
 8 A. Yes.  
 9 Q. So he also hid underneath that crib?  
 10 A. Yes.  
 11 Q. And as you guys are hiding underneath this  
 12 crib what happened? Did you hear anything?  
 13 A. We heard gunshots.  
 14 Q. How many gunshots did you hear?  
 15 A. Three.  
 16 Q. Tell me how the gunshots you heard.  
 17 A. It was two right after another and then the  
 18 last one was after a little.  
 19 Q. So it wasn't three together, it was two  
 20 first and then there was a pause?  
 21 A. Yes.  
 22 Q. And then you heard the third one?  
 23 A. Yes.  
 24 Q. And when you heard the two gunshots first,  
 25 could you tell where the gunshots were coming from?

1 A. From inside the apartment.  
 2 Q. From inside that living room area?  
 3 A. Yes.  
 4 Q. Okay. And then what about the third one,  
 5 could you tell where that third one was?  
 6 A. It was outside.  
 7 Q. Outside the apartment?  
 8 A. Yes.  
 9 Q. Okay. So at, in any time when you heard  
 10 these gunshots could you see who was shooting?  
 11 A. No.  
 12 Q. And did you eventually get out from  
 13 underneath the cribs?  
 14 A. Yes.  
 15 Q. At what point did you get out?  
 16 A. When we didn't hear anything.  
 17 Q. When you didn't hear anymore gunshots?  
 18 A. Yeah.  
 19 Q. And as you got out of the cribs area,  
 20 right, who was in the room with you still?  
 21 A. Giovanni and Malique.  
 22 Q. Plus you?  
 23 A. Yeah. Yes.  
 24 Q. So did you go outside to the living room?  
 25 A. Yes.

1 Q. Did you see Jared in the living room?  
 2 A. No.  
 3 Q. And who was in the living room when you  
 4 went outside with Malique and your brother Giovanni?  
 5 A. No one was in the living room. They were  
 6 all outside.  
 7 Q. They were all outside?  
 8 A. Yes.  
 9 Q. Did you go follow them outside?  
 10 A. Yes.  
 11 Q. And when you went outside who did you find?  
 12 A. Jared laying on the ground.  
 13 Q. And when you saw Jared laying on the  
 14 ground, did you see Burger B anywhere near him?  
 15 A. No.  
 16 Q. Did you see that guy with the blue do-rag  
 17 near him?  
 18 A. No.  
 19 Q. Showing you what has been marked as Grand  
 20 Jury Exhibit Number 8, is this the area where you saw  
 21 Jared laying on the ground?  
 22 A. Yes.  
 23 Q. And which part of this area did you see him  
 24 laying on the ground?  
 25 Okay. You're pointing to where, right here

1 by the rocks?  
 2 A. A little bit farther.  
 3 Q. Farther to the right where?  
 4 A. Next to the stairs.  
 5 Q. Next to the stairs. Okay.  
 6 A. Yeah.  
 7 Q. Okay. So, but he was on the rocks, not on  
 8 the sidewalk?  
 9 A. Yes.  
 10 Q. Or walkway, right?  
 11 A. On the rocks.  
 12 Q. On the rocks. Okay. So was he face up,  
 13 face down?  
 14 A. Face up.  
 15 Q. And when you went over to him was he still,  
 16 was he moving?  
 17 A. No.  
 18 Q. And could you see if he had any type of  
 19 injuries?  
 20 A. This girl lifted up his shirt and he had a  
 21 hole.  
 22 Q. Where was the hole?  
 23 A. Right here. Around here.  
 24 Q. So in the middle of his chest?  
 25 A. Yes.

1 Q. And what did you do at that point?  
 2 A. I walked away and started crying.  
 3 Q. Okay. And you walked away and you started  
 4 crying?  
 5 A. Yes.  
 6 Q. Was Giovanni with you, your brother?  
 7 A. Yes.  
 8 Q. What about Malique, was he also there?  
 9 A. Yes.  
 10 Q. Now today did you do a photo line-up?  
 11 Did you do a photo line-up? Were you shown  
 12 a photo line-up?  
 13 A. Yes.  
 14 Q. Now showing you what has been marked as  
 15 Grand Jury Exhibit Number 32, do you remember seeing  
 16 this document today?  
 17 A. Yes.  
 18 Q. And this -- was this instructions read to  
 19 you?  
 20 A. Yes.  
 21 Q. When these instructions were read to you  
 22 did you then sign your name?  
 23 A. Yes.  
 24 Q. Is it where I'm pointing to, Michael  
 25 Villanueva?

1 A. Yes.  
 2 Q. Did the detective then wrote in the date  
 3 and the time; is that right?  
 4 A. Yes.  
 5 Q. Then you were shown six photographs?  
 6 A. Yes.  
 7 Q. Do you see these six photographs which is  
 8 on the second page of Grand Jury Exhibit Number 32?  
 9 A. Yes.  
 10 Q. You see these six?  
 11 A. Yes.  
 12 Q. Did you then mark who Burger B was on this  
 13 photograph?  
 14 A. Yes.  
 15 Q. And did you circle him with -- are these  
 16 your initials, MV?  
 17 A. Yes.  
 18 Q. Did you write that?  
 19 A. Yes.  
 20 Q. Did you also write the date and the time?  
 21 A. No.  
 22 Q. The detective did?  
 23 A. Yes.  
 24 Q. Okay. And then on the first page of this  
 25 document, who wrote this statement on the Grand Jury

1 Exhibit Number 32?  
 2 A. The detective.  
 3 Q. The detective. Is this what you told him  
 4 though?  
 5 A. Yes.  
 6 Q. Okay. And did you tell the detective "I'm  
 7 pretty sure that the person I circled is the man who did  
 8 the shooting at the party"?  
 9 A. Yes.  
 10 Q. Is that what you said?  
 11 A. Yes.  
 12 Q. Now you just told us you didn't see the  
 13 shooting, right?  
 14 A. No, I didn't see it.  
 15 Q. You didn't see, but you saw him knocking at  
 16 the door, or you saw the guy he was with knocking at the  
 17 door?  
 18 A. Yes.  
 19 Q. You did see him go inside the apartment?  
 20 A. Yes.  
 21 Q. And you never saw him with a gun?  
 22 A. No.  
 23 Q. But after he was inside the apartment you  
 24 heard him say "everybody lay down"?  
 25 A. Yes.

1 Q. And at that point you heard gunshots?  
 2 A. Yes.  
 3 Q. Why would you say "I'm pretty sure this is  
 4 the man that did the shooting," why would you say that?  
 5 A. Because I seen him before and Malique said  
 6 that was the one that had the gun.  
 7 Q. So you're basing on what Malique said?  
 8 A. Yeah.  
 9 Q. Okay. But did you see this person that  
 10 right at the party? Did you see him at the party?  
 11 A. I think it was him.  
 12 Q. Okay. Was he the one wearing that white  
 13 shirt that you described?  
 14 A. Yes.  
 15 Q. With green letters?  
 16 A. Yes.  
 17 Q. And do you know him, or everybody had  
 18 called him Burger B that night, right?  
 19 A. Yes.  
 20 Q. Okay. So the person, so he was one of two  
 21 possible people that could have done the shooting; is  
 22 that right?  
 23 A. Yes.  
 24 Q. Because you didn't see who had the gun,  
 25 right?

1 A. No.  
 2 Q. So it could be him or the guy with the  
 3 blue, with the black do-rag, right?  
 4 A. Yes.  
 5 Q. Because they're the only two that came in  
 6 knocking into the apartment, right?  
 7 A. Yes.  
 8 MS. VILLEGAS: No further questions. Pass  
 9 the witness.  
 10 BY A JUROR:  
 11 Q. Did Jared and Burger B have any kind of a  
 12 fight or confrontation at the party?  
 13 A. No.  
 14 Q. And Jared didn't know him prior to the  
 15 party?  
 16 A. No.  
 17 THE FOREPERSON: By law, these proceedings  
 18 are secret and you are prohibited from disclosing to  
 19 anyone anything that has transpired before us, including  
 20 evidence and statements presented to the Grand Jury, any  
 21 event occurring or statement made in the presence of the  
 22 Grand Jury, and information obtained by the Grand Jury.  
 23 Failure to comply with this admonition is a  
 24 gross misdemeanor punishable by a year in the Clark  
 25 County Detention Center and a \$2,000 fine. In addition,

1 you may be held in contempt of court punishable by an  
 2 additional \$500 fine and 25 days in the Clark County  
 3 Detention Center.  
 4 Do you understand this admonition?  
 5 THE WITNESS: Yes.  
 6 THE FOREPERSON: You did well. Thank you  
 7 for your testimony. You are excused.  
 8 Please raise your right hand.  
 9 You do solemnly swear the testimony  
 10 you are about to give upon the investigation now pending  
 11 before this Grand Jury shall be the truth, the whole  
 12 truth, and nothing but the truth, so help you God?  
 13 THE WITNESS: Yes.  
 14 THE FOREPERSON: Please be seated.  
 15 Now when you respond please get close to  
 16 microphone so we can all hear you.  
 17 You are advised that you are here today to  
 18 give testimony in the investigation pertaining to the  
 19 offenses of burglary while in possession of a firearm,  
 20 assault with a deadly weapon, murder with use of a  
 21 deadly weapon, and carrying concealed firearm or other  
 22 deadly weapon, involving Barron Hamm.  
 23 Do you understand this advisement?  
 24 THE WITNESS: Yes.  
 25 THE FOREPERSON: Please state your first

1 and last name and spell slowly spell both for the  
 2 record.  
 3 THE WITNESS: Bernard Bynum.  
 4 B-E-R-N-A-R-D, B-Y-N-U-M.  
 5 THE FOREPERSON: Thank you.  
 6 BERNARD BYNUM,  
 7 having been first duly sworn by the Foreperson of the  
 8 Grand Jury to testify to the truth, the whole truth,  
 9 and nothing but the truth, testified as follows:  
 10  
 11 EXAMINATION  
 12  
 13 BY MS. VILLEGAS:  
 14 Q. Bernard, how old are you?  
 15 A. Fourteen.  
 16 Q. What grade are you in?  
 17 A. Ninth grade.  
 18 Q. Now do you know Jared Fleming?  
 19 A. Yes.  
 20 Q. How do you know Jared Fleming?  
 21 A. I met him in sixth grade in band.  
 22 Q. Okay. In band. What instrument did you  
 23 play?  
 24 A. Percussions.  
 25 Q. What about Jared?

1 A. The same.  
 2 Q. The same. Okay.  
 3 Now did there come a time on, around,  
 4 before May 2nd, 2009, that you got invited to Jared's  
 5 birthday party?  
 6 A. Yes.  
 7 Q. Did you go to Jared's birthday party?  
 8 A. Yeah.  
 9 Q. Was this on, at the apartment complex at  
 10 the Safari Apartments?  
 11 A. Yeah.  
 12 Q. What time was it that you arrive at the  
 13 party?  
 14 A. Like eleven.  
 15 Q. Eleven in the evening?  
 16 A. Yeah.  
 17 Q. Okay. And when you got to -- do you know  
 18 whether this is where Jared lived or do you know who  
 19 lived in this apartment?  
 20 A. His sister.  
 21 Q. Do you know his sister's name?  
 22 A. Jazmin.  
 23 Q. Jazmin. Okay. And so how did you get to  
 24 Jazmin's apartment?  
 25 A. I rode the bus.

1 Q. And when you rode the bus were you by  
 2 yourself --  
 3 A. No.  
 4 Q. -- when you got, when you went to this  
 5 party?  
 6 A. No.  
 7 Q. Did you come in with friends?  
 8 A. Yeah.  
 9 Q. And so when you got to the apartment were  
 10 there a lot of people at the party?  
 11 A. Yeah.  
 12 Q. And did you see Jared?  
 13 A. Yes.  
 14 Q. What was Jared, how was Jared when you saw  
 15 him at around eleven p.m. that night?  
 16 A. He was pretty drunk.  
 17 Q. He was drunk. Now did you see any alcohol  
 18 at the apartment?  
 19 A. Yes.  
 20 Q. What kind of alcohol did you see?  
 21 A. Regular beer like.  
 22 Q. Regular beer. Did you drink any beer that  
 23 night?  
 24 A. No.  
 25 Q. And do you know an individual by the name

1 of Burger B?  
 2 A. Yeah.  
 3 Q. And how do you know Burger B?  
 4 A. I met him through his cousin. His cousin  
 5 goes to my school and we play on the same basketball  
 6 team.  
 7 Q. So how long ago was this that you've known  
 8 Burger B?  
 9 A. Sixth grade.  
 10 Q. So you're now going on ninth grade, so it's  
 11 been a couple years since you've known Burger B?  
 12 A. Yes.  
 13 Q. Do you know why his name is Burger B?  
 14 A. I don't know.  
 15 Q. No. Okay. Do you know his real name?  
 16 A. Barron something. I don't know.  
 17 Q. You don't know his last name?  
 18 A. (Inaudible response.)  
 19 Q. Everybody calls him Burger B?  
 20 A. Yes.  
 21 Q. Okay. So what was Burger B -- was Burger B  
 22 there at the party?  
 23 A. He showed up like a little later.  
 24 Q. He showed up a little later and when he  
 25 showed up was he by himself?

1 A. He was with like two other people.  
 2 Q. First of all describe what Burger B was  
 3 wearing that night.  
 4 A. Long white shirt with air brush. It's ATM.  
 5 Q. What kind of hair style did he have?  
 6 A. Nappy. I don't know.  
 7 Q. Nappy?  
 8 A. Yeah.  
 9 Q. What's his race?  
 10 A. Black.  
 11 Q. And what about his build?  
 12 A. Fat.  
 13 Q. What about his height, do you know about  
 14 how tall he was?  
 15 A. I don't know the exact height.  
 16 Q. Was he taller than you?  
 17 A. Yeah.  
 18 Q. Do you know what your height is?  
 19 A. 5'5".  
 20 Q. So he's much taller than you?  
 21 A. Just a little, about a couple inches.  
 22 Q. A couple inches taller than you?  
 23 A. Yeah.  
 24 Q. Now you seem to be skinny compared to him.  
 25 How many sizes do you think he is? Like twice of you?

1 A. Two hundred.  
 2 Q. Two of you?  
 3 A. Yeah.  
 4 Q. So he's much bigger than you?  
 5 A. Yeah.  
 6 Q. Yes?  
 7 A. Oh, yes.  
 8 Q. Now the person that he was with, can you  
 9 describe -- you said he was with a couple guys, right?  
 10 A. Yes.  
 11 Q. Now first guy that he was with, what can  
 12 you tell me about him?  
 13 A. Well, like he said it was his cousin and  
 14 like he had like a do-rag on, he was like short and like  
 15 he had like a white T and some baggy jeans.  
 16 Q. Okay. Did he, did Burger B introduce him  
 17 as to what his name was?  
 18 A. No, he just said that's my cousin.  
 19 Q. He just said that was his cousin, right?  
 20 What about the other guys that he was with?  
 21 A. Like he didn't introduce them. They just  
 22 came in. I don't know.  
 23 Q. So did you remember what they looked like?  
 24 A. They just all had like white T's on and big  
 25 jeans.

1 Q. White T means white T-shirts?  
 2 A. Yeah.  
 3 Q. And big jeans?  
 4 A. Yeah.  
 5 Q. Now what was Burger B doing at the party?  
 6 A. He was like dancing and like saying his  
 7 gang.  
 8 Q. Okay. Now I would move to strike the word  
 9 gang from the record.  
 10 Now just don't tell us what he says, just  
 11 tell me what he was doing. Okay? Was he dancing?  
 12 A. Yeah.  
 13 Q. Was he getting loud?  
 14 A. Yeah.  
 15 Q. Now while he was dancing was he showing  
 16 anything?  
 17 A. No.  
 18 Q. Did he pull his shirt up?  
 19 A. Yeah.  
 20 Q. Tell me about that.  
 21 A. He was dancing with some girl and he had  
 22 his shirt up and like --  
 23 Q. You mean his white T-shirt?  
 24 A. Yeah.  
 25 Q. So how long was this white T-shirt?

1 A. About the thighs.  
 2 Q. By the what?  
 3 A. Close by the thighs.  
 4 Q. By his thighs?  
 5 A. Yeah.  
 6 Q. So he pulled up his white T-shirt?  
 7 A. Yes.  
 8 Q. And what did you see as he pulled up his  
 9 white T-shirt?  
 10 A. A black handle.  
 11 Q. A black handle to a what?  
 12 A. To a gun.  
 13 Q. And which part of his body did you see this  
 14 black handle on?  
 15 A. The right side.  
 16 Q. The right side. So did he pull up both  
 17 sides of his shirt, meaning the front, right and left,  
 18 or just the right hand side of his shirt?  
 19 A. Both.  
 20 Q. Both. And so this is while he was dancing?  
 21 A. Yes.  
 22 Q. So underneath the shirt you saw a black  
 23 handle of a gun?  
 24 A. Yeah.  
 25 Q. Did he ever pull out this gun?

1 A. No.  
 2 Q. And so at any time was he bragging about  
 3 this gun?  
 4 A. When he came in like he was like saying  
 5 that he had a gun on him.  
 6 Q. Okay. And do you, you never saw him pull  
 7 it out, right?  
 8 A. No.  
 9 Q. But you only saw him as he's dancing, he  
 10 pulled up his shirt and you saw the gun?  
 11 A. Yeah.  
 12 Q. Or part of the gun?  
 13 A. Yeah.  
 14 Q. Now did you stay at this party for a long  
 15 time?  
 16 A. No.  
 17 Q. What happened?  
 18 A. Once I saw the gun I had told my friends we  
 19 had to leave.  
 20 Q. So did you leave?  
 21 A. Yeah.  
 22 Q. Did you say goodbye to Jared?  
 23 A. Yeah.  
 24 Q. And then you left the apartment?  
 25 You left Jared's apartment?

1 A. Yeah. I was sitting on a power box.  
 2 Q. So as you left Jared's apartment, did you  
 3 go towards the left hand side where the playground was  
 4 or did you go towards the right hand side where there  
 5 was the walkway to go to the car parking lot?  
 6 A. I went to the left.  
 7 Q. To the left?  
 8 A. Yeah.  
 9 Q. As you're going to the left were you still  
 10 with the couple of friends that you came in the party  
 11 with?  
 12 A. Yes.  
 13 Q. So they came with you?  
 14 A. Yeah.  
 15 Q. And left with you?  
 16 A. Yeah.  
 17 Q. How many were they?  
 18 A. Two.  
 19 Q. Do you know their names?  
 20 A. Yeah.  
 21 Q. What?  
 22 A. Moses and Nico Taylor.  
 23 Q. Nico Taylor. Okay. So all three of you  
 24 left the party and at that point then what happened?  
 25 A. I was sitting on a power box and we were

1 talking and then like --  
 2 Q. Let me stop you.  
 3 As you're sitting by the power box, could  
 4 you still see on the right hand side the apartment?  
 5 A. Yeah.  
 6 Q. And the outside of the apartment, right?  
 7 A. Sort of, yeah.  
 8 Q. Okay. And as you're sitting there with  
 9 your two friends Moses and Nico Taylor, what happens?  
 10 A. We heard gunshots.  
 11 Q. How many shots did you hear?  
 12 A. Two.  
 13 Q. Two gunshots. When you heard the two  
 14 gunshots did you look to the right to see where it was  
 15 coming from?  
 16 A. Yeah.  
 17 Q. Where?  
 18 A. From the apartment. You could see the  
 19 flashes.  
 20 Q. You could see the flashes from the  
 21 apartment?  
 22 A. Yeah.  
 23 Q. When you saw these flashes, was it still  
 24 inside the apartment or was it outside the apartment?  
 25 A. I have no clue.

1 Q. You don't know?  
 2 A. Yeah.  
 3 Q. When you saw these flashes you couldn't  
 4 tell where it was coming from?  
 5 A. Yeah.  
 6 Q. But you saw it coming, it was in the  
 7 vicinity of Jazmin's apartment?  
 8 A. Yeah.  
 9 Q. Okay. Did you see anybody outside this  
 10 apartment when you saw these flashes?  
 11 A. No. I just seen like girls running and  
 12 stuff.  
 13 Q. Girls running.  
 14 Did you ever see the hand, the arm --  
 15 A. No.  
 16 Q. Did you ever see the gun or so?  
 17 A. No.  
 18 Q. Okay. And so when you heard and saw these  
 19 flashes, what did you do?  
 20 A. I ran.  
 21 Q. So did you run towards the flashes or did  
 22 you run away from the flashes?  
 23 A. Away from the flashes.  
 24 Q. And where did you run to?  
 25 A. Like I ran to this wall and I jumped it and

1 went, started heading home.  
 2 Q. And as you're heading home, what about your  
 3 two friends Nico and Moses?  
 4 A. They came with me.  
 5 Q. They came with you?  
 6 A. Yeah.  
 7 Q. Did you guys ride home on the bus?  
 8 A. Yeah. That's when we saw like the cops and  
 9 ambulance and stuff.  
 10 Q. So eventually as you're trying to find the  
 11 bus you saw some cops coming?  
 12 A. Yes.  
 13 Q. And this is also at the apartment complex,  
 14 the Safari Apartments?  
 15 A. Yeah.  
 16 Q. Did you ever go back towards Jazmin's  
 17 apartment?  
 18 A. No.  
 19 Q. So you just went straight home?  
 20 A. Yeah.  
 21 Q. Okay. Did you try calling Jared at this  
 22 time?  
 23 A. Yeah.  
 24 Q. And did you get any response from Jared?  
 25 A. No.

1 Q. So you didn't, you never heard from Jared  
2 again?  
3 A. No.  
4 Q. Now today were you shown a photo line-up?  
5 A. Yes.  
6 Q. Showing you what has been marked as Grand  
7 Jury Exhibit Number 31. Were these instructions read to  
8 you by the detective?  
9 A. Yes.  
10 Q. And as a result of reading these  
11 instructions to you did you then sign your name where  
12 I'm pointing to?  
13 A. Yes.  
14 Q. And when you signed this name did the  
15 detective then show you a set of photographs which is  
16 the second page of Grand Jury Exhibit Number 31?  
17 A. Yes.  
18 Q. And did you circle somebody here that you  
19 recognized that night at the party, at Jared's party?  
20 A. Yes.  
21 Q. And is this the person that you circled?  
22 A. Yes.  
23 Q. And did you -- is this your initials, BR?  
24 A. Yes.  
25 Q. And did you also write the date, 7/14/09?

1 A. No.  
2 Q. So what you're saying, you did see part of  
3 the gun?  
4 A. Yes.  
5 Q. Okay. But is that pretty much what you  
6 saw, Burger B, which is the person you identified that  
7 night?  
8 A. Yes.  
9 MS. VILLEGAS: State has no further  
10 questions. Pass the witness.  
11 BY A JUROR:  
12 Q. I'm sorry to bother you. Could you spell  
13 your last name again for me please.  
14 A. B-Y --  
15 Q. B-O-Y?  
16 A. B-Y-N-U-M.  
17 THE FOREPERSON: Anymore?  
18 By law, these proceedings are secret and  
19 you are prohibited from disclosing to anyone anything  
20 that has transpired before us, including evidence and  
21 statements presented to the Grand Jury, any event  
22 occurring or statement made in the presence of the Grand  
23 Jury, and information obtained by the Grand Jury.  
24 Failure to comply with this admonition is a  
25 gross misdemeanor punishable by a year in the Clark

1 A. Yes.  
2 Q. And on the next page, back on the first  
3 page, did you write this statement?  
4 A. I didn't write it but like he wrote it.  
5 Q. He wrote it. And is this the statement you  
6 gave to the detective?  
7 A. Yes.  
8 Q. Who then wrote verbatim what you said?  
9 A. Yes.  
10 Q. And is this what you told the detective,  
11 "I'm a hundred percent sure that the person circled was  
12 Burger B. He was at the party and he showed a gun while  
13 he was dancing. I saw the gun." Is that what you told  
14 the detective?  
15 A. I didn't tell -- he messed up on the showed  
16 part.  
17 Q. What do you mean he messed up by the show  
18 part?  
19 A. I told him not to put the show part. He  
20 didn't actually pull it out but I --  
21 Q. He pulled it up? You mean he showed, like  
22 he lifted up his shirt; is that what you're saying?  
23 A. Yeah.  
24 Q. But he never pulled out the whole gun,  
25 right?

1 County Detention Center and a \$2,000 fine. In addition,  
2 you may be held in contempt of court punishable by an  
3 additional \$500 fine and 25 days in the Clark County  
4 Detention Center.  
5 Do you understand this admonition?  
6 THE WITNESS: Yes.  
7 THE FOREPERSON: You did well. Thank you  
8 for your testimony. You are excused.  
9 THE WITNESS: All right. Thank you.  
10 THE FOREPERSON: Please remain standing and  
11 raise your right hand.  
12 Stand up.  
13 THE WITNESS: Oh, I'm sorry.  
14 THE FOREPERSON: Raise your right hand.  
15 You do solemnly swear the testimony  
16 you are about to give upon the investigation now pending  
17 before this Grand Jury shall be the truth, the whole  
18 truth, and nothing but the truth, so help you God?  
19 THE WITNESS: Yes, sir.  
20 THE FOREPERSON: Please be seated.  
21 Now sit up close to the microphone so we  
22 can hear you and answer with a yes or no every time.  
23 Okay?  
24 THE WITNESS: Okay.  
25 THE FOREPERSON: You are advised that you

1 are here today to give testimony in the investigation  
 2 pertaining to the offenses of burglary while in  
 3 possession of a firearm --  
 4 THE WITNESS: Yes.  
 5 THE FOREPERSON: -- assault with a deadly  
 6 weapon --  
 7 THE WITNESS: Yes.  
 8 THE FOREPERSON: -- murder with use of a  
 9 deadly weapon --  
 10 THE WITNESS: Yes.  
 11 THE FOREPERSON: -- and carrying concealed  
 12 firearm or other deadly weapon, involving Barron Hamm.  
 13 Do you understand this advisement?  
 14 THE WITNESS: Yes.  
 15 THE FOREPERSON: Please state your first  
 16 and last name and slowly spell both for the record.  
 17 THE WITNESS: Tyjuan Bell. T-Y-J-U-A-N,  
 18 B-E-L-L.  
 19 THE FOREPERSON: Thank you.  
 20  
 21  
 22 TYJUAN BELL,  
 23 having been first duly sworn by the Foreperson of the  
 24 Grand Jury to testify to the truth, the whole truth,  
 25 and nothing but the truth, testified as follows:

1 together?  
 2 A. Yeah, the same elementary.  
 3 Q. The same elementary.  
 4 Did there come a time that Jared then  
 5 invited you to his birthday party?  
 6 A. Yes.  
 7 Q. Was this at Jazmin's apartment?  
 8 A. Yes.  
 9 Q. And Jazmin is Jared's sister?  
 10 A. Yes.  
 11 Q. And her apartment is located at 2675 South  
 12 Nellis Boulevard; is that right?  
 13 A. Yes.  
 14 Q. And apartment 1142, here in Las Vegas,  
 15 Clark County, Nevada?  
 16 A. Yes.  
 17 Q. Now how did you get to this birthday party?  
 18 A. I walked. Because like in the apartments  
 19 that I live in is like I have to walk and then I go into  
 20 these one apartment called Village DeKaren and then I  
 21 hop the other wall and then it would be in the Safari's.  
 22 Q. So you hopped a couple walls to get to the  
 23 Safari Apartments, right?  
 24 A. Two.  
 25 Q. Two. Okay. Two apartment complexes,

EXAMINATION

1  
 2  
 3  
 4 BY MS. VILLEGAS:  
 5 Q. Tyjuan, how old are you?  
 6 A. I'm 13.  
 7 Q. Okay. And what grade are you in?  
 8 A. I'm in the seventh but I'm going to the  
 9 eighth.  
 10 Q. Okay. So you just finished the seventh  
 11 grade?  
 12 A. Yes.  
 13 Q. Okay. I'm going to make sure you're  
 14 speaking into the microphone. All right?  
 15 A. Okay.  
 16 Q. Now do you know an individual by the name  
 17 of Jared Fleming?  
 18 A. Yes.  
 19 Q. And how did you know Jared?  
 20 A. That was my friend. I grew up with him.  
 21 Q. Okay. From when you say you grew up with  
 22 him, when did you meet him?  
 23 A. I met him when I was like in the first or  
 24 second grade.  
 25 Q. So you guys went to the same school

1 right?  
 2 A. Yeah.  
 3 Q. Okay. So when you got to Jared's birthday  
 4 party, about what time was it that you got there?  
 5 A. It was like eight.  
 6 Q. Eight o'clock in the evening?  
 7 A. Yeah.  
 8 Q. And were there already a lot of people at  
 9 the apartment?  
 10 A. Yeah. Kind of. Sort of. It wasn't a lot  
 11 but it wasn't a little.  
 12 Q. Okay. So you saw Jared there of course,  
 13 right?  
 14 A. Yeah.  
 15 Q. Do you remember who else you saw besides  
 16 Jared when you got there around eight-ish?  
 17 A. It was, I saw Malique, I saw Bernard, I  
 18 saw Mikey, I saw Gio, I saw my friend Dylan. I saw a  
 19 lot of our friends.  
 20 Q. Okay. So were there any girls there?  
 21 A. Yeah, there was girls, but I didn't really  
 22 know the girls except for Jared's sister I know.  
 23 Q. What was Jared's sister's name?  
 24 A. Jazmin.  
 25 Q. Jazmin was there? Who else?



1 A. And I think her name is Brittney. I know  
2 it starts with a B. I don't really know.  
3 Q. It starts with a B. That was one of  
4 Jared's sisters?  
5 A. Yes.  
6 Q. Now do you know a guy named Burger B?  
7 A. Yes.  
8 Q. Okay. Tell me how long have you known, how  
9 did you know Burger B?  
10 A. He hangs out -- well, he used to hang out  
11 with my cousin.  
12 Q. Your cousin. Okay. Is this your blood  
13 cousin?  
14 A. Yes.  
15 Q. Okay. And so how long has he been hanging  
16 around with your cousin or used to hang around with your  
17 cousin?  
18 A. Well, when my cousin moved out from  
19 California and he came here, he and Burger B started  
20 hanging out, so they was hanging out for almost a year.  
21 Q. Is your cousin older than you or younger  
22 than you?  
23 A. He's older than me.  
24 Q. How much older?  
25 A. He's like 20, 21.

1 was, you know, having --  
2 Q. So he was like growing something, is that  
3 what it is?  
4 A. Yeah. Yeah.  
5 Q. So do you recall what he was wearing?  
6 A. He had on, what I saw, all I remember is  
7 that he had on a white T-shirt and it had like a lot of,  
8 he had a lot of glittery stuff on it, like shiny stuff.  
9 Q. Shiny stuff on that white T-shirt?  
10 A. Yeah. It wasn't that much shiny stuff but  
11 it was like, you know, like little rhinestones and  
12 stuff.  
13 Q. So do you know what color was these things  
14 that was on his T-shirt?  
15 A. No, I didn't really pay attention to all  
16 that.  
17 Q. Now this T-shirt, was it, do you know how  
18 long was this T-shirt?  
19 A. It was pretty long.  
20 Q. It was pretty long?  
21 A. Yes. It wasn't that long but it wasn't  
22 like as long as, it was long but it wasn't long. It was  
23 just like right, it was like kind of --  
24 Q. Was it tucked inside his pants?  
25 A. No.

1 Q. Okay. Do you know how old Burger B is?  
2 A. No.  
3 Q. Is he, he's not the same age as you?  
4 A. No, he's older, right.  
5 Q. He's older than you?  
6 A. Yeah.  
7 Q. So describe Burger B for me. First of all,  
8 how is he as far as size?  
9 A. He's not, he's kind of big.  
10 Q. He's big. Okay. Do you know about his,  
11 what kind of hair style he had?  
12 A. Well, at the party he had an Afro and I saw  
13 like a lot of, you know, like his mustache, but it was  
14 like, you know.  
15 Q. You're sort of like pointing to your face a  
16 lot.  
17 A. Yeah, like his.  
18 Q. Was it like all over?  
19 A. Yeah, it was all over when I saw him.  
20 Q. So does he have a full beard?  
21 A. Yeah, it was like a full beard when I seen  
22 him.  
23 Q. You saw him with a full beard?  
24 A. Yeah. It wasn't a full beard full beard  
25 but it was like a little bit to where you could see he

1 Q. So it's loose?  
2 A. Yes, loose like it was hanging.  
3 Q. It was hanging?  
4 A. Yeah.  
5 Q. Now did you know whether or not he went  
6 there -- did you see him at the party?  
7 A. Yes.  
8 Q. When he showed up at the party was he by  
9 himself?  
10 A. No, he had some friends with him.  
11 Q. Okay. So friends with him. How many  
12 friends did he have with him?  
13 A. About three or four maybe. I think.  
14 Q. Three or four?  
15 A. That's what I remember seeing.  
16 Q. And then at that point -- now at the party  
17 do you know if there was any alcohol --  
18 A. Yes.  
19 Q. -- that was being served?  
20 A. There was.  
21 Q. What kind of alcohol was there?  
22 A. It was a lot of alcohol. To be honest I  
23 don't really know.  
24 Q. Do you know whether one of them was beer?  
25 A. Yeah, there was some beer.

1 Q. Do you know if there was some kind of,  
2 besides beer, there was something else besides --  
3 A. Yeah, it was something like, that was  
4 fruity.  
5 Q. Fruity?  
6 A. Yeah.  
7 Q. That was mixed in with some kind of juice  
8 or so?  
9 A. No. It was like a drink, an alcohol drink  
10 that was kind of --  
11 Q. Oh, it was like a wine, like a fruity wine  
12 you mean?  
13 A. It wasn't like a fruity wine. I don't know  
14 what it was but I know it was fruity.  
15 Q. Did you have anything to drink?  
16 A. I had a little bit.  
17 Q. You had a little bit?  
18 A. Yeah. I didn't have that much.  
19 Q. Not that much?  
20 A. No. I only had, I barely had a cup. It  
21 was like this much.  
22 Q. So it was like a quarter of a cup?  
23 A. Yeah.  
24 Q. Is that what you're saying?  
25 A. Yeah. I didn't really have that much.

1 A. Yeah.  
2 Q. Did you see him drinking at that place?  
3 A. Him and my cousin were drinking together.  
4 Q. Okay. So you saw them drinking?  
5 A. Yeah.  
6 Q. Could you tell what -- were they drinking  
7 beer?  
8 A. No, they were drinking, they were drinking  
9 other stuff too also.  
10 Q. Now, but, now let's fast forward at Jared's  
11 party. Did you see him if he had anything like a cup or  
12 a bottle?  
13 A. I think he had a bottle.  
14 Q. He had a bottle?  
15 A. Yeah.  
16 Q. Can you describe this bottle?  
17 A. It was kind of brown. That's all I really  
18 know. Because we weren't like, at Jared's party we  
19 weren't really paying attention to him. We only paid  
20 attention to him when he started shouting.  
21 Q. All right. And so, but you noticed when he  
22 started shouting was he still holding this brown bottle?  
23 A. I don't think so.  
24 Q. Now did there come a time that the party  
25 eventually died down?

1 Q. You are underage at that time?  
2 A. Yeah.  
3 Q. And you still are, right?  
4 A. Yes.  
5 Q. So then now what was Burger B doing at this  
6 party?  
7 A. He was with his friends.  
8 Q. Was he dancing?  
9 A. No.  
10 Q. You didn't see him dancing?  
11 A. No. He was shouting.  
12 Q. Was he getting rowdy?  
13 A. Yeah, a little bit.  
14 Q. Could you tell if he had been drinking?  
15 A. Yes.  
16 Q. So did you see him drinking something?  
17 A. Yeah. Because he was in my apartments.  
18 Q. Okay.  
19 A. Before we went to the party.  
20 Q. So before you saw him --  
21 A. At the party.  
22 Q. -- at the party --  
23 A. He was --  
24 Q. -- at Jared's party, you saw him at your  
25 apartment complex?

1 A. Came to an end, yes.  
2 Q. Tell me about that.  
3 A. When it came to an end it was only like a  
4 couple of people in the house, it wasn't that many  
5 people, it was just like Jared and Jared's friends.  
6 Q. Whose friends?  
7 A. Jared's friends.  
8 Q. Jared's friends. Okay. Yeah.  
9 A. It was just us in the house at that time  
10 and I recall, I recall we were all in the back room  
11 where the cribs were.  
12 Q. Okay. So the cribs -- now how many  
13 bedrooms is this apartment?  
14 A. Two.  
15 Q. There was two?  
16 A. Yeah.  
17 Q. So there is one that's Jazmin's bedroom?  
18 A. Yeah, it's Jazmin's. And if you go in the  
19 back a little it's right there.  
20 Q. It's the cribs room, right?  
21 A. Yeah.  
22 Q. And in the middle is the living room?  
23 A. Yeah.  
24 Q. So you went to the, where, cribs room?  
25 A. Yeah, we were all in the cribs room at

1 first.  
 2 Q. Who is we?  
 3 A. Jared, Mikey, Gio, Dylan, me, Malique.  
 4 Q. And so was Jazmin in the apartment?  
 5 A. No, I think she had left out the apartment.  
 6 I'm not sure though. I think she had left out.  
 7 Q. Do you know a Heather?  
 8 A. No, I don't.  
 9 Q. You don't know Heather?  
 10 Were there any girls in the apartment when  
 11 you guys were in the cribs room?  
 12 A. I don't think so.  
 13 Q. So what happened while you were in the  
 14 cribs room?  
 15 A. Somebody had knocked on the door.  
 16 Q. And at that point did you go somewhere?  
 17 A. Yeah.  
 18 Q. Where did you go?  
 19 A. I went to the bathroom.  
 20 Q. Which bathroom?  
 21 A. Jazmin's.  
 22 Q. Jazmin's. There was a bathroom at the kids  
 23 room, right?  
 24 A. Yeah. Because look, when I came out the  
 25 room we had went like by the living room because

1 somebody knocked on the door, so when somebody knocked  
 2 on the door I went to use the bathroom so I just ran in  
 3 Jazmin's room.  
 4 Q. So you didn't go back towards the kids room  
 5 to use that bathroom?  
 6 A. No. Huh-uh.  
 7 Q. You ran towards Jazmin's bathroom?  
 8 A. Yes.  
 9 Q. So this is while somebody was knocking on  
 10 the door, right?  
 11 A. Yeah.  
 12 Q. You didn't see who was knocking on the  
 13 door, correct?  
 14 A. No.  
 15 Q. So you went to Jazmin's bathroom?  
 16 A. Uh-huh.  
 17 Q. And then when you came out what did you  
 18 hear or what did you see?  
 19 A. I heard somebody say "get down." It was  
 20 kind of loud.  
 21 Q. When you heard this person say "get down,"  
 22 where were you now?  
 23 A. I was just coming out the bathroom.  
 24 Q. Coming out of Jazmin's bathroom?  
 25 A. Right.

1 Q. And so were you the only one in that  
 2 bedroom?  
 3 A. Yes.  
 4 Q. And when you heard that person say "get  
 5 down," could you, did you recognize who that voice was  
 6 from?  
 7 A. No. But I like kind of peeked out the door  
 8 and I saw it was Burger B.  
 9 Q. Okay. So you peeked out of this bedroom  
 10 door?  
 11 A. Yes.  
 12 Q. And when, let me just get to, so let me  
 13 show you -- let me show you some photos. Okay?  
 14 A. Okay.  
 15 Q. I'm showing you what is marked as Grand  
 16 Jury Exhibit Number 22. Do you see this?  
 17 Is this the door towards Jazmin's bedroom?  
 18 Is that that door -- here is the dining room, and if you  
 19 look at Grand Jury Exhibit Number 21, is that the door  
 20 that leads out to the kitchen area?  
 21 A. Yes.  
 22 Q. So is this the door you peeked out of?  
 23 A. I can't really see it.  
 24 Q. Let me show you here.  
 25 Is that the door?

1 Here is the bathroom, here is the door.  
 2 A. Yeah. Yeah.  
 3 Q. Let me show back to the Grand Jury.  
 4 So here is the bathroom, right?  
 5 Yeah?  
 6 A. Yeah, that's the bathroom.  
 7 Q. Okay. The bathroom. So you came out, you  
 8 peeked around this door which leads out to the living  
 9 room, is that right?  
 10 A. Because like how the house is is like --  
 11 Q. Let me show you. From this photograph can  
 12 you see the kitchen dining room table?  
 13 A. Yeah.  
 14 Q. So you see the kitchen dining room table?  
 15 A. Uh-huh.  
 16 Q. And you see this door?  
 17 A. Uh-huh.  
 18 Q. Is that the door you peeked out of?  
 19 A. Yes.  
 20 Q. So now let's show the Grand Jury. Okay?  
 21 A. It doesn't look like it because if you  
 22 notice this should be like the front door somewhere.  
 23 Q. I know. But I'm just asking -- I'm just  
 24 showing you the door that you peeked out of.  
 25 A. Yeah.

1 Q. You didn't go back to the living room,  
2 right?  
3 A. Yeah.  
4 Q. Is that no?  
5 A. Yeah. No.  
6 Q. You didn't go back to the living room. But  
7 as you peeked out, which is now Grand Jury Exhibit  
8 Number 17, did you see this front door?  
9 A. Yeah.  
10 Q. Here is the door to the cribs room, right?  
11 I know you're having a hard time.  
12 Right here, is that the cribs room?  
13 A. I don't -- I don't think so.  
14 Q. Let me show you another photograph. The  
15 cribs room, you see where that bed is? Look at the bed.  
16 A. Uh-huh.  
17 Q. You see this bed?  
18 A. Uh-huh.  
19 Q. Is that the same bed in the cribs room?  
20 A. Yes.  
21 Q. Okay. So when you went -- is this the  
22 first time you ever went to Jazmin's apartment?  
23 A. Yeah.  
24 Q. I see. Okay. Let me orient you. Is this  
25 the front door?

1 A. Yeah.  
2 Q. Here is the one bedroom?  
3 A. Yeah.  
4 Q. In this first bedroom which is -- let me  
5 first mark it. This is Grand Jury Exhibit Number 17.  
6 Now I'm showing you Grand Jury Exhibit  
7 Number 27. And here is the kids' room?  
8 A. Yeah.  
9 Q. So when you compare the bed which has the  
10 tan covering blanket on it, do you see that in Grand  
11 Jury 17 from far away?  
12 A. Yes.  
13 Q. So now will you say this door is the cribs  
14 room?  
15 A. Uh-huh.  
16 Q. Is that yes?  
17 A. Yes.  
18 Q. You have to speak into the microphone.  
19 A. Yes.  
20 Q. Okay. Now across from that kids' room is  
21 Jazmin's bedroom?  
22 A. Yes.  
23 Q. Right? Which is in Grand Jury Exhibit  
24 Number 21.  
25 A. Uh-huh.

1 Q. And you said you ran across the living room  
2 to get to Jazmin's bathroom?  
3 Yes?  
4 A. Yes.  
5 Q. So, and you peeked outside the door looking  
6 towards the living room?  
7 A. Yeah.  
8 Q. So in, showing you Grand Jury Exhibit  
9 Number 22, is this the door that you peeked out of that  
10 leads into Jazmin's bedroom?  
11 A. I think so, yeah. I believe.  
12 Q. So when you peeked out of that room did you  
13 then see the living room door?  
14 A. Yeah.  
15 Q. And when you saw the living room you said  
16 you had heard somebody say "get down"?  
17 A. "Get down," yeah.  
18 Q. And then you saw Burger B?  
19 A. I didn't like see his face but I saw like  
20 his, I seen his face but it was like a quick glimpse,  
21 you know.  
22 Q. So a quick glimpse of him?  
23 A. Yes.  
24 Q. Where was he standing when you saw him with  
25 a quick glimpse and you saw him in the apartment?

1 A. When I saw him he was like right there by  
2 the TV a little.  
3 Q. By the TV?  
4 A. Yeah, but --  
5 Q. Just stand up and point to us and then get  
6 back near the microphone.  
7 A. He was like --  
8 Q. No, you can just --  
9 A. He, it was like when he came in, he came in  
10 from right there and he got by the TV and then he came  
11 right there. That's when I seen.  
12 Q. Tyjuan, here's the overhead.  
13 A. I'm sorry.  
14 Q. No, just stand up here. You can point to  
15 the photo so they can see it from -- so where was he  
16 standing?  
17 A. He was like right here. He was kind of by  
18 the TV but he wasn't.  
19 Q. Hold on. She can't hear you.  
20 So you said, you pointed here by the front  
21 entryway; is that right?  
22 A. Yes.  
23 Q. And then you said he moved towards near the  
24 television set?  
25 A. Yeah, a little. And then he scooted back a

1 little.  
 2 Q. He scooted back a little?  
 3 A. Yeah.  
 4 Q. Towards the door?  
 5 A. Yeah, a little. And then I saw like people  
 6 behind him, but that's when I had jumped in the closet.  
 7 You know.  
 8 Q. Okay. So when you saw him -- because when  
 9 you peeked out because you heard somebody said  
 10 "everybody get down"?  
 11 A. Yeah, because I thought they were playing  
 12 at first.  
 13 Q. So you peeked out and you saw Burger B  
 14 there?  
 15 A. Yeah.  
 16 Q. And you immediately saw some people behind  
 17 Burger B?  
 18 A. Yeah, I seen a couple of people. I  
 19 didn't --  
 20 Q. A couple other people?  
 21 A. Yeah.  
 22 Q. So then you got scared?  
 23 A. Yeah, I got scared so I had jumped in a  
 24 closet.  
 25 Q. So you jump back in the closet by where

1 Jazmin's bedroom was?  
 2 A. Yes.  
 3 Q. So in this closet, whereabouts is this  
 4 closet?  
 5 Showing you State's Exhibit 21. Is it  
 6 here, anywhere near here? Where is the closet; do you  
 7 know? If here is the bathroom, which closet did you  
 8 jump into? Is it here by the bathroom?  
 9 A. I believe so, yeah. Yeah.  
 10 Q. Yes?  
 11 A. Yes.  
 12 Q. So you ran back towards the bathroom, in  
 13 there was a closet?  
 14 A. Yes. So I had jumped in.  
 15 Q. Okay. And that's where you jumped in?  
 16 A. Yes.  
 17 Q. Were you the only one in that room by then?  
 18 A. Yes, I believe I was. I didn't really see  
 19 nobody else so.  
 20 Q. So then at that point -- now before jumping  
 21 in the closet did you see anything that Burger B was  
 22 holding?  
 23 A. Well, I saw a gun.  
 24 Q. You saw a gun?  
 25 A. Yes.

1 Q. So which hand was it that you saw this gun?  
 2 A. I don't know which hand it was.  
 3 Q. But you definitely saw a gun?  
 4 A. Yes, I saw a gun.  
 5 Q. And when you saw this gun is that what also  
 6 made you scared?  
 7 A. Yeah.  
 8 Q. And that's why you ran in the closet?  
 9 A. Uh-huh.  
 10 Q. Yes?  
 11 A. Yes.  
 12 Q. And did you remember telling, describing  
 13 what this gun looked like?  
 14 A. I believe when I looked at it, it looked  
 15 like it could have been a .38 auto but I'm not for sure.  
 16 Because it looked like he had the clip in it instead of  
 17 the revolver.  
 18 Q. So do you remember telling, giving a taped  
 19 statement to the detective that night? Or not that  
 20 night.  
 21 A. No, at school.  
 22 Q. A couple days later?  
 23 A. Yeah.  
 24 Q. Do you remember telling the detective it  
 25 was a .357?

1 A. It was a .357, yeah.  
 2 Q. Magnum?  
 3 A. Yeah, because that's what I had thought it  
 4 was at first because it looked kind of silver.  
 5 Q. So you said it was like chrome, right?  
 6 A. Yeah.  
 7 Q. But then now as you think back you're  
 8 thinking it's not a .357?  
 9 A. No.  
 10 Q. So what are you thinking it was?  
 11 A. Because like when I looked it was kind of  
 12 blackish but it was kind of silver-ish so I really  
 13 didn't know what it was. So I just got scared and  
 14 jumped in the closet.  
 15 Q. But you definitely thought it was a gun?  
 16 A. Yeah, I know it was a gun.  
 17 Q. And so when you jumped in the closet did  
 18 you hear anything?  
 19 A. Yeah.  
 20 Q. What did you hear?  
 21 A. Before I jumped in the closet I saw Jared  
 22 and Malique and then like Jared snatched away from  
 23 Malique and told Malique like, it's my party, let me  
 24 go, don't tripping, it's all cool. That's what he kept  
 25 saying the whole night.

1 Q. That's what Jared kept saying, let me go,  
2 because Malique was trying to pull him back?  
3 A. Yeah, Malique was trying to pull him in  
4 the room where the cribs were.  
5 Q. Where the kids' room was, right?  
6 A. Yeah.  
7 Q. So at that point now you didn't see  
8 anything else after that because you jumped in the  
9 closet?  
10 A. Oh, yeah, I saw Dylan and then I saw Jared,  
11 but after that, I saw Dylan and Jared, I jumped in the  
12 closet because I got scared.  
13 Q. So when you heard, when you jumped in the  
14 closet did you hear anything?  
15 A. Yeah, like --  
16 Q. What did you hear?  
17 A. A couple of seconds later I heard shots, I  
18 heard like gunshots.  
19 Q. So you heard gunshots. How were these  
20 gunshots? Were they right after each other or big  
21 pauses between?  
22 A. They were like kind of right after each  
23 other.  
24 Q. Right after. And so when you heard these  
25 gunshots, you're still in the closet, right?

1 A. Me, Malique, Mikey and I think Gio and it  
2 was Dylan too. And he was going like this.  
3 Q. Was he standing when he was making the  
4 motion with his right hand and telling you?  
5 A. I don't know what hand it was in, but he  
6 was motioning us to, telling us to come here, but he was  
7 down already, he was on the floor.  
8 Q. He was on the floor?  
9 A. Yeah.  
10 Q. So did you guys come closer to Jared?  
11 A. Yeah, we went closer to him and then when I  
12 looked at him his pants were kind of pulled down, his  
13 pants were pulled down, so I got nervous and that's when  
14 me and Malique, we had ran to the next door neighbor's  
15 house and Malique started banging on the door, boom  
16 boom boom boom boom.  
17 Q. Why were you guys going to the next door  
18 neighbor's house?  
19 A. To try to get the ambulance because we were  
20 nervous.  
21 Q. You saw that Jared was hurt?  
22 A. Yes. I didn't see but I believe. I don't  
23 know who saw it but we knew that he was shot because he  
24 couldn't get up.  
25 Q. He was just laying on the ground?

1 A. Yeah.  
2 Q. At what point did you come out of the  
3 closet?  
4 A. Well, like I peeked out the closet and then  
5 once I saw like Malique and then, they were like  
6 where's Jared, everybody was like where's Jared at.  
7 Q. So when you got out of the closet the first  
8 person you saw was Malique?  
9 A. No. I saw a lot of people. I saw  
10 Malique, I saw all of our friends, and then we were  
11 asking each other, we were all asking each other like  
12 where's Jared, where's Jared.  
13 Q. So you didn't see Jared at all in the  
14 living room area, right?  
15 A. No.  
16 Q. So did you go outside the door?  
17 A. Yeah, we all did.  
18 Q. So when you went outside the apartment did  
19 you eventually see Jared?  
20 A. Yeah, he was going like this to us. He was  
21 telling us to come here.  
22 Q. So he was motioning you, all of you guys?  
23 A. No, just me and Malique.  
24 Q. Just you and Malique. Jared was doing  
25 that motion?

1 A. Yeah.  
2 Q. At that point you didn't see any blood on  
3 him or anything?  
4 A. Well, I wasn't really paying attention to  
5 that because I was in panic so once I saw him --  
6 Q. So you were scared again, right?  
7 A. Yeah. So once I saw him on the floor I  
8 just ran, me and Malique ran to the next door  
9 neighbor's house and we just started knocking on the  
10 door.  
11 Q. Now this next door neighbor, is it near  
12 where Jared was on the ground? Is it near him?  
13 A. Not -- yeah, kind of sort of, but not  
14 really.  
15 Q. Not really? So it's not like right in  
16 front of where Jared was?  
17 A. No.  
18 Q. No it wasn't?  
19 A. It wasn't.  
20 Q. Did somebody open the door?  
21 A. Yes. And they called the ambulance. But  
22 after that I got scared and I had to go home too so I  
23 didn't really get to get questioned.  
24 Q. Oh, okay. So then did you run home or so?  
25 A. Yeah, I ran home.

1 Q. And so the police never got to you till  
2 several days later?  
3 A. Yeah, at school.  
4 Q. At school. And this is on May 7, 2009?  
5 A. Yeah.  
6 Q. Okay. Now do you remember being shown a  
7 photo line-up?  
8 A. Yes.  
9 Q. And showing you what has been marked as  
10 Grand Jury Exhibit Number 30. Is this the line-up that  
11 was shown to you? First of all is there some  
12 instructions there.  
13 A. Uh-huh.  
14 Q. Is that yes?  
15 A. Yes.  
16 Q. And were these instructions read to you?  
17 A. Yes.  
18 Q. And then did you then sign your name where  
19 I'm pointing to? Is that your signature?  
20 A. Yes.  
21 Q. And were you shown these photographs which  
22 were six photographs?  
23 A. Yes.  
24 Q. When you were shown this photograph did you  
25 make an identification by signing your initials to this

1 photograph?  
2 A. Yes.  
3 Q. And is this the picture that you chose and  
4 you put your initials TDB?  
5 A. Yes.  
6 Q. Okay. And is this the person that you saw  
7 holding that gun that night?  
8 A. No.  
9 Q. Okay. Why did you put down TDB next to  
10 this person's face?  
11 A. Because I was nervous and I didn't really  
12 want to get questioned because it was already a big loss  
13 for me.  
14 Q. Jared is a good friend of yours, right?  
15 A. Yes.  
16 Q. And so when you were giving this statement  
17 to the police were you still in shock?  
18 A. Yes.  
19 Q. And were you still afraid and scared about  
20 everything, what had happened to Jared?  
21 A. Yes.  
22 Q. Okay. And as a result did you really know  
23 who it was, did you see in this line-up who it was that  
24 you saw with that gun that night?  
25 A. Yes.

1 Q. And now in looking at this photograph could  
2 you tell us where in it is that you saw the picture? Can  
3 you stand up and just point to it?  
4 What I want you to do is show to the Grand  
5 Jury, because they can't see from the -- so you're  
6 pointing to the lower left hand corner of this  
7 photograph?  
8 A. Yes.  
9 Q. Okay. That's who Burger B that you know?  
10 A. Yep.  
11 Q. Okay. Have a seat.  
12 So is that why you couldn't even sign or  
13 make a statement on the first page?  
14 A. Yes.  
15 Q. And in fact today you're still very  
16 emotional about this, Tyjuan?  
17 A. Yes.  
18 MS. VILLEGAS: Okay. No further questions?  
19 THE FOREPERSON: Any questions?  
20 By law, these proceedings are secret and  
21 you are prohibited from disclosing to anyone anything  
22 that has transpired before us, including evidence and  
23 statements presented to the Grand Jury, any event  
24 occurring or statement made in the presence of the Grand  
25 Jury, and information obtained by the Grand Jury.

1 Failure to comply with this admonition is a  
2 gross misdemeanor punishable by a year in the Clark  
3 County Detention Center and a \$2,000 fine. In addition,  
4 you may be held in contempt of court punishable by an  
5 additional \$500 fine and 25 days in the Clark County  
6 Detention Center.  
7 Do you understand this admonition?  
8 THE WITNESS: Yes.  
9 THE FOREPERSON: You have done very well.  
10 Thank you for your testimony. You are excused.  
11 MS. VILLEGAS: Okay. I think we'll  
12 continue next week. Don't have any, we're not going to  
13 have enough time to --  
14 THE FOREPERSON: How many more do you have?  
15 MS. VILLEGAS: I still have probably like  
16 three or four. I have two more lay witnesses plus the  
17 detectives.

(Proceedings adjourned.)

--oo0oo--

## REPORTER'S CERTIFICATE

STATE OF NEVADA )  
COUNTY OF CLARK ) Ss

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

Dated at Las Vegas, Nevada,  
July 29, 2009.

*Danette L. Antonacci*

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

## AFFIRMATION

Pursuant to NRS 299B.030

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 09AGJC3EX:

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

-OR-

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

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

-OR-

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

*Danette L. Antonacci*

Signature \_\_\_\_\_ Date 7-29-09

Danette L. Antonacci  
Print Name

Official Court Reporter  
Title



\$	7	92/22 124/8 147/7 150/12 also [19] 2/19 6/13 14/21 28/4 29/12 46/7 61/3 65/9 78/25 79/2 80/22 82/13 94/9 98/8 99/20 116/13 117/25 131/9 143/5 am [5] 47/22 47/23 47/24 51/22 74/18 ambulance [3] 116/9 147/19 148/21 American [1] 65/19 amount [2] 12/8 12/9 anatomic [1] 52/15 ANDREW [1] 2/11 angle [1] 32/20 another [6] 22/25 23/19 24/17 68/25 94/17 137/14 answer [3] 28/16 28/17 120/22 Anthony [3] 52/23 53/1 53/18 Antonacci [5] 1/25 6/4 153/6 153/17 154/21 any [44] 7/9 12/24 13/2 14/1 14/5 15/24 18/22 19/4 19/14 28/1 29/6 37/19 43/19 49/24 56/3 56/7 61/7 63/24 75/6 80/7 80/25 81/5 81/12 81/18 81/24 85/2 92/5 95/9 97/18 102/11 102/20 106/17 106/22 112/2 116/24 119/21 124/20 128/17 133/10 148/2 151/19 151/23 152/12 154/8 anybody [10] 27/12 28/16 31/16 43/11 43/15 69/13 72/5 72/10 85/5 115/9 anymore [2] 95/17 119/17 anyone [9] 7/9 20/12 49/20 49/22 56/5 75/5 102/19 119/19 151/21 anything [21] 19/4 31/16 32/23 33/1 37/2 49/22 56/5 75/5 94/12 95/16 102/19 110/16 119/19 129/15 131/11 142/21 144/18 145/8 145/14 148/3 151/21 anywhere [3] 43/17 96/14 142/6 aorta [1] 55/13 apartment [103] apartments [9] 11/3 59/1 59/8 62/15 105/10 116/14 123/18 123/23 130/17 application [1] 154/15 approximately [4] 11/8 14/17 59/25 79/14 are [65] area [26] 19/19 24/1 24/8 25/10 25/14 27/16 41/13 42/3 48/22 54/20 60/7 60/11 61/11 69/7 72/18 89/10 90/8 91/10 93/24 94/2 95/2 95/19 96/20 96/23 135/20 146/14 arm [4] 42/24 42/25 68/16 115/14 arm's [1] 33/25 arms [1] 71/13 around [27] 11/17 11/21 20/20 27/22 31/7 31/8 31/9 32/13 32/15 43/11 43/15 54/19 55/12 59/12 59/22 62/14 62/15 62/23 80/6 80/11 97/23 105/3 106/15 124/16 125/16
\$2,000 [6] 50/4 56/12 75/11 102/25 120/1 152/3 \$500 [6] 50/6 56/14 75/13 103/2 120/3 152/5	7-29-09 [1] 154/18 7/14/09 [1] 117/25 7:30 [5] 11/10 11/13 11/17 79/16 79/17 7:30 p.m [2] 79/20 80/7	
-	8	
--oo0oo [1] 152/19 -OR [2] 154/10 154/14	8:30 [2] 80/11 80/12	
.	9	
.357 [3] 143/25 144/1 144/8 .38 [1] 143/15	90-degree [1] 32/20	
0	A	
09 [2] 117/25 154/18 09AGJ036X [3] 1/9 6/10 154/5	A-L-A-N-E [1] 51/9 A-U-S-T-O-N [1] 57/18 ability [1] 6/7 about [55] above [1] 54/10 abrasion [1] 54/19 AC [1] 74/11 accurate [1] 153/12 accurately [1] 6/6 acknowledge [1] 76/7 across [2] 138/20 139/1 actually [5] 34/2 35/12 54/17 54/23 118/20 addition [6] 50/4 56/12 75/11 102/25 120/1 152/3 additional [6] 50/6 56/14 75/13 103/2 120/3 152/5 adjourned [1] 152/18 administration [1] 154/15 admonition [12] 50/2 50/8 56/10 56/16 75/9 75/15 102/23 103/4 119/24 120/5 152/1 152/7 advised [6] 7/21 50/23 57/8 76/16 103/17 120/25 advisement [6] 8/2 51/4 57/14 76/23 103/23 121/13 affirm [1] 154/4 AFFIRMATION [1] 154/1 AFORESAID [1] 1/4 afraid [1] 150/19 African [1] 85/19 Afro [3] 19/12 19/13 126/12 after [17] 10/16 28/15 34/17 37/5 46/16 73/25 89/21 90/13 94/17 94/18 100/23 145/8 145/11 145/20 145/22 145/24 148/22 Afternoon [1] 79/19 again [5] 32/7 32/13 117/2 119/13 148/6 age [5] 14/14 14/16 15/12 21/17 126/3 ago [3] 9/15 78/7 107/7 ahead [1] 68/17 air [4] 17/12 18/19 18/20 108/4 Alane [3] 50/14 51/8 51/13 alcohol [25] 13/2 13/4 13/5 13/7 13/14 61/3 61/7 61/9 61/11 61/15 80/7 80/9 80/15 80/17 81/7 81/8 81/9 81/22 81/23 106/17 106/20 128/17 128/21 128/22 129/9 all [55] almost [3] 60/25 61/1 125/20 already [10] 11/18 30/15 38/18 65/24 66/12 92/19	
1		
10 [1] 39/5 11 [1] 22/11 1142 [2] 11/6 123/14 12 [1] 22/25 13 [2] 23/6 122/6 132 [1] 18/5 14 [4] 1/15 2/1 6/1 23/17 15 [3] 14/8 23/20 87/25 16 [1] 14/19 17 [6] 24/5 30/7 91/3 137/8 138/5 138/11 18 [2] 15/13 24/17 19 [1] 24/23		
2		
20 [2] 25/3 125/25 200 [2] 18/7 18/8 2004 [1] 16/14 2005 [2] 16/14 52/6 2009 [12] 1/15 2/1 6/1 9/20 52/21 58/12 73/11 73/19 78/11 105/4 149/4 153/15 21 [7] 14/19 15/13 25/6 125/25 135/19 138/24 142/5 22 [3] 25/13 135/16 139/9 222 [3] 1/25 153/6 153/17 23 [1] 25/20 239B.030 [1] 154/2 24 [1] 25/24 25 [6] 50/6 56/14 75/13 103/2 120/3 152/5 2675 [1] 123/11 27 [3] 26/12 87/12 138/7 28 [2] 46/10 47/2 29 [3] 73/14 74/2 153/15 2:24 [1] 1/16 2nd [4] 9/20 62/17 78/10 105/4		
3		
30 [1] 149/10 31 [2] 117/7 117/16 32 [3] 98/15 99/8 100/1		
5		
5:10 [1] 17/19 5:3 [1] 17/21 5:5 [2] 17/19 108/19		
6		
656.250 [1] 154/13 6th [2] 45/14 46/6		

<b>A</b> around... [2] 125/16 136/8 arrive [2] 84/22 105/12 arrived [3] 11/20 14/15 80/3 arriving [2] 13/4 80/5 as [90] ask [1] 22/9 asked [3] 35/20 38/12 38/14 asking [3] 136/23 146/11 146/11 asleep [1] 34/17 assault [7] 6/25 7/24 51/1 57/11 76/19 103/20 121/5 Assistant [1] 2/6 associated [2] 53/5 88/2 assumed [1] 72/24 at [141] ATM [6] 18/23 18/24 49/16 64/13 64/14 108/4 atrium [1] 55/13 attention [5] 52/21 127/15 131/19 131/20 148/4 attorney [2] 2/20 6/12 Auston [4] 56/21 57/18 57/22 58/5 auto [1] 143/15 autopsies [1] 52/2 autopsy [5] 52/22 53/2 53/10 55/10 55/20 away [15] 33/11 33/21 39/2 54/21 66/16 66/17 67/16 67/17 69/21 98/2 98/3 115/22 115/23 138/11 144/22	133/19 133/20 133/22 134/2 134/5 134/7 134/15 134/23 134/24 136/1 136/4 136/6 136/7 139/2 142/7 142/8 142/12 BB [1] 117/23 be [36] 6/13 6/14 6/16 6/18 6/19 7/4 7/16 7/20 10/21 12/5 20/17 39/13 49/18 50/5 50/19 50/22 56/13 57/2 57/7 66/24 75/12 76/2 76/11 77/21 102/2 103/1 103/11 103/14 108/24 120/2 120/17 120/20 123/21 128/22 136/22 152/4 beard [7] 19/15 19/16 126/20 126/21 126/23 126/24 126/24 became [2] 20/9 20/10 because [47] 10/7 20/23 21/6 27/2 29/22 33/1 36/14 36/21 40/25 42/24 48/15 48/16 53/4 60/21 66/3 68/2 71/14 71/23 81/21 82/22 93/10 101/5 101/24 102/5 123/18 130/17 131/18 133/24 133/25 136/10 136/21 141/8 141/9 141/11 143/16 144/3 144/4 144/11 145/2 145/8 145/12 147/19 147/23 148/5 150/11 150/12 151/5 bed [9] 26/14 32/3 32/9 34/19 137/15 137/15 137/17 137/19 138/9 bedroom [19] 24/25 25/1 25/4 25/7 25/11 29/16 37/24 87/1 87/20 90/19 132/17 135/2 135/9 135/17 138/2 138/4 138/21 139/10 142/1 bedrooms [6] 12/16 12/18 22/7 86/23 87/1 132/13 been [24] 6/5 8/10 39/4 46/9 51/14 52/4 52/25 53/16 54/6 54/20 57/23 73/13 77/8 91/2 96/19 98/14 104/7 107/11 117/6 121/23 125/15 130/14 143/15 149/9 beer [29] 13/8 13/9 13/9 14/5 14/22 14/23 14/23 14/24 15/7 25/17 25/21 36/24 61/20 61/21 80/23 80/25 81/2 81/4 81/9 82/7 82/9 82/11 106/21 106/22 106/22 128/24 128/25 129/2 131/7 before [32] 1/4 6/21 7/16 29/13 29/15 48/8 48/22 49/23 50/19 55/13 56/6 57/2 58/13 58/14 62/16 62/19 62/21 75/5 76/2 80/5 101/5 102/19 103/11 105/4 119/20 120/17 130/19 130/20 142/20 144/21 151/22 153/8 before-entitled [1] 153/8 behind [18] 27/21 27/22 27/23 30/20 39/15 69/15 69/17 69/18 69/23 69/25 70/1 70/2 89/3 89/4 89/6 91/17 141/6 141/16 being [6] 12/24 14/21 25/17 83/5 128/19 149/6 believe [6] 6/17 139/11 142/9 142/18 143/14 147/22 Bell [2] 121/17 121/22 belong [1] 41/24	below [1] 53/22 Bernard [4] 104/3 104/6 104/14 124/17 besides [18] 10/13 13/9 15/13 19/1 21/12 21/21 26/18 26/19 43/11 53/5 79/7 80/22 81/4 81/9 90/3 124/15 129/2 129/2 best [1] 6/7 between [2] 27/17 145/21 big [12] 13/19 13/20 83/20 83/21 84/13 85/21 109/24 110/3 126/9 126/10 145/20 150/12 bigger [2] 84/10 109/4 birthday [13] 9/20 9/23 58/23 58/25 59/11 63/3 78/11 78/14 105/5 105/7 123/5 123/17 124/3 bit [6] 67/6 97/2 126/25 129/16 129/17 130/13 black [42] 17/13 18/21 19/3 19/8 33/3 63/5 63/19 63/20 64/3 64/3 64/5 64/6 64/6 64/8 68/22 68/23 70/6 70/7 70/8 70/10 70/10 70/12 70/12 70/13 70/15 70/20 70/22 72/7 85/5 85/10 85/14 85/16 85/16 85/17 86/2 88/15 102/3 108/10 111/10 111/11 111/14 111/22 blackish [1] 144/12 blanket [1] 138/10 blood [2] 125/12 148/2 blue [4] 25/22 25/23 96/16 102/3 board [1] 15/1 body [5] 53/12 55/9 71/6 71/14 111/13 boom [5] 147/15 147/16 147/16 147/16 147/16 bored [1] 54/23 both [15] 8/5 11/23 12/5 51/7 57/17 63/10 77/3 91/23 92/1 93/15 104/1 111/16 111/19 111/20 121/16 bother [1] 119/12 bottle [5] 131/12 131/13 131/14 131/16 131/22 bottles [4] 80/19 80/20 80/22 80/23 bottom [2] 22/20 39/9 Boulder [2] 16/23 16/24 Boulevard [3] 11/5 59/1 123/12 bowl [1] 12/25 bowling [1] 15/2 box [7] 67/8 67/12 67/14 67/18 113/1 113/25 114/3 bragging [1] 112/2 Brandy [1] 10/15 break [1] 75/19 breathing [1] 42/17 BRECK [1] 2/7 Brendon [1] 21/22 briefly [1] 52/8 Brittney [1] 125/1 broke [1] 65/14 brother [5] 78/25 90/4 94/5 96/4 98/6 brought [1] 80/14 brown [3] 2/9 131/17 131/22 brung [1] 12/25
---	--	--

<b>B</b> brush [3] 18/19 18/20 108/4 brushed [1] 17/12 Bud [2] 13/7 13/8 build [1] 108/11 building [1] 39/21 built [1] 70/25 bullet [6] 36/20 37/16 37/19 37/25 55/10 55/16 bullets [1] 36/16 Burger [86] burglary [8] 6/24 7/23 50/25 57/10 57/11 76/18 103/19 121/2 bus [4] 105/25 106/1 116/7 116/11 but [80] button [1] 13/22 BUYAO [1] 2/8 Bynum [2] 104/3 104/6	children's [1] 24/13 Childs [3] 56/22 57/18 57/22 chill [1] 20/14 chin [2] 19/19 19/23 chips [1] 12/25 chose [1] 150/3 Chris [10] 11/23 11/25 12/5 12/5 34/13 34/24 35/6 35/7 35/20 37/10 Christopher [2] 11/24 11/24 chrome [1] 144/5 chubby [2] 71/1 71/2 CINDY [1] 2/7 circle [2] 99/15 117/18 circled [3] 100/7 117/21 118/11 circular [1] 54/16 Circus [2] 45/9 45/9 city [1] 62/15 CLARK [18] 1/2 11/6 50/3 50/6 51/23 52/5 56/11 56/14 75/10 75/13 102/24 103/2 119/25 120/3 123/15 152/2 152/5 153/4 clean [1] 21/25 cleaning [1] 26/24 clinical [1] 52/16 clip [1] 143/16 close [6] 33/2 54/24 76/13 103/15 111/3 120/21 closed [1] 42/19 closer [5] 33/22 43/1 43/2 147/10 147/11 closet [20] 141/6 141/24 141/25 142/3 142/4 142/6 142/7 142/13 142/21 143/8 144/14 144/17 144/21 145/9 145/12 145/14 145/25 146/3 146/4 146/7 clothes [4] 41/22 72/20 72/23 84/25 clue [1] 114/25 color [3] 64/16 83/14 127/13 combined [1] 52/15 come [34] 9/19 14/20 15/10 15/11 20/9 21/8 22/16 29/23 31/2 33/4 33/17 34/8 34/8 36/13 44/11 44/15 45/13 58/22 62/7 65/13 73/10 78/10 82/18 86/8 88/5 91/23 105/3 106/7 123/4 131/24 146/2 146/21 147/6 147/10 comes [1] 13/22 coming [17] 9/8 11/18 13/4 14/16 23/11 28/19 36/3 41/6 77/22 92/5 94/25 114/15 115/4 115/6 116/11 134/23 134/24 compare [1] 138/9 compared [1] 108/24 complex [5] 42/8 69/1 105/9 116/13 130/25 complexes [2] 59/7 123/25 comply [6] 50/2 56/10 75/9 102/23 119/24 152/1 concealed [7] 7/2 7/25 51/2 57/12 76/21 103/21 121/11 confrontation [1] 102/12 connected [1] 25/11 consider [1] 84/15 constitutes [1] 153/12 contain [1] 154/8	container [1] 13/17 Contains [1] 154/11 contempt [6] 50/5 56/13 75/12 103/1 120/2 152/4 continue [3] 39/11 41/7 152/12 continued [2] 6/16 20/17 cool [1] 144/24 cooler [4] 13/18 13/19 13/21 13/22 coolers [1] 13/19 cops [3] 21/8 116/8 116/11 corner [12] 26/5 31/7 31/8 32/13 32/15 38/20 38/22 38/23 39/1 39/23 64/21 151/6 coroner's [4] 51/23 52/5 52/20 53/7 correct [2] 48/13 134/13 couch [4] 24/18 24/23 29/25 30/5 could [33] 26/24 31/20 33/23 34/2 35/20 61/3 64/2 68/6 68/8 71/4 71/10 71/12 71/17 71/18 82/15 87/24 92/7 94/25 95/5 95/10 97/18 101/21 102/2 114/3 114/18 114/20 119/12 126/25 130/14 131/6 135/5 143/15 151/1 couldn't [5] 33/1 68/9 115/3 147/24 151/12 Count [4] 6/24 6/25 6/25 7/1 counter [1] 26/5 counts [1] 6/23 COUNTY [19] 1/2 11/6 50/4 50/6 51/23 52/5 52/18 56/12 56/14 75/11 75/13 102/25 103/2 120/1 120/3 123/15 152/3 152/5 153/4 couple [21] 12/20 12/21 14/15 34/17 36/6 58/11 58/12 59/7 62/14 62/21 107/11 108/21 108/22 109/9 113/10 123/22 132/4 141/18 141/20 143/22 145/17 course [1] 124/12 court [10] 1/1 1/5 10/8 50/5 56/13 75/12 103/1 120/2 152/4 154/23 cousin [13] 107/4 107/4 109/13 109/18 109/19 125/11 125/12 125/13 125/16 125/17 125/18 125/21 131/3 covering [4] 19/4 71/23 71/25 138/10 creek [1] 42/7 crib [16] 34/19 34/20 35/2 35/5 35/9 35/13 35/13 35/14 35/16 35/17 35/22 93/16 93/24 94/2 94/9 94/12 cribs [30] 27/17 34/22 37/6 48/19 48/24 86/21 86/22 87/2 87/12 87/21 88/3 88/11 88/13 93/6 94/4 95/13 95/19 132/11 132/12 132/20 132/24 132/25 133/11 133/14 137/10 137/12 137/15 137/19 138/13 145/4 crying [2] 98/2 98/4 cup [6] 15/5 61/19 65/5 129/20 129/22 131/11 cups [5] 15/1 22/1 25/21 25/22 25/23 curly [2] 63/5 63/7
--	---	--

<b>D</b>	dad [1] 10/14 dad's [3] 12/21 13/1 27/2 dancing [13] 20/4 20/6 64/23 82/13 110/6 110/11 110/15 110/21 111/20 112/9 118/13 130/8 130/10 Danette [5] 1/25 6/4 153/6 153/17 154/21 dark [1] 33/1 date [6] 46/19 46/19 99/2 99/20 117/25 154/19 dated [2] 48/4 153/14 day [2] 14/8 62/16 days [11] 45/14 50/6 56/14 62/19 62/21 75/13 103/2 120/3 143/22 149/2 152/5 deadly [21] 6/25 7/1 7/2 7/24 7/25 8/1 51/1 51/2 51/3 57/11 57/12 57/13 76/19 76/20 76/21 103/20 103/21 103/22 121/5 121/9 121/12 death [5] 52/3 55/21 55/22 55/24 55/25 Defendant [1] 1/11 definite [1] 48/21 definitely [2] 143/3 144/15 degree [3] 32/20 52/11 52/13 DeKaren [1] 123/20 deputy [3] 2/4 2/20 6/11 describe [5] 63/2 108/2 109/9 126/7 131/16 described [1] 101/13 describing [1] 143/12 detective [22] 44/17 44/20 45/3 45/8 45/15 45/17 46/14 46/16 46/19 73/17 99/2 99/22 100/2 100/3 100/6 117/8 117/15 118/6 118/10 118/14 143/19 143/24 detectives [1] 152/17 Detention [12] 50/4 50/7 56/12 56/15 75/11 75/14 102/25 103/3 120/1 120/4 152/3 152/6 determine [2] 54/14 55/21 determining [1] 52/3 did [257] didn't [47] 21/7 32/25 36/9 37/1 37/19 48/11 48/16 49/12 71/22 72/18 80/21 80/24 81/24 83/2 84/3 84/4 95/16 95/17 100/12 100/14 100/15 101/24 102/14 109/21 117/1 118/4 118/15 118/20 124/21 127/15 129/18 129/25 130/10 134/4 134/12 137/1 137/6 139/19 141/19 142/18 144/13 145/7 146/13 147/22 148/2 148/23 150/11 died [1] 131/25 different [5] 23/6 45/17 45/24 58/19 65/4 dining [4] 25/14 135/18 136/12 136/14 direction [2] 55/15 153/11 directly [3] 69/23 69/25 70/1 disclosing [6] 49/22 56/5 75/4 102/18 119/19 151/21 district [4] 1/1 1/5 2/20 6/12	ditch [3] 69/4 69/7 72/17 do [144] do-rag [19] 64/4 70/10 70/13 85/6 85/10 85/15 86/2 88/16 88/23 89/2 89/6 89/19 89/23 90/23 91/17 91/18 96/16 102/3 109/14 document [4] 73/14 73/17 98/16 99/25 does [9] 7/9 24/24 41/24 49/17 87/2 87/3 126/20 154/4 154/8 doesn't [1] 136/21 doing [7] 20/1 64/18 90/14 110/5 110/11 130/5 146/24 dollar [1] 64/13 dollars [1] 64/14 don't [41] 13/7 13/13 18/7 21/14 29/20 29/21 34/5 34/9 34/10 36/17 38/20 41/2 41/25 42/1 62/5 66/5 81/6 84/3 87/8 107/14 107/16 107/17 108/6 108/15 109/22 110/10 115/1 125/2 128/23 129/13 131/23 133/8 133/9 133/12 137/13 137/13 143/2 144/24 147/5 147/22 152/12 done [2] 101/21 152/9 DONNA [1] 2/9 door [85] doorway [4] 31/6 31/10 33/12 90/19 dove [2] 93/23 94/1 down [41] 20/14 20/15 22/4 29/8 31/1 31/18 31/20 32/2 33/7 33/9 33/10 34/25 40/8 41/2 42/12 42/25 59/8 67/7 67/18 69/5 71/7 71/8 79/23 93/1 93/2 93/2 93/24 97/13 100/24 131/25 134/19 134/21 135/5 139/16 139/17 141/10 147/7 147/12 147/13 150/9 153/7 Dr [1] 50/14 drank [2] 81/15 81/16 Drawing [1] 52/21 drink [8] 14/1 15/6 81/12 81/18 106/22 129/9 129/9 129/15 drinking [16] 20/2 20/3 25/21 64/25 65/2 65/9 82/2 82/4 130/14 130/16 131/2 131/3 131/4 131/6 131/8 131/8 drive [1] 79/11 dropped [3] 9/24 10/20 78/22 drove [1] 10/23 drunk [5] 60/17 60/19 60/20 106/16 106/17 DUANE [1] 2/3 dude [3] 68/8 68/11 70/9 duly [7] 6/5 8/10 51/14 57/23 77/8 104/7 121/23 during [4] 14/20 44/4 55/9 62/23 duties [2] 51/24 52/1 Dylan [11] 21/15 26/20 29/12 38/12 38/14 38/16 124/18 133/3 145/10 145/11 147/2	earlier [2] 72/5 73/2 edges [2] 54/18 54/24 education [1] 52/9 effect [1] 47/19 eight [4] 11/16 124/5 124/6 124/16 eight-ish [1] 124/16 eighth [4] 1/1 9/5 77/21 122/9 either [1] 63/14 elementary [3] 78/6 123/2 123/3 eleven [8] 59/12 59/13 59/16 59/18 59/19 105/14 105/15 106/15 else [21] 10/13 10/23 19/1 21/20 26/17 26/18 28/8 29/3 43/15 49/20 54/3 63/7 72/6 79/9 90/3 94/7 124/15 124/25 129/2 142/19 145/8 emotional [1] 151/16 employed [1] 52/4 end [6] 20/19 20/21 40/2 86/11 132/1 132/3 ended [1] 86/9 enough [3] 33/2 33/2 152/13 entire [1] 12/19 entitled [1] 153/8 entrance [1] 23/1 entry [5] 53/13 54/14 54/16 54/20 55/1 entryway [1] 140/21 even [5] 34/5 34/9 34/10 54/18 151/12 evening [6] 11/13 15/22 59/19 79/17 105/15 124/6 event [6] 49/24 56/7 75/7 102/21 119/21 151/23 eventually [7] 37/6 43/23 44/11 95/12 116/10 131/25 146/19 ever [9] 73/2 73/5 73/7 82/24 111/25 115/14 115/16 116/16 137/22 every [2] 53/7 120/22 everybody [25] 7/6 20/22 21/6 26/14 31/18 31/19 33/7 33/9 37/11 37/12 65/17 65/18 80/3 82/22 83/6 86/12 86/16 86/17 92/17 92/18 100/24 101/17 107/19 141/10 146/6 everyone [3] 21/20 36/21 58/21 everything [5] 10/9 45/20 46/2 46/3 150/20 evidence [8] 49/23 53/11 55/6 56/6 75/6 102/20 119/20 151/22 exact [1] 108/15 EXAMINATION [6] 8/14 51/18 58/2 77/12 104/11 122/2 examinations [1] 52/2 examined [3] 3/2 53/12 55/9 examiner [4] 51/22 51/25 52/1 52/10 Examiner's [1] 52/18 except [2] 43/14 124/22 exchanging [1] 33/24 excused [6] 50/11 56/19 75/18 103/7 120/8 152/10 Exhibit [45] 6/22 7/5 22/11 22/24 23/5 23/16 23/19 24/5
----------	---	--	--

<b>E</b>	<b>Flemming</b> [13] 9/11 9/13 52/23 53/2 53/18 58/8 58/10 77/25 78/2 78/17 104/18 104/20 122/17	<b>girls</b> [6] 115/11 115/13 124/20 124/21 124/22 133/10 <b>give</b> [13] 7/15 7/22 44/16 50/18 50/24 57/1 57/9 76/1 76/17 103/10 103/18 120/16 121/1
<b>Exhibit...</b> [37] 24/22 25/3 25/6 25/13 25/19 25/24 26/11 30/7 39/5 40/13 40/23 41/9 46/10 47/2 53/1 53/17 54/7 73/14 74/2 87/11 87/25 91/3 96/20 98/15 99/8 100/1 117/7 117/16 135/16 135/19 137/7 138/5 138/6 138/23 139/8 142/5 149/10	<b>floor</b> [7] 26/15 32/10 34/14 34/25 147/7 147/8 148/7 <b>follow</b> [2] 90/11 96/9 <b>following</b> [3] 6/6 6/23 52/13 <b>follows</b> [6] 8/12 51/16 57/25 77/10 104/3 121/25 <b>food</b> [1] 12/24 <b>foot</b> [6] 35/1 35/2 84/5 84/6 84/7 84/8 <b>football</b> [2] 17/4 17/5 <b>foregoing</b> [1] 153/11 <b>forensic</b> [1] 52/18 <b>Foreperson</b> [8] 2/3 2/4 8/10 51/14 57/23 77/8 104/7 121/23 <b>forward</b> [3] 71/19 71/20 131/10 <b>found</b> [3] 40/4 42/3 53/21 <b>four</b> [8] 7/5 18/14 18/15 78/8 78/9 128/13 128/14 152/16 <b>Fourteen</b> [1] 104/15 <b>FRANCINE</b> [1] 2/13 <b>friend</b> [7] 21/15 23/14 24/15 34/13 122/20 124/18 150/14 <b>friends</b> [19] 43/19 84/19 85/2 85/8 106/7 112/18 113/10 114/9 116/3 124/19 128/10 128/11 128/12 130/7 132/5 132/6 132/7 132/8 146/10 <b>front</b> [29] 10/8 23/17 24/2 24/5 30/11 32/20 38/2 54/4 55/2 55/14 55/19 60/8 66/24 68/25 70/20 70/22 72/7 74/24 87/9 87/24 88/22 91/6 91/18 111/17 136/22 137/8 137/25 140/20 148/16 <b>fruity</b> [5] 129/4 129/5 129/11 129/13 129/14 <b>full</b> [6] 126/20 126/21 126/23 126/24 126/24 153/12 <b>further</b> [8] 41/2 41/8 49/2 56/1 75/1 102/8 119/9 151/18	<b>glimpse</b> [3] 139/20 139/22 139/25 <b>glittery</b> [1] 127/8 <b>glove</b> [3] 63/13 63/16 63/18 <b>gloves</b> [8] 19/6 19/7 19/8 19/9 63/8 63/9 63/10 63/10 <b>go</b> [42] 8/21 9/25 10/1 12/2 26/24 28/19 29/6 29/7 30/6 31/18 36/13 36/17 38/11 38/17 39/23 41/2 41/8 42/21 48/24 58/17 79/6 79/22 89/9 95/24 96/9 100/19 105/7 113/3 113/4 113/5 116/16 123/19 132/18 133/16 133/18 134/4 137/1 137/6 144/24 145/1 146/16 148/22 <b>goal</b> [1] 52/3 <b>God</b> [6] 7/18 50/20 57/3 76/4 103/12 120/18 <b>goes</b> [2] 24/12 107/5 <b>going</b> [29] 6/13 6/14 8/25 9/6 9/7 10/21 22/10 22/25 23/23 26/14 26/21 26/23 26/25 27/2 27/2 27/3 27/4 38/12 45/22 77/21 80/6 107/10 113/9 122/8 122/13 146/20 147/2 147/17 152/12 <b>good</b> [1] 150/14 <b>goodbye</b> [1] 112/22 <b>got</b> [49] 9/19 11/9 11/10 11/17 22/3 32/7 32/9 32/12 34/19 35/3 35/12 35/13 35/16 36/13 37/6 37/23 37/23 42/10 43/1 52/13 58/22 59/10 59/22 60/13 61/25 68/15 68/16 78/11 79/5 79/14 80/1 80/6 95/19 105/4 105/17 106/4 106/9 124/3 124/4 124/16 140/10 141/22 141/23 144/13 145/12 146/7 147/13 148/22 149/1 <b>grade</b> [19] 8/23 8/24 8/25 9/4 9/5 9/7 16/15 17/7 77/17 77/19 77/21 104/16 104/17 104/21 107/9 107/10 122/7 122/11 122/24 <b>grand</b> [87] <b>grant</b> [1] 154/16 <b>gray</b> [2] 53/23 54/10 <b>green</b> [9] 17/13 18/20 64/17 70/20 70/21 72/6 74/24 83/15 101/15 <b>grew</b> [2] 122/20 122/21 <b>gross</b> [6] 50/3 56/11 75/10 102/24 119/25 152/2 <b>ground</b> [11] 32/2 43/12 92/17 92/18 92/22 96/12 96/14 96/21 96/24 147/25 148/12 <b>group</b> [4] 14/14 15/12 15/16 21/17 <b>growing</b> [1] 127/2 <b>guess</b> [2] 60/17 65/18 <b>gun</b> [43] 34/16 35/13 36/9 36/11 37/3 49/6 49/8 68/8 68/11 73/3 73/5 73/8 93/5
<b>F</b>	<b>face</b> [16] 19/17 19/22 42/12 42/13 53/5 68/9 71/22 72/18 76/13 97/12 97/13 97/14 126/15 139/19 139/20 150/10 <b>facial</b> [1] 19/14 <b>facing</b> [1] 71/14 <b>fact</b> [1] 151/15 <b>Facts</b> [1] 45/1 <b>Failure</b> [6] 50/2 56/10 75/9 102/23 119/24 152/1 <b>faithfully</b> [1] 8/5 <b>familiar</b> [1] 82/7 <b>far</b> [8] 33/11 33/16 39/2 41/5 53/10 69/17 126/8 138/11 <b>farther</b> [3] 33/21 97/2 97/3 <b>fashion</b> [1] 54/19 <b>fast</b> [2] 36/3 131/10 <b>Fat</b> [1] 108/12 <b>federal</b> [2] 154/12 154/15 <b>feet</b> [2] 30/22 69/21 <b>fell</b> [2] 60/25 61/1 <b>fellowship</b> [1] 52/19 <b>Fifteen</b> [2] 8/20 75/19 <b>fifth</b> [2] 16/16 17/7 <b>fight</b> [1] 102/12 <b>filed</b> [1] 154/4 <b>finally</b> [1] 45/25 <b>find</b> [3] 40/2 96/11 116/10 <b>fine</b> [12] 50/4 50/6 56/12 56/14 75/11 75/13 102/25 103/2 120/1 120/3 152/3 152/5 <b>finish</b> [2] 8/24 9/4 <b>finished</b> [3] 9/5 77/19 122/10 <b>finishing</b> [1] 6/15 <b>firearm</b> [14] 6/24 7/2 7/23 7/25 50/25 51/2 57/10 57/12 76/19 76/21 103/19 103/21 121/3 121/12 <b>fired</b> [2] 35/14 37/5 <b>first</b> [59] <b>FISHER</b> [1] 2/9 <b>FISHER-BROWN</b> [1] 2/9 <b>five</b> [2] 52/7 52/14 <b>flashes</b> [9] 114/19 114/20 114/23 115/3 115/10 115/19 115/21 115/22 115/23 <b>flat</b> [1] 45/25	<b>G</b> <b>game</b> [3] 14/21 14/24 25/17 <b>gang</b> [2] 110/7 110/9 <b>Gatorade</b> [1] 13/18 <b>gave</b> [6] 44/19 44/20 45/14 45/23 62/3 118/6 <b>get</b> [36] 9/22 9/23 9/25 14/25 33/7 35/1 35/2 35/20 36/24 59/3 76/12 78/14 91/12 92/17 92/18 95/12 95/15 103/15 105/23 116/24 123/17 123/22 134/19 134/21 135/4 135/12 139/2 139/16 139/17 140/5 141/10 147/19 147/24 148/23 148/23 150/12 <b>getting</b> [10] 20/11 20/23 20/23 20/25 21/2 21/3 21/7 64/22 110/13 130/12 <b>Gio</b> [4] 94/3 124/18 133/3 147/1 <b>Giovanni</b> [11] 21/14 22/3 26/20 29/5 78/25 90/4 94/5 94/6 95/21 96/4 98/6 <b>girl</b> [2] 97/20 110/21

<b>G</b> gun... [30] 93/8 93/9 93/20 100/21 101/6 101/24 111/12 111/23 111/25 112/3 112/5 112/10 112/12 112/18 115/16 118/12 118/13 118/24 119/3 142/23 142/24 143/1 143/3 143/4 143/5 143/13 144/15 144/16 150/7 150/24 gunshot [5] 53/13 54/5 54/7 54/9 55/22 gunshots [18] 34/18 67/8 67/25 94/13 94/14 94/16 94/24 94/25 95/10 95/17 101/1 114/10 114/13 114/14 145/18 145/19 145/20 145/25 guy [18] 64/3 68/11 70/8 74/23 88/15 88/23 89/2 89/6 89/19 89/22 90/23 91/17 91/18 96/16 100/16 102/2 109/11 125/6 guys [16] 11/25 18/14 18/15 21/24 27/4 27/9 48/25 94/11 109/9 109/20 116/7 122/25 133/11 146/22 147/10 147/17	149/9 151/22 have [56] having [9] 6/5 8/10 51/14 57/23 77/8 104/7 121/23 127/1 137/11 he [266] he's [23] 14/9 17/22 30/2 30/15 42/23 68/17 69/6 69/13 70/21 71/20 83/21 84/10 108/20 109/4 112/9 125/23 125/25 126/3 126/4 126/5 126/9 126/9 126/10 head [4] 10/7 40/1 68/3 79/23 headache [1] 66/4 heading [3] 39/14 116/1 116/2 Health [1] 52/15 hear [20] 31/15 35/11 35/23 58/21 76/13 92/5 92/7 94/12 94/14 95/16 95/17 103/16 114/11 120/22 134/18 140/19 144/18 144/20 145/14 145/16 beard [42] 13/10 13/14 28/19 31/1 31/17 31/18 31/19 34/18 35/9 35/17 35/19 36/4 36/7 48/9 48/13 49/12 49/14 67/8 67/24 89/21 92/16 94/13 94/16 94/22 94/24 95/9 100/24 101/1 114/10 114/13 115/18 117/1 134/19 134/21 135/4 139/16 141/9 145/13 145/17 145/18 145/19 145/24 hearing [1] 7/3 hearsay [1] 93/10 heart [1] 55/12 Heather [8] 21/22 22/2 36/12 36/18 43/13 43/23 133/7 133/9 Heather's [1] 36/16 Heavier [1] 18/2 heavy [1] 18/1 height [3] 108/13 108/15 108/18 held [6] 50/5 56/13 75/12 103/1 120/2 152/4 help [6] 7/17 50/20 57/3 76/3 103/12 120/18 helping [1] 21/24 her [11] 6/7 6/19 10/25 20/23 20/25 21/2 27/2 66/5 79/12 123/11 125/1 here [54] here's [1] 140/12 hereby [2] 153/7 154/4 HICKS [1] 2/10 hid [3] 48/19 93/6 94/9 hide [2] 93/15 93/20 hiding [3] 33/6 34/20 94/11 him [122] himself [4] 43/21 63/22 107/25 128/9 his [104] hit [7] 35/1 38/22 38/23 39/12 42/23 42/24 55/13 hold [3] 37/23 90/25 140/19 holding [9] 32/18 32/23 33/7 40/22 68/8 68/11 131/22 142/22 150/7 holds [2] 87/7 87/8 hole [3] 43/3 97/21 97/22 holes [4] 36/20 37/16 37/19 37/25	HOLLAND [1] 2/11 home [7] 116/1 116/2 116/7 116/19 148/22 148/24 148/25 homicide [1] 55/25 honest [1] 128/22 HOOPER [1] 2/6 hop [1] 123/21 hope [1] 42/23 hopefully [1] 6/18 hoping [1] 42/25 hopped [1] 123/22 house [22] 10/1 10/2 10/11 12/21 13/1 20/23 26/25 27/3 27/7 36/15 78/21 78/23 79/3 79/4 79/5 79/6 132/4 132/9 136/10 147/15 147/18 148/9 how [84] huh [12] 76/5 80/13 134/6 134/16 136/15 136/17 137/16 137/18 138/15 138/25 143/9 149/13 Huh-uh [1] 134/6 hundred [5] 47/23 47/24 74/18 109/1 118/11 hurt [1] 147/21
<b>H</b> H-A-L-E-Y [1] 8/7 had [70] hair [9] 19/10 19/10 19/14 63/5 63/7 71/4 83/17 108/5 126/11 hairdo [1] 83/16 HAL [1] 2/12 Haley [4] 7/12 8/6 8/9 46/22 hallway [1] 23/20 HAMM [20] 1/10 6/11 8/1 15/25 16/3 16/7 28/3 28/4 28/7 28/9 28/12 28/21 31/23 31/24 49/5 51/3 57/13 76/22 103/22 121/12 hand [29] 7/13 32/18 32/19 32/24 39/9 39/12 50/16 53/21 56/24 60/25 63/12 63/13 67/2 68/7 68/16 75/24 103/8 111/18 113/3 113/4 114/4 115/14 120/11 120/14 143/1 143/2 147/4 147/5 151/6 handed [2] 7/4 62/1 handle [4] 111/10 111/11 111/14 111/23 handling [1] 6/13 hands [2] 19/5 63/16 handwriting [1] 74/21 hang [2] 125/10 125/16 hanging [7] 15/8 58/16 125/15 125/20 125/20 128/2 128/3 hange [1] 125/10 happen [2] 27/10 86/13 happened [14] 28/12 28/15 32/4 42/10 45/20 46/1 67/5 89/21 93/4 94/12 112/17 113/24 133/13 150/20 happens [1] 114/9 hard [2] 33/2 137/11 Harley [1] 7/12 has [24] 10/8 15/6 39/4 46/9 49/23 52/25 53/16 54/6 54/20 56/6 73/13 75/5 91/2 93/20 96/19 98/14 102/19 117/6 119/9 119/20 125/15 138/9	149/9 151/22 have [56] having [9] 6/5 8/10 51/14 57/23 77/8 104/7 121/23 127/1 137/11 he [266] he's [23] 14/9 17/22 30/2 30/15 42/23 68/17 69/6 69/13 70/21 71/20 83/21 84/10 108/20 109/4 112/9 125/23 125/25 126/3 126/4 126/5 126/9 126/9 126/10 head [4] 10/7 40/1 68/3 79/23 headache [1] 66/4 heading [3] 39/14 116/1 116/2 Health [1] 52/15 hear [20] 31/15 35/11 35/23 58/21 76/13 92/5 92/7 94/12 94/14 95/16 95/17 103/16 114/11 120/22 134/18 140/19 144/18 144/20 145/14 145/16 beard [42] 13/10 13/14 28/19 31/1 31/17 31/18 31/19 34/18 35/9 35/17 35/19 36/4 36/7 48/9 48/13 49/12 49/14 67/8 67/24 89/21 92/16 94/13 94/16 94/22 94/24 95/9 100/24 101/1 114/10 114/13 115/18 117/1 134/19 134/21 135/4 139/16 141/9 145/13 145/17 145/18 145/19 145/24 hearing [1] 7/3 hearsay [1] 93/10 heart [1] 55/12 Heather [8] 21/22 22/2 36/12 36/18 43/13 43/23 133/7 133/9 Heather's [1] 36/16 Heavier [1] 18/2 heavy [1] 18/1 height [3] 108/13 108/15 108/18 held [6] 50/5 56/13 75/12 103/1 120/2 152/4 help [6] 7/17 50/20 57/3 76/3 103/12 120/18 helping [1] 21/24 her [11] 6/7 6/19 10/25 20/23 20/25 21/2 27/2 66/5 79/12 123/11 125/1 here [54] here's [1] 140/12 hereby [2] 153/7 154/4 HICKS [1] 2/10 hid [3] 48/19 93/6 94/9 hide [2] 93/15 93/20 hiding [3] 33/6 34/20 94/11 him [122] himself [4] 43/21 63/22 107/25 128/9 his [104] hit [7] 35/1 38/22 38/23 39/12 42/23 42/24 55/13 hold [3] 37/23 90/25 140/19 holding [9] 32/18 32/23 33/7 40/22 68/8 68/11 131/22 142/22 150/7 holds [2] 87/7 87/8 hole [3] 43/3 97/21 97/22 holes [4] 36/20 37/16 37/19 37/25	I I'd [2] 18/7 62/21 I'm [37] 6/12 7/12 9/5 22/10 23/6 24/8 39/8 39/23 40/22 47/13 53/25 54/12 63/14 69/19 74/9 87/11 87/18 91/2 98/24 100/6 101/3 117/12 118/11 119/12 120/13 122/6 122/8 122/8 122/13 133/6 135/15 136/23 136/23 138/6 140/13 143/15 149/19 I's [1] 8/17 I've [1] 52/5 identification [2] 47/5 149/25 identified [4] 4/3 52/22 74/5 119/6 identifies [1] 53/8 if [34] 15/5 21/15 32/23 32/25 35/20 36/10 36/24 38/20 39/11 39/13 39/23 40/8 40/12 40/17 41/2 41/7 54/17 61/7 61/19 68/24 76/6 84/5 85/2 87/5 87/23 97/18 128/17 129/1 130/14 131/11 132/18 135/18 136/21 142/7 immediately [2] 93/23 141/16 IMPANELED [1] 1/4 in [250] Inaudible [1] 107/18 inches [2] 108/21 108/22 including [7] 23/14 49/23 56/6 75/5 102/19 119/20 151/22 INDEX [2] 3/1 4/1 indicated [1] 153/9 INDICTMENT [2] 4/4 6/21 individual [8] 9/10 52/22 58/7 62/10 77/24 82/19 106/25 122/16 information [7] 49/19 50/1 56/9 75/8 102/22 119/23 151/25 initials [9] 47/7 47/10 47/14 74/8 74/11 99/16 117/23 149/25 150/4

<b>I</b> injuries [1] 97/19 injury [2] 53/11 55/6 inside [20] 23/24 30/15 30/22 30/23 38/8 48/8 48/24 60/3 60/5 91/21 91/22 91/23 92/1 92/19 95/1 95/2 100/19 100/23 114/24 127/24 instead [1] 143/16 instruction [1] 7/4 instructions [12] 4/5 7/6 7/7 7/10 46/11 73/16 98/18 98/21 117/7 117/11 149/12 149/16 instrument [1] 104/22 internal [2] 55/5 55/10 into [21] 13/15 15/5 23/21 24/4 24/14 26/19 30/8 31/12 33/3 48/17 55/12 58/21 60/23 92/3 92/4 102/6 122/14 123/19 138/18 139/10 142/8 introduce [2] 109/16 109/21 investigation [12] 7/15 7/22 50/18 50/24 57/1 57/9 76/1 76/17 103/10 103/18 120/16 121/1 invited [5] 9/20 58/22 78/11 105/4 123/5 involving [6] 8/1 51/3 57/13 76/21 103/22 121/12 IRENE [1] 2/17 is [253] ish [2] 124/16 144/12 isn't [1] 41/8 it [222] it's [25] 7/5 13/13 13/14 14/25 16/20 22/2 22/25 26/5 31/3 38/23 43/7 67/16 68/16 89/12 93/10 107/10 108/4 128/1 132/18 132/19 132/20 144/8 144/23 144/24 149/15 items [1] 25/20 itself [1] 67/15	Jensen [1] 44/17 Jimenez [2] 6/14 6/18 joining [1] 6/19 JUDICIAL [1] 1/1 jug [1] 25/25 jugs [1] 13/20 juice [11] 13/10 13/12 13/14 13/16 13/24 14/3 26/1 61/22 61/25 81/18 129/7 July [4] 1/15 2/1 6/1 153/15 jump [2] 141/25 142/8 jumped [12] 35/20 115/25 141/6 141/23 142/14 142/15 144/14 144/17 144/21 145/8 145/11 145/13 jumping [1] 142/20 jungle [7] 13/10 13/12 13/16 13/23 14/3 25/25 61/22 jurors [2] 2/1 46/4 jury [86] just [80]	45/14 107/23 107/24 143/22 145/17 149/2 law [7] 49/21 56/4 75/3 102/17 119/18 151/20 154/12 lay [10] 22/4 31/4 31/18 31/20 33/9 33/10 92/25 93/2 100/24 152/16 laying [13] 29/8 31/1 32/2 34/25 42/1 42/12 42/22 42/24 96/12 96/13 96/21 96/24 147/25 layout [1] 22/9 lead [1] 24/24 leads [7] 23/20 25/7 30/8 40/15 135/20 136/8 139/10 leave [9] 21/6 21/9 37/3 38/12 65/18 65/19 66/8 112/19 112/20 leaves [1] 72/2 leaving [5] 27/1 66/11 86/12 86/16 86/18
<b>J</b> Jared [111] Jared's [39] 10/1 10/2 11/10 12/18 14/2 14/3 26/25 59/3 59/11 63/3 65/17 65/23 66/1 67/21 69/2 69/11 72/17 78/11 78/22 78/23 79/3 79/5 79/6 105/4 105/7 112/25 113/2 117/19 123/9 124/3 124/22 124/23 125/4 130/24 131/10 131/18 132/5 132/7 132/8 Jazmin [18] 10/15 10/22 10/23 12/19 20/22 44/4 44/11 78/17 78/18 79/7 79/11 86/13 105/22 105/23 123/9 124/24 124/25 133/4 Jazmin's [34] 17/10 21/13 24/25 25/5 25/7 25/11 27/4 39/14 39/15 44/2 66/20 67/19 79/4 79/6 79/15 80/2 105/24 115/7 116/16 123/7 132/17 132/18 133/21 133/22 134/3 134/7 134/15 134/24 135/17 137/22 138/21 139/2 139/10 142/1 JEAN [1] 2/14 jeans [6] 19/3 63/5 64/5 109/15 109/25 110/3	<b>K</b> KATHRYN [1] 2/4 kept [2] 144/24 145/1 khakis [1] 64/4 kid [1] 21/22 kids [7] 14/13 14/15 14/16 14/17 82/1 133/22 134/4 kids' [18] 22/4 22/5 23/12 23/13 26/8 26/12 30/8 31/6 33/13 37/24 48/17 48/24 89/25 92/19 93/18 138/7 138/20 145/5 kind [41] 12/24 13/5 14/21 17/24 18/1 18/18 19/7 19/10 19/12 21/6 33/1 45/23 60/7 61/3 61/14 63/18 71/1 80/17 83/17 86/20 102/11 106/20 108/5 124/10 126/9 126/11 127/23 128/21 129/1 129/7 129/10 131/17 134/20 135/7 140/17 144/4 144/11 144/12 145/22 147/12 148/13 kindergarten [1] 9/14 kitchen [8] 25/19 37/1 61/10 61/11 62/2 135/20 136/12 136/14 knees [1] 17/17 knew [2] 42/24 147/23 knock [3] 88/5 88/8 89/21 knocked [5] 27/11 29/15 133/15 134/1 134/1 knocking [14] 27/13 28/7 28/8 28/10 28/15 29/18 88/24 89/2 100/15 100/16 102/6 134/9 134/12 148/9 know [108] knowing [1] 16/10 known [8] 12/5 16/6 17/7 58/10 78/4 107/7 107/11 125/8	left [37] 12/20 21/20 21/20 39/13 40/10 40/11 40/12 40/14 44/9 44/10 54/5 55/13 55/19 63/15 65/19 65/21 65/23 66/8 66/24 66/25 67/1 67/2 79/6 90/13 111/17 112/24 112/25 113/2 113/3 113/6 113/7 113/9 113/15 113/24 133/5 133/6 151/6 leg [3] 42/24 42/25 71/16 less [1] 84/6 let [17] 22/9 30/6 62/9 67/10 91/1 114/2 135/12 135/12 135/13 135/24 136/3 136/11 137/14 137/24 138/4 144/23 145/1 let's [5] 27/7 36/17 44/15 131/10 136/20 lettering [1] 18/22 letters [3] 83/13 83/14 101/15 lied [1] 44/25 lift [1] 73/7 lifted [3] 63/12 97/20 118/22 Light [2] 13/8 13/8 like [209] LILLIAN [1] 2/5 limited [1] 93/11 line [17] 5/1 5/2 5/3 5/4 5/5 46/7 46/11 46/17 53/14 73/11 98/10 98/11 98/12 117/4 149/7 149/10 150/23 line-up [15] 5/1 5/2 5/3 5/4 5/5 46/11 46/17 73/11 98/10 98/11 98/12 117/4 149/7 149/10 150/23 line-ups [1] 46/7 liquor [1] 81/5 little [28] 10/14 19/15 20/11 29/14 60/17 60/19 60/20 64/24 64/25 67/6 84/6 94/18 97/2 107/23 107/24 108/21 124/11 126/25 127/11 129/16 129/17 130/13 132/19 140/2 140/25 141/1 141/2 141/5 live [1] 123/19 lived [2] 105/18 105/19 living [28] 24/10 24/20 29/25 30/3 30/4 34/16 36/14 36/21 36/23 37/24 48/22 90/8 92/5
<b>L</b> LA [1] 2/12 Las [5] 1/14 6/1 11/6 123/14 153/14 last [10] 8/5 51/7 51/9 57/17 77/3 94/18 104/1 107/17 119/13 121/16 late [1] 21/7 later [9] 34/18 36/6 45/6	<b>L</b> LA [1] 2/12 Las [5] 1/14 6/1 11/6 123/14 153/14 last [10] 8/5 51/7 51/9 57/17 77/3 94/18 104/1 107/17 119/13 121/16 late [1] 21/7 later [9] 34/18 36/6 45/6	<b>L</b> LA [1] 2/12 Las [5] 1/14 6/1 11/6 123/14 153/14 last [10] 8/5 51/7 51/9 57/17 77/3 94/18 104/1 107/17 119/13 121/16 late [1] 21/7 later [9] 34/18 36/6 45/6

<b>L</b>	mark [2] 99/12 138/5 marked [14] 7/4 39/4 40/13 46/9 52/25 53/16 54/6 73/13 91/2 96/19 98/14 117/6 135/15 149/9 marker [2] 53/23 54/11 mat [2] 89/12 89/18 material [1] 41/22 matter [1] 153/8 may [17] 9/20 45/14 46/6 50/5 52/21 56/13 58/12 62/17 73/11 73/19 75/12 78/10 103/1 105/4 120/2 149/4 152/4 maybe [6] 14/19 17/16 32/5 34/17 37/2 128/13 McCraney [4] 11/24 12/5 34/13 34/24 MD [1] 52/13 me [57] mean [7] 67/21 72/2 87/18 110/23 118/17 118/21 129/12 meaning [2] 54/20 111/17 means [2] 49/19 110/1 measure [2] 84/3 84/4 medical [5] 51/22 51/24 52/1 52/9 52/18 Medicine [1] 52/13 meet [2] 58/15 122/22 mentioned [1] 85/10 messed [2] 118/15 118/17 met [7] 10/4 10/11 61/6 82/24 104/21 107/4 122/23 meter [4] 67/7 67/12 67/14 67/18 MH [1] 47/14 Michael [11] 10/18 10/24 21/14 22/3 26/20 29/5 75/21 77/4 77/7 77/15 98/24 microbiology [1] 52/12 microphone [8] 58/21 60/23 76/13 103/16 120/21 122/14 138/18 140/6 mid [2] 53/14 53/20 middle [6] 29/25 30/5 93/17 94/3 97/24 132/22 might [1] 12/21 Mike [2] 29/4 37/9 Mikey [9] 10/16 35/1 35/1 35/7 35/20 35/21 124/18 133/3 147/1 Milwaukee [2] 52/17 52/17 minute [2] 75/19 93/7 mirror [4] 36/22 36/22 36/23 36/25 misdemeanor [6] 50/3 56/11 75/10 102/24 119/25 152/2 missile [2] 55/16 55/18 missing [1] 54/17 mixed [1] 129/7 mixing [2] 81/21 81/23 mixture [1] 13/23 mom [2] 10/14 78/22 monitor [1] 22/10 months [2] 58/11 58/12 more [5] 40/23 41/5 67/6 152/14 152/16 morning [1] 27/8 Moses [3] 113/22 114/9 116/3 most [1] 64/7 mostly [3] 14/14 23/24 60/3 motion [3] 68/3 146/25 147/4	motioning [3] 32/19 146/22 147/6 move [1] 110/8 moved [5] 52/14 52/16 52/19 125/18 140/23 moving [3] 43/2 68/3 97/16 much [13] 15/12 15/17 45/6 86/4 108/20 109/4 119/5 125/24 127/10 129/18 129/19 129/21 129/25 murder [6] 6/25 7/24 51/1 76/20 103/20 121/8 MURPHY [1] 2/13 mustache [1] 126/13 MV [1] 99/16 my [24] 6/11 14/16 28/18 36/1 45/21 51/8 51/8 51/9 52/1 52/13 62/14 78/22 90/4 107/5 109/18 112/18 122/20 124/18 125/11 125/18 130/17 131/3 144/23 153/10 myself [1] 84/3
	<b>N</b>	
living... [15] 95/2 95/24 96/1 96/3 96/5 132/22 133/25 136/8 137/1 137/6 139/1 139/6 139/13 139/15 146/14 located [8] 10/21 11/2 13/24 16/21 22/14 60/11 61/9 123/11 long [23] 12/4 16/6 17/15 17/16 19/24 52/4 58/10 62/19 78/4 83/12 107/7 108/4 110/25 112/14 125/8 125/15 127/18 127/19 127/20 127/21 127/22 127/22 127/22 look [13] 27/15 27/20 38/17 87/2 87/5 87/23 87/24 89/4 114/14 133/24 135/19 136/21 137/15 looked [23] 27/14 28/21 31/2 31/7 32/5 33/2 33/2 34/5 43/1 43/2 67/8 68/2 68/6 68/12 71/14 109/23 143/13 143/14 143/14 143/16 144/4 144/11 147/12 looking [13] 23/5 33/20 36/14 36/20 37/1 37/4 37/16 37/25 38/19 71/19 71/20 139/5 151/1 looks [1] 40/16 loose [2] 128/1 128/2 loss [1] 150/12 lot [24] 12/13 12/14 20/6 21/4 21/5 40/3 40/10 41/6 44/1 45/1 59/23 60/2 80/19 106/10 113/5 124/8 124/10 124/19 126/13 126/16 127/7 127/8 128/22 146/9 loud [5] 20/17 21/7 64/22 110/13 134/20 lower [1] 151/6 lung [2] 55/11 55/12	name [42] 6/11 8/5 9/10 16/3 38/19 46/17 46/22 48/3 51/7 51/8 51/9 51/9 57/17 58/7 62/10 66/1 66/5 73/21 73/25 74/5 77/3 77/24 78/16 82/19 82/23 98/22 104/1 105/21 106/25 107/13 107/15 107/17 109/17 117/11 117/14 119/13 121/16 122/16 124/23 125/1 149/18 154/21 named [5] 11/23 11/25 21/21 78/25 125/6 names [3] 15/24 21/21 113/19 Nappy [2] 108/6 108/7 near [14] 16/23 31/5 53/14 66/21 67/19 69/6 69/9 96/14 96/17 140/6 140/23 142/6 148/11 148/12 need [2] 22/16 58/20 neighbor [1] 148/11 neighbor's [3] 147/14 147/18 148/9 neighborhood [1] 62/25 Nellis [3] 11/5 59/1 123/12 nervous [5] 44/24 44/25 147/13 147/20 150/11 NEVADA [10] 1/2 1/7 1/14 6/1 6/10 11/6 52/12 123/15 153/3 153/14 never [5] 100/21 112/6 117/1 118/24 149/1 next [23] 6/17 6/19 8/25 14/8 22/16 24/12 24/12 24/23 26/8 27/10 50/14 56/21 69/2 75/21 97/4 97/5 118/2 147/14 147/17 148/8 148/11 150/9 152/12 Nico [4] 113/22 113/23 114/9 116/3 night [31] 12/12 12/19 14/1 15/23 17/10 21/10 21/11 21/12 21/15 26/25 34/3 44/17 45/20 61/12 63/3 72/5 81/14 82/9 83/2 101/10 101/18 106/15 106/23 108/3 117/19 119/7 143/19 143/20 144/25 150/7 150/24 nine [7] 9/16 9/17 11/20	
<b>M</b>		
M-A-L-I-I-Q-U-E [1] 8/7 M-I-C-H-A-E-L [1] 77/5 ma'am [1] 51/11 mad [1] 20/23 made [9] 39/13 49/25 56/8 68/3 75/7 102/21 119/22 143/6 151/24 Magnum [1] 144/2 make [8] 15/5 40/11 40/12 47/5 74/4 122/13 149/25 151/13 making [2] 40/9 147/3 Mallique [38] 7/11 8/6 8/9 8/17 8/19 46/22 50/13 79/8 79/9 90/4 90/5 93/5 93/7 93/12 93/13 93/20 94/7 95/21 96/4 98/8 101/5 101/7 124/17 133/3 144/22 144/23 144/23 145/2 145/3 146/5 146/8 146/10 146/23 146/24 147/1 147/14 147/15 148/8 man [2] 100/7 101/4 manner [3] 52/3 55/24 55/25 many [21] 9/15 12/11 12/16 15/15 18/6 18/12 35/11 35/23 59/25 62/19 78/7 84/21 86/23 94/14 108/25 113/17 114/11 128/11 132/4 132/12 152/14		



N	O	
nine... [4] 11/20 11/21 80/3 80/4	o'clock [6] 11/11 15/22 20/20 59/13 59/15 124/6	69/13 72/17 87/23 90/6 90/8 90/11 90/19 90/21 91/22 95/6 95/7 95/24 96/4 96/6 96/7 96/9 96/11 114/6 114/24 115/9 139/5 146/16 146/18
ninth [7] 9/1 9/2 9/4 9/6 9/7 104/17 107/10	O-L-S-O-N [1] 51/10	oval [1] 54/17
no [144]	observation [1] 53/10	over [18] 19/25 24/11 27/1 28/18 33/17 35/7 35/7 35/21 35/21 37/1 38/21 42/7 45/22 52/7 62/9 97/15 126/18 126/19
nobody [3] 28/17 43/21 142/19	observations [2] 55/5 55/5	overhead [1] 140/12
not [40] 6/14 13/3 16/8 17/19 20/13 27/6 29/16 38/21 41/17 44/22 44/23 48/24 53/4 54/22 61/16 63/14 80/8 80/9 84/12 84/12 85/1 87/17 89/12 93/10 97/7 118/19 126/3 126/9 128/5 129/19 133/6 143/15 143/19 144/8 148/13 148/13 148/15 148/15 152/12 154/8	obtained [6] 50/1 56/9 75/8 102/22 119/23 151/25	P
notation [1] 74/5	occupation [1] 51/21	p.m. [5] 1/16 79/20 80/7 80/12 106/15
note [2] 53/10 54/3	occurring [6] 49/25 56/8 75/7 102/21 119/22 151/24	page [12] 7/5 46/11 47/2 47/11 47/18 74/1 99/8 99/24 117/16 118/2 118/3 151/13
noted [4] 53/12 54/1 54/4 55/10	off [4] 7/11 9/24 10/20 78/22	paid [1] 131/19
notes [1] 153/10	offenses [6] 7/23 50/25 57/10 76/18 103/19 121/2	panic [1] 148/5
nothing [13] 7/17 8/12 43/2 50/20 51/16 57/3 57/25 76/3 77/10 103/12 104/9 120/18 121/25	offered [1] 93/11	pants [11] 19/2 64/6 70/6 70/12 70/15 70/20 70/22 72/7 127/24 147/12 147/13
notice [3] 43/4 63/21 136/22	office [5] 51/23 52/6 52/18 52/20 53/7	PARDEE [1] 2/14
noticed [2] 45/22 131/21	Official [1] 154/23	park [2] 16/20 69/16
now [132]	often [1] 54/19	Parkdale [3] 16/18 16/19 16/22
NRS [2] 154/2 154/13	oh [12] 10/2 16/24 31/3 40/19 40/19 47/24 81/23 109/7 120/13 129/11 145/10 148/24	parking [4] 40/3 40/10 41/6 113/5
number [51] 6/10 6/22 7/5 22/11 22/25 23/6 23/17 23/20 24/5 24/23 25/3 25/6 25/13 25/20 25/24 26/12 30/7 39/5 40/13 40/23 41/9 46/10 47/2 53/1 53/5 53/8 53/17 53/23 54/7 73/14 74/2 87/12 87/25 91/3 96/20 98/15 99/8 100/1 117/7 117/16 135/16 135/19 137/8 138/5 138/7 138/24 139/9 149/10 154/4 154/8 154/11	okay [153]	part [12] 19/17 23/7 24/20 43/4 87/2 96/23 111/13 112/12 118/16 118/18 118/19 119/2
Number 1 [1] 6/22	old [10] 8/19 14/7 14/18 58/5 77/15 85/24 86/2 104/14 122/5 126/1	particular [1] 54/25
Number 10 [1] 39/5	older [12] 10/15 14/16 14/17 15/12 15/17 86/4 86/6 125/21 125/23 125/24 126/4 126/5	party [84]
Number 12 [1] 22/25	Olson [3] 50/14 51/8 51/13	party's [1] 28/18
Number 13 [1] 23/6	on [149]	Pass [4] 49/3 56/2 102/8 119/10
Number 14 [1] 23/17	once [4] 112/18 146/5 148/5 148/7	patches [2] 19/15 19/16
Number 15 [2] 23/20 87/25	one [56]	path [2] 55/16 55/18
Number 17 [5] 24/5 30/7 91/3 137/8 138/5	only [17] 53/5 64/9 71/6 72/9 72/13 72/14 87/15 87/17 88/17 93/10 102/5 112/9 129/20 131/19 132/3 135/1 142/17	pathologist [1] 52/9
Number 19 [1] 24/23	onto [2] 6/17 8/25	pathology [2] 52/16 52/18
Number 2 [1] 7/5	ooOoo [1] 152/19	PATRICK [1] 2/15
Number 20 [1] 25/3	open [8] 29/6 37/21 38/1 42/19 42/20 42/21 89/24 148/20	pause [2] 36/8 94/20
Number 21 [3] 25/6 135/19 138/24	opened [4] 28/20 28/23 29/20 29/22	pauses [1] 145/21
Number 22 [3] 25/13 135/16 139/9	opportunity [1] 7/6	pay [1] 127/15
Number 23 [1] 25/20	opposed [1] 40/9	paying [2] 131/19 148/4
Number 24 [1] 25/24	or [97]	peak [3] 27/12 32/13 90/18
Number 27 [3] 26/12 87/12 138/7	orange [3] 13/18 13/19 13/21	peeked [24] 27/22 27/23 31/7 31/9 32/15 33/11 90/17 90/18 90/21 91/4 91/9 135/7 135/9 135/22 136/8 136/18 136/24 137/7 139/5 139/9 139/12 141/9 141/13 146/4
Number 28 [1] 46/10	Oregon [2] 52/14 52/14	pending [6] 7/16 50/18 57/1 76/2 103/10 120/16
Number 29 [1] 74/2	orient [1] 137/24	people [63]
Number 31 [2] 117/7 117/16	other [41] 7/2 7/25 12/7 14/13 18/10 18/14 18/15 25/1 28/13 28/21 30/18 40/7 40/15 51/2 52/2 57/12 63/23 64/4 64/5 64/19 69/15 69/17 70/8 70/9 70/12 76/21 81/4 84/18 87/6 89/22 103/21 108/1 109/20 121/12 123/21 131/9 141/20 145/20 145/23 146/11 146/11	percent [4] 47/23 47/24 74/18 118/11
Number 32 [3] 98/15 99/8 100/1	our [5] 21/15 27/7 34/13 124/19 146/10	Perquisitions [1] 104/24
Number 4 [1] 53/1	out [75]	perform [2] 52/2 52/22
Number 5 [1] 54/7	outfit [1] 72/10	performing [1] 53/9
Number 6 [1] 53/17	outside [36] 23/25 24/2 27/12 29/6 29/7 38/11 38/18 60/5 60/6 60/7 60/8 66/12 69/11	person [31] 68/17 68/20 68/21 68/23 68/23 69/14 70/18 72/9 72/13 72/14 72/16 72/20 74/5 82/25 85/12 85/14 86/1 89/18 100/7 101/9 101/20 109/8 117/21 118/11 119/6 134/21 135/4 146/8 150/6 154/8 154/11
Number 7 [1] 40/13		person's [1] 150/10

<b>P</b>	50/25 57/10 76/19 103/19 121/3	142/12 143/8 147/14 148/8 148/8 148/25
personally [1] 16/8	possible [1] 101/21	reach [1] 33/25
pertaining [6] 7/22 50/24 57/9 76/18 103/18 121/2	pounds [1] 18/6	read [8] 7/6 46/14 46/16 73/17 98/18 98/21 117/7 149/16
photo [13] 5/1 5/2 5/3 5/4 5/5 46/7 89/4 98/10 98/11 98/12 117/4 140/15 149/7	poured [1] 13/14	reading [1] 117/10
photograph [39] 4/6 4/7 4/8 4/9 4/10 4/11 4/12 4/13 4/14 4/15 4/16 4/17 4/18 4/19 4/20 4/21 4/22 4/23 4/24 4/25 30/6 39/6 39/16 41/22 47/4 53/22 54/8 54/9 73/11 88/21 89/7 89/8 99/13 136/11 137/14 149/24 150/1 151/1 151/7	power [6] 6/12 6/14 67/18 113/1 113/25 114/3	real [2] 17/16 107/15
photographs [10] 46/25 47/1 47/8 74/1 74/4 99/5 99/7 117/15 149/21 149/22	preceding [1] 154/4	really [23] 20/13 33/14 61/16 63/14 66/3 68/9 80/24 124/21 125/2 127/15 128/23 129/25 131/17 131/19 135/23 142/18 144/12 148/4 148/14 148/15 148/23 150/11 150/22
photos [1] 135/13	presence [6] 49/25 56/8 75/7 102/21 119/22 151/24	reason [1] 48/15
pick [1] 78/18	present [2] 2/1 2/19	recall [12] 12/15 17/9 18/12 18/15 64/12 70/4 85/2 85/11 86/23 127/5 132/10 132/10
picked [1] 78/24	presentation [1] 6/20	receives [1] 53/7
picking [1] 22/1	presented [6] 49/24 56/7 75/6 102/20 119/21 151/23	Recess [1] 75/20
picture [10] 24/17 33/14 36/24 38/5 40/21 40/22 53/17 74/19 150/3 151/2	press [1] 13/22	recognize [7] 28/1 39/5 53/4 63/24 73/14 92/8 135/5
ping [1] 15/4	pretty [7] 83/24 100/7 101/3 106/16 119/5 127/19 127/20	recognized [2] 92/13 117/19
pina [1] 15/2	previous [1] 41/2	record [8] 8/5 51/7 57/17 77/3 104/2 110/9 121/16 153/12
place [3] 29/18 131/2 153/9	Print [1] 154/21	recreation [1] 16/20
plain [1] 18/17	prior [6] 7/3 9/25 52/6 58/12 83/2 102/14	rectangle [1] 53/24
Plaintiff [1] 1/8	probably [3] 18/14 33/19 152/15	rectangular [1] 54/10
play [5] 15/3 17/5 82/11 104/23 107/5	proceedings [11] 1/20 6/7 49/21 56/4 75/3 102/17 119/18 151/20 152/18 153/8 153/13	red [1] 64/6
played [4] 14/21 14/24 17/4 25/17	program [3] 52/16 52/19 154/15	referred [1] 41/9
player [1] 15/3	prohibited [6] 49/22 56/5 75/4 102/18 119/19 151/21	referring [2] 19/21 87/13
playground [10] 66/15 66/16 66/17 66/18 66/21 66/24 67/5 67/15 67/17 113/3	PROPOSED [2] 4/4 6/21	regarding [1] 7/10
playing [6] 15/7 16/25 17/2 32/5 82/9 141/11	prosecutor [1] 6/12	Regular [2] 106/21 106/22
please [20] 7/20 8/4 50/15 50/22 51/6 56/23 57/7 57/16 76/9 76/11 77/2 82/15 103/8 103/14 103/15 103/25 119/13 120/10 120/20 121/15	public [1] 154/15	relation [2] 88/21 89/1
plus [3] 28/12 95/22 152/16	pull [8] 73/3 110/18 111/16 111/25 112/6 118/20 145/2 145/3	remain [3] 50/15 56/23 120/10
point [32] 22/17 26/3 30/12 31/15 32/1 35/8 35/11 38/24 41/14 49/5 67/24 80/9 86/17 89/7 89/9 91/11 91/12 92/19 93/23 95/15 98/1 101/1 113/24 128/16 133/16 140/5 140/14 142/20 145/7 146/2 148/2 151/3	pulled [8] 93/9 111/6 111/8 112/10 118/21 118/24 147/12 147/13	remember [18] 60/2 62/5 66/1 66/3 66/5 83/12 83/17 85/5 85/11 98/15 109/23 124/15 127/6 128/15 143/12 143/18 143/24 149/6
pointed [3] 71/17 91/15 140/20	punishable [12] 50/3 50/5 56/11 56/13 75/10 75/12 102/24 103/1 119/25 120/2 152/2 152/4	Reno [2] 52/7 52/19
pointing [21] 23/6 24/9 39/8 39/24 43/8 47/13 48/7 53/25 54/12 63/9 68/13 68/17 68/24 68/24 74/9 96/25 98/24 117/12 126/15 149/19 151/6	purpose [2] 26/21 93/11	Reported [1] 1/25
police [2] 149/1 150/17	Pursuant [1] 154/2	reporter [2] 10/8 154/23
pong [11] 14/22 14/23 14/23 14/24 15/4 15/7 25/17 36/24 82/7 82/9 82/11	put [8] 15/2 46/19 47/7 54/18 54/23 118/19 150/4 150/9	REPORTER'S [2] 1/20 153/1
porch [3] 60/7 60/11 89/10	putting [2] 6/15 22/2	request [1] 2/19
portion [4] 53/14 53/20 55/10 71/6	<b>Q</b>	require [1] 52/1
Portland [1] 52/14	quarter [1] 129/22	required [1] 154/11
possession [7] 6/24 7/23	question [2] 36/1 49/5	residency [1] 52/16
	questioned [2] 148/23 150/12	respond [2] 76/12 103/15
	questions [9] 7/10 49/2 56/2 56/3 75/2 102/8 119/10 151/18 151/19	responding [1] 83/8
	quick [3] 139/20 139/22 139/25	response [2] 107/18 116/24
	<b>R</b>	result [11] 34/11 34/12 44/16 53/9 55/4 55/20 74/15 83/5 93/12 117/10 150/22
	race [3] 68/20 85/15 108/9	revolver [1] 143/17
	rag [19] 64/4 70/10 70/13 85/6 85/10 85/15 86/2 88/16 88/23 89/2 89/6 89/19 89/23 90/23 91/17 91/18 96/16 102/3 109/14	rhinestones [1] 127/11
	raise [7] 7/13 50/16 56/24 75/23 103/8 120/11 120/14	ride [1] 116/7
	ran [13] 38/21 67/9 115/20 115/25 134/2 134/7 139/1	right [170]
		RILEY [1] 2/4
		rim [1] 54/19
		RIORDAN [1] 2/15
		ROBERTS [1] 2/16
		rocks [9] 41/17 41/19 41/19 41/20 41/21 97/1 97/7 97/11 97/12
		rode [2] 105/25 106/1
		RODRIGUEZ [1] 2/17
		room [108]
		root [1] 55/11
		rowdy [3] 20/10 20/10 130/12

<b>R</b>		
<b>RUDOLFO</b> [1] 2/8	seen [21] 31/12 32/17 33/3	shown [12] 46/7 46/25 73/11
<b>run</b> [4] 115/21 115/22 115/24	35/1 35/1 35/13 38/19 42/22	74/1 89/8 98/11 99/5 117/4
148/24	43/1 62/14 62/20 62/23 84/22	149/6 149/11 149/21 149/24
<b>running</b> [3] 67/9 115/11	88/15 90/23 101/5 115/11	<b>side</b> [28] 15/3 15/4 19/21
115/13	126/21 139/20 140/11 141/18	22/15 22/22 22/23 39/12
<b>S</b>	<b>September</b> [1] 52/6	39/20 40/7 40/15 42/6 53/14
<b>sack</b> [1] 55/12	<b>serious</b> [1] 32/25	53/21 67/2 68/7 68/16 69/24
<b>Safari</b> [6] 11/2 58/25 59/8	<b>served</b> [2] 12/24 128/19	71/17 71/18 72/1 87/6 94/3
105/10 116/14 123/23	<b>set</b> [6] 7/5 14/25 46/7 68/25	111/15 111/16 111/18 113/3
<b>Safari's</b> [1] 123/21	117/15 140/24	113/4 114/4
<b>said</b> [43] 10/17 10/19 15/13	<b>seven</b> [4] 11/10 11/11 11/13	<b>sides</b> [1] 111/17
18/18 18/23 22/6 26/7 28/13	12/6	<b>sidewalk</b> [3] 41/18 69/9 97/8
28/18 30/2 30/7 33/7 33/8	<b>seventh</b> [4] 77/18 77/19 122/8	<b>sign</b> [6] 46/17 73/21 98/22
34/8 34/15 36/18 38/16 43/23	122/10	117/11 149/18 151/12
49/16 53/20 64/12 68/2 69/23	<b>several</b> [1] 149/2	<b>signature</b> [2] 149/19 154/19
70/1 70/13 71/22 80/6 92/17	<b>shake</b> [2] 10/7 79/22	<b>signed</b> [4] 46/22 48/3 73/25
100/10 101/5 101/7 109/9	<b>shall</b> [6] 7/16 50/19 57/2	117/14
109/13 109/18 109/19 118/8	76/2 103/11 120/17	<b>signify</b> [1] 49/17
139/1 139/15 140/20 140/23	<b>she</b> [24] 12/20 12/20 12/21	<b>signing</b> [1] 149/25
141/9 144/5 153/9	20/22 20/23 21/5 21/7 22/3	<b>signs</b> [2] 64/13 64/14
<b>same</b> [17] 12/8 12/9 21/17	27/1 27/2 27/3 27/7 44/6	<b>silver</b> [2] 144/4 144/12
29/9 41/3 58/17 65/3 84/24	44/7 44/7 44/9 44/10 68/18	<b>silver-ish</b> [1] 144/12
85/1 105/1 105/2 107/5	78/18 78/24 79/23 133/5	<b>since</b> [5] 9/14 17/7 52/6
122/25 123/2 123/3 126/3	133/6 140/19	78/6 107/11
137/19	<b>she'll</b> [1] 6/19	<b>sir</b> [3] 8/8 51/5 120/19
<b>SANDOVAL</b> [1] 2/5	<b>SHELLEY</b> [1] 2/6	<b>sister</b> [15] 9/24 10/15 10/19
<b>sat</b> [1] 67/18	<b>shiny</b> [3] 127/8 127/9 127/10	10/20 12/18 27/1 28/18 65/17
<b>saw</b> [89]	<b>shirt</b> [42] 17/12 17/15 18/19	65/24 78/15 78/16 78/16
<b>say</b> [22] 10/9 14/17 17/14	49/16 63/4 64/3 64/4 64/6	105/20 123/9 124/22
18/7 18/19 23/3 47/23 60/6	64/7 64/10 70/6 70/9 70/10	<b>sister's</b> [3] 66/1 105/21
62/21 76/6 79/23 89/16	70/11 70/12 70/19 70/21	124/23
100/24 101/3 101/4 112/22	71/10 71/18 72/6 73/774/24	<b>sisters</b> [2] 10/14 125/4
122/21 134/19 134/21 135/4	83/12 97/20 101/13 108/4	<b>sit</b> [3] 67/7 69/5 120/21
138/13 139/16	110/18 110/22 110/23 110/25	<b>sitting</b> [5] 64/20 113/1
<b>saying</b> [16] 22/19 22/20 25/16	111/6 111/9 111/17 111/18	113/25 114/3 114/8
31/16 31/20 65/7 69/7 82/23	111/22 112/10 118/22 127/7	<b>six</b> [9] 46/25 47/1 47/4 74/1
92/16 110/6 112/4 118/22	127/9 127/14 127/17 127/18	74/4 99/5 99/1 99/10 149/22
119/2 129/24 144/25 145/1	<b>shirts</b> [3] 18/17 64/8 110/1	<b>sixth</b> [2] 104/21 107/9
<b>says</b> [4] 64/14 93/20 93/21	<b>shock</b> [1] 150/17	<b>size</b> [5] 17/24 17/24 83/19
110/10	<b>shoes</b> [2] 64/5 64/7	84/12 126/8
<b>scared</b> [10] 44/24 44/25	<b>shook</b> [1] 60/25	<b>sizes</b> [1] 108/25
141/22 141/23 143/6 144/13	<b>shoot</b> [2] 15/4 49/13	<b>skateboarding</b> [2] 78/3 78/4
145/12 148/6 148/22 150/19	<b>shooting</b> [11] 44/4 48/11	<b>skin</b> [2] 54/20 54/24
<b>SCHLISMANN</b> [1] 2/3	48/16 48/22 70/18 72/16	<b>skinny</b> [5] 84/15 84/16 85/22
<b>school</b> [15] 8/21 8/23 9/8	95/10 100/8 100/13 101/4	85/23 108/24
12/2 52/12 58/16 58/17 58/19	101/21	<b>sleep</b> [2] 26/15 27/4
77/17 77/22 107/5 122/25	<b>short</b> [1] 109/14	<b>sleeping</b> [1] 34/14
143/21 149/3 149/4	<b>shorthand</b> [2] 153/7 153/10	<b>slightly</b> [1] 55/19
<b>Sciences</b> [1] 52/15	<b>shortly</b> [1] 10/15	<b>slowly</b> [4] 57/17 77/3 104/1
<b>scoot</b> [5] 35/7 35/7 35/21	<b>shot</b> [2] 36/15 147/23	121/16
35/21 58/20	<b>shots</b> [15] 35/9 35/11 35/14	<b>smaller</b> [2] 85/22 85/23
<b>scooted</b> [2] 140/25 141/2	35/15 35/18 35/19 35/23	<b>smell</b> [1] 61/3
<b>scraped</b> [1] 54/21	35/25 36/3 37/5 48/8 49/12	<b>snatched</b> [1] 144/22
<b>scruffy</b> [3] 19/12 19/15 19/16	49/14 114/11 145/17	<b>so</b> [310]
<b>seat</b> [3] 26/18 91/12 151/11	<b>should</b> [2] 91/11 136/22	<b>social</b> [2] 154/8 154/11
<b>seated</b> [7] 7/20 33/16 50/22	<b>shoulders</b> [2] 71/7 71/8	<b>solemnly</b> [6] 7/14 53/17 56/25
57/7 76/11 103/14 120/20	<b>shouting</b> [3] 130/11 131/20	75/25 103/9 120/15
<b>second</b> [9] 25/1 45/14 45/25	131/22	<b>some</b> [38] 13/9 13/16 14/2
47/1 47/10 74/1 99/8 117/16	<b>show</b> [14] 22/10 80/10 89/9	14/21 15/11 18/18 18/19 19/3
122/24	117/15 118/17 118/19 135/13	21/22 23/25 41/21 46/11 55/5
<b>seconds</b> [3] 34/18 36/6 145/17	135/13 135/24 136/3 136/11	60/7 60/10 61/3 61/11 62/8
<b>secret</b> [6] 49/21 56/4 75/4	136/20 137/14 151/4	63/4 63/5 63/8 63/9 63/22
102/18 119/18 151/20	<b>showed</b> [13] 12/11 15/12 15/16	63/23 64/5 64/5 64/6 64/10
<b>Secretary</b> [2] 2/5 2/6	15/17 65/24 86/14 107/23	109/15 110/21 116/11 128/10
<b>security</b> [2] 154/8 154/11	107/24 107/25 118/12 118/15	128/25 129/1 129/7 135/13
<b>see</b> [121]	118/21 128/8	141/16 149/11
<b>seeing</b> [6] 16/10 38/6 58/16	<b>showing</b> [24] 23/16 24/22 25/3	<b>somebody</b> [18] 15/5 27/11 28/8
85/12 98/15 128/15	26/11 39/4 40/12 46/9 52/25	28/23 29/21 29/22 31/18 62/1
<b>seem</b> [1] 108/24	53/16 54/6 73/8 73/13 87/11	62/3 117/18 133/15 134/1
	91/2 96/19 98/14 110/15	134/1 134/9 134/19 139/16
	117/6 135/15 136/24 138/6	141/9 148/20
	139/8 142/5 149/9	<b>someone's</b> [1] 34/15

<b>S</b>	<b>step-mom</b> [1] 10/14	38/16 46/4 143/12 143/18 143/24 146/21 147/4 147/6
<b>something</b> [18] 27/10 32/18 33/3 33/7 38/20 43/1 47/19 48/7 49/17 65/5 70/22 71/23 87/7 107/16 127/2 129/2 129/3 130/16	<b>still</b> [25] 22/24 22/25 23/7 24/20 29/8 29/9 32/2 36/15 37/21 37/25 42/17 67/19 91/19 95/20 97/15 113/9 114/4 114/23 130/3 131/22 145/25 150/17 150/19 151/15 152/15	<b>ten</b> [10] 15/21 15/22 59/14 59/15 59/16 59/18 59/19 69/20 80/3 80/4
<b>somewhere</b> [3] 9/25 133/16 136/22	<b>stop</b> [3] 20/12 67/10 114/2	<b>testified</b> [6] 8/12 51/16 57/25 77/10 104/9 121/25
<b>Sonia</b> [2] 6/14 6/18	<b>stopped</b> [1] 67/7	<b>testify</b> [6] 8/11 51/15 57/24 77/9 104/8 121/24
<b>sorry</b> [7] 7/12 59/17 67/23 87/18 119/12 120/13 140/13	<b>straight</b> [6] 32/21 68/17 68/24 68/24 72/17 116/19	<b>testimony</b> [18] 7/15 7/22 50/11 50/17 50/24 56/19 56/25 57/9 75/18 76/1 76/17 103/7 103/9 103/18 120/8 120/15 121/1 152/10
<b>sort</b> [7] 19/12 30/21 36/25 114/7 124/10 126/15 148/13	<b>stretched</b> [1] 68/16	<b>than</b> [19] 15/12 17/22 18/2 45/6 83/25 84/6 84/6 84/8 84/10 86/4 86/6 108/16 108/20 108/22 109/4 125/21 125/22 125/23 126/5
<b>sounded</b> [1] 36/9	<b>strike</b> [1] 110/8	<b>Thank</b> [19] 8/8 49/10 50/10 50/12 50/13 51/11 56/1 56/18 56/20 57/20 75/1 75/17 77/6 103/6 104/5 120/7 120/9 121/19 152/10
<b>South</b> [3] 11/5 59/1 123/11	<b>stuff</b> [8] 115/12 116/9 127/8 127/8 127/9 127/10 127/12 131/9	<b>that</b> [358]
<b>speak</b> [8] 57/5 58/20 60/23 73/23 76/9 82/15 89/15 138/18	<b>stumbling</b> [3] 60/22 60/23 60/24	<b>that's</b> [32] 13/23 16/5 21/22 21/23 23/13 24/20 25/11 35/17 35/19 37/3 41/6 47/22 72/2 73/16 74/21 79/9 79/10 109/18 116/8 128/15 131/17 132/17 136/6 140/11 141/6 142/15 143/8 144/3 144/24 145/1 147/13 151/9
<b>speaking</b> [1] 122/14	<b>style</b> [3] 19/11 108/5 126/11	<b>their</b> [3] 15/24 30/22 113/19
<b>specific</b> [1] 154/12	<b>succession</b> [1] 35/25	<b>them</b> [20] 12/2 15/2 20/12 20/13 22/2 29/7 31/1 31/3 36/4 46/2 64/7 82/4 91/23 92/1 92/12 96/9 109/21 128/24 131/4 146/5
<b>spell</b> [8] 8/5 51/7 57/17 77/3 104/1 104/1 119/12 121/16	<b>suddenly</b> [3] 29/22 48/16 80/10	<b>then</b> [128]
<b>spelled</b> [2] 51/9 51/9	<b>supervision</b> [1] 153/11	<b>there</b> [125]
<b>spend</b> [1] 26/25	<b>supposed</b> [1] 11/15	<b>thereafter</b> [1] 153/9
<b>spending</b> [3] 21/10 21/12 21/15	<b>sure</b> [14] 41/15 47/22 47/23 47/24 48/21 63/14 74/19 91/12 100/7 101/3 118/11 122/13 133/6 143/15	<b>these</b> [44] 11/25 21/17 25/20 27/17 28/2 36/3 41/21 47/1 49/21 55/4 56/4 60/10 63/24 64/16 64/19 70/4 70/17 72/2 73/16 74/1 74/4 75/3 92/7 92/8 95/10 98/21 99/7 99/10 99/15 102/17 114/23 115/3 115/10 115/18 117/7 117/10 119/18 123/20 127/13 145/19 145/24 149/16 149/21 151/20
<b>spent</b> [2] 52/14 52/17	<b>swear</b> [6] 7/14 50/17 56/25 75/25 103/9 120/15	<b>they</b> [52]
<b>Se</b> [1] 153/3	<b>sworn</b> [7] 6/5 8/10 51/14 57/23 77/8 104/7 121/23	<b>they're</b> [3] 32/5 54/22 102/5
<b>stairs</b> [6] 40/25 41/1 41/3 41/12 97/4 97/5	<b>T</b>	<b>thighs</b> [3] 111/1 111/3 111/4
<b>stand</b> [11] 7/13 22/16 24/12 26/9 68/10 75/23 84/5 120/12 140/5 140/14 151/3	<b>T's</b> [1] 109/24	<b>thing</b> [5] 37/14 65/3 72/7 85/1 87/7
<b>standing</b> [29] 23/25 30/1 30/12 30/20 30/24 31/5 32/17 34/3 34/3 36/21 38/21 50/15 56/23 64/21 68/15 69/6 69/16 71/11 71/16 89/5 89/10 89/18 91/10 91/15 92/25 120/10 139/24 140/16 147/3	<b>T-shirt</b> [23] 17/12 17/15 18/19 49/16 64/4 64/6 64/7 64/10 70/6 70/9 70/11 70/19 70/21 74/24 110/23 110/25 111/6 111/9 127/7 127/9 127/14 127/17 127/18	<b>things</b> [1] 127/13
<b>start</b> [6] 7/11 11/15 11/18 16/10 21/24 62/9	<b>T-shirts</b> [2] 64/8 110/1	<b>think</b> [27] 15/1 15/17 18/6 29/14 41/25 42/1 44/7 61/24 64/6 65/3 81/6 85/16 86/25 101/11 108/25 125/1 128/13 131/13 131/23 133/5 133/6 133/12 137/13 139/11 144/7 147/1 152/11
<b>started</b> [29] 12/23 13/3 13/4 14/16 20/11 22/1 37/4 37/16 38/19 52/20 64/22 65/19 66/15 67/6 67/8 67/11 80/5 80/6 86/12 86/16 86/17 98/2 98/3 116/1 125/19 131/20 131/22 147/15 148/9	<b>T-Y-U-A-N</b> [1] 121/17	<b>thinking</b> [4] 37/2 42/23 144/8 144/10
<b>starting</b> [1] 80/2	<b>table</b> [4] 14/25 36/25 136/12 136/14	<b>third</b> [4] 36/6 94/22 95/4 95/5
<b>starts</b> [2] 125/2 125/3	<b>take</b> [4] 27/2 27/3 27/7 35/12	<b>this</b> [264]
<b>state</b> [15] 1/7 6/10 8/4 50/14 51/6 56/21 57/16 75/21 77/2 103/25 119/9 121/15 153/3 154/12 154/16	<b>Taken</b> [1] 1/14	<b>those</b> [3] 13/20 29/6 55/8
<b>State's</b> [1] 142/5	<b>talking</b> [7] 15/16 25/25 33/23 33/24 64/21 69/20 114/1	<b>though</b> [2] 100/4 133/6
<b>statement</b> [23] 34/12 44/16 44/19 44/21 45/1 45/14 45/21 45/25 46/6 49/25 56/8 74/16 75/7 93/12 99/25 102/21 118/3 118/5 119/22 143/19 150/16 151/13 151/24	<b>call</b> [6] 17/18 17/19 17/20 83/23 84/2 108/14	
<b>statements</b> [6] 49/24 56/7 75/6 102/20 119/21 151/23	<b>taller</b> [7] 17/22 83/25 84/5 84/8 108/16 108/20 108/22	
<b>Station</b> [2] 16/23 16/24	<b>tan</b> [1] 138/10	
<b>stay</b> [4] 12/19 19/24 27/7 112/14	<b>taped</b> [3] 44/16 44/19 143/18	
<b>stayed</b> [3] 21/10 90/15 90/16	<b>Taylor</b> [3] 113/22 113/23 114/9	
<b>Stenotype</b> [1] 153/7	<b>TDB</b> [2] 150/4 150/9	
<b>step</b> [1] 10/14	<b>team</b> [2] 15/6 107/6	
	<b>television</b> [1] 140/24	
	<b>tell</b> [36] 14/23 17/15 20/13 22/11 31/20 33/15 34/7 41/12 45/3 45/8 45/19 55/15 59/25 60/19 62/13 64/2 68/10 85/15 88/22 89/5 91/13 94/16 94/25 95/5 100/6 109/12 110/10 110/11 110/20 115/4 118/15 125/8 130/14 131/6 132/2 151/2	
	<b>telling</b> [10] 33/17 36/18	

<b>T</b>	trying [6] 31/11 34/4 34/7 116/10 145/2 145/3 tucked [1] 127/24 Tuesday [1] 1/15 turn [2] 40/10 40/17 turned [1] 68/2 turning [1] 14/8 turns [2] 40/14 40/18 TV [11] 24/12 26/8 29/25 30/2 30/5 30/14 30/15 140/2 140/3 140/10 140/18 twelve [5] 19/25 20/20 20/21 58/6 77/16 twice [1] 108/25 two [45] 8/17 11/20 11/25 12/17 12/18 15/2 15/3 22/7 27/17 28/13 28/21 29/6 30/18 36/5 36/7 67/8 67/24 69/15 69/17 70/2 70/4 86/25 87/1 88/17 88/19 94/17 94/19 94/24 101/20 102/5 108/1 109/1 109/2 113/18 114/9 114/12 114/13 114/13 116/3 123/24 123/25 123/25 132/14 132/15 152/16 Tyjuan [5] 121/17 121/22 122/5 140/12 151/16 type [7] 10/8 13/16 81/4 81/5 81/18 84/25 97/18 types [1] 52/2 typically [2] 54/16 54/22	134/5 used [3] 58/18 125/10 125/16 usual [1] 45/6
thought [5] 36/11 36/15 141/11 144/3 144/15 threaten [1] 49/8 three [20] 27/25 28/1 28/2 34/18 35/4 35/21 35/24 45/13 78/8 78/9 79/12 81/22 84/24 90/5 94/15 94/19 113/23 128/13 128/14 152/16 through [5] 26/8 55/11 55/11 55/17 107/4 throughout [4] 12/12 12/19 42/6 81/14 till [1] 149/1 time [56] times [3] 12/20 12/22 62/14 tissue [1] 54/17 Title [1] 154/23 today [14] 6/15 6/19 7/3 7/21 46/4 50/23 57/8 76/17 98/10 98/16 103/17 117/4 121/1 151/15 together [5] 54/18 54/24 94/19 123/1 131/3 told [23] 20/22 22/2 34/10 35/2 35/19 36/13 45/5 45/21 46/1 46/2 48/6 65/17 93/5 93/7 93/13 93/15 100/3 100/12 112/18 118/10 118/13 118/19 144/23 too [6] 34/14 58/18 94/7 131/9 147/2 148/22 took [2] 29/18 153/7 top [1] 73/21 torn [2] 54/22 54/24 total [1] 35/23 touch [2] 34/2 42/21 towards [21] 36/21 36/22 39/14 40/9 41/1 66/15 66/18 67/1 67/4 72/17 113/3 113/4 115/21 116/16 134/4 134/7 135/17 139/6 140/23 141/4 142/12 trajectory [1] 55/16 transcribe [1] 6/6 transcribed [1] 153/10 transcript [3] 1/20 153/12 154/4 transpired [6] 49/23 56/6 75/5 102/19 119/20 151/22 trashed [4] 20/24 20/25 21/2 21/3 trees [4] 39/15 68/9 72/1 72/3 trial [1] 6/19 tried [2] 20/13 67/7 trip [3] 34/5 34/9 34/10 tripping [1] 144/24 true [1] 153/12 truth [39] 7/16 7/17 7/17 8/11 8/11 8/12 45/11 46/1 46/2 50/19 50/20 50/20 51/15 51/15 51/16 57/2 57/3 57/3 57/24 57/24 57/25 76/2 76/3 76/3 77/9 77/9 77/10 103/11 103/12 103/12 104/8 104/8 104/9 120/17 120/18 120/18 121/24 121/24 121/25 truthful [1] 44/20 try [4] 15/4 54/17 116/21 147/19	<b>V</b> V-I-L-L-A-N-U-E-V-A [1] 77/5 VALERIE [1] 2/10 Vegas [5] 1/14 6/1 11/6 123/14 153/14 verbatim [1] 118/8 versus [2] 6/10 54/15 very [2] 151/15 152/9 vicinity [1] 115/7 Victoria [2] 2/19 6/12 view [4] 22/25 23/6 23/19 41/5 Village [1] 123/20 Villanueva [4] 75/22 77/4 77/7 98/25 Villegas [2] 2/19 6/12 VINE [1] 2/12 voice [4] 92/13 92/15 92/16 135/5 voices [3] 92/5 92/7 92/8 VOLUME [1] 1/22	
<b>U</b> uh [11] 80/13 134/6 134/16 136/15 136/17 137/16 137/18 138/15 138/25 143/9 149/13 Uh-huh [10] 80/13 134/16 136/15 136/17 137/16 137/18 138/15 138/25 143/9 149/13 under [16] 34/19 34/20 35/2 35/3 35/4 35/6 35/12 35/13 35/14 35/16 35/17 35/20 35/22 93/6 93/16 153/10 underage [4] 14/9 14/11 82/1 130/1 undergraduate [1] 52/11 underneath [9] 35/8 37/6 48/19 93/24 94/2 94/9 94/11 95/13 111/22 undersigned [1] 154/4 understand [13] 8/2 36/1 50/8 51/4 56/16 57/14 75/15 76/23 103/4 103/23 120/5 121/13 152/7 unique [1] 53/8 University [2] 52/12 52/15 until [3] 19/25 19/25 93/20 up [85] upon [7] 7/15 50/18 52/22 57/1 76/1 103/10 120/16 ups [1] 46/7 upward [1] 55/19 us [34] 9/24 14/23 21/21 22/2 27/2 27/3 27/7 35/22 36/13 36/18 38/16 41/13 49/23 55/15 56/6 59/25 75/5 78/24 85/15 88/22 89/9 91/13 100/12 102/19 110/10 119/20 132/9 140/5 146/20 146/21 147/6 147/6 151/2 151/22 use [9] 7/1 7/24 51/1 57/11 76/20 103/20 121/8 134/2	<b>W</b> Wait [1] 93/7 waiting [1] 26/24 wake [1] 34/15 walk [6] 24/4 37/9 66/15 66/23 67/1 123/19 walked [10] 37/9 59/4 59/5 62/1 66/17 66/18 79/4 98/2 98/3 123/18 walking [7] 42/22 60/21 60/24 66/15 67/4 67/6 67/11 walkway [18] 23/20 39/8 39/11 39/20 40/1 40/2 40/14 40/15 40/16 40/18 40/23 41/7 41/8 69/3 69/4 69/6 97/10 113/5 wall [5] 42/5 42/7 87/7 115/25 123/21 walls [1] 123/22 want [5] 21/7 41/14 69/5 150/12 151/4 wanted [5] 21/6 28/19 28/20 31/2 32/4 was [501] wasn't [23] 28/24 29/1 33/25 33/25 35/6 43/2 44/7 45/11 61/21 94/19 124/10 124/11 126/24 127/10 127/21 127/21 127/22 129/13 132/4 140/18 148/4 148/18 148/19 water [4] 13/21 81/15 81/16 81/20 way [5] 30/15 34/4 40/8 66/19 89/10 we [48] 6/16 6/17 6/23 11/10 12/25 22/1 26/23 26/23 26/24 26/25 28/18 34/18 37/3 37/3 38/18 38/18 38/19 38/21 38/22 76/13 86/19 93/5 93/15 94/13 95/16 103/16 107/5 112/18 113/25 114/10 116/8 120/21 130/19 131/18 131/18 131/19 132/10 132/25 133/2 133/25 146/10 146/11 146/17 147/11 147/14 147/19 147/23 148/9 we'll [2] 7/11 152/11	

<b>W</b>	101/4 107/13 143/8 147/17 150/9 151/12	26/19 66/9 84/4 84/15 106/2
<b>wa're</b> [4] 6/14 6/15 69/20 152/12	<b>wide</b> [3] 38/1 42/20 42/21	
<b>wa've</b> [1] 36/13	<b>wild</b> [1] 20/11	
<b>weapon</b> [21] 6/25 7/1 7/2 7/24 7/25 8/1 51/1 51/2 51/3 57/11 57/12 57/13 76/19 76/20 76/21 103/20 103/21 103/22 121/6 121/9 121/12	<b>will</b> [4] 6/16 6/18 7/4 138/13	
<b>wearing</b> [22] 17/9 17/14 18/16 19/2 64/2 64/3 70/5 70/10 70/11 70/12 70/18 70/19 70/21 72/6 72/21 74/23 83/11 84/24 85/3 101/12 108/3 127/5	<b>WILLIAM</b> [1] 2/16 <b>Williams</b> [1] 11/24	
<b>week</b> [5] 6/17 6/19 62/22 62/23 152/12	<b>window</b> [17] 23/7 23/10 23/10 27/14 27/15 27/16 27/17 27/20 87/3 87/5 87/6 87/15 87/15 87/17 87/20 87/23 88/2	
<b>weighs</b> [1] 18/6	<b>wine</b> [4] 81/5 129/11 129/11 129/13	
<b>weight</b> [1] 18/4	<b>Wisconsin</b> [1] 52/17	
<b>well</b> [28] 12/25 13/13 14/11 14/25 15/8 17/3 17/4 20/7 28/17 37/10 44/1 50/10 67/2 75/17 86/19 91/22 92/11 93/15 103/6 109/13 120/7 125/10 125/18 126/12 142/23 146/4 148/4 152/9	<b>wit</b> [1] 154/13	
<b>went</b> [62]	<b>Without</b> [2] 36/18 38/16	
<b>were</b> [145]	<b>witness</b> [5] 49/3 49/19 56/2 102/9 119/10	
<b>weren't</b> [3] 27/4 131/18 131/19	<b>witnesses</b> [3] 3/1 6/16 152/16	
<b>what</b> [221]	<b>woke</b> [1] 34/15	
<b>what's</b> [8] 16/19 18/4 54/14 61/22 68/25 78/16 84/12 108/9	<b>word</b> [2] 31/19 110/8	
<b>whatever</b> [3] 60/18 64/22 65/19	<b>words</b> [1] 33/24	
<b>when</b> [149]	<b>work</b> [1] 51/22	
<b>where</b> [88]	<b>worked</b> [2] 52/5 52/7	
<b>where's</b> [5] 38/13 146/6 146/6 146/12 146/12	<b>working</b> [1] 52/20	
<b>whereabouts</b> [5] 30/12 41/13 66/14 89/9 142/3	<b>would</b> [12] 12/5 39/12 39/13 39/13 40/2 66/23 87/5 87/24 101/3 101/4 110/8 123/21	
<b>whether</b> [6] 63/21 82/6 86/13 105/18 128/5 128/24	<b>wouldn't</b> [1] 49/18	
<b>which</b> [28] 7/4 10/19 16/12 19/16 23/10 25/19 27/15 43/4 47/1 53/23 74/1 87/25 89/7 96/23 99/7 111/13 117/15 119/6 133/20 136/8 137/7 138/4 138/9 138/23 142/7 143/1 143/2 149/21	<b>wound</b> [11] 53/13 53/21 54/5 54/8 54/10 54/14 54/15 54/20 54/23 54/25 55/22	
<b>while</b> [16] 6/24 7/23 26/24 27/9 50/25 55/13 57/10 73/1 76/18 103/19 110/15 111/20 118/12 121/2 133/13 134/9	<b>wounds</b> [2] 54/16 54/22	
<b>white</b> [31] 17/12 17/14 18/17 18/18 19/8 63/4 64/4 64/5 64/7 64/7 64/9 70/6 70/9 70/11 70/19 70/21 72/6 74/24 83/12 101/12 108/4 109/15 109/24 110/1 110/1 110/23 110/25 111/6 111/9 127/7 127/9	<b>write</b> [9] 47/19 47/21 74/16 79/23 99/18 99/20 117/25 118/3 118/4	
<b>who</b> [52]	<b>writing</b> [6] 63/5 64/10 64/12 71/10 74/15 74/24	
<b>who's</b> [1] 91/18	<b>wrote</b> [8] 47/16 74/13 74/18 99/2 99/25 118/4 118/5 118/8	
<b>whole</b> [14] 7/17 8/11 50/19 51/15 57/2 57/24 76/3 77/9 103/11 104/8 118/24 120/17 121/24 144/25	<b>Y</b>	
<b>whose</b> [2] 25/4 132/6	<b>yeah</b> [167]	
<b>why</b> [9] 44/23 48/15 101/3	<b>year</b> [13] 9/8 12/3 12/4 16/12 50/3 52/17 56/11 75/10 77/22 102/24 119/25 125/20 152/2	
	<b>years</b> [8] 9/15 9/17 12/6 52/7 52/14 78/7 78/9 107/11	
	<b>Yep</b> [1] 151/10	
	<b>yes</b> [425]	
	<b>yet</b> [2] 35/6 35/15	
	<b>you</b> [1000]	
	<b>you're</b> [46] 8/24 9/7 14/11 15/16 19/21 22/19 22/20 25/16 32/19 33/16 35/17 37/24 38/5 43/8 46/3 48/21 63/9 65/7 67/4 68/15 69/7 69/19 77/21 84/12 84/12 84/15 87/12 92/19 96/25 101/7 107/10 113/9 114/3 114/8 116/2 116/10 118/22 119/2 122/13 126/15 129/24 137/11 144/7 145/25 151/5 151/15	
	<b>you've</b> [5] 17/7 62/23 68/15 107/7 107/11	
	<b>younger</b> [1] 125/21	
	<b>your</b> [78]	
	<b>yours</b> [1] 150/14	
	<b>yourself</b> [7] 21/12 26/18	

EIGHTE JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMpaneLED BY THE AFORESAID  
DISTRICT COURT

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
BARRON HAYM,  
Defendant.

**ORIGINAL**

No. 09AGJ035X

0256384

Taken at Las Vegas, Nevada  
Tuesday, July 21, 2009  
1:30 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

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

GRAND JURORS PRESENT ON JULY 21, 2009

DIANE SCHLISMAN, Foreperson  
KATHRYN RILEY, Deputy Foreperson  
LILLIAN SANDOVAL, Secretary  
SHELLEY HOOVER, Assistant Secretary  
CINDY BRECK  
DONNA KLSHER-BROWN  
LOURDES CHILD (Did not deliberate.)  
VALERIE HECKS  
ANDREW HOLLAND  
HAL LA VINE  
KATHRYN MOSFMAN (Did not deliberate.)  
FRANCINE MURPHY  
JEAN PARDEE  
PATRICK RIORDAN  
WILLIAM ROBERTS  
IRENE RODRIGUEZ

**FILED**

**AUG 3 1 57 PM '09**

CLERK OF COURT

Also present at the request of the Grand Jury:  
Victoria Villegas & Sonia Jimenez,  
Deputy District Attorneys

INDEX OF WITNESSES

Examined

JAZMIN FLEMING	6
HEATHER HERNANDEZ	41
MARTIN WILDEMAN	69

INDEX OF EXHIBITS

<u>Grand Jury Exhibits</u>	<u>Identified</u>
3 - PHOTOGRAPH	47
4 - PHOTOGRAPH	38
7 - PHOTOGRAPH	32
8 - PHOTOGRAPH	32
10 - PHOTOGRAPH	24
11 - PHOTOGRAPH	25
12 - PHOTOGRAPH	26
13 - PHOTOGRAPH	27
17 - PHOTOGRAPH	53
23 - PHOTOGRAPH	54
25 - PHOTOGRAPH	54
26 - PHOTOGRAPH	55
28 - PHOTO LINE-UP	71
29 - PHOTO LINE-UP	72
30 - PHOTO LINE-UP	72
31 - PHOTO LINE-UP	72
32 - PHOTO LINE-UP	73
33 - COPY OF PAGE IN YEARBOOK	66
34 - DVD	81

1 LAS VEGAS, NEVADA, JULY 21, 2009

2 \* \* \* \* \*

3 DANETTE L. ANTONIOCI,

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

7  
8  
9 THE FOREPERSON: Let the record reflect  
10 that I have canvassed the waiting area and no one has  
11 appeared in response to Notice of Intent to Seek  
12 Indictment.

13 MS. VILLEGAS: This is the continuation of  
14 State of Nevada versus Barron Hamm, case number  
15 09AG3036. Again for the record my name is Victoria  
16 Villegas. With me is Sonia Jimenez who will be doing  
17 this case with me this afternoon. Our next witness is  
18 going to be Jazmin Fleming.

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

24 THE WITNESS: Yes.

25 THE FOREPERSON: Please be seated.

1 You are advised that you are here today to  
2 give testimony in the investigation pertaining to the  
3 offenses of burglary while in possession of a firearm,  
4 assault with a deadly weapon, murder with use of a  
5 deadly weapon, and carrying concealed firearm or other  
6 deadly weapon, involving Barron Hamm.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

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

11 THE WITNESS: Jazmin Fleming.

12 J-A-Z-M-I-N, Fleming, F-L-E-M-M-I-N-G.

13 THE FOREPERSON: Thank you.

14 JAZMIN FLEMING,

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

18 EXAMINATION

19 BY MS. VILLEGAS:

20 Q. Jazmin, how old are you?

21 A. Nineteen.

22 Q. And do you know an individual by the name  
23 of Jared Fleming?

1 A. Yes.

2 Q. Are you related to Jared Fleming?

3 A. Yes.

4 Q. How are you related to him?

5 A. I'm his sister.

6 Q. And drawing your attention to May 2nd,  
7 2009, were you living at 2675 South Nellis Avenue,  
8 Apartment 1142, here in Las Vegas, Clark County, Nevada?

9 A. Yes.

10 Q. And is the apartment complex known as what?  
11 what is the name of the apartment?

12 A. Safari Apartments.

13 Q. And who else was living at that apartment  
14 with you?

15 A. Me and my two twin boys.

16 Q. Now this is a, how many bedrooms are this  
17 apartment?

18 A. Two.

19 Q. And on this evening of May 2nd did you  
20 allow to have a party at your place?

21 A. Yes, I did.

22 Q. What was the party for?

23 A. For Jared's fifteenth birthday.

24 Q. Is his birthday actually on that day, on  
25 May 2nd?

1 A. No, it's on May 4th.

2 Q. Now were you earlier that, before the party  
3 was going to start -- what time was the party about to  
4 start?

5 A. It was supposed to start nine, 9:30.

6 Q. This is in the evening, right?

7 A. Right.

8 Q. Now prior to that did you take you and your  
9 twin boys somewhere?

10 A. Yeah. That, earlier that afternoon, it was  
11 my little sister's birthday, she was turning two, so  
12 they had like a little party for her at my dad's house  
13 and me and my sons went over there around twelve  
14 o'clock.

15 Q. And is that where Jared lives is with your  
16 dad?

17 A. Yes.

18 Q. Now how far is that from your apartment?

19 A. I would say about five, five, seven minutes  
20 away.

21 Q. All right. And so nobody else was left at  
22 your apartment, right?

23 A. No.

24 Q. Now did there come a time that you went  
25 back to the apartment?



1 A. Yeah, I went back with Jared and I think it  
2 was about three or four of his friends, they were going  
3 back over there to get the little party set up and  
4 everything.

5 Q. And when you went back you left your twins  
6 at your dad's place?

7 A. Right.

8 Q. So approximately what time was it that you  
9 and Jared and his friends arrived at the back at your  
10 apartment?

11 A. We went there around, I think it was seven  
12 o'clock.

13 Q. Do you remember any of his friends that you  
14 drove -- you drove them, right, to your apartment?

15 A. Right.

16 Q. Do you remember any of their names?

17 A. Malique and -- I don't, like the other, I  
18 think there was like two or three, I know my car was  
19 packed, so I didn't know the other names. I've seen  
20 them before, but the only one I knew was Malique for  
21 sure.

22 Q. All right. And so then when you got to  
23 your apartment did you stay there long or did you help  
24 them fix up your apartment?

25 A. I just told them to take the trash out,

1 basically told them the rules and then left.

2 Q. What were the rules that you explained?

3 A. Don't let anybody in my room.

4 Q. Which is your bedroom?

5 A. My bedroom, yes. If they needed --

6 Q. What about the bedroom of your kids' room?

7 A. Right. If they needed to use the restroom

8 that should be the only reason why they should go in  
9 there.

10 Q. So there are two restrooms or bathrooms in  
11 this apartment as well?

12 A. Uh-huh.

13 Q. One is in the bedroom and the other one is  
14 in the kids' room?

15 A. Right.

16 Q. The kids' room, does it have two cribs or  
17 so?

18 A. Yes.

19 Q. Okay. So the only time that they could use  
20 the restroom would be at your kids' room?

21 A. Right.

22 Q. And what else are the other rules that you  
23 have?

24 A. I told them to make sure they stayed inside  
25 the house, don't hang out outside around the stairs,

1 around the other neighbors' doors, and it wasn't  
2 supposed to be, I told them it was only supposed to be  
3 his friends, it wasn't supposed to get out of hand so.

4 Q. All right. Now the apartment is on the  
5 bottom floor?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes. Sorry.

9 Q. Now what time did you leave your apartment  
10 after you told them about the rules and everything?

11 A. Like 7:15.

12 Q. Now prior to leaving the apartment did you  
13 provide any one of them with any type of alcohol?

14 A. No.

15 Q. And did you, was any alcohol brought in  
16 your presence at the party?

17 A. No.

18 Q. Was there any food that was prepared for  
19 the party?

20 A. On the way there we had bought chips and  
21 dip.

22 Q. And that was the only thing --

23 A. That was it.

24 Q. -- that you helped them provide for the  
25 party?

1 A. Uh-huh.

2 Q. Is that yes?

3 A. Yes. Sorry.

4 Q. That's okay.

5 So you left around 7:30 or 7:15 or so and  
6 did you leave by yourself?

7 A. Yes.

8 Q. And you left Jared and his friends over  
9 there?

10 A. Yes.

11 Q. Now did there come a time that you went  
12 back to the party?

13 A. Yes.

14 Q. Approximately what time was it?

15 A. That was around say like when it was  
16 supposed to start, 9:30, that's when I went back and --

17 Q. So you went back around 9:30 or so?

18 A. Yes.

19 Q. And when you went back to your apartment  
20 what was the first thing you observed once you got back?

21 A. First thing I saw was that there was  
22 alcohol.

23 Q. Yeah. So you went in the apartment?

24 A. Yes.

25 Q. First of all was the door open?

1 A. No, the door was closed.  
 2 Q. Okay, so your front door was closed?  
 3 A. Uh-huh.  
 4 Q. Is that yes?  
 5 A. Yes.  
 6 Q. Okay, you went in and you saw alcohol.  
 7 Where was the alcohol that you noticed?  
 8 A. The alcohol, there was beer on the table,  
 9 there was vodka bottles on my counter and juice bottles.  
 10 Q. Okay. Now what about the number of people  
 11 at the apartment?  
 12 A. The number of people, there were five more  
 13 of Jared's friends, my stepsister was there.  
 14 Q. What's her name?  
 15 A. Brandy Colton.  
 16 Q. And then who else?  
 17 A. Heather Hernandez which is her friend and  
 18 three of Heather and Brandy's friends.  
 19 Q. And did you see anybody drinking?  
 20 A. At the time, no.  
 21 Q. What about did you come in contact with  
 22 your brother Jared?  
 23 A. Oh, yeah, I spoke to him, I said why is  
 24 alcohol here, I said no alcohol, it's not supposed to be  
 25 here, and he said oh no, it's not for us, it's for

1 Brandy and Heather. And then being 18 years old, what  
 2 am I really going to say like.  
 3 Q. So they're still underage?  
 4 A. Exactly.  
 5 Q. So when you saw the alcohol, did you smell  
 6 any alcohol on Jared's breath?  
 7 A. No.  
 8 Q. Could you tell if he had been drinking?  
 9 A. No.  
 10 Q. So he acted normal to you?  
 11 A. Yes.  
 12 Q. All right. And so he didn't have any drink  
 13 in his hand?  
 14 A. No.  
 15 Q. At that time around 9:30?  
 16 A. No, not 9:30.  
 17 Q. Did you then confront, as a result of the  
 18 conversation you had with Jared of who brought the  
 19 alcohol, did you then confront Heather and was it  
 20 Brandy?  
 21 A. Yes, I did confront them. I told them, I  
 22 said this is supposed to be a 15, 16 year old little  
 23 boys party, not some party that they go to where they  
 24 just get drunk and everything. And I asked her, I was  
 25 like are you, I was asking them, I said -- oh, what did

1 I just say.  
 2 Q. Oh, I was asking them if they were going to  
 3 be drinking that or taking it somewhere else and they  
 4 said no, we're just going to stay here and watch the  
 5 party. And I said okay.  
 6 Q. So you allowed the alcohol to continue?  
 7 A. Yes.  
 8 Q. Despite the fact they were all underage?  
 9 A. Right.  
 10 Q. Now were you upset at them?  
 11 A. Yes, I was upset and I left right after  
 12 that.  
 13 Q. Okay. And you also showed your anger  
 14 towards Jared for allowing this?  
 15 A. Yes, I did.  
 16 Q. Now, so at that time when you went in there  
 17 around nine, 9:15, 9:30 or so, were they following the  
 18 rules besides the alcohol?  
 19 A. Yes.  
 20 Q. So nobody had gone in your bedroom?  
 21 A. Right.  
 22 Q. And nobody had gone -- well, if people  
 23 needed to use the restroom, the door was open to your  
 24 kids' room, right?  
 25 A. Yes.

1 Q. And approximately how many people were  
 2 there at the party at that time?  
 3 A. At that time 12.  
 4 Q. Twelve or so. Nobody was hanging outside  
 5 the apartment?  
 6 A. No.  
 7 Q. Now when you left, did you come back again?  
 8 A. I came back again at 12:30.  
 9 Q. So past midnight?  
 10 A. Yes.  
 11 Q. And when you went back around 12:30, what  
 12 was the condition or what did you observe?  
 13 A. At that point the party was out of hand.  
 14 Q. Why do you say it was out of hand?  
 15 A. Because there were people outside of my  
 16 apartment, there were people on the stairs, there were  
 17 people that were over the age that should not be hanging  
 18 out with anybody like my brother or even me.  
 19 Q. Okay. And so you noticed these people  
 20 inside your apartment?  
 21 A. Yes.  
 22 Q. And so how many people were there?  
 23 A. Thirty to 35.  
 24 Q. So it's now doubled in size from when you  
 25 left around 9:30 or so?

1 A. Yes.  
 2 Q. And so when you saw all of these people  
 3 inside and outside your apartment, once you got in the  
 4 apartment did you also notice people in the bedrooms or  
 5 so?  
 6 A. Yes, I did.  
 7 Q. Okay. And is that specifically your  
 8 bedroom?  
 9 A. Yes.  
 10 Q. And so what did you do?  
 11 A. I told them to get out of my bedroom and I  
 12 confronted Jared about it and I told him you're not  
 13 supposed to have anybody in there, you know that, and at  
 14 that point I kind of lied and told everyone that the  
 15 police were coming to scare them out of the apartment  
 16 and make them go home.  
 17 Q. All right. Now when you noticed people you  
 18 said that were a little bit older than even yourself --  
 19 A. Yes.  
 20 Q. And you're -- how old are you?  
 21 A. Nineteen.  
 22 Q. So it was how many years older than you?  
 23 A. I'd say, oh, ten, eleven years older than  
 24 me.  
 25 Q. And so you know this, and this person who

1 was a little bit older than you or so, where was, where  
 2 were these people hanging around, which part of your  
 3 apartment?  
 4 A. One was in my room.  
 5 Q. In your room?  
 6 A. Yes.  
 7 Q. Can you describe this individual?  
 8 First of all, this person that was in your  
 9 room, how old was he about?  
 10 A. He looked like he was 30.  
 11 Q. Thirty years old. Okay. Can you describe  
 12 this person that was in his thirties?  
 13 A. He was short, lighter skin, not white but  
 14 lighter skin. He had long hair down his back, tattoos  
 15 all over his body, and he wore a do-rag.  
 16 Q. Okay. And this person, what was his race?  
 17 A. I believe he was mixed, black and white.  
 18 Q. Okay. Now when you saw him then did you,  
 19 was he also one of the people that you kicked out?  
 20 A. Yes.  
 21 Q. And when you kicked him out do you know if  
 22 he was with anybody?  
 23 A. It looked like he was because when he left  
 24 he said something which made I'd say about three or four  
 25 other people leave behind him.

1 Q. Okay. Now as he's leaving the apartment he  
 2 said something to someone and then suddenly three or  
 3 four joined him?  
 4 A. Exactly.  
 5 Q. Okay. These three or four that joined him,  
 6 can you describe one of them?  
 7 A. One was my height.  
 8 Q. Which is -- how tall are you?  
 9 A. 5'6".  
 10 He was 5'6", 5'7", fat, scruffy, facial  
 11 hair, a short 'fro, he had green and yellow design all  
 12 over his shirt.  
 13 Q. What color predominantly was his shirt?  
 14 A. Green and yellow. Oh, white.  
 15 Q. It's white but then had green and yellow  
 16 design on it?  
 17 A. Yes.  
 18 Q. Was the green and yellow design on the  
 19 front or was it also on the back?  
 20 A. It was in the front.  
 21 Q. Just in the front. And then besides him  
 22 can you describe another person that was with him?  
 23 A. There was a tall guy with short dreads, a  
 24 white T-shirt.  
 25 Q. Okay. And anybody else? What about the

1 third guy?  
 2 A. Oh, he was short, white T-shirt, red and  
 3 blue hat with a gold chain.  
 4 Q. And do you know about the fourth guy that  
 5 you saw or could you --  
 6 You don't remember him?  
 7 A. Huh-uh.  
 8 Q. Is that no?  
 9 A. No. I'm sorry.  
 10 Q. All right. So you saw all of them leave  
 11 your apartment?  
 12 A. Yes.  
 13 Q. Now besides those people did everybody else  
 14 left the apartment?  
 15 A. Not everyone. A good amount of them left  
 16 though.  
 17 Q. And so when, and did you come into contact  
 18 with Jared then around when you had come back to your  
 19 apartment?  
 20 A. Yes. I told him that the party was done.  
 21 He had asked me if some of his friends could spend the  
 22 night, I said that's fine.  
 23 Q. Okay. And so then did you smell any  
 24 alcohol on him?  
 25 A. Yes, at this point he was intoxicated.

1 Q. Was he, when you say he was intoxicated,  
2 was he standing normal or no or what?  
3 A. Yes. He wasn't like sloppy drunk but you  
4 could tell.  
5 Q. Sloppy drunk?  
6 A. Like when you're falling over or slurring  
7 your words, but I could smell alcohol on him and he had  
8 a cup in his hand.  
9 Q. So you could tell he had been drinking?  
10 A. Yes.  
11 Q. And he's underage, right?  
12 A. Yes.  
13 Q. You said he asked you if some of his  
14 friends could stay and you said yes. Do you know which  
15 one of his friends were staying or how many were there?  
16 A. I know it was Malique. That's really the  
17 only name I know of his friends. It was about five of  
18 his friends.  
19 Q. Five of his friends were going to be  
20 staying. Were you going to be sleeping over there or  
21 were you going to stay at your dad's house?  
22 A. I was going to stay at my house.  
23 Q. But your kids weren't with you, right?  
24 A. No.  
25 Q. And were they going to stay at your dad's

1 house?  
2 A. Yes.  
3 Q. So now did there come a time that, while  
4 Jared indicated that his friends were going to stay, did  
5 you help in assisting cleaning your apartment?  
6 A. Yes. I started to throw away beer cans,  
7 beer bottles.  
8 Q. Now beer bottles, describe these beer  
9 bottles.  
10 A. They were brown Modelo beer bottles.  
11 Q. Modelo, is that a brand name --  
12 A. Yes, that's the brand name.  
13 Q. How many of these brown beer bottles did  
14 you notice?  
15 A. Three.  
16 Q. Three. Okay. Those are one of those  
17 things that you threw in the garbage?  
18 A. Yes.  
19 Q. Now was any of the girls helping you clean  
20 up as well?  
21 A. My little sister Krista Lundy.  
22 Q. Krista Lundy?  
23 A. Yes.  
24 Q. What about Heather?  
25 A. Heather, she did begin to help too.

1 Q. Now did there come a time that you left the  
2 apartment for now the third time?  
3 A. Yes.  
4 Q. And what was the purpose of leaving the  
5 apartment?  
6 A. I was leaving to go get trash bags to  
7 finish cleaning up.  
8 Q. So trash bags from the store?  
9 A. No, from my dad's house.  
10 Q. Oh, from your dad's house. Okay.  
11 Was anybody with you when you went to get  
12 some trash bags?  
13 A. Yes, Krista Lundy.  
14 Q. Krista. And who was left behind at the  
15 apartment?  
16 A. It was Heather Hernandez, my brother, five  
17 of his friends and that was it.  
18 Q. That was it.  
19 Did you give any instructions before you  
20 left the apartment to go to your dad's house?  
21 A. When I left I told Jared to shut the door  
22 and lock it and don't let anybody else in.  
23 Q. Because the party's over?  
24 A. Yes.  
25 Q. And approximately what time was it that you

1 then left the apartment to go get some trash bags?  
2 A. At that time I'd say it was about, it was  
3 around one, 1:10.  
4 Q. Okay. So around, after one o'clock in the  
5 early morning, right?  
6 A. Yes.  
7 Q. Now to get to your apartment where your car  
8 is parked, is it near your apartment?  
9 A. Yes.  
10 Q. Okay. What is the building number of your  
11 apartment?  
12 A. The building number?  
13 Q. Or building, you know, there is a --  
14 A. A letter?  
15 Q. A letter. Okay.  
16 A. Letter D.  
17 Q. D. And showing you what has been marked as  
18 Grand Jury Exhibit Number 10, first I'm going to show  
19 you and then I'm going to put it up on the plasma, do  
20 you recognize the building on that photograph?  
21 A. Yes.  
22 Q. And is that building, is your apartment  
23 connected to that building?  
24 A. Yes.  
25 Q. And is anywhere near here the walkway to

1 get to your car?  
 2 A. Yes.  
 3 Q. And can you just show us, if you want to  
 4 stand up and just point --  
 5 A. This is the walkway right here to all the  
 6 carports and where my car was parked.  
 7 Q. So your car is parked behind this building,  
 8 right?  
 9 A. Yes.  
 10 Q. So to get there -- is this lighted area  
 11 where your apartment was located?  
 12 A. No, it's further over to the right.  
 13 Q. Okay. So showing you Grand Jury Exhibit  
 14 Number 11, does that show a better area where your  
 15 apartment is?  
 16 A. Yes.  
 17 Q. Okay. So to get to that would be going  
 18 underneath the stairs or so on the bottom and then  
 19 taking this little walkway; is that right?  
 20 A. Yes.  
 21 Q. To get around then to Grand Jury Exhibit  
 22 Number 10 to get to your car, right?  
 23 A. Yes.  
 24 Q. Now on the way over to your car did you see  
 25 some people there that you noticed earlier at your

1 Q. Now how many people did you see in that  
 2 area?  
 3 A. Four.  
 4 Q. Four. And these four people, who were  
 5 these four people? Or did you describe them earlier?  
 6 A. Yes.  
 7 Q. Which ones were they?  
 8 A. The short, light skinned guy.  
 9 Q. You mean the one that was in your bedroom?  
 10 A. Yes.  
 11 Q. Who was much older, like in his thirties?  
 12 A. Yes.  
 13 Q. Him and like his group of friends?  
 14 A. Yes.  
 15 Q. And so they were standing, and I'll give  
 16 you a better photo in Grand Jury Exhibit Number 13, is  
 17 this a better photo of whereabouts they were standing  
 18 outside your apartment?  
 19 A. Yes.  
 20 Q. So did you pass them as you went to the  
 21 carport?  
 22 A. Yes.  
 23 Q. And when you saw them was anything said to  
 24 you?  
 25 A. When me and my little sister Krista Luxly

1 apartment? To get over to your car.  
 2 A. To get over to my car when I was at my car?  
 3 Q. Yeah.  
 4 A. There was these two girls that asked me was  
 5 the party still going on, I told them no, it was over.  
 6 Q. What about any guys, did you see any guys  
 7 on the way over to your car?  
 8 A. When I was leaving there were guys in front  
 9 of my door.  
 10 Q. Your door --  
 11 A. Not in front of my door, on the side of my  
 12 door on the sidewalk.  
 13 Q. On the side of what door, your apartment  
 14 door?  
 15 A. My apartment door.  
 16 Q. Okay. So let me look at Grand Jury Exhibit  
 17 Number 17, no, 12. Do you see your door near in this  
 18 photograph?  
 19 A. Yes.  
 20 Q. Whereabouts were these people that you said  
 21 that you saw?  
 22 A. Right here.  
 23 Q. Okay. So beyond the stairway and then by  
 24 the walkway?  
 25 A. Yes.

1 were walking out, the short guy with the red and blue  
 2 hat asked if he could come with us.  
 3 Q. And did Krista answer that?  
 4 A. Yes.  
 5 Q. Without telling us what the answer was, did  
 6 you and Krista leave those guys back at that, outside  
 7 your apartment?  
 8 A. Yes.  
 9 Q. And so besides this person that was wearing  
 10 the red and blue hat, was anybody else saying anything  
 11 else?  
 12 A. No.  
 13 Q. All right. Now was the chubby guy that you  
 14 mentioned wearing a white shirt with green and yellow  
 15 design, was he also one of those people standing outside  
 16 your apartment?  
 17 A. Yes.  
 18 Q. Now as you walk towards your car, did you  
 19 get in your car?  
 20 A. Yes, I did.  
 21 Q. And upon getting inside your car were you  
 22 able to drive away?  
 23 A. Yes.  
 24 Q. And as you're driving did you hear  
 25 anything?

1 A. No. I had heard, I heard two shots before  
 2 I had gotten in my car.  
 3 Q. Oh, you heard two shots?  
 4 A. Yes.  
 5 Q. So when you heard these two shots, were you  
 6 still outside the car or were you inside the car?  
 7 A. I was still outside the car.  
 8 Q. Outside the car. And so when you heard  
 9 these two shots, what did you do?  
 10 A. I hurried up and got in the car and drove  
 11 off.  
 12 Q. And so, and when you drove off why did you  
 13 drive off?  
 14 A. Because I thought the shots were towards me  
 15 and my little sister.  
 16 Q. And as you were getting in the car and you  
 17 heard these shots, did you see anybody around you that  
 18 you thought would be shooting at you?  
 19 A. No.  
 20 Q. So you just heard the two shots and you  
 21 started to drive towards your dad's house?  
 22 A. Yes.  
 23 Q. And then anybody call anybody?  
 24 A. I called Heather Hernandez and my little  
 25 brother.

1 A. I turned around and headed towards my  
 2 house.  
 3 Q. Your house?  
 4 A. Yes.  
 5 Q. You mean your apartment?  
 6 A. My apartment.  
 7 Q. And you got out of the car?  
 8 A. Yes.  
 9 Q. And was Krista still with you?  
 10 A. Yes.  
 11 Q. And where did you go?  
 12 A. Ran towards my apartment door and they  
 13 pointed me, took me to where he was.  
 14 Q. Now was it far from your apartment?  
 15 A. Yes.  
 16 Q. Is it opposite the direction from where  
 17 your car would have been parked, the carport area, is it  
 18 opposite it?  
 19 A. Yes.  
 20 Q. So if you continue that walkway would you  
 21 then, is that where you found Jared?  
 22 A. Yes.  
 23 Q. Showing you what has been marked as Grand  
 24 Jury Exhibit Number 7, is this the walkway to get over  
 25 towards to where Jared was located?

1 Q. Um-huh. Now did you have a phone in your  
 2 apartment?  
 3 A. No.  
 4 Q. So it's by cell phone?  
 5 A. Yes.  
 6 Q. And so did anybody pick up?  
 7 A. Nobody picked up the phone.  
 8 Q. And finally did you ever reach your dad's  
 9 house?  
 10 A. No.  
 11 Q. Did you turn around?  
 12 A. Yes.  
 13 Q. And did you continue to call Jared's house,  
 14 I mean Jared's phone?  
 15 A. Yes.  
 16 Q. And then at that point did somebody pick up  
 17 the phone?  
 18 A. Yes, a little girl picked up Jared's phone  
 19 and told me that he was shot.  
 20 Q. And as a result of that statement did you  
 21 then go back to your apartment?  
 22 A. Yes.  
 23 Q. And as a result of going back to the  
 24 apartment, did you go straight to your apartment or what  
 25 did you do?

1 A. Yes.  
 2 Q. And then showing you what has been marked  
 3 as Grand Jury Exhibit Number 8, is this the location  
 4 where you found Jared?  
 5 A. Yes.  
 6 Q. And whereabouts was Jared when you saw him,  
 7 which part of the walkway?  
 8 A. He was in the rocks on this side of the  
 9 stairs.  
 10 Q. And is this near the wall that's in the  
 11 photograph?  
 12 A. Yes.  
 13 Q. And when you got to Jared at that area, did  
 14 you see the guys that were originally, that were outside  
 15 your apartment as you and Krista went to your car?  
 16 A. No.  
 17 Q. So you did not see any of them from the guy  
 18 with the short dreadlocks?  
 19 A. No.  
 20 Q. The guy with the red and blue hat?  
 21 A. No.  
 22 Q. Nor the chubby guy with the white T-shirt  
 23 and green and yellow design?  
 24 A. No.  
 25 Q. Now were you ever shown a line-up?

1 You were never shown a photo line-up,  
 2 right?  
 3 A. No.  
 4 Q. Did you ever see a yearbook?  
 5 A. Yes.  
 6 Q. Were you shown a yearbook by whom? Who  
 7 showed you a yearbook?  
 8 A. Detective Bunn.  
 9 Q. Oh, Detective Bunn. So it wasn't --  
 10 Heather never showed you the yearbook?  
 11 A. No.  
 12 Q. So it wasn't until Detective Bunn showed  
 13 you -- was this a Chaparral yearbook, is that what it  
 14 was?  
 15 A. Yes.  
 16 Q. And now -- let's see. When was it that you  
 17 were shown this yearbook?  
 18 A. It was --  
 19 Q. Is it a couple days after?  
 20 A. No, it was that next morning.  
 21 Q. That next morning?  
 22 A. Yes.  
 23 Q. Okay. the next day.  
 24 Now from where Jared was, eventually he was  
 25 taken by ambulance; is that right?

1 Q. Had you given already a statement to the  
 2 police?  
 3 A. Yes.  
 4 Q. And where was the statement, where did you  
 5 give this statement?  
 6 A. The statement was given at Sunrise  
 7 Hospital.  
 8 Q. And do you remember in that statement  
 9 giving an identification of a possible person who may  
 10 have had the gun or a gun and possibly been involved in  
 11 the shooting?  
 12 A. Yes.  
 13 Q. And can you describe what you said or could  
 14 you remember what you told the detective at that time?  
 15 A. I told him that my sister had --  
 16 Q. Well, besides your sister. But then, let's  
 17 see, when you say your sister, which sister?  
 18 A. Krista Lundy.  
 19 Q. Krista. Now besides telling us what -- is  
 20 that what Krista told you or what you saw?  
 21 A. I wasn't there at the shooting so I  
 22 couldn't have seen it. This is what I was told.  
 23 Q. Without telling us what you were told, did  
 24 you give a description of a shooter, even though you  
 25 weren't there but you did give a description; is that

1 A. Yes.  
 2 Q. Was he taken to Sunrise Hospital?  
 3 A. Yes.  
 4 Q. Did you follow him to Sunrise Hospital?  
 5 A. Yes.  
 6 Q. Did you also alert your father about what  
 7 happened to Jared?  
 8 A. Yes.  
 9 Q. Now eventually you said that the detective  
 10 showed you a yearbook. Was it the next day or a couple  
 11 days after?  
 12 A. It was May 3rd, that morning.  
 13 Q. So May 3rd?  
 14 A. Yes.  
 15 Q. Who else was with you when you were shown  
 16 this yearbook?  
 17 A. Nobody else was with me. What had  
 18 happened, what happened was they just put the yearbook  
 19 down and said look for the person that you think, that  
 20 you believe shot Jared. I looked through the yearbook  
 21 and pointed him out.  
 22 Q. Okay. Now when you looked through this  
 23 yearbook, did, is that also the time that you gave a  
 24 statement to the police?  
 25 A. No.

1 right?  
 2 A. Yes.  
 3 Q. And do you remember the description that  
 4 you gave regarding the possible shooter?  
 5 A. Short, chubby, scruffy hair, with yellow  
 6 and green all over his shirt.  
 7 Q. All right. What I'm going to show you is a  
 8 transcript on page 18 and 19. Is this a transcript of  
 9 your statement that has your name at the top?  
 10 A. Yes.  
 11 Q. And in the bottom, what I want you to do is  
 12 read what you had indicated as to who was the one who  
 13 did the shooting and then I'm going to ask you some  
 14 questions after. Okay?  
 15 A. Yeah. I believe he had the gun. That's  
 16 what, that's what we were thinking, that he was the one  
 17 that did the shooting.  
 18 Q. Now did you give the description of what  
 19 the guy was?  
 20 A. Yes.  
 21 Q. And what was that?  
 22 A. That's the guy that I had the confrontation  
 23 with is right there.  
 24 Q. Right. But then you said that, isn't it  
 25 what you said was the guy, the one that did the shooting

1 was the guy with the white T-shirt and the red and blue  
 2 cap; isn't that what you originally told the detectives?  
 3 A. No, I didn't.  
 4 Q. Isn't that what's on the transcript?  
 5 A. This is him asking me the question. I said  
 6 was the one I had the confrontation with? I asked him  
 7 that. And that's the way he -- Yes. No.  
 8 Q. Now where was it that you said about the  
 9 person that was with the guy who possibly had, was the  
 10 shooter, considering, that was in relation to, and the  
 11 guy with the white shirt is the one you believe had the  
 12 gun. No, not, no, that one?  
 13 A. That one, exactly.  
 14 Q. Not that one. You said the one that had  
 15 the gun was eventually this guy with the white T-shirt  
 16 and blue ball cap. Isn't that what you said?  
 17 Now I understand that you weren't there for  
 18 the shooting, but you just thought that the person that  
 19 was the shooter was the guy with the white shirt and  
 20 blue and red ball cap?  
 21 A. Right. Well, after that time my sisters  
 22 had told me supposedly it was.  
 23 Q. Now without telling us what your sister  
 24 told you because, you know, it's hearsay so it's not  
 25 going to be admissible, but do you remember telling the

1 detective that you thought the person who had the gun  
 2 was a guy with a red and blue white cap?  
 3 A. Yes.  
 4 Q. But since you weren't there you wouldn't be  
 5 expected to know who was the shooter, right?  
 6 A. No.  
 7 Q. You said that you just heard the shots; is  
 8 that right?  
 9 A. Yes.  
 10 Q. But you did see these guys outside your  
 11 apartment right before the shooting?  
 12 A. Yes.  
 13 Q. The guy with the red and blue ball cap  
 14 along with a guy with the white T-shirt with green and  
 15 yellow shirt and the dreadlocks?  
 16 A. Yes.  
 17 Q. All right. Now I know it's going to be  
 18 hard, but I am going to have you ask you if you can  
 19 identify this photograph for me.  
 20 I'm showing you what has been marked as  
 21 Grand Jury Exhibit Number 4 and I'm going to ask you if  
 22 you can identify who this person is.  
 23 Are you ready? Can you tell me who this  
 24 person is?  
 25 A. Yes, that's my brother.

1 Q. That's your brother Jared?  
 2 A. Yes.  
 3 MS. VILLEGAS: Thank you. No further  
 4 questions.  
 5 THE FOREPERSON: Any questions?  
 6 By law, these proceedings are secret and  
 7 you are prohibited from disclosing to anyone anything  
 8 that has transpired before us, including evidence and  
 9 statements presented to the Grand Jury, any event  
 10 occurring or statement made in the presence of the Grand  
 11 Jury, and information obtained by the Grand Jury.  
 12 Failure to comply with this admonition is a  
 13 gross misdemeanor punishable by a year in the Clark  
 14 County Detention Center and a \$2,000 fine. In addition,  
 15 you may be held in contempt of court punishable by an  
 16 additional \$500 fine and 25 days in the Clark County  
 17 Detention Center.  
 18 Do you understand this admonition?  
 19 THE WITNESS: Can I leave?  
 20 MS. VILLEGAS: Yeah. Did you understand?  
 21 THE FOREPERSON: Did you understand what I  
 22 said?  
 23 THE WITNESS: Yes.  
 24 THE FOREPERSON: Thank you.  
 25 MS. VILLEGAS: State next calls Heather.

1 Hopefully she's there.  
 2 THE FOREPERSON: Please remain standing and  
 3 raise your right hand.  
 4 You do solemnly swear the testimony  
 5 you are about to give upon the investigation now pending  
 6 before this Grand Jury shall be the truth, the whole  
 7 truth, and nothing but the truth, so help you God?  
 8 THE WITNESS: Yes.  
 9 THE FOREPERSON: Please be seated.  
 10 You are advised that you are here today to  
 11 give testimony in the investigation pertaining to the  
 12 offenses of burglary while in possession of a firearm,  
 13 assault with a deadly weapon, murder with use of a  
 14 deadly weapon, and carrying concealed firearm or other  
 15 deadly weapon, involving Barron Hamm.  
 16 Do you understand this advisement?  
 17 THE WITNESS: Yes.  
 18 THE FOREPERSON: Please state your first  
 19 and last name and slowly spell both for the record.  
 20 THE WITNESS: Heather Hernandez.  
 21 H-E-A-T-H-E-R, H-E-R-N-A-N-D-E-Z.  
 22 THE FOREPERSON: Thank you.  
 23  
 24  
 25 ///



HEATHER HERNANDEZ,

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

EXAMINATION

BY MS. VILLEGAS:

Q. Heather, how old are you?

A. Eighteen.

Q. Did you attend Chaparral High School?

A. Yes.

Q. Did you graduate from Chaparral?

A. Yes, I did.

Q. Do you know an individual by the name of Jared Fleming?

A. Yes.

Q. How long have you known Jared?

A. About seven years.

Q. How did you know Jared?

A. He moved in next door to me when we were little kids.

Q. So your family and his family are next door neighbors?

A. Yes.

Q. So do you know all of Jared's siblings or most of them?

A. Yes.

Q. Did there come a time that you went to Jared's birthday party on May 2nd, 2009?

A. Yes.

Q. Was this at Jazmin's apartment located at the Safari Apartments off of Nellis in Apartment 1142?

A. Yes.

Q. And what time -- how did you get to Jared's apartment?

A. My friend Brandy, his stepsister, drove.

Q. What time was it that you arrived at that apartment?

A. About ten o'clock.

Q. And when you arrived with Brandy anybody else with you?

A. No, just us two.

Q. Just the two of you. Now did you bring any type of alcohol to this party?

A. Yes, me and her brought beer for the beer pong.

Q. For the beer pong. Now you're underage, right?

A. Yes.

Q. And was Brandy also underage?

A. Yes, she's 18 also.

Q. And then Jared is also underage?

A. Yes.

Q. So you knew that you're bringing alcohol to a party with kids that's going to be underage, right?

A. Yes.

Q. So how many, what kind of beer did you and Brandy bring over?

A. Bud Light.

Q. Bud Light. Were these in cans or bottles?

A. Cans.

Q. And do you remember how many cans of beer was in a case or so?

A. It was a 20 case I think.

Q. Twenty case beer. Okay. And just one case?

A. Yes.

Q. And when you got there, was this the first beer that was brought to the party?

A. Yes.

Q. Okay. Did anybody else bring any type of alcohol?

A. Yes, other people as they came brought more beer and other types of liquor.

Q. What are the other types of liquor?

A. Well, I think a case of Miller Lite was brought and then --

Q. Now were these in cans or bottles?

A. I think the Miller Lite was in cans also.

Q. Okay. And besides the Miller Lite and the Bud Light, what else?

A. Barron and his friends brought brown bottles of something.

Q. You refer to a person named Barron. Do you know an individual named Barron?

A. Yes.

Q. What's his last name?

A. Hamm.

Q. Hamm. Now at that time did you know his name?

A. No.

Q. Okay. Did you eventually learn his name from how?

A. I learned his name when I looked him up in my yearbook.

Q. In your Chaparral yearbook?

A. Yes.

Q. Did you, prior to looking at that yearbook had you recognized -- first of all, he showed up at the

1 party?  
 2 A. Yes.  
 3 Q. And you recognized him from Chaparral High  
 4 School?  
 5 A. Yes.  
 6 Q. Now you said that he brought some kind of  
 7 beer. What kind of beer did he bring?  
 8 A. I don't know if it was beer or liquor but  
 9 it was in brown bottles with gold wrapping.  
 10 Q. All right. And how many did he bring  
 11 to -- these were the only bottles that were there that  
 12 night?  
 13 A. They brought like, I think there were like  
 14 six cases that had six in each one and they had a couple  
 15 of those.  
 16 Q. Now besides those, were there any type of  
 17 hard liquor that was at the apartment?  
 18 A. Some, there was a boy there, I didn't know  
 19 his name, but he brought like bottles of vodka I think,  
 20 and him and his friends were drinking them.  
 21 Q. Do you know what jungle juice is?  
 22 A. Like juice mixed with liquor.  
 23 Q. Do you know whether or not this jungle  
 24 juice was mixed with the juice and vodka or so?  
 25 A. Yes, that was mixed in the cooler.

1 Q. yeah.  
 2 A. He's short, kind of fat, he had a scruffy  
 3 beard and short hair.  
 4 Q. So showing you what has been marked as  
 5 Grand Jury Exhibit Number 3, do you recognize this  
 6 person?  
 7 A. Yes.  
 8 Q. And who is this person?  
 9 A. Barron Hamm.  
 10 Q. Okay. Is this how -- does he have a  
 11 scruffy beard on this photograph?  
 12 A. Yes.  
 13 Q. Okay. and is this how his hair style was  
 14 that night?  
 15 A. Yes.  
 16 Q. Now do you recall what he was wearing that  
 17 evening?  
 18 A. He was wearing jeans, dark blue jeans and a  
 19 long white shirt.  
 20 Q. Anything on that white shirt?  
 21 A. Not that I can remember.  
 22 Q. Was he, is he wearing a white shirt on this  
 23 picture?  
 24 A. Yes.  
 25 Q. Is he wearing long blue jeans?

1 Q. In the cooler? Where was this cooler  
 2 located?  
 3 A. In the kitchen.  
 4 Q. Okay. And did you mix those?  
 5 A. No.  
 6 Q. Somebody else did?  
 7 A. Yes.  
 8 Q. And that night were you drinking any type  
 9 of alcohol?  
 10 A. On our game of beer pong that we played the  
 11 one game.  
 12 Q. Just the beer?  
 13 A. Yeah.  
 14 Q. Did you ever drink any type of jungle juice  
 15 or so?  
 16 A. No.  
 17 Q. Besides those, the beer or so, do you know  
 18 if there was any wine or anything that was also there?  
 19 A. Not that I know of.  
 20 Q. Okay. Now you said that Barron Hamm showed  
 21 up. Did he show up by himself?  
 22 A. No, he came with like four other guys.  
 23 Q. And first of all can you describe to us  
 24 what he looked like?  
 25 A. Barron?

1 A. Yes.  
 2 Q. Okay. Is this how he looked that night?  
 3 A. Well, these are like shorts. He was  
 4 wearing jeans that went all the way down.  
 5 Q. So he wasn't wearing these shorts but  
 6 longer pants; is that right?  
 7 A. Yes.  
 8 Q. Was he wearing slippers or was he wearing  
 9 shoes?  
 10 A. I think he was wearing shoes.  
 11 Q. Shoes. Okay.  
 12 Now did he go by himself?  
 13 A. He came with some of his friends.  
 14 Q. Okay. Describe anybody -- how many people  
 15 did you see that was with him?  
 16 A. Like three or four.  
 17 Q. Three or four. And describe, let's say  
 18 one, let's start with the first person that he was with.  
 19 A. One of them was really tall and skinny and  
 20 had like long dreadlocks hair.  
 21 Q. Was this person, what was his race?  
 22 A. He was black.  
 23 Q. Okay. And what about the other guys?  
 24 A. The other guys I didn't really notice what  
 25 they looked like but they were all like black guys.

1 Q. All right. Now how long did Barron Hamm  
2 stay at the party with his friends?  
3 A. They were there for like a half hour when  
4 they first got there because they played a couple games  
5 of beer pong and then they had left and came back at the  
6 end of it.  
7 Q. At the end. When you say the end of it,  
8 what do you mean the end of it?  
9 A. Like the end when we were cleaning up and  
10 making everyone leave.  
11 Q. All right. So did there come a time before  
12 you guys were cleaning that Jazmin -- first of all was  
13 Jazmin there the whole time of the party?  
14 A. She was there the whole time except the  
15 last 20 minutes. I think they left to give people rides  
16 or something.  
17 Q. You don't know what she was doing but they  
18 left the party?  
19 A. Yes.  
20 Q. Do you remember her stopping the party and  
21 saying the party is over?  
22 A. No.  
23 Q. Now you said that, did you see her, Jazmin,  
24 there the whole time at the party?  
25 A. Pretty much the whole time.

1 there.  
2 Q. These are Jared's friends?  
3 A. Yeah. They were like close friends of me  
4 and Brandy and Jazmin.  
5 Q. Do you know their last names?  
6 A. Yes.  
7 Q. Chris what?  
8 A. Chris McCraney and Chris Teel.  
9 Q. Teel?  
10 A. I think.  
11 Q. Okay. How do you spell Teel?  
12 A. T-E-E-L.  
13 Q. Okay. Those were the people that were left  
14 behind at the party?  
15 A. Yes.  
16 Q. Now when you had gotten there were there a  
17 lot of people there around ten o'clock or so?  
18 A. No. Around ten there was just me, Brandy,  
19 Krista, Jazmin, Jared, Dylan, and then about like five  
20 of Jared's younger friends.  
21 Q. Did there come a time that there is now a  
22 lot of people at the party?  
23 A. As the night like progressed more people  
24 came and left but it never got to the point where the  
25 whole apartment was full of people.

1 Q. Pretty much the whole time?  
2 A. Except --  
3 Q. So you never saw her -- you got there  
4 around what time?  
5 A. Ten.  
6 Q. Ten or so. So when you got there at  
7 ten o'clock was Jazmin already there?  
8 A. Yes.  
9 Q. Okay. And you saw her -- about what time  
10 did the party ended?  
11 A. I really don't remember.  
12 Q. All right. Now you said that people were  
13 cleaning up. Were you cleaning up?  
14 A. Yes, I was in the kitchen cleaning up.  
15 Q. You were in the kitchen. And now when you  
16 were cleaning up how many people were helping to clean  
17 up?  
18 A. Probably me and like six other people  
19 maybe.  
20 Q. Six. Do you remember who the six were?  
21 A. Jazmin and Brandy had left, I was there,  
22 Krista was there, I think both of the Chrises were still  
23 there.  
24 Q. Both of the what?  
25 A. Chrises. There are two boys named Chris

1 Q. All right. So then you said that you saw  
2 Barron Hamm playing beer pong with his friends?  
3 A. Yes.  
4 Q. And then eventually he left?  
5 A. Yes.  
6 Q. Did you ever see him dancing at any time?  
7 A. I think I saw him dancing with one of the  
8 girls there.  
9 Q. Was there music playing?  
10 A. Yes.  
11 Q. All right. And when he left, how long  
12 before he came back again?  
13 A. Maybe like an hour and 15 minutes.  
14 Q. An hour and 15 minutes. And during this --  
15 now when he came back an hour and 15 minutes later, by  
16 then were you guys cleaning up then?  
17 A. Yeah, that's when people were cleaning up  
18 and we were trying to clear everyone out.  
19 Q. And was it now to the point, was the front  
20 door locked or closed or something?  
21 A. It was closed but it wasn't locked.  
22 Q. You said that you were in the kitchen area?  
23 A. Yes.  
24 Q. And you were cleaning up in that kitchen  
25 area when you saw him inside the apartment again?

1 Is that yes?  
 2 A. Yes.  
 3 Q. Okay, and this is now the second time  
 4 around, right?  
 5 A. Yes.  
 6 Q. When he came back.  
 7 Do you know what time it was now when he  
 8 came back?  
 9 A. Not really. I want to guess maybe like a  
 10 little bit after midnight, like 12:30-ish.  
 11 Q. All right. So when he came back the second  
 12 time, was he with anybody?  
 13 A. He was alone when he came back.  
 14 Q. He was by himself?  
 15 A. Yes.  
 16 Q. Now you were in the kitchen area. And so  
 17 let me just --  
 18 Did he stay by the doorway --  
 19 A. Yes.  
 20 Q. -- when he came in?  
 21 So first showing you what has been marked  
 22 as Grand Jury Exhibit Number 17, I'll show you that, and  
 23 is this the doorway to the apartment?  
 24 A. Yes.  
 25 Q. When you were standing at the kitchen, what

1 part of, how far in did he go inside the apartment?  
 2 A. He was about like three or four feet in  
 3 from the door.  
 4 Q. Okay. So can you just point, if you stand  
 5 up and use that overhead projector, tell us where he was  
 6 standing.  
 7 A. He was about right here.  
 8 Q. So he was in the carpet area?  
 9 A. Yes.  
 10 Q. So you, when you were in the kitchen, and  
 11 let me just show you the kitchen area which is in Grand  
 12 Jury Exhibit Number 23, can you just show us whereabouts  
 13 you were standing when you saw him come in?  
 14 A. I was standing right here in front of the  
 15 stove.  
 16 Q. So you were inside the kitchen?  
 17 A. Yes.  
 18 Q. So showing you which is marked as Grand  
 19 Jury Exhibit Number 25, is that a better --  
 20 A. Yeah, I was about right here.  
 21 Q. So next to that stove area.  
 22 And then in front of you are all these  
 23 bottles plus, before you could actually see the living  
 24 room and front door area, right?  
 25 A. Yes.

1 Q. Okay. And showing you Grand Jury Exhibit  
 2 Number 26. So in looking at this photo, now is this a  
 3 photo from where the doorway is towards that kitchen?  
 4 A. Yeah, this would have been like how he  
 5 would have been like looking if he was standing right  
 6 there.  
 7 Q. So Barron Hamm's position as he's looking  
 8 towards your kitchen?  
 9 A. Yes.  
 10 Q. And so you're behind this counter next to  
 11 that stove area?  
 12 A. Yes.  
 13 Q. Okay. Have a seat.  
 14 And when you saw him you said he was just  
 15 by himself?  
 16 A. Yes.  
 17 Q. Was anybody else with you in the, let's  
 18 start off in the kitchen area?  
 19 A. No.  
 20 Q. Okay. Was anybody else in the living room  
 21 area?  
 22 A. I think there still was a couple people.  
 23 Q. Couple people. Do you know if Jared was  
 24 one of those people?  
 25 A. I think from what I remember he was still

1 in the house.  
 2 Q. In the house. But could you tell if he was  
 3 in the living room area? Was he with you in that area?  
 4 A. He wasn't with me. Like I was just trying  
 5 to clean up. So I think he was trying to get people out  
 6 like telling everyone it was over.  
 7 Q. So could you tell where was, did you see  
 8 Jared in that area when Barron Hamm showed up?  
 9 A. No.  
 10 Q. You don't remember?  
 11 A. No.  
 12 Q. Okay. What happened when Barron Hamm  
 13 showed up?  
 14 A. He came in and we were telling him like oh,  
 15 it's over.  
 16 Q. You said we. Who is we?  
 17 A. Like I told him like oh, it's over and I  
 18 kept cleaning up, and he was still in there and Krista  
 19 was like oh, you've got to go, it's over now.  
 20 Q. So Krista was there as well?  
 21 A. Yeah.  
 22 Q. Where was Krista standing or sitting or  
 23 where was she?  
 24 A. I don't remember where she was. I just  
 25 remember like I could know her voice when she --

1 Q. So you heard her voice?  
 2 A. Yes. And music was still going.  
 3 Q. But you were busy cleaning as well?  
 4 A. Yes.  
 5 Q. So you just heard Krista's voice saying the  
 6 party is over?  
 7 A. Yeah. I heard like various people telling  
 8 him like to leave because the only people that stayed  
 9 were the ones that were helping.  
 10 Q. Could you tell from one of those voices  
 11 being Jared?  
 12 A. I don't remember hearing his voice at all.  
 13 Q. So then do you continue then cleaning up?  
 14 A. Yeah. Well, we kept cleaning and like we  
 15 were all telling him like you need to leave and he kept  
 16 saying like oh, everyone needs to calm down, calm down.  
 17 Q. That's what he said?  
 18 A. Yeah, that's what he was yelling.  
 19 Q. So did he at any time move a little bit  
 20 closer or did he stay in that position near that  
 21 doorway?  
 22 A. He stayed in that area.  
 23 Q. And then at that point what did you see?  
 24 A. He kept saying like calm down, calm down,  
 25 and he reached like to his waist where his jeans were

1 and he pulled out a gun from there.  
 2 Q. Okay. You said he pulled out a gun. Was  
 3 it from his right hand or left hand?  
 4 A. It was from his right hand.  
 5 Q. When he pulled out this gun can you  
 6 describe this gun that he pulled out?  
 7 A. It was black and it had like the barrel  
 8 that spins.  
 9 Q. The barrel that spins in it? Like a  
 10 revolver, is that what it is?  
 11 A. I think so. It was small too.  
 12 Q. It's a small gun? How small? Like the  
 13 size of your hand?  
 14 A. The size of his hand.  
 15 Q. His hand?  
 16 A. About.  
 17 Q. Okay. So when he pulled it out what did he  
 18 do with this gun?  
 19 A. He pulled it out and he put it in the air  
 20 when he was saying everyone calm down.  
 21 Q. So the minute he said calm down he already  
 22 had the gun out?  
 23 A. Yeah. Well, he was saying calm down before  
 24 he pulled it out.  
 25 Q. Okay.

1 A. And he pulled it out and kept saying it.  
 2 Q. Okay. So he said calm down, then he pulled  
 3 it out?  
 4 A. Yeah.  
 5 Q. And says calm down. And at that point did  
 6 you leave the kitchen area?  
 7 A. No, I just, I stood there and I was  
 8 looking, because I didn't know if it was real or what he  
 9 was going to do.  
 10 Q. What about the other people that you saw?  
 11 Were there anybody that ran out or exited or anything?  
 12 A. As soon as he put it in the air everyone  
 13 like ran into bedrooms and ran like out the porch and  
 14 all that.  
 15 Q. So bedrooms as in there are two bedrooms?  
 16 A. Yeah.  
 17 Q. So people were running in both bedrooms?  
 18 A. People ran into bedrooms and like laid down  
 19 under the table and all that.  
 20 Q. And you're the only one left standing in  
 21 the kitchen area?  
 22 A. Yes.  
 23 Q. You didn't move from there?  
 24 A. No.  
 25 Q. And what did he do after you were watching

1 this: what happened next?  
 2 A. He raised it, and I don't know if Jared was  
 3 already on the porch or in the living room, but Jared  
 4 ran like away from the porch.  
 5 Q. So you saw him running away?  
 6 A. Yeah, he ran away from the porch. A lot of  
 7 people ran outside as soon as he put the gun up and  
 8 Jared was one of those people.  
 9 Q. Do you remember besides Jared running out  
 10 to the porch area who else ran?  
 11 A. I don't remember who else ran.  
 12 Q. So when you saw Jared running outside how  
 13 did he get past Barron Hamm?  
 14 A. Well, I think he was already on the porch  
 15 because there were still people outside and I think  
 16 Jared was on the porch already. Like when he put it up  
 17 I really didn't look at nobody else, I just stared at  
 18 the gun to see where he was going to put it at, and the  
 19 people who ran out the porch, I think that like focused  
 20 his attention there because that's when he turned.  
 21 Q. So you noticed people in the porch area?  
 22 A. Yeah.  
 23 Q. You saw some people leaving by heading  
 24 towards the porch area; is that what you're saying?  
 25 A. Yeah.

1 Q. And then when he already had the gun up in  
2 the air, there's already some people running out of the  
3 door towards the porch area?

4 A. Yeah, as soon as he put it in the air is  
5 when everyone ran.

6 Q. And then you said, what did he do as he, as  
7 he pointed the gun up in the air, what did he do?

8 A. As soon as the people ran out the porch he  
9 turned towards the people on the porch.

10 Q. So he turned to the left or to the right?

11 A. He turned to the left.

12 Q. To the left. And now he still has his hand  
13 up in the air?

14 A. No, he like lowered it.

15 Q. So he lowered the gun. Was he still in the  
16 apartment when he was still pointing that gun?

17 A. Yes.

18 Q. And you could still see that from the  
19 kitchen area?

20 A. Yes, he was still inside.

21 Q. He was still inside the apartment. And  
22 then at that point what did you observe?

23 A. He fired two shots.

24 Q. So from the inside of the apartment he  
25 fired two shots?

1 A. Yes.

2 Q. And then when he fired two shots did you  
3 hear anymore shots?

4 A. No, he fired two and then as soon as those  
5 went off he ran out of the apartment.

6 Q. And you didn't hear anymore shots after  
7 that?

8 A. No.

9 Q. Now did you follow him outside?

10 A. No. As soon as he left everyone came out  
11 the room and my little brother came up to me, Dylan, and  
12 he said Jared went outside, we've got to go find Jared.  
13 So that's what our small --

14 Q. So as a result of what Jared told you  
15 that's when you went outside?

16 A. That's when -- my brother Dylan.

17 Q. Yeah, your brother Dylan told you that, is  
18 that when you then went outside?

19 A. That's when we went outside. Because we  
20 made sure everyone inside was cool. And he's like  
21 Jared's outside, Jared's outside. So we all went  
22 outside to look for him.

23 Q. Did you find Jared?

24 A. Yes.

25 Q. Was he far from the apartment?

1 A. He was like 20 feet away from it.

2 Q. And when you saw him what was Jared doing?

3 A. He was laying on his back.

4 Q. Laying on his back. And who was the first  
5 one that went up to reach to Jared?

6 A. I was the first one.

7 Q. Okay. You did. Was he still, were you  
8 talking to him?

9 A. When he was laying there I kneeled down  
10 next to him and his shirt was wet so I lifted it up and  
11 I saw the hole over his chest.

12 Q. Whereabouts was the hole over his chest?

13 A. It was on the left side, like right over  
14 his heart.

15 Q. And did you, and as you did that what  
16 happened?

17 A. I lifted it up and then, because like his  
18 eyes and mouth is open and I was yelling at him like  
19 saying Jared hold on, and I kept yelling at him, and I  
20 remember one time I shook his arms and I said Jared,  
21 hold on, and he coughed like he was gasping for air and  
22 he did that twice. And then a man came down who lived  
23 in the apartments and asked if we needed help and we  
24 said yeah and he called 911.

25 Q. So he had a cell phone and called 911 right

1 then and there?

2 A. Yeah.

3 Q. Were you still holding onto Jared?

4 A. I was holding onto him and we were like  
5 panicking, we didn't know what to do, me and two guys  
6 tried to pick him up and carry him to the front, we got  
7 like two feet and sat him back down.

8 Q. So when you took him up to carry him  
9 two feet were you still in the rocks area?

10 A. Yes, he just went like two feet down from  
11 where he was but still in the rocks.

12 Q. So he was still near the wall?

13 A. Yes.

14 Q. And then did help eventually arrive?

15 A. First the cops came and when they got there  
16 I wasn't standing by Jared anymore, but he told us  
17 that -- Jazmin had came back when the cops got there and  
18 Jazmin was next to him, and the cop told her to put  
19 pressure on it, and she yelled somebody go get me a  
20 towel but no one responded, so I had like an overshirt  
21 and I took it off and gave it to her and she put it on  
22 his chest until the ambulance came.

23 Q. Did you eventually follow him to Sunrise  
24 Hospital?

25 A. Yes. We left and we dropped off two of my

1 friends that were there and I went back to their house,  
2 to Brandy's house.

3 Q. So who were the two friends that you  
4 dropped off?

5 A. We dropped off Jessica and Karen.

6 Q. Jessica, what's her last name?

7 A. I don't know her last name.

8 Q. Karen, do you know her last name?

9 A. No.

10 Q. And so, and did you eventually heard the  
11 news about Jared then that night?

12 A. Well, I went back to Jared's house because  
13 they needed me to watch the little girls while his  
14 parents left and then Krista's mom picked me up from  
15 there and said that they needed me to fill out reports  
16 and all that so we went to the hospital and we were  
17 there for a couple hours until they told us.

18 Q. What happened to Jared?

19 A. Yeah, they told us like six in the morning.

20 Q. You said you then went home to look at your  
21 yearbook?

22 A. Yeah. I went home and when I went home I  
23 went to sleep and when I got up like I thought like oh,  
24 I should look in my yearbook, and that's when I started  
25 looking for his picture.

1 Q. And so did you then how did you tell the  
2 police about this yearbook?

3 A. Well, I called Brandy and she told her mom  
4 and her mom called the detectives.

5 Q. Okay. And Brandy is?

6 A. His stepsister.

7 Q. Stepsister. And his mom is, which mom, her  
8 mom or Jared's mom?

9 A. Her mom.

10 Q. And eventually did you then meet up with  
11 the detective?

12 A. Yes.

13 Q. And was this, where did you meet up with  
14 the detective regarding this yearbook?

15 A. At Jared's house.

16 Q. Which is next door to you?

17 A. Yes.

18 Q. And then you then give the detective this  
19 yearbook?

20 A. Yes.

21 Q. And I'm going to show you what has been  
22 marked as Grand Jury Exhibit Number 33. Is this a copy  
23 of the page of that yearbook that you showed to the  
24 detective?

25 A. Yes.

1 Q. And in this -- and I'm going to put this up  
2 here. Can you just point to where it was that you  
3 identified the person that you saw with the gun in the  
4 early morning hours on May 3rd, 2009 at Jazmin's  
5 apartment?

6 A. And that's why you looked at the name and  
7 you saw Barron Ham?

8 A. Yes.

9 Q. So at that time you didn't know his name,  
10 right?

11 A. No.

12 Q. So as a result of seeing his picture that's  
13 when you got his name?

14 A. Yes.

15 Q. And you told that to the detectives?

16 A. Yes.

17 Q. All right. And you were never shown any  
18 photo line-up; is that right?

19 A. No.

20 MS. VILLEGAS: Okay. No further questions.  
21 Pass the witness.

22 THE FOREPERSON: No questions.

23 By law, these proceedings are secret and  
24 you are prohibited from disclosing to anyone anything  
25 that has transpired before us, including evidence and

1 statements presented to the Grand Jury, any event  
2 occurring or statement made in the presence of the Grand  
3 Jury, and information obtained by the Grand Jury.

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

10 Do you understand this admonition?

11 THE WITNESS: Yes.

12 THE FOREPERSON: Thank you for your  
13 testimony. You are excused.

14 MS. JIMENEZ: We have one more witness.

15 It's going to be Detective Wildemann and if you'll give  
16 me a moment to set up the laptop and then I'll go get  
17 him.

18 THE FOREPERSON: Please remain standing and  
19 raise your right hand.

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

24 THE WITNESS: I do.

25 THE FOREPERSON: Please be seated.

1 You are advised that you are here today to  
2 give testimony in the investigation pertaining to the  
3 offenses of burglary while in possession of a firearm,  
4 assault with a deadly weapon, murder with use of a  
5 deadly weapon and carrying a concealed firearm or other  
6 deadly weapon, involving Barron Hamm.

7 Do you understand this advisement?

8 THE WITNESS: Yes, I do.

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

11 THE WITNESS: Martin Wildemann.

12 M-A-R-T-I-N, W-I-L-D-E-M-A-N-N.

13 THE FOREPERSON: Thank you, sir.

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

22 EXAMINATION

24 BY MS. JIMENEZ:

25 Q. Sir, how are you currently employed?

1 A. With the Las Vegas Metropolitan Police  
2 Department.

3 Q. In what capacity?

4 A. I'm a homicide detective.

5 Q. How long have you been working as a  
6 homicide detective?

7 A. Seven and a half years.

8 Q. How long total have you been with Metro?

9 A. Twenty-one and a half years.

10 Q. Were you working as a homicide detective  
11 then on May 3rd of 2009?

12 A. Yes, I was.

13 Q. And in the early morning hours of that date  
14 did you respond to a crime scene at 2675 South Nellis,  
15 Apartment 1142?

16 A. Yes, I did.

17 Q. And that's here in Las Vegas, Clark County,  
18 Nevada?

19 A. Yes, it is.

20 Q. Were you assigned to investigate the  
21 homicide or the death that had occurred at that  
22 location?

23 A. Yes, I was.

24 Q. Were there interviews that were conducted  
25 with various witnesses?

1 A. Several.

2 Q. Based on those interviews did you identify  
3 a suspect by a nickname?

4 A. Yes.

5 Q. What was the nickname that you learned?

6 A. Burger or Burger B.

7 Q. Were you able to identify Burger B's real  
8 first and last name?

9 A. Yes, we were.

10 Q. And what were those names?

11 A. Barron Hamm.

12 Q. And based on identifying Burger B as Barron  
13 Hamm, did you conduct various photo line-ups with  
14 witnesses in the case?

15 A. Yes.

16 Q. And showing you Grand Jury Exhibit 28, and  
17 turning to the second page, can you identify where  
18 Barron Hamm is located in that photo line-up?

19 A. Would you like me to point to it?

20 Q. Yes, please.

21 A. He is located right there and there are the  
22 initials MH underneath it.

23 Q. So it's in the bottom left hand position,  
24 his picture?

25 A. Yes.

1 Q. Showing you Grand Jury Exhibit 29 which is  
2 the photo line-up with Austin Childs and turning to the  
3 second page, can you identify where Barron Hamm's  
4 picture is located in that photo line-up?

5 A. Yes, I can, on the left center.

6 Q. Again there are initials written there?

7 A. AC is initialed right next to it.

8 Q. Showing you Grand Jury Exhibit Number 30,  
9 the photo line-up with Tyjuan Bell, going to the second  
10 page, where is Barron Hamm's photograph located in that  
11 photo line-up?

12 A. The lower left.

13 Q. And showing you the Grand Jury Exhibit 31,  
14 do you recognize this as the photo line-up conducted  
15 with Bernard Byrum?

16 A. Yes, I do.

17 Q. I want to draw your attention to the center  
18 of that photo line-up, is that your handwriting there in  
19 the center underneath statement?

20 A. That is my handwriting. I asked him after  
21 the line-up asked him his feelings, he expressed them to  
22 me but wasn't writing them down, so I wrote them down  
23 for him. After I did so I asked him is this what you  
24 said and what you meant, he replied yes, and I initialed  
25 it.



1 Q. So you had written that at his request?  
 2 A. Yes.  
 3 Q. And those are his words that you had  
 4 written?  
 5 A. Yes.  
 6 Q. And then is that Bernard's signature at the  
 7 middle underneath the instructions?  
 8 A. Yes, it is.  
 9 Q. And also did he also sign it at the bottom?  
 10 A. Yes, he did.  
 11 Q. Did he sign it after you had written that  
 12 middle portion?  
 13 A. Yes, he did.  
 14 Q. And turning to the second page of Grand  
 15 Jury Exhibit 31, where is Barron Hamm's picture located  
 16 in that photo line-up?  
 17 A. Lower left.  
 18 Q. And lastly showing you Grand Jury  
 19 Exhibit 32, do you also recognize that photo line-up?  
 20 A. Yes, I do.  
 21 Q. Is that the one that was conducted with  
 22 Michael Villanueva?  
 23 A. It is.  
 24 Q. And in the middle of the page there is some  
 25 writing underneath statement.

1 A. Once again I asked him how he, to express  
 2 himself during, after the photo line-up he did, he  
 3 wasn't writing it down, I wrote it down and asked him is  
 4 this what you said, he said yes, and I again initialed  
 5 it.  
 6 Q. And again he signed it at the middle and  
 7 the bottom of the page?  
 8 A. Yes, he did.  
 9 Q. And that was after you had written what was  
 10 in the middle?  
 11 A. Yes.  
 12 Q. And turning to the second page of that  
 13 exhibit, where is Barron Hamm's photograph located in  
 14 that photo line-up?  
 15 A. Lower left.  
 16 Q. Okay. And after the photo line-ups were  
 17 conducted did you conduct further investigation into  
 18 Barron Hamm as the suspect?  
 19 A. Yes, we did.  
 20 Q. And did part of that include obtaining a  
 21 search warrant for Barron Hamm's residence?  
 22 A. Yes.  
 23 Q. And was that signed by a judge?  
 24 A. Yes, it was.  
 25 Q. And did you serve that search warrant at

1 3391 Florrie, that's F-L-O-R-R-I-E-E, Avenue?  
 2 A. Yes, on the evening of the 3rd.  
 3 Q. Was Barron Hamm present at the house when  
 4 you served the search warrant?  
 5 A. No, he was not.  
 6 Q. What were you looking for in that search  
 7 warrant?  
 8 A. We were looking for firearm, firearm  
 9 evidence or clothing.  
 10 Q. And did you locate any of the evidence that  
 11 you were looking for?  
 12 A. No, we did not.  
 13 Q. After the service of the search warrant on  
 14 May 4, 2009, did there come a time when you conducted an  
 15 interview with Barron Hamm?  
 16 A. Yes.  
 17 Q. Can you describe how that came about?  
 18 A. We were at our office and we were  
 19 contacted, we being my partner Chris Bunn and myself, I  
 20 was right there, I was contacted by a gentleman who  
 21 identified himself as Barron Hamm's uncle. He said that  
 22 he had Barron Hamm with him and that Barron Hamm wanted  
 23 to speak with us, make a statement, and that he would  
 24 bring him to our office, which he did.  
 25 Q. So he did in fact bring Barron Hamm to your

1 office?  
 2 A. Yes, with several family members.  
 3 Q. And once he was down at your office did you  
 4 take Barron Hamm to an interview room to be interviewed?  
 5 A. Yes.  
 6 Q. Was he handcuffed at all during that  
 7 interview?  
 8 A. No, not at all.  
 9 Q. Was he free to leave at any time?  
 10 A. Yes.  
 11 Q. At the time that you initially began  
 12 speaking with him was he in the interview room by  
 13 himself along with yourself and your partner Detective  
 14 Bunn?  
 15 A. Yes.  
 16 Q. Was he given, offered water and given the  
 17 chance at bathroom breaks?  
 18 A. Yes, absolutely.  
 19 Q. Did you in fact tell him he could leave at  
 20 any time?  
 21 A. Yes.  
 22 Q. Was he in custody at that point?  
 23 A. No.  
 24 Q. When you first began speaking with Barron  
 25 Hamm did you tell him what you were investigating?

1 A. Yes.

2 Q. And did he tell you where, did he -- I'm

3 sorry. Let me back that up.

4 Did you ask him questions then about what

5 you were investigating, the shooting and the homicide of

6 Jared Fleming?

7 A. Yes.

8 Q. And what if anything did he tell you

9 initially?

10 A. Initially he told us that, or told me that

11 he did indeed go to the party, it was later in the

12 evening, that he went by himself. He stated that he was

13 there, he was dressed in a plain white T-shirt, that he

14 had danced for a bit, he wasn't drinking, he wasn't

15 playing the alcohol drinking game beer pong that was set

16 up there, and that he went outside for a cigarette and

17 when gunshots were heard he ran straight home.

18 Q. Did he say whether he had seen who had done

19 the shooting?

20 A. He stated he had not seen who had done the

21 shooting.

22 Q. Did he tell you what time he arrived back

23 home?

24 A. He may have. I'm sorry, I don't recall

25 that. I think it was around one a.m. I believe.

1 happened he had ran all the way home and he had not seen

2 who did the shooting.

3 Q. Did you confront him with the fact that

4 witnesses had identified him as doing the shooting?

5 A. Yes.

6 Q. What was his response to that?

7 A. It wasn't him, he didn't do it.

8 Q. Did he say whether or not he had seen

9 anyone with a gun that night?

10 A. Eventually he said that he believed his

11 friend Shorty had a gun. And he did say that to us.

12 Q. So you said eventually. Initially did he

13 deny knowing that anyone had a gun or seeing a gun?

14 A. Yes.

15 Q. And eventually he said his friend Shorty

16 had a gun?

17 A. He believed Shorty had a gun.

18 Q. As the interview went on at one point did

19 you offer to bring his mother up to the interview room?

20 A. Yes, I did.

21 Q. Did you in fact do that?

22 A. Yes.

23 Q. Was there a portion of time when both you

24 and Detective Bunn were in the room along with Barron

25 Hamm and his mother?

1 Q. Okay. Would eleven or 11:30 sound correct?

2 Did he indicate he had gotten home earlier in the

3 evening than the actual shooting took place or do you

4 recall?

5 A. I don't recall. I'm sorry.

6 Q. After he initially told you this version of

7 events, did you speak with him further about what had

8 happened?

9 A. Yes, we furthered the interview.

10 Q. And did he then give another rendition of

11 what happened?

12 A. Yes. Eventually he told us that he had

13 gone to the party with some friends, that he was wearing

14 a shirt with some writing on it, he said that he ended

15 up once again there, had a wine cooler I believe, then

16 he changed that to a beer, a Bud Light in the can, which

17 we had found Bud Lights in the cans there, he stated

18 that a friend of his got into an argument with one of

19 the females at the party and he ended up going back into

20 the residence there to get his friends. His friends,

21 some of his friends were still in the residence and that

22 he went back, knocked on the door to get them out.

23 Q. And then what did he say about when the

24 shooting happened?

25 A. Once again he said when the shooting

1 A. Yes.

2 Q. And at some point did you and Detective

3 Bunn leave the room?

4 A. Yes, I exited the room and allowed them to

5 speak.

6 Q. Now during the course of this interview was

7 this interview video and audio recorded?

8 A. Absolutely.

9 Q. And was the entirety of the interview so

10 recorded?

11 A. Yes.

12 Q. And at the time that you and Detective Bunn

13 left the room did the recording continue while Barron

14 Hamm and his mother were present in the room?

15 A. Yes.

16 Q. Where did you go when you left the room and

17 you left Barron Hamm and his mother present in the room?

18 A. Well, there is an observation room where

19 all the equipment is set up and I went into that room

20 which was occupied by some other detectives and some

21 supervisors.

22 Q. And from that room were you able to watch

23 what was transpiring in the room between Barron Hamm and

24 his mother?

25 A. Yes.

1 Q. At the time that they were in there by  
2 themselves, was there a point in time when they lowered  
3 their voices to speak?  
4 A. Yes.  
5 Q. And was that throughout the whole time they  
6 were by themselves or just during certain portions of  
7 what they were saying?  
8 A. Certain portions.  
9 Q. Now prior to coming in here to testify  
10 today did you have the chance to watch a CD that is a  
11 clip of just a portion of the interview?  
12 A. Yes, I did.  
13 Q. Does that clip show the portion where the  
14 defendant's mother was brought into the room with you  
15 and Detective Bunn as well as when you exited and the  
16 defendant and his mother were present alone in the room?  
17 A. Yes, it did.  
18 Q. And the clip is approximately ten minutes  
19 long; is that fair to say?  
20 A. Yes, ma'am.  
21 Q. And I'm going to show you Grand Jury  
22 Exhibit 34. Do you recognize this DVD?  
23 A. I sure do.  
24 Q. Does that have your initials on it?  
25 A. Yes, it does.

1 back.  
2 Okay. So during the first part of the  
3 interview or the video that was just shown when you're  
4 present in the room and mom is present in the room, the  
5 defendant continues to tell the story about how he  
6 didn't do the shooting, he was outside smoking a  
7 cigarette, heard the shots and ran home; correct?  
8 A. Correct.  
9 Q. And then you leave the room and then the  
10 defendant and his mother are alone in the room?  
11 A. Correct.  
12 Q. And they begin talking in lower voices; is  
13 that fair to say?  
14 A. Yes.  
15 Q. And at that time then the defendant says  
16 something different to his mom in a lowered voice;  
17 correct?  
18 A. Yes.  
19 Q. And what does he say?  
20 A. He said "I did shoot that boy though, I did  
21 do that." He says "I shot him and I got scared and  
22 ran."  
23 Q. And that's what we heard just a few moments  
24 ago on the video; correct?  
25 A. Yes.

1 Q. Why did you initial that?  
2 A. Just to acknowledge that that's the clip of  
3 the interview that I looked at.  
4 Q. Is this a fair and accurate copy of that  
5 portion of the interview?  
6 A. Yes, it is.  
7 MS. JIMENEZ: And we're going to play that  
8 at this time.  
9 THE FOREPERSON: Can you put the microphone  
10 up close to the speaker so we can maybe hear some of  
11 that.  
12 (Video played.)  
13 MS. VILLAGEAS: I'm going to pause it for a  
14 moment and I'm going to ask you to step around just for  
15 the moment.  
16 Q. If you can, point to where Barron Hamm is  
17 in that video.  
18 A. Barron Hamm is seated at the table right  
19 there. This is his natural mother Wanda Clark and that  
20 is me standing at the right side of the screen and then  
21 Detective Bunn is seated and his head is hidden from  
22 view just right behind Mrs. Clark.  
23 Q. We're going to move the laptop a little bit  
24 further.  
25 Okay. You can go ahead and take your seat

1 Q. And then after that they raise their voices  
2 again; correct?  
3 A. Yes.  
4 Q. And does the defendant continue denying  
5 having done the shooting in a normal tone of voice?  
6 A. Yes.  
7 Q. Now at the conclusion of the mom being  
8 allowed to speak with Barron Hamm, is she then taken  
9 from the room?  
10 A. Yes.  
11 Q. And what happens to Barron Hamm after that?  
12 A. He's placed under arrest for murder and  
13 transported to the Clark County Detention Center.  
14 Q. I want to ask you about during the  
15 interview when the mom is present, you had talked about  
16 an accidental discharge. Can you explain what you were  
17 doing when you were saying that to Barron Hamm and his  
18 mother?  
19 A. Well, part of an interview, especially if  
20 you're interviewing somebody that, I mean we had several  
21 witness statements that led us to believe that Barron  
22 Hamm was the shooter and that's how we felt, part of my  
23 interview tactics at that point is to get him,  
24 especially since he's totally denying ever shooting or  
25 ever being in the room when the shooting took place is

1 to get him to admit that, I gave him what I like to call  
2 an out or an explanation, what I said was possibly an  
3 accidental discharge took place in which he's holding  
4 the gun and it accidentally fires or goes off.

5 Q. And is that, so that's an interview tactic  
6 that you use during the interview; correct?

7 A. Yes.

8 Q. Was allowing Barron Hamm and his mother to  
9 be alone in the room another interview tactic that you  
10 were using?

11 A. Yes.

12 Q. You told him he would be allowed to let him  
13 speak with his mother and you in fact did let him do  
14 that?

15 A. Yes.

16 MS. JIMENEZ: Thank you.

17 I have no further questions for this  
18 witness. Do any of the grand jurors have any questions?

19 THE WITNESS: Yes, sir.

20 BY A JUROR:

21 Q. Yeah. I take it it's not necessary to tell  
22 him the mic is still on when you left the room?

23 A. No, sir.

24 Q. And I take it also that the weapon was  
25 never recovered?

1 A. I'm sorry, could you repeat that?

2 Q. The weapon was never recovered?

3 A. We were not able to recover the weapon no,  
4 sir.

5 BY A JUROR:

6 Q. Was he read his rights or Miranda?

7 A. He was not in custody, he was not  
8 Mirandized, there's no need for me to do that, I'm not  
9 obligated to do that.

10 Q. You said after the interview you told him  
11 he was under arrest and took him down to the Detention  
12 Center.

13 A. Right. At that point he's in custody, he's  
14 under arrest, and I didn't interview him anymore.

15 Q. At that time he was given his Miranda  
16 rights?

17 A. I don't believe I ever Mirandized him. I  
18 didn't give him anymore questioning, no more questioning  
19 took place.

20 BY MS. JIMENEZ:

21 Q. Let me just follow-up on that last  
22 question.

23 When Barron Hamm initially came down to the  
24 station he came of his own free will; correct?

25 A. Correct.

1 Q. If he had said to you I want to end the  
2 interview, I want to leave, would you have allowed him  
3 to do that?

4 A. Yes.

5 Q. And so he was arrested, that was at the  
6 conclusion of the interview; correct?

7 A. Correct.

8 Q. Prior to that during, you know, at some  
9 point during the interview if he wanted to leave he  
10 would have been allowed to do that?

11 A. Yes.

12 MS. JIMENEZ: Nothing further.

13 BY A JUROR:

14 Q. I have a question. Did your investigation  
15 reveal any prior conflicts between Barron and the  
16 victim?

17 A. No. No. We knew that they were  
18 acquaintances but no, no prior conflict between the two.

19 BY THE FOREPERSON:

20 Q. So there was no, no motive for doing this,  
21 just out of the blue?

22 A. Other than the fact that he had made  
23 demands in the apartment and that Jared Fleming had  
24 run, other than that I can't give you a motive at this  
25 point.

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

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

13 Do you understand this admonition?

14 THE WITNESS: Yes, sir.

15 THE FOREPERSON: Thank you, sir, for your  
16 testimony. You are excused.

17 THE WITNESS: Thank you.

18 MS. VILLEGAS: We don't have anymore  
19 witnesses. We'd like to submit this case for your  
20 deliberation. I understand there is a couple of you  
21 that were not here last week. Since we do not have a  
22 transcript of the hearing you cannot deliberate. I  
23 think there is, what, two? Two jurors I think have to  
24 step outside.

25 MS. JIMENEZ: And also just before

submitting it, I left Grand Jury Exhibit 34 in the laptop, it's still on the screen, I'll leave that in here so if you need to view that video again you have that evidence and the ability to play that. And we'll ask to submit it to you. Thank you.

(At this time, all persons, other than voting members of the Grand Jury, exit the room at 3:00 p.m. and return at 3:04 p.m.)

THE FOREPERSON: Madames District Attorney, by a vote of 12 or more grand jurors a true bill has been returned against defendant Barron Hamm charging the crimes of one count of burglary while in possession of a firearm, one count of assault with a deadly weapon, one count of murder with use of a deadly weapon, and one count of carrying concealed firearm or other deadly weapon, in Grand Jury case number 09AGJ036X. We instruct you to prepare an indictment in conformance with the proposed indictment previously submitted to us.

MS. JIMENEZ: We will do so. Thank you.

(Proceedings concluded.)

--oo0oc--

# REPORTER'S CERTIFICATE

STATE OF NEVADA )  
COUNTY OF CLARK ) ss

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

Dated at Las Vegas, Nevada,  
August 2, 2009.

*Danette L. Antonacci*  
Danette L. Antonacci, C.C.R. 222

## AFFIRMATION

Pursuant to NRS 2393.030

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 09AGJ036X:

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

-OR-

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

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

-OR-

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

*Danette L. Antonacci*  
Signature Date

Danette L. Antonacci  
Print Name

Official Court Reporter  
Title

\$	6	allowing [2] 15/14 85/8
\$2,000 [3] 39/14 68/6 88/9	656.250 [1] 91/13	alone [4] 53/13 81/16 83/10 85/9
\$500 [3] 39/16 68/8 88/11	69 [1] 3/6	along [3] 38/14 76/13 79/24
'	7	already [8] 35/1 50/7 58/21 60/3 60/14 60/16 61/1 61/2
'fro [1] 19/11	7:15 [2] 11/11 12/5	also [18] 2/20 15/13 17/4 18/19 19/19 28/15 34/6 34/23 43/1 43/2 43/3 44/5 46/18 73/9 73/9 73/19 85/24 88/25
-	7:30 [1] 12/5	am [2] 14/2 38/18
--oo0oo [1] 89/21	8	ambulance [2] 33/25 64/22
-OR [2] 91/10 91/14	8-2-09 [1] 91/18	amount [1] 20/15
0	9	ANDREW [1] 2/11
09 [1] 91/8	911 [2] 63/24 63/25	anger [1] 15/13
09AGJ036 [1] 5/15	9:15 [1] 15/17	another [3] 19/22 78/10 85/9
09AGJ036X [3] 1/9 89/16 91/5	9:30 [7] 8/5 12/16 12/17 14/15 14/16 15/17 16/25	answer [2] 28/3 28/5
1	A	Antonacci [5] 1/25 5/4 90/6 90/17 91/21
10 [2] 24/18 25/22	a.m [1] 77/25	any [34]
11 [1] 25/14	ability [2] 5/7 89/4	anybody [20] 10/3 13/19 16/18 17/13 18/22 19/25 23/11 23/22 28/10 29/17 29/23 29/23 30/6 42/16 43/22 48/14 53/12 55/17 55/20 59/11
1142 [3] 7/8 42/8 70/15	able [4] 28/22 71/7 80/22 86/3	anymore [6] 62/3 62/6 64/16 86/14 86/18 88/18
11:30 [1] 78/1	about [40]	anyone [5] 39/7 67/24 79/9 79/13 88/3
12 [3] 16/3 26/17 89/10	absolutely [2] 76/18 80/8	anything [10] 27/23 28/10 28/25 39/7 46/18 47/20 59/11 67/24 77/8 88/3
12:30 [2] 16/8 16/11	AC [1] 72/7	anywhere [1] 24/25
12:30-ish [1] 53/10	accidental [2] 84/16 85/3	apartment [75]
13 [1] 27/16	accidently [1] 85/4	apartments [3] 7/12 42/8 63/23
15 [4] 14/22 52/13 52/14 52/15	accurate [2] 82/4 90/12	appeared [1] 5/11
16 [1] 14/22	accurately [1] 5/6	application [1] 91/15
17 [2] 26/17 53/22	acknowledge [1] 82/2	approximately [5] 9/8 12/14 16/1 23/25 81/18
18 [3] 14/1 36/8 43/2	acquaintances [1] 87/18	are [41]
19 [1] 36/8	acted [1] 14/10	area [28] 5/10 25/10 25/14 27/2 31/17 32/13 52/22 52/25 53/16 54/8 54/11 54/21 54/24 55/11 55/18 55/21 56/3 56/3 56/8 57/22 59/6 59/21 60/10 60/21 60/24 61/3 61/19 64/9
1:10 [1] 24/3	actual [1] 78/3	argument [1] 78/18
1:30 [1] 1/16	actually [2] 7/24 54/23	arms [1] 63/20
2	addition [3] 39/14 68/6 88/9 88/11	around [25] 8/13 9/11 10/25 11/1 12/5 12/15 12/17 14/15 15/17 16/11 16/25 18/2 20/18 24/3 24/4 25/21 29/17 30/11 31/1 50/4 51/17 51/18 53/4 11/25 82/14
20 [2] 43/15 49/15	additional [3] 39/16 68/8	arrest [3] 84/12 86/11 86/14
20 feet [1] 63/1	administration [1] 91/15	arrested [1] 87/5
2009 [9] 1/15 2/1 5/1 7/7 42/5 67/4 70/11 75/14 90/15	admissible [1] 37/25	arrive [1] 64/14
21 [3] 1/15 2/1 5/1	admit [1] 85/1	arrived [4] 9/9 42/13 42/16 77/22
222 [3] 1/25 90/6 90/17	admonition [6] 39/12 39/18 68/4 68/10 88/7 88/13	as [58]
23 [1] 54/12	advised [3] 6/1 40/10 69/1	ask [7] 36/13 38/18 38/21 77/4 82/14 84/14 89/5
239B.030 [1] 81/2	advisement [3] 6/7 40/16 69/7	asked [12] 14/24 20/21 21/13 26/4 28/2 37/6 63/23 72/20 72/21 72/23 74/1 74/3
25 [4] 39/16 54/19 68/8 88/11	affirm [1] 91/4	asking [3] 14/25 15/2 37/5
26 [1] 55/2	AFFIRMATION [1] 91/1	assault [4] 6/4 40/13 69/4 39/13
2675 [2] 7/7 70/14	AFORESAID [1] 1/4	assigned [1] 70/20
28 [1] 71/16	after [21] 11/10 15/11 24/4 33/19 34/11 36/14 37/21 53/10 59/25 62/6 72/20 72/23 73/11 74/2 74/9 74/16 75/13 78/6 84/1 84/11 86/10	Assistant [1] 2/6
29 [1] 72/1	afternoon [2] 5/17 8/10	assisting [1] 22/5
2nd [4] 7/6 7/19 7/25 42/5	again [13] 5/15 16/7 16/8 52/12 52/25 72/6 74/1 74/4 74/6 78/15 78/25 84/2 89/3	
3	against [1] 89/11	
30 [2] 18/10 72/8	age [1] 16/17	
31 [2] 72/13 73/15	ago [1] 83/24	
32 [1] 73/19	ahead [1] 82/25	
33 [1] 66/22	air [7] 58/19 59/12 61/2 61/4 61/7 61/13 63/21	
3391 [1] 73/1	alcohol [20] 11/13 11/15 12/22 13/6 13/7 13/8 13/24 13/24 14/5 14/6 14/19 15/6 15/18 20/24 21/7 42/20 43/5 43/23 46/9 77/15	
34 [2] 81/22 89/1	alert [1] 34/6	
35 [1] 16/23	all [45]	
3:00 p.m [1] 89/8	allow [1] 7/20	
3:04 p.m [1] 89/8	allowed [6] 15/6 80/4 84/8 35/12 87/2 87/10	
3rd [5] 34/12 34/13 67/4 70/11 75/2		
4		
4th [1] 8/1		
5		
5'6 [2] 19/9 19/10		
5'7 [1] 19/10		

<b>A</b>	beyond [1] 26/23	86/23 86/24
at [112]	bill [1] 89/10	can [26] 18/7 18/11 19/6
attend [1] 41/11	birthday [4] 7/23 7/24 8/11	19/22 25/3 35/13 38/18 38/22
attention [3] 7/6 60/20 72/17	42/5	38/23 39/19 46/23 47/21 54/4
Attorney [1] 89/9	bit [6] 17/18 18/1 53/10	54/12 58/5 67/2 71/17 72/3
Attorneys [1] 2/21	57/19 77/14 82/23	72/5 75/17 78/16 82/9 82/10
audio [1] 80/7	black [4] 18/17 48/22 48/25	82/16 82/25 84/16
August [1] 90/15	58/7	can't [1] 87/24
Auston [1] 72/2	blue [12] 20/3 28/1 28/10	cannot [1] 88/22
Avenue [2] 7/7 75/1	32/20 37/1 37/16 37/20 38/2	cans [7] 22/6 43/11 43/12
away [7] 8/20 22/6 28/22	38/13 47/18 47/25 87/21	43/13 44/4 44/5 78/17
60/4 60/5 60/6 63/1	body [1] 18/15	canvassed [1] 5/10
<b>B</b>	both [7] 6/10 40/19 50/22	cap [5] 37/2 37/16 37/20
B's [1] 71/7	50/24 59/17 69/10 79/23	38/2 38/13
back [37]	bottles [14] 13/9 13/9 22/7	capacity [1] 70/3
bags [4] 23/6 23/8 23/12	22/8 22/9 22/10 22/13 43/11	car [24] 9/18 24/7 25/1 25/6
24/1	44/4 44/9 45/9 45/11 45/19	25/1 25/22 25/24 26/1 26/2
ball [3] 37/16 37/20 38/13	54/23	26/2 26/7 28/18 28/19 28/21
barrel [2] 58/7 58/9	bottom [6] 11/5 25/18 36/11	29/2 29/6 29/6 29/7 29/8
BARRON [49]	71/23 73/9 74/7	29/10 29/16 31/7 31/17 32/15
based [2] 71/2 71/12	bought [1] 11/20	carpet [1] 54/8
basically [1] 10/1	boy [2] 45/18 83/20	carport [2] 27/21 31/17
bathroom [1] 76/17	boys [4] 7/15 8/9 14/23	carports [1] 25/6
bathrooms [1] 10/10	50/25	carry [2] 64/6 64/8
be [31]	brand [2] 22/11 22/12	carrying [4] 6/5 40/14 69/5
beard [2] 47/3 47/11	Brandy [12] 13/15 14/1 14/20	89/15
because [13] 16/15 18/23	42/12 42/16 43/1 43/9 50/21	case [11] 5/14 5/17 43/14
23/23 29/14 37/24 49/4 57/8	51/4 51/18 66/3 66/5	43/15 43/16 43/17 44/2 71/14
59/8 60/15 60/20 62/19 63/17	Brandy's [2] 13/18 65/2	38/19 89/16 91/4
65/12	breaks [1] 76/17	cases [1] 45/14
bedroom [8] 10/4 10/5 10/6	breath [1] 14/6	CD [1] 81/10
10/13 15/20 17/8 17/11 27/9	BRECK [1] 2/7	cell [2] 30/4 63/25
bedrooms [7] 7/16 17/4 59/13	bring [8] 42/19 43/9 43/22	center [11] 39/14 39/17 68/6
59/15 59/15 59/17 59/18	45/7 45/10 75/24 75/25 79/19	68/9 72/5 72/17 72/19 84/13
been [21] 5/5 6/15 14/8 21/9	bringing [1] 43/5	18/12 88/9 88/12
24/17 31/17 31/23 32/2 35/10	brother [9] 13/22 16/18 23/16	certain [2] 81/6 81/8
38/20 41/2 47/4 53/21 55/4	29/25 38/25 39/1 62/11 62/16	CERTIFICATE [1] 90/1
55/5 66/21 69/18 70/5 70/8	62/17	certify [1] 90/7
87/10 89/11	brought [11] 11/15 14/18	chain [1] 20/3
beer [25] 13/8 22/6 22/7	42/21 43/20 43/24 44/3 44/8	chance [2] 76/17 81/10
22/8 22/8 22/10 22/13 42/21	45/6 45/13 45/19 81/14	changed [1] 78/16
42/21 42/23 43/8 43/13 43/16	brown [5] 2/8 22/10 22/13	Chaparral [5] 33/13 41/11
43/20 43/25 45/7 45/7 45/8	44/8 45/9	11/13 44/22 45/3
46/10 46/12 46/17 49/5 52/2	Bud [5] 43/10 43/11 44/7	charging [1] 89/11
77/15 78/16	78/16 78/17	chest [3] 63/11 63/12 64/22
before [18] 1/4 5/21 8/2 9/20	building [7] 24/10 24/12	CHILD [1] 2/9
23/19 29/1 38/11 39/8 40/6	24/13 24/20 24/22 24/23 25/7	Childs [1] 72/2
49/11 52/12 54/23 58/23	Bunn [10] 33/8 33/9 33/12	chips [1] 11/20
67/25 68/22 88/3 88/25 90/8	75/19 76/14 79/24 80/3 80/12	Chris [5] 50/25 51/7 51/8
before-entitled [1] 90/8	81/15 82/21	11/8 75/19
began [2] 76/11 76/24	Burger [4] 71/6 71/6 71/7	Chrises [2] 50/22 50/25
begin [2] 22/25 83/12	71/12	clabby [3] 28/13 32/22 36/5
behind [6] 18/25 23/14 25/7	burglary [4] 6/3 40/12 69/3	cigarette [2] 77/16 83/7
51/14 55/10 82/22	89/12	CINDY [1] 2/7
being [5] 14/1 57/11 75/19	busy [1] 57/3	CLARK [13] 1/2 7/6 39/13
84/7 84/25	but [35]	39/16 68/5 68/8 70/17 82/19
believe [8] 18/17 34/20 36/15	Bynum [1] 72/15	12/22 84/13 88/8 88/11 90/4
37/21 77/25 78/15 84/21	<b>C</b>	clean [3] 22/19 50/16 56/5
86/17	C.C.R. [3] 1/25 90/6 90/17	cleaning [15] 22/5 23/7 49/9
believed [2] 79/10 79/17	call [3] 29/23 30/13 85/1	19/12 50/13 50/13 50/14
Bell [1] 72/9	called [5] 29/24 63/24 63/25	50/16 52/16 52/17 52/24
Bernard [1] 72/15	66/3 66/4	55/18 57/3 57/13 57/14
Bernard's [1] 73/6	calls [1] 39/25	clar [1] 52/18
besides [10] 15/18 19/21	calm [9] 57/16 57/16 57/24	clap [4] 81/11 81/13 81/18
20/13 28/9 35/16 35/19 44/6	57/24 58/20 58/21 58/23 59/2	12/2
45/16 46/17 60/9	59/5	close [2] 51/3 82/10
best [1] 5/7	came [23] 16/8 43/24 46/22	closed [4] 13/1 13/2 52/20
better [4] 25/14 27/16 27/17	48/13 49/5 51/24 52/12 52/15	13/21
54/19	53/6 53/8 53/11 53/13 53/20	closer [1] 57/20
between [3] 80/23 87/15 87/18	56/14 52/10 62/11 63/22	clothing [1] 75/9
	64/15 64/17 64/22 75/17	color [1] 19/13
		Colton [1] 13/15

<b>C</b>		
come [14] 8/24 12/11 13/21 16/7 20/17 20/18 22/3 23/1 28/2 42/4 49/11 51/21 54/13 75/14	dad's [9] 8/12 9/6 21/21 21/25 23/9 23/10 23/20 29/21 30/8	door [22] 12/25 13/1 13/2 15/23 23/21 26/9 26/10 26/11 26/12 26/13 26/14 26/15 26/17 31/12 41/21 41/23 52/20 54/3 54/24 61/3 66/16 78/22
coming [2] 17/15 81/9	danced [1] 77/14	doors [1] 11/1
complex [1] 7/10	dancing [2] 52/6 52/7	doorway [4] 53/18 53/23 55/3 57/21
comply [3] 39/12 68/4 88/7	Danette [5] 1/25 5/4 90/6 90/17 91/21	doubled [1] 16/24
concealed [4] 6/5 40/14 69/5 89/15	dark [1] 47/18	down [25] 18/14 34/19 48/4 57/16 57/16 57/24 57/24 58/20 58/21 58/23 59/2 59/5 59/18 63/9 63/22 64/7 64/10 72/22 72/22 74/3 74/3 76/3 86/11 86/23 90/7
concluded [1] 89/20	date [2] 70/13 91/19	draw [1] 72/17
conclusion [2] 84/7 87/6	Dated [1] 90/14	drawing [1] 7/6
condition [1] 16/12	day [3] 7/24 33/23 34/10	dreadlocks [3] 32/18 38/15 48/20
conduct [2] 71/13 74/17	days [5] 33/19 34/11 39/16 68/8 88/11	dreads [1] 19/23
conducted [5] 70/24 72/14 73/21 74/17 75/14	deadly [12] 6/4 6/5 6/6 40/13 40/14 40/15 69/4 69/5 69/6 89/13 89/14 89/15	dressed [1] 77/13
conflict [1] 87/18	death [1] 70/21	drink [2] 14/12 46/14
conflicts [1] 87/15	defendant [7] 1/11 81/16 83/5 83/10 83/15 84/4 89/11	drinking [8] 13/19 14/8 15/3 21/9 45/20 46/8 77/14 77/15
conformance [1] 89/17	defendant's [1] 81/14	drive [3] 28/22 29/13 29/21
confront [4] 14/17 14/19 14/21 79/3	deliberate [3] 2/9 2/13 88/22	driving [1] 28/24
confrontation [2] 36/22 37/6	deliberation [1] 88/20	dropped [3] 64/25 65/4 65/5
confronted [1] 17/12	demands [1] 87/23	drove [5] 9/14 9/14 29/10 29/12 42/12
connected [1] 24/23	deny [1] 79/13	drunk [3] 14/24 21/3 21/5
considering [1] 37/10	denying [2] 84/4 84/24	DUANE [1] 2/3
constitutes [1] 90/12	Department [1] 70/2	duly [4] 5/5 6/15 41/2 69/18
contact [2] 13/21 20/17	Deputy [2] 2/4 2/21	during [10] 52/14 74/2 76/6 80/6 81/6 83/2 84/14 85/6 87/8 87/9
contacted [2] 75/19 75/20	describe [12] 18/7 18/11 19/6 19/22 22/8 27/5 35/13 46/23 48/14 48/17 58/6 75/17	DVD [2] 4/22 81/22
contain [1] 91/8	description [4] 35/24 35/25 36/3 36/18	Dylan [4] 51/19 62/11 62/16 62/17
Contains [1] 91/11	design [5] 19/11 19/16 19/18 28/15 32/23	
contempt [3] 39/15 68/7 88/10	Despite [1] 15/8	<b>E</b>
continuation [1] 5/13	detective [20] 33/8 33/9 33/12 34/9 35/14 38/1 66/11 66/14 66/18 66/24 68/15 70/4 70/6 70/10 76/13 79/24 80/2 80/12 81/15 82/21	each [1] 45/14
continue [6] 15/6 30/13 31/20 57/13 80/13 84/4	detectives [4] 37/2 66/4 67/15 80/20	earlier [5] 8/2 8/10 25/25 27/5 78/2
continues [1] 83/5	Detention [8] 39/14 39/17 68/6 68/9 84/13 86/11 88/9 88/12	early [3] 24/5 67/4 70/13
conversation [1] 14/18	did [181]	Eighteen [1] 41/10
cool [1] 62/20	didn't [15] 9/19 14/12 37/3 45/18 48/24 59/8 59/23 60/17 62/6 64/5 67/9 79/7 83/6 86/14 86/18	EIGHTH [1] 1/1
cooler [4] 45/25 46/1 46/1 78/15	different [1] 83/16	eleven [2] 17/23 78/1
cop [1] 64/18	dip [1] 11/21	else [21] 7/13 8/21 10/22 3/16 15/3 19/25 20/13 23/22 28/10 28/11 34/15 34/17 42/17 43/22 44/7 46/6 55/17 55/20 50/10 60/11 60/17
cops [2] 64/15 64/17	direction [2] 31/16 90/11	employed [1] 69/25
copy [3] 4/21 66/22 82/4	discharge [2] 84/16 85/3	end [6] 49/6 49/7 49/7 49/8 49/9 87/1
correct [12] 78/1 83/7 83/8 83/11 83/17 83/24 84/2 85/6 86/24 86/25 87/6 87/7	disclosing [3] 39/7 67/24 88/2	ended [3] 50/10 78/14 78/19
coughed [1] 63/21	DISTRICT [4] 1/1 1/5 2/21 39/9	entirety [1] 80/9
could [18] 10/19 14/8 20/5 20/21 21/4 21/7 21/9 21/14 28/2 35/13 54/23 56/2 56/7 56/25 57/10 61/18 76/19 86/1	do [74]	errited [1] 90/8
couldn't [1] 35/22	do-rag [1] 18/15	equipment [1] 80/19
count [4] 89/12 89/13 89/14 89/15	does [10] 10/16 25/14 47/10 31/13 81/24 81/25 83/19 84/4 91/4 91/8	especially [2] 84/19 84/24
counter [2] 13/9 55/10	doing [6] 5/16 49/17 63/2 79/4 84/17 87/20	even [3] 16/18 17/18 35/24
COUNTY [11] 1/2 7/8 39/14 39/16 68/6 68/8 70/17 84/13 88/9 88/11 90/4	don't [18] 9/17 10/3 10/25 20/6 23/22 45/8 49/17 50/11 56/10 56/24 57/12 60/2 60/11 65/7 77/24 78/5 86/17 88/18	evening [6] 7/19 8/6 47/17 5/2 77/12 78/3
couple [8] 33/19 34/10 45/14 49/4 55/22 55/23 65/17 88/20	done [4] 20/20 77/18 77/20 84/5	event [3] 39/9 68/1 88/5
course [1] 80/6	DONNA [1] 2/8	events [1] 78/7
court [6] 1/1 1/5 39/15 68/7 88/10 91/23		eventually [13] 33/24 34/9 37/15 44/18 52/4 64/14 64/23 65/10 66/10 78/12 79/10 79/12 79/15
cribs [1] 10/16		ever [8] 30/8 32/25 33/4 55/14 52/6 84/24 84/25 86/17
crime [1] 70/14		
crimes [1] 89/12		
cup [1] 21/8		
currently [1] 69/25		
custody [3] 76/22 86/7 86/13		
<b>D</b>		
dad [1] 8/16		



<b>E</b>	fires [1] 85/4	69/21 69/2 78/10 86/18 87/24
everybody [1] 20/13	first [25] 5/5 6/9 6/15	given [5] 35/1 35/6 76/16
everyone [11] 17/14 20/15	12/20 12/21 12/25 18/8 24/18	76/16 86/15
49/10 52/18 56/6 57/16 58/20	40/18 41/2 43/19 44/25 46/23	giving [1] 35/9
59/12 61/5 62/10 62/20	48/18 49/4 49/12 53/21 63/4	go [18] 10/8 14/23 17/16
everything [3] 9/4 11/10	63/6 64/15 69/9 69/18 71/8	23/6 23/20 24/1 30/21 30/24
14/24	76/24 83/2	31/11 48/12 54/1 56/19 62/12
evidence [6] 39/8 67/25 75/9	FISHER [1] 2/8	64/19 68/16 77/11 80/16
75/10 88/4 89/4	FISHER-BROWN [1] 2/8	82/25
exactly [3] 14/4 19/4 37/13	five [7] 8/19 8/19 13/12	God [3] 5/23 40/7 68/23
EXAMINATION [3] 6/19 41/6	21/17 21/19 23/16 51/19	goes [1] 85/4
69/22	fix [1] 9/24	going [37]
Examined [1] 3/2	Flemming [9] 5/18 6/11 6/12	gold [2] 20/3 45/9
except [2] 49/14 50/2	6/14 6/25 7/2 41/16 77/6	gone [3] 15/20 15/22 78/13
excused [2] 68/13 88/16	87/23	good [1] 20/15
exhibit [23] 24/18 25/13	floor [1] 11/5	got [20] 9/22 12/20 17/3
25/21 26/16 27/16 31/24 32/3	Florrie [1] 75/1	29/10 31/7 32/13 43/19 49/4
38/21 47/5 53/22 54/12 54/19	focused [1] 60/19	50/3 50/6 51/24 56/19 62/12
55/1 66/22 71/16 72/1 72/8	follow [4] 34/4 62/9 64/23	64/6 64/15 64/17 65/23 67/13
72/13 73/15 73/19 74/13	86/21	78/18 83/21
81/22 89/1	follow-up [1] 86/21	gotten [3] 29/2 51/16 78/2
Exhibit 28 [1] 71/16	following [2] 5/6 15/17	graduate [1] 41/13
Exhibit 31 [1] 72/13	follows [3] 6/17 41/4 69/20	grand [46]
Exhibit 32 [1] 73/19	food [1] 11/18	grant [1] 91/16
Exhibit 34 [2] 81/22 89/1	foregoing [1] 90/11	green [8] 19/11 19/14 19/15
EXHIBITS [2] 4/1 4/3	Foreperson [5] 2/3 2/4 6/15	19/18 28/14 32/23 36/6 38/14
exit [1] 89/7	41/2 69/18	gross [3] 39/13 68/5 88/8
exited [3] 59/11 80/4 81/15	found [3] 31/21 32/4 78/17	group [1] 27/13
expected [1] 38/5	four [12] 9/2 18/24 19/3	guess [1] 53/9
explain [1] 84/16	19/5 27/3 27/4 27/4 27/5	gun [27] 35/10 35/10 36/15
explained [1] 10/2	46/22 48/16 48/17 54/2	37/12 37/15 38/1 58/1 58/2
explanation [1] 85/2	fourth [1] 20/4	58/5 58/6 58/12 58/18 58/22
express [1] 74/1	FRANCINE [1] 2/14	60/7 60/18 61/1 61/7 61/15
expressed [1] 72/21	free [2] 76/9 86/24	61/16 67/3 79/9 79/11 79/13
eyes [1] 63/18	friend [5] 13/17 42/12 78/18	79/13 79/16 79/17 85/4
<b>F</b>	79/11 79/15	gunshots [1] 77/17
F-L-E-M-M-I-N-G [1] 6/12	friends [30] 9/2 9/9 9/13	gay [20] 19/23 20/1 20/4
F-L-O-R-R-I-E-6 [1] 75/1	11/3 12/8 13/13 13/18 20/21	21/8 28/1 28/13 32/17 32/20
facial [1] 19/10	21/14 21/15 21/17 21/18	32/22 36/19 36/22 36/25 37/1
fact [7] 15/8 75/25 76/19	21/19 22/4 23/17 27/13 44/8	37/9 37/11 37/15 37/19 38/2
79/3 79/21 85/13 87/22	45/20 48/13 49/2 51/2 51/3	38/13 38/14
Failure [3] 39/12 68/4 88/7	51/20 52/2 65/1 65/3 78/13	crays [13] 26/6 26/6 26/8
fair [3] 81/19 82/4 83/13	78/20 78/20 78/21	23/6 32/14 38/10 46/22 48/23
faithfully [1] 5/5	front [11] 13/2 19/19 19/20	48/24 48/25 49/12 52/16 64/5
falling [1] 21/6	19/21 26/8 26/11 52/19 54/14	<b>H</b>
family [3] 41/23 41/23 76/2	54/22 54/24 64/6	H-E-A-T-H-E-R [1] 40/21
far [4] 8/18 31/14 54/1	full [2] 51/25 90/12	H-E-R-N-A-N-D-E-Z [1] 40/21
32/25	further [8] 25/12 39/3 67/20	had [73]
fat [2] 19/10 47/2	74/17 78/7 82/24 85/17 87/12	hair [6] 18/14 19/11 36/5
father [1] 34/6	furthered [1] 78/9	17/3 47/13 48/20
federal [2] 91/12 91/15	<b>G</b>	HAT [1] 2/12
feelings [1] 72/21	game [3] 46/10 46/11 77/15	half [3] 49/3 70/7 70/9
feet [5] 54/2 63/1 64/7 64/9	games [1] 49/4	NAME [39]
64/10	garbage [1] 22/17	NAME's [7] 35/7 72/3 72/10
felt [1] 84/22	gasping [1] 63/21	13/15 74/13 74/21 75/21
females [1] 78/19	gave [4] 34/23 36/4 64/21	hard [15] 11/3 14/13 16/13
few [3] 83/23	85/1	17/14 21/8 40/3 58/3 58/3
fifteenth [1] 7/23	gentleman [1] 75/20	58/4 58/13 58/14 58/15 61/12
filed [1] 91/4	get [26] 9/3 11/3 14/24	64/19 71/23
fill [1] 65/15	17/11 23/6 23/11 24/1 24/7	handcuffed [1] 76/6
finally [1] 30/8	25/1 25/10 25/17 25/21 25/22	handwriting [2] 72/18 72/20
find [2] 62/12 62/23	26/1 26/2 28/19 31/24 42/10	hang [1] 10/25
fine [7] 20/22 39/14 39/16	36/5 60/13 64/19 68/16 78/20	hanging [3] 16/4 16/17 18/2
68/8 88/8 88/9 88/11	78/22 84/23 85/1	happened [11] 34/7 34/18
finish [1] 23/7	getting [2] 28/21 29/16	31/18 56/12 60/1 63/16 65/18
firearm [10] 6/3 6/5 40/12	girl [1] 30/18	44/8 78/11 78/24 79/1
40/14 69/3 69/5 75/8 75/8	girls [4] 22/19 26/4 52/8	happens [1] 84/11
89/13 89/15	65/13	hard [2] 38/18 45/17
fired [4] 61/23 61/25 62/2	give [18] 5/20 6/2 23/19	has [14] 5/10 24/17 31/23
62/4	27/15 35/5 35/24 35/25 36/18	34/2 36/9 38/20 39/8 47/4
	40/5 40/11 49/15 66/18 68/15	53/21 61/12 66/21 67/25 88/3

<b>H</b>	56/1 56/2 65/1 65/2 65/12 66/15 75/3	87/14 involved [1] 35/10 involving [3] 6/6 40/15 69/6 IRENE [1] 2/18 is [137] ish [1] 53/10 isn't [4] 36/24 37/2 37/4 37/16 it [122]
has... [1] 89/10	how [41]	it's [19] 8/1 13/24 13/25 13/25 16/24 19/15 25/12 30/4 37/24 37/24 38/17 56/15 56/17 56/19 58/12 68/15 71/23 85/21 89/2
hat [4] 20/3 28/2 28/10 32/20	huh [6] 10/12 11/6 12/1 13/3 20/7 30/1	<b>J</b>
have [31]	Huh-uh [1] 20/7	J-A-Z-M-I-N [1] 6/12
having [5] 5/5 6/15 41/2 69/18 84/5	hurried [1] 29/10	Jared [50]
he [255]	<b>I</b>	Jared's [16] 7/23 13/13 14/6 30/13 30/14 30/18 42/1 42/5 42/10 51/2 51/20 62/21 62/21 65/12 66/8 66/15
he's [10] 19/1 21/11 47/2 55/7 62/20 84/12 84/24 85/3 86/13 86/13	I'd [3] 17/23 18/24 24/2	Jazmin [13] 5/18 6/11 6/14 6/22 49/12 49/13 49/23 50/7 50/21 51/4 51/19 64/17 64/18
head [1] 82/21	I'll [4] 27/15 53/22 68/16 89/2	Jazmin's [2] 42/7 67/4
headed [1] 31/1	I'm [19] 7/5 20/9 24/18 24/19 36/7 36/13 38/20 38/21 66/21 67/1 70/4 77/2 77/24 78/5 81/21 82/13 82/14 86/1 86/8	JEAN [1] 2/15
heading [1] 60/23	I've [1] 9/19	jeans [5] 47/18 47/18 47/25 47/4 57/25
hear [4] 28/24 62/3 62/6 82/10	identification [1] 35/9	Jessica [2] 65/5 65/6
heard [15] 29/1 29/1 29/3 29/5 29/8 29/17 29/20 38/7 57/1 57/5 57/7 65/10 77/17 83/7 83/23	identified [4] 4/3 67/3 75/21 79/4	Jimenez [2] 2/20 5/16
hearing [2] 57/12 88/22	identify [6] 38/19 38/22 71/2 71/7 71/17 72/3	joined [2] 19/3 19/5
hearsay [1] 37/24	identifying [1] 71/12	Judge [1] 74/23
heart [1] 63/14	if [29] 10/5 10/7 14/8 15/2 15/22 18/21 20/21 21/13 25/3 28/2 31/20 38/18 38/21 45/8 46/18 54/4 55/5 55/23 56/2 59/8 60/2 63/23 68/15 77/8 82/16 84/19 87/1 87/9 89/3	JUDICIAL [1] 1/1
Heather [13] 13/17 13/18 14/1 14/19 22/24 22/25 23/16 29/24 33/10 39/25 40/20 41/1 41/9	IMPANELED [1] 1/4	juice [6] 13/9 45/21 45/22 45/24 45/24 46/14
height [1] 19/7	in [185]	July [3] 1/15 2/1 5/1
held [3] 39/15 68/7 88/10	include [1] 74/20	jungle [3] 45/21 45/23 46/14
help [8] 5/22 9/23 22/5 22/25 40/7 63/23 64/14 68/23	including [3] 39/8 67/25 68/3	jurors [4] 2/1 85/18 88/23 88/10
helped [1] 11/24	indeed [1] 77/11	JURY [43]
helping [3] 22/19 50/16 57/9	INDEX [2] 3/1 4/1	Just [38]
her [21] 5/7 8/12 13/14 13/17 14/24 42/21 49/20 49/23 50/3 50/9 56/25 57/1 64/18 64/21 65/6 65/7 65/8 66/3 66/4 66/7 66/9	Indicate [1] 78/2	<b>K</b>
here [18] 6/1 7/9 13/24 13/25 15/4 24/25 25/5 26/22 40/10 54/7 54/14 54/20 67/2 69/1 70/17 81/9 88/21 89/3	indicated [3] 22/4 36/12 90/9	Karen [2] 65/5 65/8
hereby [2] 90/7 91/4	Indictment [3] 5/12 89/17 89/18	KATHRYN [2] 2/4 2/13
Hernandez [5] 13/17 23/16 29/24 40/20 41/1	individual [4] 6/24 18/7 41/15 44/11	kept [6] 56/18 57/14 57/15 57/24 59/1 63/19
HICKS [1] 2/10	information [3] 39/11 68/3 88/6	kicked [2] 18/19 18/21
hidden [1] 82/21	initial [1] 82/1	kids [3] 21/23 41/22 43/6
High [2] 41/11 45/3	initialed [3] 72/7 72/24 74/4	kids' [5] 10/6 10/14 10/16 10/20 15/24
him [81]	initially [6] 76/11 77/9 77/10 78/6 79/12 86/23	kind [5] 17/14 43/8 45/6 47/7 47/2
himself [8] 46/21 48/12 53/14 55/15 74/2 75/21 76/13 77/12	initials [3] 71/22 72/6 81/24	kinchen [16] 46/3 50/14 50/15 52/22 52/24 53/16 53/25 54/10 54/11 54/16 55/3 55/8 59/16 59/6 59/21 61/19
his [92]	inside [12] 10/24 16/20 17/3 28/21 29/6 52/25 54/1 54/16 61/20 61/21 61/24 62/20	knealed [1] 63/9
hold [2] 63/19 63/21	instruct [1] 89/17	knew [3] 9/20 43/5 87/17
holding [3] 64/3 64/4 85/3	instructions [2] 23/19 73/7	knocked [1] 78/22
hole [2] 63/11 63/12	Intent [1] 5/11	know [37]
HOLLAND [1] 2/11	interview [25] 75/15 76/4 76/7 76/12 78/9 79/18 79/19 80/6 80/7 80/9 81/11 82/3 82/5 83/3 84/15 84/19 84/23 85/5 85/6 85/9 86/10 86/14 87/2 87/6 87/9	knowing [1] 79/13
home [9] 17/16 65/20 65/22 65/22 77/17 77/23 78/2 79/1 83/7	interviewed [1] 76/4	known [2] 7/10 41/18
homicide [5] 70/4 70/6 70/10 70/21 77/5	interviewing [1] 84/20	Krista [17] 22/21 22/22 23/13 23/14 27/25 28/3 28/6 31/9 34/15 35/18 35/19 35/20 39/22 51/19 56/18 56/20 59/22
HOOPER [1] 2/6	interviews [2] 70/24 71/2	Krista's [2] 57/5 65/14
Hopefully [1] 40/1	into [8] 20/17 59/13 59/18 74/17 78/18 78/19 80/19 81/14	<b>L</b>
hospital [5] 34/2 34/4 35/7 64/24 65/16	intoxicated [2] 20/25 21/1	L [1] 2/12
hour [4] 49/3 52/13 52/14 52/15	investigate [1] 70/20	
hours [3] 65/17 67/4 70/13	investigating [2] 76/25 77/5	
house [20] 8/12 10/25 21/21 21/22 22/1 23/9 23/10 23/20 29/21 30/9 30/13 31/2 31/3	investigation [8] 5/20 6/2 40/5 40/11 68/21 69/2 74/17	

<b>L</b>	longer [1] 48/6	83/4 83/16 84/7 84/15
laid [1] 59/18	look [6] 26/16 34/19 60/17	moment [3] 68/16 82/14 82/15
laptop [3] 68/16 82/23 89/2	62/22 65/20 65/24	moments [1] 83/23
Las [6] 1/14 5/1 7/8 70/1	looked [10] 18/10 18/23 34/20	more [6] 13/12 43/24 51/23
70/17 90/14	34/22 44/20 46/24 48/2 48/25	63/14 86/18 89/10
last [12] 6/10 40/19 44/13	67/6 82/3	morning [7] 24/5 33/20 33/21
49/15 51/5 65/6 65/7 65/8	looking [9] 44/24 55/2 55/5	34/12 65/19 67/4 70/13
69/10 71/8 86/21 88/21	55/7 59/8 65/25 75/6 75/8	MOSEMAN [1] 2/13
lastly [1] 73/18	75/11	most [1] 42/2
later [2] 52/15 77/11	lot [3] 51/17 51/22 60/6	mother [12] 79/19 79/25 80/14
law [4] 39/6 67/23 88/1	LOURDES [1] 2/9	80/17 80/24 81/14 81/16
91/12	lower [4] 72/12 73/17 74/13	82/19 83/10 84/18 85/8 85/13
laying [3] 63/3 63/4 63/9	83/12	motive [2] 87/20 87/24
Learn [1] 44/18	lowered [4] 61/14 61/15 81/2	mouth [1] 63/18
learned [2] 44/20 71/5	83/16	move [3] 57/19 59/23 82/23
leave [17] 11/9 12/6 18/25	Lundy [5] 22/21 22/22 23/13	moved [1] 41/21
20/10 28/6 39/19 49/10 57/8	27/25 35/18	Mrs. [1] 82/22
57/15 59/6 76/9 76/19 80/3	<b>M</b>	Mrs. Clark [1] 82/22
83/9 87/2 87/9 89/2	M-A-R-T-I-N [1] 69/12	much [3] 27/11 49/25 50/1
leaving [6] 11/12 19/1 23/4	ma'am [1] 81/20	murder [5] 6/4 40/13 69/4
23/6 26/8 60/23	Madames [1] 89/9	84/12 89/14
led [1] 84/21	made [6] 18/24 39/10 62/20	MURPHY [1] 2/14
left [43]	68/2 87/22 88/5	music [2] 52/9 57/2
let [10] 5/9 10/3 23/22	make [3] 10/24 17/16 75/23	my [46]
26/16 53/17 54/11 77/3 85/12	making [1] 49/10	myself [1] 75/19
85/13 86/21	Mallique [3] 9/17 9/20 21/16	<b>N</b>
let's [5] 33/16 35/16 48/17	man [1] 63/22	name [25] 5/15 6/10 6/24
48/18 55/17	many [12] 7/16 16/1 16/22	7/11 13/14 21/17 22/11 22/12
letter [3] 24/14 24/15 24/16	17/22 21/15 22/13 27/1 43/8	13/9 40/19 41/15 44/13 44/16
lied [1] 17/14	43/13 45/10 48/14 50/16	44/18 44/20 45/19 65/6 65/7
lifted [2] 63/10 63/17	marked [8] 24/17 31/23 32/2	65/8 67/6 67/9 67/13 69/10
light [5] 27/8 43/10 43/11	38/20 47/4 53/21 54/18 66/22	67/8 91/21
44/7 78/16	MARTIN [3] 3/6 69/11 69/17	named [3] 44/10 44/11 50/25
lighted [1] 25/10	matter [1] 90/8	names [4] 9/16 9/19 51/5
lighter [2] 18/13 18/14	may [15] 7/6 7/19 7/25 8/1	11/10
Lights [1] 78/17	34/12 34/13 35/9 39/15 42/5	natural [1] 82/19
like [77]	67/4 68/7 70/11 75/14 77/24	near [6] 24/8 24/25 26/17
LILLIAN [1] 2/5	89/10	22/10 57/20 64/12
line [22] 4/16 4/17 4/18	maybe [4] 50/19 52/13 53/9	necessary [1] 85/21
4/19 4/20 32/25 33/1 67/18	82/10	need [3] 57/15 86/8 89/3
71/13 71/18 72/2 72/4 72/9	McCraney [1] 51/8	needed [6] 10/5 10/7 15/23
72/11 72/14 72/18 72/21	me [41]	61/23 65/13 65/15
73/16 73/19 74/2 74/14 74/16	mean [5] 27/9 30/14 31/5	needs [1] 57/16
line-up [20] 4/16 4/17 4/18	49/8 84/20	neighbors [1] 41/24
4/19 4/20 32/25 33/1 67/18	meant [1] 72/24	neighbors' [1] 11/1
71/18 72/2 72/4 72/9 72/11	meet [2] 66/10 66/13	Nellis [3] 7/7 42/8 70/14
72/14 72/18 72/21 73/16	members [2] 76/2 89/7	NEVADA [9] 1/2 1/7 1/14 5/1
73/19 74/2 74/14	mentioned [1] 28/14	11/14 7/8 70/18 90/3 90/14
line-ups [2] 71/13 74/16	Metro [1] 70/8	never [7] 33/1 33/10 50/3
liquor [5] 43/25 44/1 45/8	Metropolitan [1] 70/1	11/24 67/17 85/25 86/2
45/17 45/22	MH [1] 71/22	news [1] 65/11
lite [3] 44/2 44/5 44/6	mic [1] 85/22	next [15] 5/17 33/20 33/21
little [18] 8/11 8/12 9/3	Michael [1] 73/22	41/23 34/10 39/25 41/21
14/22 17/18 18/1 22/21 25/19	microphone [1] 82/9	1/23 54/21 55/10 60/1 63/10
27/25 29/15 29/24 30/18	middle [5] 73/7 73/12 73/24	64/18 66/16 72/7
41/22 53/10 57/19 62/11	74/6 74/10	nickname [2] 71/3 71/5
65/13 82/23	midnight [2] 16/9 53/10	night [8] 20/22 45/12 46/8
lived [1] 63/22	Miller [3] 44/2 44/5 44/6	41/14 48/2 51/23 65/11 79/9
lives [1] 8/15	minute [1] 58/21	nine [2] 8/5 15/17
living [6] 7/7 7/13 54/23	minutes [6] 8/19 49/15 52/13	Nineteen [2] 6/23 17/21
55/20 56/3 60/3	12/14 52/15 81/18	11/81
locate [1] 75/10	Miranda [2] 86/6 86/15	nobody [7] 8/21 15/20 15/22
located [10] 25/11 31/25 42/7	Mirandized [2] 86/8 86/17	51/1 30/7 34/17 60/17
43/2 71/18 71/21 72/4 72/10	misdeemeanor [3] 39/13 68/5	NOR [5] 32/22
73/15 74/13	68/8	normal [3] 14/10 21/2 84/5
location [2] 32/3 70/22	max [1] 46/4	not [33]
look [1] 23/22	mixed [4] 18/17 45/22 45/24	notes [1] 90/10
locked [2] 52/20 52/21	45/25	king [7] 5/22 6/17 40/7
long [11] 9/23 18/14 41/18	Modelo [2] 22/10 22/11	7/4 68/23 69/20 87/12
47/13 47/25 48/20 49/1 52/11	mom [12] 65/14 66/3 66/4	notice [4] 5/11 17/4 22/14
70/5 70/8 81/19	66/7 66/7 66/8 66/8 66/9	6/24

<b>N</b>	10/13 10/22 11/1 18/25 40/14 43/24 43/25 44/1 46/22 48/23 48/24 50/18 59/10 69/5 80/20 87/22 87/24 89/6 89/15 our [5] 5/17 46/10 62/13 75/18 75/24 out [37] outside [26] 10/25 16/4 16/15 17/3 27/18 28/6 28/15 29/6 29/7 29/8 32/14 38/10 60/7 60/12 60/15 62/9 62/12 62/15 62/18 62/19 62/21 62/21 62/22 77/16 83/6 88/24 over [27] 8/13 9/3 12/8 16/17 18/15 19/12 21/6 21/20 23/23 25/12 25/24 26/1 26/2 26/5 26/7 31/24 36/6 43/9 49/21 56/6 56/15 56/17 56/19 57/6 63/11 63/12 63/13 overhead [1] 54/5 overshirt [1] 64/20 own [1] 86/24	placed [1] 84/12 plain [1] 77/13 plaintiff [1] 1/8 plasma [1] 24/19 play [2] 82/7 89/4 played [3] 46/10 49/4 82/12 playing [3] 52/2 52/9 77/15 please [9] 5/25 6/9 40/2 40/9 40/18 68/18 68/25 69/9 71/20 plus [1] 54/23 point [22] 16/13 17/14 20/25 25/4 30/16 51/24 52/19 54/4 57/23 59/5 61/22 67/2 71/19 66/22 79/18 80/2 81/2 82/16 84/23 86/13 87/9 87/25 pointed [3] 31/13 34/21 61/7 pointing [1] 61/16 police [5] 17/15 34/24 35/2 66/2 70/1 pong [6] 42/22 42/23 46/10 49/5 52/2 77/15 porch [13] 59/13 60/3 60/4 63/6 60/10 60/14 60/16 60/19 63/21 60/24 61/3 61/8 61/9 portion [5] 73/12 79/23 81/11 81/13 82/5 portions [2] 81/6 81/8 position [3] 55/7 57/20 71/23 possession [4] 6/3 40/12 69/3 80/12 possible [2] 35/9 36/4 possibly [3] 35/10 37/9 85/2 preceding [1] 91/4 predominantly [1] 19/13 prepare [1] 89/17 prepared [1] 11/18 presence [4] 11/16 39/10 68/2 83/5 present [9] 2/1 2/20 75/3 80/14 80/17 81/16 83/4 83/4 84/15 presented [3] 39/9 68/1 88/4 pressure [1] 64/19 pretty [2] 48/25 50/1 previously [1] 89/18 print [1] 91/21 prior [7] 8/8 11/12 44/24 81/9 87/8 87/15 87/18 probably [1] 50/18 proceedings [8] 1/19 5/7 39/6 44/23 88/1 89/20 90/8 90/13 program [1] 91/15 progressed [1] 51/23 prohibited [3] 39/7 67/24 71/7 projector [1] 54/5 proposed [1] 89/18 provide [2] 11/13 11/24 public [1] 91/15 pulled [9] 58/1 58/2 58/5 51/6 59/17 58/19 58/24 59/1 70/2 punishable [6] 39/13 39/15 59/5 69/7 88/8 88/10 purpose [1] 23/4 pursuant [1] 91/2 put [12] 24/19 34/18 58/19 59/12 60/7 60/16 60/18 61/4 61/18 64/21 67/1 82/9
<b>O</b>	<b>P</b>	
o'clock [6] 8/14 9/12 24/4 42/15 50/7 51/17 obligated [1] 86/9 observation [1] 80/18 observe [2] 16/12 61/22 observed [1] 12/20 obtained [3] 39/11 68/3 88/6 obtaining [1] 74/20 occupied [1] 80/20 occurred [1] 70/21 occurring [3] 39/10 68/2 88/5 off [11] 29/11 29/12 29/13 42/8 55/18 62/5 64/21 64/25 65/4 65/5 85/4 offenses [3] 6/3 40/12 69/3 offer [1] 79/19 offered [1] 76/16 office [4] 75/18 75/24 76/1 76/3 Official [1] 91/23 oh [15] 13/23 13/25 14/25 15/2 17/23 19/14 20/2 23/10 29/3 33/9 56/14 56/17 56/19 57/16 65/23 okay [60] old [7] 6/22 14/1 14/22 17/20 18/9 18/11 41/9 older [5] 17/18 17/22 17/23 18/1 27/11 on [59] once [6] 12/20 17/3 74/1 76/3 78/15 78/25 one [48] one a.m [1] 77/25 ones [2] 27/7 57/9 only [9] 9/20 10/8 10/19 11/2 11/22 21/17 45/11 57/8 59/20 onto [2] 64/3 64/4 ooOoo [1] 89/21 open [3] 12/25 15/23 63/18 opposite [2] 31/16 31/18 or [91] originally [2] 32/14 37/2 other [22] 6/5 9/17 9/19	p.m [3] 1/16 89/8 89/8 packed [1] 9/19 page [10] 4/21 36/8 66/23 41/17 72/3 72/10 73/14 73/24 74/7 74/12 panicking [1] 64/5 pants [1] 48/6 PARDEE [1] 2/15 parents [1] 65/14 parked [4] 24/8 25/6 25/7 31/17 part [7] 18/2 32/7 54/1 74/20 83/2 84/19 84/22 partner [2] 75/19 76/13 party [35] party's [1] 23/23 pass [2] 27/20 67/21 past [2] 16/9 60/13 PATRICK [1] 2/16 pause [1] 82/13 pending [3] 5/21 40/5 68/21 people [52] person [21] 17/25 18/8 18/12 19/15 19/22 28/9 34/19 35/9 37/9 37/18 38/1 38/22 38/24 44/10 47/6 47/8 48/18 48/21 67/3 91/8 91/11 persons [1] 89/6 pertaining [3] 8/2 40/11 69/2 phone [7] 30/1 30/4 30/7 30/14 30/17 30/18 63/25 photo [24] 4/16 4/17 4/18 4/19 4/20 27/16 27/17 33/1 35/2 55/3 67/18 71/13 71/18 72/2 72/4 72/9 72/11 72/14 72/18 73/16 73/19 74/2 74/14 74/16 photograph [19] 4/4 4/5 4/6 4/7 4/8 4/9 4/10 4/11 4/12 4/13 4/14 4/15 24/20 26/18 32/11 38/19 47/11 72/10 74/13 pick [3] 30/6 30/16 64/6 picked [3] 30/7 30/18 65/14 picture [6] 47/23 65/25 67/12 11/24 72/4 73/15 place [7] 7/20 9/6 78/3 4/25 85/3 86/19 90/9	

<b>Q</b>	<b>RILEY [1]</b> 2/4	<b>SHELLEY [1]</b> 2/6
questioning [2] 86/18 86/18	<b>RIORDAN [1]</b> 2/16	<b>shirt [19]</b> 19/12 19/13 19/24
questions [8] 36/14 39/4 39/5	<b>ROBERTS [1]</b> 2/17	20/2 28/14 32/22 36/6 37/1
67/20 67/22 77/4 85/17 85/18	<b>rocks [3]</b> 32/8 64/9 64/11	37/11 37/15 37/19 38/14
<b>R</b>	<b>RODRIGUEZ [1]</b> 2/18	38/15 47/19 47/20 47/22
race [2] 18/16 48/21	<b>room [39]</b>	53/10 77/13 78/14
rag [1] 18/15	<b>rules [5]</b> 10/1 10/2 10/22	<b>shoes [3]</b> 48/9 48/10 48/11
raise [3] 40/3 68/19 84/1	11/10 15/18	<b>shook [1]</b> 63/20
raised [1] 60/2	<b>run [1]</b> 87/24	<b>shoot [1]</b> 83/20
ran [18] 31/12 59/11 59/13	<b>running [5]</b> 59/17 60/5 60/9	<b>shooter [6]</b> 35/24 36/4 37/10
59/13 59/18 60/4 60/6 60/7	60/12 61/2	37/19 38/5 84/22
60/10 60/11 60/19 61/5 61/8	<b>S</b>	<b>shooting [20]</b> 29/18 35/11
62/5 77/17 79/1 83/7 83/22	<b>Safari [2]</b> 7/12 42/8	35/21 36/13 36/17 36/25
<b>reach [2]</b> 30/8 63/5	<b>said [58]</b>	41/18 38/11 77/5 77/19 77/21
<b>reached [1]</b> 57/25	<b>SANDOVAL [1]</b> 2/5	78/3 78/24 78/25 79/2 79/4
<b>read [2]</b> 36/12 86/6	<b>eat [1]</b> 64/7	83/6 84/5 84/24 84/25
<b>ready [1]</b> 38/23	<b>saw [26]</b> 12/21 13/6 14/5	<b>short [10]</b> 18/13 19/11 19/23
<b>real [2]</b> 59/8 71/7	17/2 18/18 20/5 20/10 26/21	20/2 27/8 28/1 32/18 36/5
<b>really [7]</b> 14/2 21/16 48/19	27/23 32/6 35/20 50/3 50/9	47/2 47/3
48/24 50/11 53/9 60/17	52/1 52/7 52/25 54/13 55/14	<b>shorthand [2]</b> 90/7 90/10
<b>reason [1]</b> 10/8	59/10 60/5 60/12 60/23 63/2	<b>shorts [2]</b> 48/3 48/5
<b>recall [4]</b> 47/16 77/24 78/4	63/11 67/3 67/7	<b>Shorty [3]</b> 79/11 79/15 79/17
78/5	<b>say [19]</b> 8/19 12/15 14/2	<b>shot [3]</b> 30/19 34/20 83/21
<b>recognize [5]</b> 24/20 47/5	15/1 16/14 17/23 18/24 21/1	<b>shots [14]</b> 29/1 29/3 29/5
72/14 73/19 81/22	24/2 35/17 48/17 49/7 77/18	29/9 29/14 29/17 29/20 38/7
<b>recognized [2]</b> 44/25 45/3	78/23 79/8 79/11 81/19 83/13	61/23 61/25 62/2 62/3 62/6
<b>record [6]</b> 5/9 5/15 6/10	83/19	83/7
40/19 69/10 90/12	<b>saying [12]</b> 28/10 49/21 57/5	<b>should [4]</b> 10/8 10/8 16/17
<b>recorded [2]</b> 80/7 80/10	57/16 57/24 58/20 58/23 59/1	75/24
<b>recording [1]</b> 80/13	80/24 63/19 81/7 84/17	<b>show [11]</b> 24/18 25/3 25/14
<b>recover [1]</b> 86/3	<b>says [3]</b> 59/5 83/15 83/21	36/1 46/21 53/22 54/11 54/12
<b>recovered [2]</b> 85/25 86/2	<b>scare [1]</b> 17/15	56/21 81/13 81/21
<b>red [8]</b> 20/2 28/1 28/10	<b>scared [1]</b> 83/21	<b>showed [10]</b> 15/13 33/7 33/10
32/20 37/1 37/20 38/2 30/13	<b>scene [1]</b> 70/14	33/12 34/10 44/25 46/20 56/8
<b>refer [1]</b> 44/10	<b>SCHLISMANN [1]</b> 2/3	56/13 66/23
<b>reflect [1]</b> 5/9	<b>School [2]</b> 41/11 45/4	<b>showing [14]</b> 24/17 25/13
<b>regarding [2]</b> 36/4 66/14	<b>screen [2]</b> 82/20 89/2	27/23 32/2 38/20 47/4 53/21
<b>related [2]</b> 7/2 7/4	<b>scruffy [4]</b> 19/10 36/5 47/2	54/18 55/1 71/16 72/1 72/8
<b>relation [1]</b> 37/10	47/11	72/13 73/18
<b>remain [2]</b> 40/2 68/18	<b>search [5]</b> 74/21 74/25 75/4	<b>shown [7]</b> 32/25 33/1 33/6
<b>remember [20]</b> 9/13 9/16 20/6	75/6 75/13	35/17 34/15 67/17 83/3
35/8 35/14 36/3 37/25 43/13	<b>seat [2]</b> 55/13 82/25	<b>shut [1]</b> 23/21
47/21 49/20 50/11 50/20	<b>seated [5]</b> 5/25 40/9 68/25	<b>siblings [1]</b> 47/1
55/25 56/10 56/24 56/25	62/18 82/21	<b>side [5]</b> 26/11 26/13 32/8
57/12 60/9 60/11 63/20	<b>second [7]</b> 53/3 53/11 71/17	44/13 82/20
<b>rendition [1]</b> 78/10	72/3 72/9 73/14 74/12	<b>sidewalk [1]</b> 26/12
<b>repeat [1]</b> 86/1	<b>secret [3]</b> 39/6 67/23 88/2	<b>sign [2]</b> 73/9 73/11
<b>replied [1]</b> 72/24	<b>Secretary [2]</b> 2/5 2/6	<b>signature [2]</b> 73/6 91/19
<b>Reported [1]</b> 1/25	<b>security [2]</b> 91/8 91/11	<b>signed [2]</b> 74/6 74/23
<b>Reporter [1]</b> 91/23	<b>see [20]</b> 13/19 25/24 26/6	<b>since [3]</b> 38/4 84/24 88/21
<b>REPORTER'S [2]</b> 1/19 90/1	26/17 27/1 29/17 32/14 32/17	35/17 69/13 69/25 85/19
<b>reports [1]</b> 65/15	33/4 33/16 35/17 38/10 48/15	45/23 86/4 88/14 88/15
<b>request [2]</b> 2/20 73/1	49/23 52/6 54/23 56/7 57/23	<b>sister [9]</b> 7/5 22/21 27/25
<b>required [1]</b> 91/11	60/18 61/18	49/15 35/15 35/16 35/17
<b>residence [3]</b> 74/21 78/20	<b>seeing [2]</b> 67/12 79/13	55/17 57/23
78/21	<b>Seek [1]</b> 5/11	<b>sister's [1]</b> 8/11
<b>respond [1]</b> 70/14	<b>seen [6]</b> 9/19 35/22 77/18	<b>sisters [1]</b> 37/21
<b>responded [1]</b> 64/20	77/20 79/1 79/8	<b>sitting [1]</b> 56/22
<b>response [2]</b> 5/11 79/6	<b>serve [1]</b> 74/25	<b>size [6]</b> 45/14 45/14 50/18
<b>restroom [3]</b> 10/7 10/20 15/23	<b>served [1]</b> 75/4	50/20 50/20 65/19
<b>restrooms [1]</b> 10/10	<b>service [1]</b> 75/13	<b>size [3]</b> 16/24 58/13 58/14
<b>result [5]</b> 14/17 30/20 30/23	<b>sat [4]</b> 9/3 68/16 77/15	<b>skin [2]</b> 18/13 18/14
62/14 67/12	60/19	<b>skinned [1]</b> 27/8
<b>return [1]</b> 89/8	<b>seven [4]</b> 8/19 9/11 41/19	<b>skinny [1]</b> 48/19
<b>returned [1]</b> 89/11	60/7	<b>sleep [1]</b> 65/23
<b>reveal [1]</b> 87/15	<b>several [3]</b> 71/1 76/2 84/20	<b>sleeping [1]</b> 21/20
<b>revolver [1]</b> 58/10	<b>shall [3]</b> 5/21 40/6 68/22	<b>slippers [1]</b> 48/8
<b>rides [1]</b> 49/15	<b>she [11]</b> 8/11 22/25 49/14	<b>sloppy [2]</b> 21/3 21/5
<b>right [73]</b>	50/17 56/23 56/24 56/25	<b>slowly [3]</b> 6/10 40/19 69/10
<b>rights [2]</b> 86/6 86/16	61/19 64/21 66/3 84/8	<b>slurring [1]</b> 21/6
	<b>she's [2]</b> 40/1 43/2	<b>shall [4]</b> 58/11 58/12 58/12
		64/3

<b>S</b>	61/16 61/18 61/20 61/21 63/7 64/3 64/9 64/11 64/12 78/21 85/22 89/2 stood [1] 59/7 stopping [1] 49/20 store [1] 23/8 story [1] 83/5 stove [3] 54/15 54/21 55/11 straight [2] 30/24 77/17 style [1] 47/13 submit [2] 88/19 89/5 submitted [1] 89/18 submitting [1] 89/1 suddenly [1] 19/2 Sunrise [4] 34/2 34/4 35/6 64/23 supervision [1] 90/11 supervisors [1] 80/21 supposed [8] 8/5 11/2 11/2 11/3 12/16 13/24 14/22 17/13 supposedly [1] 37/22 sure [4] 9/21 10/24 62/20 81/23 suspect [2] 71/3 74/18 swear [3] 5/19 40/4 68/20 sworn [4] 5/5 6/15 41/2 69/18	42/2 83/23 84/22 85/5 their [5] 9/16 51/5 65/1 11/3 84/1 them [35] themselves [2] 81/2 81/6 then [67] there [111] there's [2] 61/2 86/8 thereafter [1] 90/9 these [24] 16/19 17/2 18/2 19/5 22/8 22/13 26/4 26/20 27/4 27/5 29/5 29/9 29/17 39/10 39/6 43/11 44/4 45/11 48/3 48/5 51/2 54/22 67/23 88/1 they [44] they're [1] 14/3 thing [3] 11/22 12/20 12/21 things [1] 22/17 thank [24] 9/1 9/11 9/18 34/19 43/15 44/2 44/5 45/13 45/19 48/10 49/15 50/22 51/10 52/7 55/22 55/25 56/5 59/11 60/14 60/15 60/19 67/25 88/23 88/23 thinking [1] 36/16 third [2] 20/1 23/2 thirties [2] 18/12 27/11 thirty [2] 16/23 18/11 this [98] those [17] 20/13 22/16 22/16 23/6 28/15 45/15 45/16 46/4 47/17 51/13 55/24 57/10 60/8 61/4 71/2 71/10 73/3 though [3] 20/16 35/24 83/20 thought [5] 29/14 29/18 37/18 17/1 65/23 three [11] 9/2 9/18 13/18 15/24 19/2 19/5 22/15 22/16 23/16 48/17 54/2 threw [1] 22/17 through [2] 34/20 34/22 throughout [1] 81/5 throw [1] 22/6 time [55] title [1] 91/23 today [4] 6/1 40/10 69/1 7/10 told [36] tone [1] 84/5 too [2] 22/25 58/11 took [9] 31/13 64/8 64/21 34/3 84/25 85/3 86/11 86/19 41/7 top [1] 36/9 total [1] 70/8 totally [1] 84/24 totals [12] 15/14 28/18 19/14 29/21 31/1 31/12 31/25 11/3 55/8 60/24 61/3 61/9 towel [1] 64/20 transcribe [1] 5/6 transcribed [1] 90/10 transcript [7] 1/19 36/8 36/8 1/4 88/22 90/12 91/4 transpired [3] 39/8 67/25 15/3 transporting [1] 80/23 transported [1] 84/13 trash [5] 9/25 23/6 23/8 15/12 24/1 tried [1] 64/6
small [3] 14/5 20/23 21/7 smoking [1] 83/6 so [142] social [2] 91/8 91/11 solemnly [3] 5/19 40/4 68/20 some [21] 14/23 20/21 21/13 23/12 24/1 25/25 36/13 45/6 45/18 48/13 60/23 61/2 73/24 78/13 78/14 78/21 80/2 80/20 80/20 82/10 87/8 somebody [4] 30/16 46/6 64/19 84/20 someone [1] 19/2 something [6] 18/24 19/2 44/9 49/16 52/20 83/16 somewhere [2] 8/9 15/3 Sonia [2] 2/20 5/16 sons [1] 8/13 soon [6] 59/12 60/7 61/4 61/8 62/4 62/10 sorry [7] 11/8 12/3 20/9 77/3 77/24 78/5 86/1 sound [1] 78/1 South [2] 7/7 70/14 speak [6] 75/23 78/7 80/5 81/3 84/8 85/13 speaker [1] 82/10 speaking [2] 76/12 76/24 specific [1] 91/12 specifically [1] 17/7 spell [4] 6/10 40/19 51/11 63/10 spend [1] 20/21 spins [2] 58/8 58/9 spoke [1] 13/23 Ss [1] 90/3 stairs [4] 10/25 16/16 25/18 32/9 stairway [1] 26/23 stand [2] 25/4 54/4 standing [15] 21/2 27/15 21/17 28/15 40/2 53/25 54/6 54/13 54/14 55/5 56/22 59/20 64/16 68/18 82/20 stared [1] 60/17 start [6] 8/3 8/4 8/5 12/16 48/18 55/18 started [3] 22/6 29/21 65/24 state [9] 1/7 5/14 6/9 39/25 40/18 69/9 90/3 91/12 91/16 stated [3] 77/12 77/20 78/17 statement [14] 30/20 34/24 35/1 35/4 35/5 35/6 35/8 36/9 39/10 68/2 72/19 73/25 75/23 88/5 statements [4] 39/9 68/1 84/21 88/4 station [1] 86/24 stay [10] 9/23 15/4 21/14 21/21 21/22 21/25 22/4 49/2 53/18 57/20 stayed [3] 10/24 57/8 57/22 staying [2] 21/15 21/20 stereotype [1] 90/7 step [2] 82/14 88/24 stepsister [4] 13/13 42/12 66/6 66/7 still [25] 14/3 26/5 29/6 29/7 31/9 50/22 55/22 55/25 56/14 57/2 60/15 61/12 61/15	61/16 61/18 61/20 61/21 63/7 64/3 64/9 64/11 64/12 78/21 85/22 89/2 stood [1] 59/7 stopping [1] 49/20 store [1] 23/8 story [1] 83/5 stove [3] 54/15 54/21 55/11 straight [2] 30/24 77/17 style [1] 47/13 submit [2] 88/19 89/5 submitted [1] 89/18 submitting [1] 89/1 suddenly [1] 19/2 Sunrise [4] 34/2 34/4 35/6 64/23 supervision [1] 90/11 supervisors [1] 80/21 supposed [8] 8/5 11/2 11/2 11/3 12/16 13/24 14/22 17/13 supposedly [1] 37/22 sure [4] 9/21 10/24 62/20 81/23 suspect [2] 71/3 74/18 swear [3] 5/19 40/4 68/20 sworn [4] 5/5 6/15 41/2 69/18 <b>T</b> T-E-E-L [1] 51/12 T-shirt [7] 19/24 20/2 32/22 37/1 37/15 38/14 77/13 table [3] 13/8 59/19 82/18 tactic [2] 85/5 85/9 tactics [1] 84/23 take [6] 8/8 9/25 76/4 82/25 85/21 85/24 taken [4] 1/14 33/25 34/2 84/8 taking [2] 15/3 25/19 talked [1] 84/15 talking [2] 63/8 83/12 tall [3] 19/8 19/23 48/19 tattoos [1] 18/14 Teel [3] 51/8 51/9 51/11 tell [16] 14/8 21/4 21/9 28/23 54/5 56/2 56/7 57/10 58/1 76/19 76/25 77/2 77/8 77/22 83/5 85/21 telling [9] 28/5 35/19 35/23 37/23 37/25 56/6 56/14 57/7 57/15 ten [8] 17/23 42/15 50/5 50/6 50/7 51/17 51/18 81/18 ten o'clock [2] 50/7 51/17 testified [3] 6/17 41/4 69/20 testify [4] 6/16 41/3 69/19 11/9 testimony [8] 5/20 6/2 40/4 10/11 68/13 68/20 69/2 88/16 than [8] 17/18 17/22 17/23 18/1 78/3 87/22 87/24 89/6 Thank [1] 6/13 39/3 39/24 40/22 68/12 69/13 85/16 13/15 88/17 89/5 89/19 that [328] that's [30] 12/4 12/16 20/22 21/16 22/12 32/10 36/15 36/16 36/22 37/7 38/25 39/1 3/6 52/17 57/17 57/18 60/20 62/13 62/15 62/16 62/19 63/24 67/6 67/12 70/17 75/1	

<b>T</b>	Victoria [2] 2/20 5/15 video [6] 80/7 82/12 82/17 83/3 83/24 89/3 view [2] 82/22 89/3 Villanueva [1] 73/22 Villegas [2] 2/20 5/16 VINE [1] 2/12 vodka [3] 13/9 45/19 45/24 voice [6] 56/25 57/1 57/5 57/12 83/16 84/5 voices [4] 57/10 81/3 83/12 84/1 VOLUME [1] 1/21 vote [1] 89/10 voting [1] 89/7	which [18] 10/4 13/17 18/2 18/24 19/8 21/14 21/7 32/7 35/17 54/11 54/18 66/7 66/16 72/1 75/24 78/16 80/20 85/3 while [7] 6/3 22/3 40/12 65/13 69/3 80/13 89/12 white [18] 18/13 18/17 19/14 19/15 19/24 20/2 28/14 32/22 37/1 37/11 37/15 37/19 38/2 38/14 47/19 47/20 47/22 77/13 who [31] whole [13] 5/22 6/16 40/6 41/3 49/13 49/14 49/24 49/25 50/1 51/25 68/22 69/19 81/5 whom [1] 33/6 why [6] 10/8 13/23 16/14 29/12 67/6 82/1 WILDEMANN [4] 3/6 68/15 69/11 69/17 will [3] 5/16 86/24 89/19 WILLIAM [1] 2/17 wine [2] 46/18 78/15 wit [1] 91/13 without [3] 28/5 35/23 37/23 witness [5] 5/17 67/21 68/14 84/21 85/18 witnesses [5] 3/1 70/25 71/14 79/4 88/19 words [2] 21/7 73/3 wore [1] 18/15 working [2] 70/5 70/10 would [14] 8/19 10/20 25/17 29/18 31/17 31/20 55/4 55/5 71/19 75/23 78/1 85/12 87/2 87/10 wouldn't [1] 38/4 wrapping [1] 45/9 writing [4] 72/22 73/25 74/3 74/14 written [5] 72/6 73/1 73/4 74/11 74/9 write [2] 72/22 74/3
<b>U</b>	<b>W</b> W-I-L-D-E-M-A-N-N [1] 69/12 waist [1] 57/25 waiting [1] 5/10 walk [1] 28/18 walking [1] 28/1 walkway [7] 24/25 25/5 25/19 26/24 31/20 31/24 32/7 wall [2] 32/10 64/12 Wanda [1] 82/19 want [7] 25/3 36/11 53/9 72/17 84/14 87/1 87/2 wanted [2] 75/22 87/9 warrant [5] 74/21 74/25 75/4 75/7 75/13 was [303] wasn't [15] 11/1 11/3 21/3 33/9 33/12 35/21 48/5 52/21 56/4 64/16 72/22 74/3 77/14 77/14 79/7 watch [4] 15/4 65/13 80/22 81/19 watching [1] 59/25 water [1] 76/16 way [6] 11/20 25/24 26/7 37/7 48/4 79/1 we [45] We'd [1] 88/19 we'll [1] 89/4 we're [3] 15/4 82/7 82/23 we've [1] 62/12 weapon [15] 6/4 6/5 6/6 40/13 40/14 40/15 69/4 69/5 69/6 85/24 86/2 86/3 89/13 89/14 89/16 wearing [12] 28/9 28/14 47/16 47/18 47/22 47/25 48/4 48/5 48/8 48/8 48/10 78/13 week [1] 88/21 well [17] 10/11 15/22 22/20 35/16 37/21 44/2 48/3 56/20 57/3 57/14 58/23 60/14 65/12 66/3 80/18 81/15 84/19 went [38] were [130] weren't [4] 21/23 35/25 37/17 38/4 wet [1] 63/10 what [126] what's [4] 13/14 37/4 44/13 45/6 when [100] where [42] whereabouts [5] 26/20 27/17 32/6 54/12 63/12 whether [3] 45/23 77/18 79/8	
<b>V</b>	<b>Y</b> yeah [30] 8/10 9/1 12/23 13/23 26/3 36/15 39/20 46/13 47/1 51/3 52/17 54/20 55/4 56/21 57/7 57/14 57/18 58/23 59/4 59/16 60/6 60/22 60/25 61/4 62/17 63/24 64/2 65/19 65/22 85/21 year [4] 14/22 39/13 68/5 58/8 yearbook [21] 4/21 33/4 33/6 35/7 33/10 33/13 33/17 34/10 34/16 34/18 34/20 34/23 41/21 41/22 44/24 65/21 65/24 66/2 66/14 66/19 66/23 years [7] 14/1 17/22 17/23 47/1 41/19 70/7 70/9 yelled [1] 64/19 yelling [3] 57/18 63/18 63/19 yellow [8] 19/11 19/14 19/15 19/18 28/14 32/23 36/5 38/15 yes [243] you [529] you'll [1] 68/15 you're [11] 17/12 17/20 21/6 21/24 42/23 43/5 55/10 59/20 60/24 83/3 84/20 you've [1] 56/19	

**Y**

younger [1] 51/20

your [103]

yourself [3] 12/6 17/18 76/13



RCPT

**CRIMINAL**

FILED

AUG 06 2009

*[Signature]*  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Attorney of Record:  
Public Defender's Office  
Scott L. Coffee**

**State of Nevada**

**Case No. C256384**

**Vs.  
Barron Ham**

**Dept No. XIV**

**Receipt for Grand Jury Transcript(s)**

**Volume(s) 1-2**

**Date of notice: 8/05/09**

I have received the above Grand Jury Transcript(s).

Signature: *[Signature]*

Date: *8-6-09*

**RECEIVED  
AUG 06 2009  
CLERK OF THE COURT**

WRTH  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

FILED

2009 AUG 24 P 2:59

DISTRICT COURT  
CLARK COUNTY, NEVADA

*Ed. [Signature]*  
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

BARRON HAMM,  
#2707761

Defendant.

CASE NO. C256384X

DEPT. NO. XIV

DATE: September 8, 2009

TIME: 9:00 a.m.

PETITION FOR WRIT OF HABEAS CORPUS

TO: The Honorable Judge Donald Mosley of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of Barron Hamm, submitted by SCOTT L. COFFEE-Deputy Public  
Defender, as attorney for the above-captioned individual, respectfully affirms:

1. That I am a duly qualified, practicing and licensed attorney in the City of Las  
Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place  
where the Petitioner is imprisoned actually or constructively imprisoned and restrained of his liberty  
is the Clark County Detention Center; that the officer by whom he is imprisoned and restrained is  
Doug Gillespie, Sheriff.

3. That the imprisonment and restraint of said Petitioner is unlawful in that: there  
was no evidence presented to the Grand Jury to demonstrate probable cause to charge Petitioner with  
Count 1- Burglary While in Possession of a Firearm. The State presented no evidence whatsoever  
supporting a claim that the Petitioner's intent upon entry into the residence in question was for some  
unlawful purpose.

4. That Petitioner waived his right to be brought to trial within 60 days at the  
arraignment on the above entitled case.

RECEIVED

AUG 24 2009

CLERK OF THE COURT

1           5.       That Petitioner consents that if Petition is not decided within 15 days before  
2 the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely to a date  
3 designated by the Court.

4           6.       That Petitioner personally authorized his aforementioned attorney to  
5 commence this action.

6           7.       That this Writ has been timely pursued in that it is being filed within the time  
7 constraints set by the court during the initial arraignment, to wit: 21 days from the filing of the  
8 grand jury transcripts, which are file stamped as being filed upon August 4<sup>th</sup>, 2009. Said time frame  
9 having been set at initial arraignment pursuant to defendant's request and by virtue of the good cause  
10 showing for the time extension, to wit: the unavailability of Grand Jury Transcripts at a time of said  
11 arraignment.

12       WHEREFORE, Petitioner prays that this Honorable Court make an order directing the  
13 County of Clark to issue a Writ of Habeas Corpus directed to the said Doug Gillespie, Sheriff,  
14 commanding him to bring the Petitioner before your Honor, and return the cause of his  
15 imprisonment.

16           DATED this 24<sup>th</sup> of August, 2009.

17  
18                           PHILIP J. KOHN  
19                           CLARK COUNTY PUBLIC DEFENDER

20  
21                           By

  
22                           SCOTT L. COFFEE, #5607  
23                           Deputy Public Defender  
24  
25  
26  
27  
28

DECLARATION

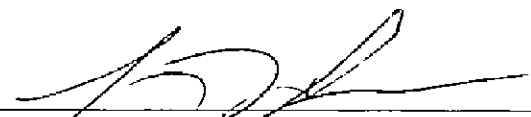
SCOTT L. COFFEE makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true; that Petitioner, Barron Hamm, personally authorizes me to commence this Writ of Habeas Corpus action.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 24<sup>th</sup> day of August, 2009.

  
SCOTT L. COFFEE

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

3           COMES NOW the Petitioner, Barron Hamm, by and through his counsel, SCOTT L.  
4   COFFEE, the Clark County Public Defender's Office, and submits the following Points and  
5   Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas Corpus.

6                                   **OVERVIEW**

7           Seventeen year old Barron Hamm stands accused of First Degree Murder in the shooting  
8   death of Jared Flemming. He was certified as an adult to face said charge. Rather than proceed to  
9   Preliminary Hearing on said charge, the state chose to seek an indictment against Hamm. At the  
10   Grand Jury, the state added several new charges to their allegations against Hamm, to wit: Count 1-  
11   Burglary While in Possession of a Firearm and Count 2-Assault With a Deadly Weapon.  
12

13           While the addition of the Assault With a Deadly Weapon charge may be well taken, given  
14   the evidence before the Grand Jury, the state's new alleged Burglary While in Possession of a  
15   Firearm charge finds no support in the evidence presented. The State failed to present any evidence  
16   whatsoever to support a finding of probable cause as to the charge of Burglary While in Possession  
17   of a Firearm. Hamm ought not be forced to defend said charge at trial, hence this pre-trial Petition  
18   for Writ of Habeas Corpus seeks an order striking Count 1-Burglary While in Possession of a  
19   Deadly Weapon.  
20  
21

22                                   I.  
23

24                                   **STATEMENT OF FACTS**

25           The evidence presented before the Grand Jury can be summarized as follows: On the date of  
26   the shooting the victim was the guest of honor at a birthday party. There were a number of  
27   underaged attendants, including Hamm and several of his friends. There was drinking and dancing.  
28

1 Hamm participated in both. There was no evidence of Hamm being involved in any disputes at the  
2 party. While it didn't appear that Hamm and his friends had been specifically invited to the party, it  
3 also did not appear they were asked to leave.

4 As the party wound down, Hamm and his friends left voluntarily. Hamm returned sometime  
5 later to be told that the party was over and that clean up was in progress. Hamm entered into the  
6 home where the party had been held. There was no evidence of any sort of forced entry---it  
7 appeared that Hamm was allowed to reenter the residence without dispute.  
8

9 Shortly after being allowed to re-enter the residence, Hamm had words with one of the  
10 people inside. A dispute appears to have begun, during which Hamm produced a gun. The witnesses  
11 are split as to what Hamm said after producing the gun, some testified he told people to "get down",  
12 others testified he said to "calm down". During the incident, the eventual decedant attempted to run  
13 from the residence. A single shot was fired, striking and killing Jared Flemming as he was running  
14 from the residence. Hamm was identified as the likely shooter by several party attendees. Hamm  
15 turned himself into police a short time later.  
16

17 There was no evidence whatsoever presented as to a prior dispute between Hamm and any of  
18 the other party goers prior to his reentry into the home where the party had been. There was  
19 absolutely no evidence presented that Hamm made any demands for money or property and no  
20 robbery attempt has been alleged.  
21

## 22 II.

### 23 ARGUMENT

24 THE BURGLARY CHARGE SHOULD BE DISMISSED BECAUSE THE  
25 STATE FAILED TO PRESENT ANY EVIDENCE TO THE GRAND  
26 JURY THAT PETITIONER HAD THE INTENT TO COMMIT EITHER  
27 A LARCENY, A BATTERY, AN ASSAULT, OR ANY FELONY UPON  
ENTERING THE RESIDENCE.

28 Pursuant to NRS 172.155(1):

1 The grand jury ought to find an indictment when all the evidence before them,  
2 taken together, establishes probable cause to believe that an offense has been  
3 committed and that the defendant has committed it.

4 The State need only present slight or marginal evidence to the Grand Jury to secure the indictment  
(see State v. Boueri, 99 Nev. 790, 795, 672 P.2d 33, 36 (1983)).

5 Pursuant to Nevada Revised Statutes, the crime of Burglary requires that there be 1)  
6 entrance, 2) into a building/structure 3) with the intent to commit a larceny, or a battery, or an  
7 assault, or any felony.<sup>1</sup> It is well settled law, that a burglary is complete upon entry. Bullis v. State,  
8 83 Nev. 175, 426 P.2d 423 (1967); citing State v. Simpson, 32 Nev. 138 (1909). A criminal intent  
9 formulated after a lawful entry will not satisfy the statute. State v. Adams, 94 Nev. 503, 505 (1978).

10 Here the state has amply shown that Hamm entered the location of where the shooting  
11 occurred, but utterly failed to provide any evidence to the Grand Jury that he harbored some illegal  
12 intent upon entry. Without probable cause that some sort of illegal intent existed at the time of entry  
13 there can be no probable cause of burglary. This is true because entry alone is not illegal---the very  
14 gravamen of burglary is the illegal purpose behind the entry.

15 An exhaustive review of the grand jury transcript reveals that the State provided no evidence  
16 that the defendant had an illegal purpose upon entering the residence. No witnesses testified as to  
17 the purpose of Petitioner's entry, let alone any statements he made or characteristics he displayed  
18 prior to his alleged entry into the residence which would lead a reasonable person to believe the  
19 entry was made with some illegal intent. Hamm had attended a party earlier and returned later. He  
20 did so without dispute and it appears his re-entry into the home was done without conflict or dispute.  
21 There was no evidence whatsoever of any preexisting bad will between Hamm and the other  
22 attendees of the party. There was no evidence whatsoever that Hamm re-entered for the purpose of  
23 robbing someone and no demands were ever made of property or money. In short, it appears that  
24 Hamm was simply going back to the party and that after re-entering the home a dispute erupted---  
25 this is not burglary.

26  
27  
28  

---

<sup>1</sup> See NRS 205.060

1 Without showing some evidence as to Petitioner's illegal intent upon entry, Petitioner should  
2 not have been indicted on the burglary charge. Therefore, Petitioner respectfully requests this court  
3 dismiss the burglary charge in the instant indictment.

4 DATED this 24<sup>th</sup> of August, 2009.

5 PHILIP J. KOHN  
6 CLARK COUNTY PUBLIC DEFENDER

7  
8 By

  
9 SCOTT L. COFFEE, #5607  
10 Deputy Public Defender  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**NOTICE**

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF HABEAS CORPUS will be heard on 8<sup>th</sup> of September, 2009, at 9:00 a.m. in Department No. XIV District Court.

DATED this 24<sup>th</sup> day of August, 2009.

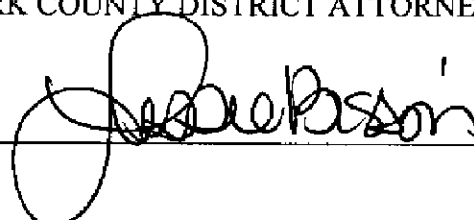
PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By   
SCOTT L. COFFEE, #5607  
Deputy Public Defender

**RECEIPT OF COPY**

RECEIPT OF COPY of the above and foregoing PETITION FOR WRIT OF HABEAS CORPUS is hereby acknowledged this 24 day of August, 2009.

CLARK COUNTY DISTRICT ATTORNEY

By 

1 ORDR  
 2 PHILIP J. KOHN, PUBLIC DEFENDER  
 3 NEVADA BAR NO. 0556  
 309 South Third Street, Suite #226  
 4 Las Vegas, Nevada 89155  
 (702) 455-4685  
 Attorney for Defendant

AUG 31 1 26 PM '09

5 COURT  
 6 DISTRICT COURT  
 CLARK COUNTY, NEVADA

CLE: COURT

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 BARRON HAMM,

11 Defendant.

CASE NO. C256384X

DEPT. NO. XIV

12 ORDER

13 The Petition of BARRON HAMM submitted by SCOTT L. COFFEE, Deputy Public  
 14 Defender, as attorney for the above-captioned individual, having been filed in the above-entitled  
 15 matter,

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVEN D.  
 17 GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the  
 18 County of Clark, issue a Writ of Habeas Corpus.

19 DATED AND DONE at Las Vegas, Nevada, this 26<sup>th</sup> of August, 2009.

20  
 21 *Ronald M. Morley*  
 22 DISTRICT COURT JUDGE

23 Submitted By:  
 24 PHILIP J. KOHN  
 CLARK COUNTY PUBLIC DEFENDER

25  
 26 By *Scott L. Coffee*

27 SCOTT L. COFFEE, #5607  
 Deputy Public Defender  
 28

**RECEIPT OF COPY**

RECEIPT OF COPY of the foregoing Order is hereby acknowledged this \_\_\_\_ day of  
August, 2009.

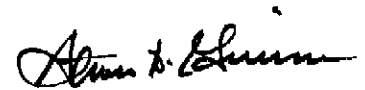
CLARK COUNTY DISTRICT ATTORNEY

By \_\_\_\_\_

Case Name: BARRON HAMM

Case No.: C256384X

Dept. No.: XIV



CLERK OF THE COURT

**RWIC**  
**DAVID ROGER**  
Clark County District Attorney  
Nevada Bar #002781  
**SONIA V. JIMENEZ**  
Chief Deputy District Attorney  
Nevada Bar #008818  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of Application,  
of  
BARRON HAMM,  
#2707761  
for a Writ of Habeas Corpus.

Case No. C256384  
Dept No. XIV

RETURN TO WRIT OF HABEAS CORPUS

DATE OF HEARING: September 8, 2009

TIME OF HEARING: 9:00 A.M.

COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada, Respondent, through his counsel, DAVID ROGER, District Attorney, through SONIA V. JIMENEZ, Chief Deputy District Attorney, in obedience to a writ of habeas corpus issued out of and under the seal of the above-entitled Court on the 24th day of August, 2009, and made returnable on the 8th day of September, 2009, at the hour of 9:00 o'clock A.M., before the above-entitled Court, and states as follows:

1. Respondent admits the allegations of Paragraphs 1 and 2 of the Petitioner's Petition for Writ of Habeas Corpus.

2. Respondent denies the allegations of Paragraph 3 of the Petitioner's Petition for Writ of Habeas Corpus.

3. Paragraphs 4, 5, 6, and 7 do not require admission or denial.

4. The Petitioner is in the actual custody of DOUGLAS C. GILLESPIE, Clark County Sheriff, Respondent herein, pursuant to a Criminal Indictment, a copy of which is attached hereto as Exhibit 1 and incorporated by reference herein.

Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the Petition be dismissed.

DATED this 31<sup>st</sup> day of August, 2009.

Respectfully submitted,

DAVID ROGER  
Clark County District Attorney  
Nevada Bar # 002781

BY /s/ Sonia V. Jimenez  
SONIA V. JIMENEZ  
Chief Deputy District Attorney  
Nevada Bar #008818

## POINTS AND AUTHORITIES

## STATEMENT OF THE CASE

Barron Hamm, hereinafter Defendant, is currently charged with Burglary while in Possession of a Firearm, Assault with a Deadly Weapon, Murder with Use of a Deadly Weapon, and Carrying Concealed Firearm or other Deadly Weapon in an Indictment filed on July 22, 2009. The Defendant has pled not guilty to the charged and his case is scheduled for trial on March 15, 2010. The Defendant filed the instant Petition for Writ of Habeas Corpus, challenging Count 1: Burglary while in Possession of a Firearm, on August 24, 2009.

///

## STATEMENT OF FACTS

On May 2, 2009, a birthday party was held for Jared Flemming at the apartment of his sister, Jazmin. Grand Jury Transcript (GJT) Vol. I, pp. 9, 10-11. Jared Flemming was fourteen years old, and was going to turn fifteen the following day. GJT Vol. I, p. 14. Jazmin lived in an apartment at 2675 South Nellis Avenue with her boyfriend and her twin sons. The apartment had two bedrooms. GJT Vol. II, p. 7. Jazmin had taken her sons over to her dad's house earlier in the day for a birthday party for Jazmin and Jared's younger sister, who was turning two years old. GJT Vol. II, p. 8. When it got closer to the time for Jared's party, Jazmin took Jared and some of his friends over to her apartment to set up, leaving her twin boys at her dad's house. Jazmin told them the rules and then left them to have the party, going back to her dad's house. GJT Vol. II, pp. 9-10. Jazmin returned around 9:30, shortly after the party was supposed to start to check on things. GJT Vol. II, p. 12. She discovered that alcohol had been brought to the party, and was upset, but was told the alcohol was for Jazmin's stepsister Brandy and her friends, who were, although under drinking age, several years old than Jared and his friends. Jazmin was upset, but after being told the alcohol was for them, left the party to go back to her dad's house. GJT Vol. II, pp. 13-15. Jazmin then returned to her apartment again at 12:30 and at that point, felt that the party was out of hand. There were people outside the apartment on the stairs and older individuals who should not have been at the party of a fourteen year old. GJT Vol. II, p. 16. Jazmin then used a ruse, telling everyone the police were coming, to scare everyone into leaving the apartment. GJT Vol. II, p. 17. Jazmin kicked out one older individual who appeared to be thirty years old from her bedroom. When she kicked him out, he said something, and about 3-4 people joined him and left the apartment with them. One of those individuals was wearing a white t-shirt with a green and yellow design and matched the description of the Defendant. After kicking most of the people out, only Jared and his friends were left in the apartment. GJT Vol. II, p. 20. Jazmin could tell that Jared and had been drinking, but told him he and his friends could spend the night at her apartment. GJT Vol. II, p. 21. Jazmin began cleaning up and realized she needed more trash bags so she left

1 to get trash bags from her dad's house. When she left, she told Jared to shut the door, lock it,  
2 and not to let anyone else in. GJT Vol. II, p. 23. As she left the apartment, there were some  
3 guys standing on the sidewalk near the door to her apartment. GJT Vol. II, p. 26. The  
4 individual in the white shirt with yellow and green design, who matched the Defendant's  
5 description and who Jazmin later identified as the Defendant, was with that group. She and  
6 her sister exchanged words with one of the guys in the group. GJT Vol. II, pp. 27-28. By  
7 the time Jazmin got to her car and before getting in, she heard two gunshots, so she hurriedly  
8 got into her car and drove away, because she thought the shots were towards her and her  
9 sister. GJT Vol. II, pp. 28-29. As she was driving, she tried to call Jared's phone.  
10 Eventually the phone was answered and Jazmin was told that her brother Jared had been  
11 shot. She turned around and went back to her apartment. GJT Vol. II, p. 30. The following  
12 morning, Jazmin was shown a Chapparel yearbook. She looked through the yearbook and  
13 pointed out the Defendant's photo in the yearbook as the person in the white shirt with green  
14 on his shirt. GJT Vol. II, pp. 33-36.

15 Fifteen year old Malique Haley was one of the attendees of the party. GJT Vol. I, pp.  
16 8-9. At approximately ten pm at night, the Defendant, Barron Hamm, who was known as  
17 Burger B, arrived at the party, along with several other individuals. GJT Vol. I, pp. 15-16.  
18 The Defendant was wearing a white t-shirt air brushed green and black. GJT Vol. I, p. 17.  
19 The Defendant was drinking and dancing at the party. At some point, his group started  
20 getting "a little wild" and loud. GJT Vol. I, p. 20. At approximately 12 am, Jazmin arrived  
21 back at the apartment, got upset at how many people were there, and told everyone to leave.  
22 GJT Vol. I, p. 20. Malique stayed at the apartment because he was going to spend the night  
23 at Jazmin's apartment with Jared. Mikey (Michael Villanueva), Giovanni, Dylan, Heather  
24 and Brendon also stayed. GJT Vol. I, p. 21. Some of the younger boys started to clean up,  
25 but Heather said that she would clean up and Michael, Giovanni and Jared went into the  
26 kids' room of the apartment to lie down. GJT Vol. I, p. 22. While they were in the kids'  
27 room, someone knocked on the door. GJT Vol. I, p. 27. Jared looked out the window  
28 between the two cribs in the kids' room and Malique Haley walked up behind Jared to also

1 peek outside. Maliiue saw three people, one of whom was the Defendant. GJT Vol. I, pp.  
2 27-28. Jared said not to answer the door because his sister had said the party was over.  
3 However, someone did open the front door. GJT Vol. I, p. 28. Maliiue saw the Defendant  
4 enter the apartment, indicating he was in the living room by the couch and the TV. GJT Vol.  
5 I, p. 29. From the kids' room, Maliiue heard the Defendant say, "Everybody lay down."  
6 Maliiue got up again to look and when he peeked around the corner he saw the Defendant  
7 standing there with his arm extended straight in front of him, holding something. GJT Vol.  
8 I, pp. 31-32. Maliiue could see Jared in the living room where the Defendant was.  
9 Maliiue was calling him but Jared turned and told Maliiue, "Don't even trip." GJT Vol. I,  
10 pp. 33-34. Maliiue went back in the room and got underneath the crib. He then heard three  
11 gunshots. Mikey and Chris McCraney also got under the crib with Maliiue. GJT Vol. I,  
12 pp. 34-35. Maliiue eventually came out of the room and he and others began looking for  
13 Jared. The exited the apartment and started looking and calling his name. He saw  
14 something by the corner and they ran over to the corner. GJT Vol. I, p. 38. Jared was lying  
15 on his back with his eyes wide open and as Maliiue got closer, he saw a hold in Jared's  
16 chest. GJT Vol. I, pp. 42-43.

17 Michael Villanueva was also present at Jared Flemming's birthday party. GJT Vol. I,  
18 pp. 78-79. He also saw the Defendant at the party wearing a long white shirt with green  
19 lettering, along with some other individuals. GJT Vol. I, pp. 83-84. The party ended, and  
20 Michael went with Giovanni and Maliiue to the room with the baby cribs. GJT Vol. I, pp.  
21 86, 90. While in the kids' room, there was a knock at the door. Michael peeked out and  
22 could see the Defendant and one other male knocking at the door. GJT Vol. I, p. 88. He  
23 then saw the Defendant and the other individual enter the room, but went back inside the  
24 room with the cribs. He heard voices from the living room, including the Defendant's voice.  
25 He heard the Defendant say, "Everybody get on the ground." GJT Vol. I, p. 92. Maliiue  
26 told Michael the Defendant had a gun and so Michael hid underneath the crib. GJT Vol. I, p.  
27 93. While hiding underneath the crib, Michael heard three gunshots. GJT Vol. I, p. 94.

28 ///



1 Two shots sounded as though they came from inside the living room and one shot from  
2 outside the apartment. GJT Vol. I, p. 95.

3 Fourteen year old Bernard Bynum also went to Jared Flemming's birthday party.  
4 GJT Vol. I, p. 105. Bernard saw the Defendant arrive at the party later in the night with two  
5 other people. GJT Vol. I, pp. 107-08. While the Defendant was dancing, Bernard saw him  
6 pull up his white t-shirt and display the black handle to a gun. GJT Vol. I, p. 111. After  
7 seeing the gun, Bernard left and went to the playground in the apartment complex and was  
8 sitting by the power box with his friends when he heard two gunshots. GJT Vol. I, pp. 112-  
9 14. Bernard ran away from the flashes and ran home. GJT Vol. I, p. 116.

10 Thirteen year old Tyjuan Bell was one of the attendees at Jared Flemming's birthday  
11 party. GJT Vol. I, pp. 122-23. Tyjuan saw the Defendant at the party. GJT Vol. I, p. 130.  
12 The party eventually ended and Tyjuan testified that only a few people were left in the  
13 apartment. Tyjuan was with Mikey, Dylan, Jared and Maliique in the back room where the  
14 cribs were. GJT Vol. I, pp. 132-33. Tyjuan heard someone knock on the door and at that  
15 time, Tyjuan went to use the bathroom in Jazmin's room. GJT Vol. I, pp. 133-34. When  
16 Tyjuan came out of the room, he heard some say "get down" loudly. Tyjuan peeked out the  
17 door of Jazmin's room and saw the Defendant. GJT Vol. I, pp. 134-35. Tyjuan saw the  
18 Defendant standing by the front entryway. GJT Vol. I, p. 140. Tyjuan saw a couple of  
19 people standing behind the Defendant and also saw the Defendant holding a gun. He got  
20 scared, so he jumped in the closet in Jazmin's room to hide. GJT Vol. I, pp. 141-42. Before  
21 jumping in the closet, he saw Jared and Maliique. Maliique was trying to pull Jared back  
22 into the kids' room and Tyjuan heard Jared telling Maliique not to "trip" and that "it's all  
23 cool." GJT Vol. I, pp. 144-45. After jumping into the closet, Tyjuan heard gunshots. GJT  
24 Vol. I, p. 145.

25 Eighteen year old Heather Hernandez attended Chaparral high school and her family  
26 lived next door to Jared Flemming's house. GJT Vol. II, p. 41. Being next door neighbors,  
27 Heather knew all of Jared's siblings and she went to Jared's party on May 2. She went with  
28 her friend Brandy, who was Jared's stepsister. She and Brandy brought beer to play beer

1 pong with. GJT Vol. II, p. 42. While at the party, the Defendant arrived and he and his  
2 friends brought brown bottles of some type of alcohol with them. GJT Vol. II, p. 44. At the  
3 end of the party, Heather was helping to clean up. GJT Vol. II, p. 49. The Defendant had  
4 left the party, but returned as Heather was helping to clean up in the kitchen area. GJT Vol.  
5 II, p. 52. Heather saw the Defendant enter the apartment and came approximately 3-4 feet  
6 from the door. GJT Vol. II, pp. 53-54. Heather saw the Defendant come in and said they  
7 were telling him the party is over and he was told he had to go. GJT Vol. II, p. 56. He then  
8 said, "Everyone needs to calm down." GJT Vol. II, p. 57. He then pulled out a gun from his  
9 waist and put it in the air while he continued to tell everyone to calm down. GJT Vol. II, p.  
10 58. As soon as he put the gun into the air, everyone ran into bedrooms and ran out on the  
11 porch. Heather watched the Defendant raise the gun as Jared fled out the door, the  
12 Defendant turned towards where Jared ran, lowered the gun and fired two shots. GJT Vol.  
13 II, pp. 60-61. The Defendant then ran from the apartment. GJT Vol. II, p. 62.

14 Detective Wildemann with the Las Vegas Metropolitan Police Department Homicide  
15 Division conducted a videotaped interview with the Defendant. The night before the  
16 interview, a search warrant was served at the Defendant's home, but the Defendant was not  
17 present when it was served. The following day, the Defendant's uncle contacted detectives  
18 and said that he had the Defendant with him and that the Defendant wanted to make a  
19 statement to the police. He agreed to bring the Defendant to their office to give a statement.  
20 GJT Vol. II, p. 75. The Defendant initially told police that he did go to the party where the  
21 shooting took place, that he went outside at one point for a cigarette and when he heard  
22 gunshots, he ran home. He said that he did not see who did the shooting. GJT Vol. II, p. 77.  
23 The Defendant then gave a second version of events stating that he went to the party with  
24 some friends, that one of his friends got into an argument with one of the females at the party  
25 and that he ended up going back into the residence to get his friends. He said that had had to  
26 knock on the door to get his friends out of the apartment. GJT Vol. II, p. 78. He maintained  
27 that he heard the shooting, did not see who did it, and ran home after the shooting. GJT Vol.  
28 II, pp. 78-79. He initially denied having a gun or seeing anyone with a gun, but later said

1 that his friend "Shorty" did have a gun with him. GJT Vol. II, p. 79. Eventually, detectives  
2 offered to allow the Defendant to speak with his mother. She was brought up and detectives  
3 briefly spoke with the Defendant and his mother. The detectives then left the room and left  
4 the Defendant alone with his mother. The audio and video recording of the room continued.  
5 GJT Vol. II, pp. 79-80. While the Defendant was alone in the room with his mother, he at  
6 one point lowered his voice and told his mother, "I did shoot that boy though, I did do that. I  
7 shot him and I got scared and ran." GJT Vol. II, p. 83.

8 The autopsy of Jared Flemming showed that he had a gunshot entry wound on his  
9 back and a gunshot exit wound on his chest. GJT Vol. I, pp. 53-54. The medical examiner  
10 determined that the cause of death was a gunshot wound of the chest and the manner of  
11 death was homicide. GJT Vol. I, p. 55.

## 12 ARGUMENT

### 13 I. SUFFICIENT EVIDENCE WAS PRESENTED BEFORE THE 14 GRAND JURY TO SUPPORT THE CHARGE IN COUNT 1: BURGLARY WHILE IN POSSESSION OF A FIREARM

15 The Defendant challenges the finding of the indictment in this case only as to Count  
16 1: Burglary While in Possession of a Firearm. The Nevada Supreme Court has set forth the  
17 standard of review for purposes of supporting a charging document:

18 In Grand Jury proceedings, the State need only show that a crime has been  
19 committed and that the accused probably committed it. The finding of  
20 probable cause to support a criminal charge may be based on "slight, even  
21 'marginal' evidence . . . because it does not involve a determination of the  
22 guilt or innocence of the accused." Sheriff v. Hodges, 96 Nev. 184, 186,  
23 606 P.2d 178, 180 (1980). "To commit an accused for trial, the State is not  
required to negate all inferences which might explain his conduct, but only  
to present enough evidence to support a reasonable inference that the  
accused committed the offense." Kinsey v. Sheriff, 87 Nev. 361, 363, 487  
P.2d 340, 341 (1971).

24 Sheriff v. Miley, 99 Nev. 377 (1983). This Court need not consider whether the evidence  
25 presented at the grand jury may, by itself, sustain a conviction, since at the grand jury the  
26 State need not produce the quantum of proof required to establish the guilt of accused  
27 beyond a reasonable doubt. See Hodges, 96 Nev. at 186, 606 P.2d at 180; Miller v. Sheriff,  
28 95 Nev. 255, 592 P.2d 952 (1979); McDonald v. Sheriff, 87 Nev. 361, 487 P.2d 340, (1971).

1 In the case at bar, to hold Defendant to answer to the charges, the State is not required to  
2 negate all inferences which might be drawn from a certain set of facts, State v. VonBrincken,  
3 86 Nev. 769, 476 P.2d 733, (1970); Johnson v. State, 82 Nev. 338, 418 P.2d 495 (1966), but  
4 only to present enough evidence to support a reasonable inference that Defendant committed  
5 the crimes charged. The State presented sufficient evidence here to uphold the charges in  
6 Count 1.

7 NRS 205.060(1) states that, "A person who, by day or night, enters any . . . apartment  
8 . . . with the intent to commit grand or petit larceny, assault or battery on any person or any  
9 felony, or to obtain money or property by false pretenses, is guilty of burglary." Defendant  
10 claims that no evidence was presented to support the charge of burglary, stating that, "No  
11 witnesses testified as to the purpose of [defendant]'s entry, let alone any statements he made  
12 or characteristics he displayed prior to his alleged entry" to support the illegal intent to enter  
13 Jazmin's apartment. See Defendant's Petition for Writ of Habeas Corpus, p. 6. However,  
14 Defendant fails to point out that, "the intention with which . . . [entry is made] is a question  
15 of fact which may be inferred from [a defendant]'s conduct and other circumstances  
16 disclosed by the evidence." Flynn v. State, 93 Nev. 247, 250, 562 P.2d 1135, 1136 (1977).  
17 Defendant argues that no evidence of the Defendant's actions prior to his entry was  
18 presented and that without such evidence, there is no evidence of his intent. However, the  
19 Defendant's conduct both before and *after* entry can be considered by the jury in  
20 determining with what intent the Defendant entered. In Flynn, the Nevada Supreme Court  
21 found that the evidence of defendant's actions after entering the residence was sufficient to  
22 support the defendant's conviction for burglary, summarizing that, "Here, [defendant] and  
23 his accomplice carried Ms. Wells directly to her bedroom and, shortly thereafter and against  
24 her will, had sexual intercourse with her. In our view, [defendant]'s felonious intent to  
25 commit rape may reasonably be inferred from these facts and, thus, the burglary conviction  
26 will not be disturbed". See Id. Here, the testimony at the grand jury from several witnesses  
27 was that the Defendant entered through the front door and came only a few short feet from  
28 the front door into the living room. He then raised his gun and told everyone either to get

1 down, lay down, or to calm down, displaying the firearm while doing so. From such  
2 evidence, the grand jury could properly find that the purpose with which the Defendant  
3 entered the apartment was to commit an assault against those who were inside the apartment.  
4 Just as the Court in Flynn relied on the defendant's actions after entering the apartment to  
5 determine the intent of his entry, the grand jury relied on this Defendant's actions after  
6 entering Jazmin's apartment to conclude that he entered with the intent to commit an assault.

7 Defendant also argues that no evidence was presented indicating that the Defendant  
8 made any demands for property or money or that he intended to rob anyone and that  
9 therefore, the burglary charge is not supported. However, what else might have followed  
10 after the Defendant's commands to get down were followed would only be speculation as,  
11 after the gun was displayed, Jared Flemming fled from the apartment at which time the  
12 Defendant shot him in the back, killing him, and then ran himself from the crime scene.  
13 However, at a minimum, the evidence showed the Defendant did intend to assault those in  
14 the apartment by displaying a firearm and ordering everyone to get down. The evidence of  
15 how Defendant acted upon his entry, the short amount of time between his entry and the  
16 displaying of the gun and commands to get down, all supports the charge of burglary against  
17 the Defendant.

18 However, the grand jury had even more evidence to rely on than the jury who  
19 convicted the defendant in Flynn. Here, in addition to evidence of the circumstances of  
20 Defendant's entry into Jazmin's apartment, the grand jury also was presented evidence of the  
21 Defendant's statement to police detailing his conduct that night. After initially denying  
22 going back to the apartment a second time, Defendant eventually admitted to knocking at the  
23 door of the apartment to get his friends who were still inside to come outside to leave with  
24 him. However, the evidence clearly shows that not only were his friends not inside the  
25 apartment at the time that the Defendant knocked and was allowed entry, but that the  
26 Defendant knew his friends were outside before he knocked on the apartment door. Jazmin  
27 testified that she saw the Defendant with his friends as she walked out to her car to leave to  
28 go get trash bags. She heard the gunshots as she was getting into her car, just moments after

1 seeing the Defendant with his friends. Therefore, the grand jury could certainly find that the  
2 Defendant's statement that he knocked to enter the apartment to look for his friends was not  
3 truthful as he was with his friends just prior to knocking at the door. They could further  
4 conclude that the reason he did not tell the truth about why he entered was because he did, in  
5 fact, knock at the door and enter with an unlawful purpose.

6 The Defendant also contends that his reentry into the home was without conflict or  
7 dispute and therefore there was not sufficient evidence of intent. However, consent to enter  
8 is not a defense to the crime of burglary so long as there is evidence that the defendant had  
9 specific intent to commit any of the crimes defined by statute (which in this case would be  
10 assault). See Thomas v. State, 94 Nev. 605, 610, 584 P.2d 674, 677 (1978); see also, Barrett  
11 v. State, 105 Nev. 361, 775 P.2d 1276 (1986). Here, as described above, the evidence shows  
12 that the Defendant entered the apartment and almost immediately thereafter produced a gun  
13 and ordered everyone to get down. With evidence that the Defendant's intent was to commit  
14 an assault, the fact that someone opened the door for him and that there was no dispute in  
15 opening the door does not mean that the crime of burglary was not committed.

16 The intention with which the Defendant entered Jazmin's apartment is ultimately an  
17 issue of fact which the jury will have to decide at trial. The grand jury here had ample  
18 evidence from which to infer the Defendant's intent to enter the apartment. Although shown  
19 by circumstantial evidence, circumstantial evidence carries the same weight as direct  
20 evidence. Therefore, the charge of burglary while in possession of a firearm should not be  
21 dismissed.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 CONCLUSION

2 The State respectfully request that the Defendant's Petition for Writ of Habeas Corpus  
3 be denied.

4  
5 DATED this 31<sup>st</sup> day of August, 2009.

6 Respectfully submitted,

7 DAVID ROGER  
8 Clark County District Attorney  
9 Nevada Bar # 002781

10 BY /s/ Sonia V. Jimenez  
11 SONIA V. JIMENEZ  
12 Chief Deputy District Attorney  
13 Nevada Bar #008818

14  
15 CERTIFICATE OF ELECTRONIC FILING

16 I hereby certify that service of State's Return to Writ of Habeas Corpus, was made this  
17 31<sup>st</sup> day of August, 2009, by Electronic Filing to:

18  
19 PUBLIC DEFENDER

20 E-mail Address: pdclerk@co.clark.nv.us

21  
22 By: /s/ D. Jason

23 Secretary for the District Attorney's Office  
24  
25  
26  
27  
28

1 IND  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 SONIA JIMENEZ  
6 Chief Deputy District Attorney  
7 Nevada Bar #008818  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED

JUL 22 11 52 AM '09

*E. J. [Signature]*  
CLERK OF THE COURT

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, )

11 Plaintiff, )

12 -vs- )

13 BARRON HAMM,  
14 #2707761 )

15 Defendant(s). )

Case No. C256384  
Dept. No. XIV

INDICTMENT

18 STATE OF NEVADA }  
19 COUNTY OF CLARK } ss.

20 The Defendant(s) above named, BARRON HAMM, accused by the Clark County  
21 Grand Jury of the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM  
22 (Felony - NRS 205.060); ASSAULT WITH A DEADLY WEAPON (Felony - NRS  
23 200.471); MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.010,  
24 200.030, 193.165); and CARRYING CONCEALED FIREARM OR OTHER DEADLY  
25 WEAPON (Felony - NRS 202.350 (1)(d)(3)); committed at and within the County of Clark,  
26 State of Nevada, on or about the 3rd day of May, 2009, as follows:

27 ///

28 ///

RECEIVED

JUL 22 2009

CLERK OF THE COURT



1 COUNT 1 – BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did then and there wilfully, unlawfully, and feloniously enter, while in possession of a  
3 firearm, with intent to commit assault and/or assault with use of a deadly weapon, that  
4 certain building occupied by JAZMIN FLEMMING and/or JARED FLEMMING, located at  
5 2675 Nellis Avenue, # 1142, Clark County, Nevada.

6 COUNT 2 – ASSAULT WITH A DEADLY WEAPON

7 did then and there wilfully, unlawfully, feloniously and intentionally place another  
8 person, to-wit: JARED FLEMMING and/or HEATHER HERNANDEZ and/or TYJUAN  
9 BELL and/or MALIIQUE HALEY and/or MICHAEL VILLANUEVA, in reasonable  
10 apprehension of immediate bodily harm with use of a deadly weapon, to-wit: a firearm, by  
11 pointing the firearm at said individuals and yelling for everyone to get on the ground and/or  
12 for everyone to lay on the ground.

13 COUNT 3 – MURDER WITH USE OF A DEADLY WEAPON

14 did then and there wilfully, feloniously, without authority of law, and with malice  
15 aforethought, kill JARED FLEMMING, a human being, by shooting the said JARED  
16 FLEMMING in the back, with a deadly weapon, to-wit: a firearm, the said actions of the  
17 Defendant resulting in the death of the said JARED FLEMMING, the Defendant being  
18 responsible under one or more of the following principles of criminal liability, to-wit: (1) by  
19 having premeditation and deliberation in its commission; and/or (2) the killing occurring  
20 during the perpetration or attempted perpetration of a burglary.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///


1 COUNT 4 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

2 did then and there wilfully, intentionally, unlawfully and feloniously carry concealed  
3 upon his person, a firearm or other deadly weapon, to-wit: a handgun.

4 DATED this 21 day of July, 2009.

5  
6 DAVID ROGER  
DISTRICT ATTORNEY  
7 Nevada Bar #002781

8  
9 BY

  
10 SONIA JIMENEZ  
11 Chief Deputy District Attorney  
12 Nevada Bar #008818

13  
14 ENDORSEMENT: A True Bill

  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Foreperson, Clark County Grand Jury

1 Names of witnesses testifying before the Grand Jury:  
2 HALEY, MALIQUE, C/O CCDA'S OFFICE  
3 OLSON, DR. ALANE, CLARK COUNTY CORONER'S OFFICE  
4 CHILDS, AUSTON, C/O CCDA'S OFFICE  
5 VILLANUEVA, MICHAEL, C/O CCDA'S OFFICE  
6 BYNUM, BERNARD, C/O CCDA'S OFFICE  
7 BELL, TYJUAN, C/O CCDA'S OFFICE  
8 FLEMMING, JAZMIN, C/O CCDA'S OFFICE  
9 HERNANDEZ, HEATHER C/O CCDA'S OFFICE  
10 WILDEMAN, M., LVMPD #3516  
11 Additional witnesses known to the District Attorney at time of filing the Indictment:  
12 CUSTODIAN OF RECORDS CCDC  
13 CUSTODIAN OF RECORDS LVMPD COMMUNICATIONS  
14 CUSTODIAN OF RECORDS LVMPD RECORDS  
15 CUSTODIAN OF RECORDS NLV PD RECORDS  
16 BUNN, C., LVMPD #4407  
17 FLEMMING-BROWN, KIMBERLY C/O CCDA'S OFFICE  
18 FLEMING, ANTHONY C/O CCDA'S OFFICE  
19 HERNANDEZ, HEATHER C/O CCDA'S OFFICE  
20 HERNANDEZ, DILLON, C/O CCDA'S OFFICE  
21 HALEY, MALIQUE, C/O CCDA'S OFFICE  
22 GONZALES, BRANDON, C/O CCDA'S OFFICE  
23 BYNUM, BERNARD, C/O CCDA'S OFFICE  
24 FLEMMING, JAZMIN, C/O CCDA'S OFFICE  
25 LUNDY, CRYSTAL, C/O CCDA'S OFFICE  
26 VILLANUEVA, MICHAEL, C/O CCDA'S OFFICE  
27 VILLANUEVA, JEOVANY, C/O CCDA'S OFFICE  
28 BELL, TYJUAN, C/O CCDA'S OFFICE

1 CHILDS, AUSTON, C/O CCDA'S OFFICE  
2 CULTON, BRANDILYNN, C/O CCDA'S OFFICE  
3 BEDE, GERALD, C/O CCDA'S OFFICE  
4 CROWDER, SHARI, C/O CCDA'S OFFICE  
5 QUINT, JOHN, C/O CCDA'S OFFICE  
6 KO, ANGELA, C/O CCDA'S OFFICE  
7 SANCHEZ, ANA CHRISTINA, C/O CCDA'S OFFICE  
8 GRAMMAS, K., LVMPD #7808  
9 JOHNSON, K., LVMPD #2892  
10 SHRUM, S., LVMPD #7917  
11 MADDEN, A., LVMPD #13205  
12 REED, G., LVMPD #3731  
13 WILDEMAN, M., LVMPD #3516  
14 JENSEN, B., LVMPD #3662  
15 KYGER, T., LVMPD #4191  
16 SHOEMAKER, R., LVMPD #2096  
17 ROBERTS, L., LVMPD #3379  
18 DUCAS, J., LVMPD #7296  
19 LEMASTER, D., LVMPD #4243  
20 FORD, L., LVMPD #13202  
21 ZYGMONT, P., LVMPD #8558  
22 MYROLD, E., LVMPD #13064  
23 GUERRA, J., LVMPD #8786  
24 RAPOZO, S., LVMPD #8575  
25 BOWER, J., LVMPD #13419  
26 CHAMBERLIN, J., LVMPD #13404  
27 MILLARD, W., LVMPD #9165  
28 REYES, L., LVMPD #13129

1 KILEEN, S., LVMPD #9675  
2 COLEMAN, S., LVMPD #13127  
3 MORRIS, E., LVMPD #13248  
4 KAPP, J., LVMPD #13118  
5 MORALES, C., LVMPD #8788  
6 ZAMBRANO, A., LVMPD #13147  
7 JAPPE, D., LVMPD #9992  
8 CANCEL, W., LVMPD #13404  
9 SUTTON, J., LVMPD #6847  
10 DRANSFIELD, W., LVMPD #10052  
11 PACIFICO, V., LVMPD #6511  
12 FRAZIER, A., LVMPD #9152  
13 CURTIS, C., LVMPD #4427  
14 SMITH, A., LVMPD #3576  
15 BARKER, T., LVMPD #4106  
16 CHANDLER, G., LVMPD #5446  
17 DUKES, J., LVMPD #5656  
18 CARLSON, T., LVMPD #3078  
19 LOURENCO, R., LVMPD #5564  
20 WILDS, M., LVMPD #4957  
21 JOHNSON, K., LVMPD #2892  
22 KOWALSKI, B., LVMPD #8550  
23 COLON, M., LVMPD #7585  
24 RAETZ, D., LVMPD #4123  
25 CALOS, P., LVMPD #4772  
26 TUFTELAND, E., LVMPD #8971  
27 STALLINGS, JOHN, CLARK COUNTY CORONER'S OFFICE  
28 MIELE, SUZANNE, CLARK COUNTY CORONER'S OFFICE

1 STALLINGS, JOHN L., CLARK COUNTY CORONER'S OFFICE  
2 OLSON, DR. ALANE, CLARK COUNTY CORONER'S OFFICE  
3 MATTHIS, SANDY Medic West #602  
4 BUTTON, JEANNIE, 2920 S. NELLIS BLVD., LVNV  
5 OWEN, CHILO, 2920 S. NELLIS BLVD., LVNV  
6 COR REBEL GAS STATION, 2920 S. NELLIS BLVD., LVNV  
7 COR CHAPARRAL HIGH SCHOOL  
8 COR SUNRISE HOSPITAL  
9 COR SAFARI APARTMENTS, 2675 S. NELLIS BLVD, LVNV  
10 CHOCK, DR. S., SUNRISE HOSPITAL, 3186 S. MARYLAND PKWY, LVNV  
11 MARTIN, WANDA, 3391 FLORIE STREET, LVNV  
12 FRAZIER, BOBBIE ANNICE, 3391 FLORIE STREET, LVNV  
13 SMITH, LAQUEENA, 4208 RIKER, LVNV  
14 HAYES, VERNON, 818 I STREET, LVNV  
15 MCALLISTER, FREDRICK, 3391 FLORRIE STREET, LVNV  
16 MARTIN, CARLECIA, 3391 FLORRIE STREET, LVNV  
17 JOHNS, NELSON, 400 WEST STREET, LVNV  
18 MARTIN, STARISHA, PECOS TERRACE APARTMENTS, LAKE MEAD AND PECOS,  
19 LVNV  
20 BRADSHAW, KEYLONDRA, 4208 DOBSON STREET, LVNV  
21  
22  
23  
24  
25

26 DA#09AGJ036X/09F09275X/ds  
27 LVMPD EV# 0905030318  
28 (TK5)

ORIGINAL

FILED

1 WRTH  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR NO. 0556  
4 309 South Third Street, Suite #226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

SEP - 11 P 2:31

*E. J. Smith*  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C256384X

DEPT. NO. XIV

BARRON HAMM,

Defendant.

WRIT OF HABEAS CORPUS

To: Clark County Sheriff  
Clark County, Nevada

GREETINGS:

We command that you have the body of the above-captioned person, by you imprisoned and detained, as it is alleged, together with the time and cause of such imprisonment and detention, by whatever name said above-captioned person shall be called or charged, before the Honorable Donald M. Mosley, District Court Judge, at his chambers or his courtroom in the County Courthouse Building in the City of Las Vegas, County of Clark, State of Nevada, on September 8, 2009 at the hour of 9:00 a.m., to do and receive that which shall then and there be considered concerning the said above-captioned person; and have you then and there this Writ.

DATED AND DONE this \_\_\_\_\_ of September, 2009.

STEVEN D. GRIERSON, COUNTY CLERK

By

DEPUTY

JENNIFER AREVALO

SEP - 1 2009

RECEIVED  
SEP - 1 2009  
CLERK OF THE COURT

RECEIPT OF COPY

RECEIPT OF COPY of the foregoing Writ of Habeas Corpus is hereby acknowledged this  
1<sup>st</sup> day of September, 2009.

CLARK COUNTY SHERIFF

CLARK COUNTY DISTRICT ATTORNEY

By: Pamela Aye By: Unma Maldonado

Case Name: BARRON HAMM  
Case No.: C256384X  
Dept. No. XIV



FILED

SEP 08 2009

DISTRICT COURT  
CLARK COUNTY, NEVADA

CLERK OF COURT

C256384

09F09275X

14

9/21/09

STATE OF NEVADA

Plaintiff,

vs.

Bareon Hamm #2707761

Defendant

Case No.:

Dept. No.:

Docket No.:

"MOTION To DISMISS Counsel"

To THE HONORABLE Judge Donald Moseley, I  
hereby AM REQUESTING THAT MY ATTORNEY SCOTT  
Coffee BE DISMISSED FROM MY CASE ON GROUNDS  
OF "ATTORNEY-CLIENT PRIVILEGE" 449 U.S. 383, 389, Mr.  
Coffee NEVER SHOWED ANY PROFESSIONAL CONCERNS  
ABOUT MY WELL-BEING WE HAVE LACK OF COMMUNI-  
CATION AS FAR WITH MY FUTURE AND RESERVING MY  
CASE. MY "SIXTH AMENDMENT" 422 U.S. 806, 821.  
Schwartz, CONSTITUTIONAL LAW § 7.11 (2ED. 1979)  
IS VIOLATED DUE TO THE "EFFECTIVE ASSISTANCE  
OF COUNSEL" I AM YOUNG AND MY FREEDOM LET ALONE  
MY LIFE ON THE LINE I JUST WANT A RIGHTEOUS  
ATTORNEY TO REPRESENT ME AND NOT SHOW "Negligence"

RECEIVED

SEP 03 2009

CLERK OF THE COURT

1 \$ 282; 283. I D 284 while REPRESENTING ME IN  
2 MY CASE. I ALSO ASKED MR. COFFEY TO LET MY  
3 SISTER KNOW WHAT'S GOING ON IN MY CASE "NEXT  
4 FRIEND" SD A. 644; 79 SE. 20479; 483; 55 SO.  
5 418, 419 I GAVE HIM PERMISSION TO BUT HE STATED SHE  
6 WASN'T MY GUARDIAN, MR. MOSELY I ASK THAT YOU GRANT  
7 MY MOTION UNDER THESE CIRCUMSTANCES THAT I HAVE  
8 PRESENTED TO YOU AND GRANT ME NEW COUNSEL SOMEONE  
9 WHO WON'T FAIL ME.  
10  
11  
12  
13  
14  
15

16 DATED THIS 31ST day of August, 2009.

17 I, BARRON HAMM #2707761, do

18 solemnly swear, under the penalty of perjury, that

19 the above STATEMENT is accurate,

20 correct, and true to the best of my knowledge.

21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,

23 Barron Hamm

24  
25 Defendant

BALCON HAM #27071761  
330 S. COMMERCE BLVD  
LAS VEGAS, NV 89101

LEGAL  
MAIL

89155-4500

LAS VEGAS NV 890

01 SEP 2009 PM 5:17

USA 74



EDWARD A. FRIEDLAND  
CLERK of the COURT  
200 LEWIS AVE 3rd floor  
LAS VEGAS NV 89155-4500

ORIGINAL

FILED

SEP 14 8 42 AM '09

*Ernest H. ...*  
CLERK OF THE COURT

**ORDR**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
SONIA V. JIMENEZ  
Chief Deputy District Attorney  
Nevada Bar #008818  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

BARRON HAMM,  
#2707761

Defendant.

Case No. C256384  
Dept No. XIV

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: 09/08/09  
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 8<sup>TH</sup> day of September, 2009, the Defendant being present, represented by SCOTT COFFEE, Deputy Public Defender, the Plaintiff being represented by DAVID ROGER, District Attorney, through SONIA V. JIMENEZ, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

///  
///  
///  
///

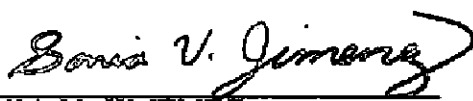
RECEIVED  
SEP 14 2009  
CLERK OF THE COURT

1 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus,  
2 shall be, and it is DENIED.

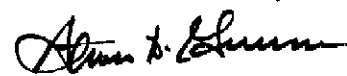
3 DATED this 10<sup>th</sup> day of September, 2009.

4  
5   
6 DISTRICT JUDGE

7  
8 DAVID ROGER  
9 DISTRICT ATTORNEY  
Nevada Bar #002781

10   
11 SONIA V. JIMENEZ  
12 Chief Deputy District Attorney  
13 Nevada Bar #008818

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 djj



CLERK OF THE COURT

**NOTC**

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
VICTORIA A. VILLEGAS  
Chief Deputy District Attorney  
Nevada Bar #002804  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BARRON HAMM,  
#2707761

Defendant.

CASE NO: C256384

DEPT NO: VII

**NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]**

TO: BARRON HAMM, Defendant; and

TO: PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses in its case in chief:

KRYLO, James J., P #5945, Forensic Scientist II, LVMPD, or Designee:

He is an expert in the area of firearm/toolmark analysis, Gun ID, ballistics, burn stippling and muzzle flash and and will give opinions related thereto. He is expected to testify regarding evidence collected from the crime scene.

///


///

///

///

1 The substance of each expert witness' testimony and a copy of all reports made by or  
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

4  
5  
6 BY   
7 DAVID ROGER  
8 DISTRICT ATTORNEY  
9 Nevada Bar #002781

10 CERTIFICATE OF ELECTRONIC FILING

11  
12 I hereby certify that service of Notice of Expert Witness, was made this 3<sup>RD</sup> day of  
13 November, 2009, by Electronic Filing to:

14  
15 PUBLIC DEFENDER

16 E-mail Address: pdclerk@co.clark.nv.us

17  
18  
19 BY: /s/ D. Jason

20 Secretary for the District Attorney's Office

## Statement of Qualifications

Name: James Krylo

Page: 1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 5-12-03

Name: James Krylo P#: 5945 Classification: Firearms / Toolmark Examiner

Current Discipline of Assignment: Firearms / Toolmarks

**EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)**

Controlled Substances		Blood Alcohol	
Toolmarks	X	Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	X
Latent Prints	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

**EDUCATION**

<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
California State University, Long Beach	9/76 - 12/80	Criminalistics	B.S.

**ADDITIONAL TRAINING / SEMINARS**

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
CAC / NWAFS Training Seminar - Colt Armorer's Workshop	Reno, NV	4/03
Southwestern Association of Forensic Scientists	Scottsdale, AZ	11/02
Association of Firearm and Tool Mark Examiners - O.F. Mossberg & Sons, Inc "Field Armorer's Course"	San Antonio, TX	5/02
Association of Firearm and Tool Mark Examiners -	San Antonio, TX	5/02



## Statement of Qualifications

Name: James Krylo

Page: 2

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Hi-Point Firearms Armorer's Course		
Association of Firearm and Tool Mark Examiners - Ricochet Analysis Workshop	San Antonio, TX	5/02
Association of Firearm and Tool Mark Examiners - 33 <sup>rd</sup> Annual Training Seminar	San Antonio, TX	5/02
National Integrated Ballistic Information Network - NIBIN Training	Largo, FL	3/02
Techniques in Firearms Identification Course - FBI Academy	Quantico, VA	2/02
Shot Show	Las Vegas, NV	2/02
Southern California Firearms Study Group	San Bernadino, CA	11/01
Digital Imaging Workshop	Las Vegas, NV	10/01
Digital Imaging Workshop	Las Vegas, NV	9/01
Association of Firearm and Tool Mark Examiners Training Seminar	Newport Beach, CA	7/01
Forensic Identification Training Seminars - Advanced Shooting Incident Reconstruction	Las Vegas, NV	9/00
Association of Firearm and Tool Mark Examiners Training Seminar	St. Louis, MO	6/00
Forensic Identification Training Seminars - Shooting Incident Reconstruction	Las Vegas, NV	2/00
Association of Firearm and Tool Mark Examiners Training Seminar	Williamsburg, Va	7/99
National Forensic Science Technology Center Laboratory Auditing	Las Vegas, NV	6/99
NV State Division for the International Association for Identification Conference	Las Vegas, NV	4/99
Washington State Criminal Justice Training Center / Washington State Law Enforcement Firearms Instructors Association Training Seminar	Seattle, WA	1998
FBI Bullet Trajectory and Shooting Reconstruction School	Los Angeles, CA	1998
Remington Armorer's course	Bellevue, WA	1997
Mnemonic Systems Inc. Introduction to "Drugfire" Course	Washington, DC	1997

## Statement of Qualifications

Name: James Krylo

Page: 3

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
International Association of Bloodstain Pattern Analysts Training Seminar	Seattle, WA	1997
Forensic Technology "IBIS" Training Course	Tacoma, WA	1997
FBI Gunshot Residue School	Marysville, WA	1997
Oehler Ballistics Workshop	Fredricksberg, TX	1996
Heckler & Koch MP5/Rifle Armorer's Course	Tacoma, WA	1996
Washington State Law Enforcement Firearms Instructors Association Training Seminar	Seattle, WA	1995
Washington State Criminal Justice Training Center / Washington State Law Enforcement Firearms Instructors Assoc. Training Seminar	Seattle, WA	1995
Federal Cartridge Co. Law Enforcement Ammunition and Ballistics Seminar	Tacoma, WA	1995
Colt M16 / AR15 Armorer's course	OR	1995
Washington State Law Enforcement Firearms Instructors Assoc. Training Seminar	Seattle, WA	1994
Range Management Services Inc. Managing Lead Hazards in Indoor Firing	Olympia, WA	1994
Glock Armorer's Course	Oregon City, OR	1994
Washington State Criminal Justice Training Center / Washington State Law Enforcement Firearms Instructors Association Training Seminar	Seattle, WA	1993
Smith & Wesson Pistol Armorer's course	Bellevue, WA	1993
SigSauer Pistols Armorer's course	Raleigh, NC	1993
Ruger Revolver Familiarization course	Raleigh, NC	1993
Ruger Armorer's course	Tacoma, WA	1993
Assoc. of Firearm And Toolmark Examiners Annual Training Seminar	Raleigh, NC	1993
Washington State Law Enforcement Firearms Instructors Assoc. Training Seminar	Seattle, WA	1992
Smith & Wesson Revolver Armorer's course	Galt, CA	1992
Oregon State Police Advanced Firearms Training	OR	1992

## Statement of Qualifications

Name: James Krylo

Page: 4

**ADDITIONAL TRAINING / SEMINARS**

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Beretta Armorer's Course	Tacoma, WA	1992
Washoe Co. Sheriff's Office Advanced Crime Scene Reconstruction	Reno, NV	1991
Midwestern Association of Forensic Scientists Blood Spatter Workshop		1990
International Association for Identification Pacific Northwest Division Training Seminar	Yakima, WA	1990
International Assoc. of Bloodstain Pattern Analysts Training Seminar	Reno, NV	1990
Washington State Criminal Justice Training Center Homicide Investigation	Seattle, WA	1989
Kodak/Nikon Law Enforcement Photography	Tacoma, WA	1989
International Association for Identification Pacific Northwest Division Training Seminar	Spokane, WA	1989
Assoc. of Firearm and Toolmark Examiners Seminar	Seattle, WA	1988
Washington State Patrol Leaf Marijuana Identification	Shelton, WA	1987
Washington State Criminal Justice Training Center / FBI Advanced Latent Fingerprint Techniques	Seattle, WA	1986
Loctite Corp. Cyanoacrylate Fuming for Latent Fingerprint Techniques		1985
International Association for Identification Pacific Northwest Division Training Seminar	Olympia, WA	1985
Washington State Criminal Justice Training Center / FBI Fingerprint Identification	Seattle, WA	1984
Association of Firearm and Toolmark Examiners Training Seminar	San Mateo, CA	1983

**COURTROOM EXPERIENCE**

<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Federal - Washington (Tacoma)	Latent Prints	1
Municipal - California (Orange County)	Latent Prints	5
Superior - California (Orange County)	Latent Prints	2
Federal - Nevada (Las Vegas)	Firearms	1

## Statement of Qualifications

Name: James Krylo

Page: 5

**COURTROOM EXPERIENCE**

<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
District - Nevada (Clark County)	Firearms	5
Superior - Washington (King & Pierce Counties)	Latent Prints	11
Coroner's Inquest - Nevada (Clark County)	Firearms	2
Coroner's Inquest - Washington (King County)	Firearms	4
District - Washington (Pacific County)	Firearms	1
Grand Jury - California (Orange County)	Firearms	1
Grand Jury - Nevada (Clark County)	Firearms	1
Grand Jury - Federal (Seattle, WA)	Firearms	1
Justice - Nevada (Las Vegas)	Firearms	1
Juvenile - California (Orange County)	Firearms	1
Juvenile - Washington (Pierce and King Counties)	Firearms	4
Military - USMC (El Toro, CA)	Firearms	1
Superior - California (Orange County)	Firearms	11
Superior - Washington (Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klicitat, Lewis, Mason, Pacific, Pierce, San Juan, Skamania, Snohomish, and Thurston Counties)	Firearms	105

**EMPLOYMENT HISTORY**

<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Firearm/Toolmark Examiner	1998 - present
Washington State Patrol	Forensic Scientist	1991 - 1998
Pierce County Sheriff's Department	Identification Officer	1986 - 1991
Seattle Police Department	Identification Technician	1984 - 1986
Orange County Sheriff's Department	Forensic Specialist	1981 - 1984
Anaheim Police Department	Identification Technician	1981

**PROFESSIONAL AFFILIATIONS**

## Statement of Qualifications

Name: James Krylo

Page: 6

<i>Organization</i>	<i>Date(s)</i>
Association of Firearm and Toolmark Examiners	1993 - present
<b>PUBLICATIONS / PRESENTATIONS:</b>	
<i>BRI 12 GA/.500 Sabot Bullet - AFTE Journal - October 1983</i>	
<i>Trigger Pull Statistics - AFTE Journal - January 1985</i>	
<i>Drop Testing a 45 Auto Colt 1911 - AFTE Journal - Spring 1997</i>	
<i>Cartridge Interchangeability in a Norinco Pistol - AFTE Journal - Summer 2000</i>	
<b>OTHER QUALIFICATIONS:</b>	
Received a State of Washington Vocational Education Certificate to teach "Fingerprint Quality Control Technician"	

<b>Las Vegas Metropolitan Police Department</b> <b>Forensic Laboratory</b> <b>Report of Examination</b> <b>Firearms/Toolmark Unit</b>		<b>Distribution Date:</b>  <b>OCT 22 2009</b>	
<b>Subject(s):</b> HAMM, Barron (s) FLEMMING, Jared (v)	<b>Case:</b>		09 0503-0318
	<b>Agency:</b>		LVMPD
	<b>Incident:</b>		Murder
	<b>Requester:</b>		WILDEMANN/BUNN - Homicide

### Evidence Examined

Package 7917-1 (one sealed envelope) dated 5-3-09 from "2675 S. Nellis #15/1142" containing:  
 Item 1: One bullet

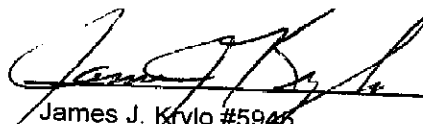
### Examination Results

The bullet (Item 1) is a full metal jacket type bullet of nominal .38 caliber (.38 Special, .38 Super, .357 Magnum, etc...) and is marked with five land and groove rifling impressions bearing a right twist. Common firearms with rifling characteristics similar to those present on this bullet include, but are not necessarily limited to, Smith & Wesson .38 Special and .357 Magnum revolvers.


Bullets are not entered into the National Integrated Ballistics Information Network (NIBIN) at this time.

### Disposition of Evidence

The above listed evidence will be returned to the LVMPD Evidence Vault.

  
 James J. Krylo #5946  
 Forensic Scientist II

10-21-09  
 Report Date

  
 Reviewer

105

District Court  
CLARK County, NEVADA

FILED

DEC 11 2009

CLERK OF COURT

58

STATE OF NEVADA

PLAINTIFF

VS

BARRON HAMM

ID. NO: 2707761

DEFENDANT PRO-SE

CASE NO: C256984

Dept No: ~~III~~ VII

DOCKET NO:

1/6/2010

MOTION TO DISMISS COUNSEL AND  
APPOINTMENT OF ALTERNATIVE COUNSEL

COMES NOW, the defendant pro-se, BARRON HAMM, and moves this honorable court to Dismiss Counsel, Attorney Scott Coffee D.P.D., and appoint other counsel to represent this defendant:

This motion is based upon all papers pleadings and documents on file, Factual statements set forth in the POINTS AND AUTHORITIES, CONTAINED HEREIN.

Dated this 9<sup>th</sup> day of December 2009.

Respectfully: Barron Hamm

BARRON HAMM # 2707761

DEFENDANT PRO-SE

- POINTS AND AUTHORITIES -

RECEIVED

DEC 11 2009

CLERK OF THE COURT

It is respectfully requested of this court to grant this motion to dismiss counsel for the reasons listed below:

I. Procedural Background

Since, Scott Coffee D.P.D., was appointed as counsel on

- NEXT PAGE -

, 2009, DEFENDANT, BARRON HAMM #2707761, HAS BEEN PREJUDICED AND SUFFERED MANIFEST INJUSTICE BASED ON COUNSEL'S REFUSAL OR FAILURE TO:

- 1) COMMUNICATE AND/OR VISIT WITH SAID DEFENDANT AT THE CLARK COUNTY DETENTION CENTER. DEFENDANT HAS ONLY SEEN COUNSEL 3 TIMES IN THE 7 MONTHS HE HAS BEEN INCARCERATED HERE.
- 2) INVESTIGATE, AS TO CLIENT'S ORAL OR WRITTEN REQUESTS ANY DEFENSE THAT MAY HELP MITIGATE OR REDUCE HIS SENTENCE.
- 3) TALK TO DEFENDANT AS TO DEFENDANT'S FEELINGS OF TAKING ANY TYPE OF PLEA BARGAIN IN ABOVE CASE.
- 4) THOROUGHLY TAKE INVESTIGATIVE MEASURES IN THIS CASE; AND SUBSEQUENTLY NOT USING ALL AVAILABLE RESOURCES TO ASSIST IN OBTAINING A "FAIR" SENTENCE FOR DEFENDANT, OR TO ATTEMPT FINDING FACTUAL BASIS AS DEFENDANT'S CLAIMS OF ALLEGED CHARGES AND HIS INNOCENCE.
- 5) DOES NOT COMMUNICATE WITH MY FAMILY OR MYSELF WHEN WE CALL HIM OR WRITE TO HIM, I GAVE HIM INSTRUCTIONS TO TELL MY SISTER KNOW DETAILS ABOUT MY CASE, SHE DOESN'T.

### I ARGUMENT

DEFENDANT PROSR, BARRON HAMM, ASSERTS HE IS BEING DENIED HIS RIGHT TO EFFECTIVE REPRESENTATION DUE TO WHOLLY INADEQUATE ACTIONS OF HIS COURTAPPOINTED COUNSEL, FURTHER, COUNSEL'S INMATE ACTION COMPORT TO NOTHING MORE THAN A VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS.

COUNSEL HAS NOT RETURNED ANY OF DEFENDANT'S PHONE CALLS; IN NOE WILL HE SPEAK TO MY FAMILY SPECIFICALLY MY SISTER, WHEN I TOLD HIM TO TELL HER WHAT SPECIFICALLY HE'S DOING TO DEFEND ME. MY FAMILY & SISTER LEFT NUMEROUS MESSAGES WITH VOICE MAIL, SECRETARY AND OFFICE CLERK, THAT REMAIN UNRETURNED.

Defendant has also written to Counselor, Scott Coffee and not

- NEXT PAGE -



RECEIVED ANY RESPONSE, NOR DOES HE RESPOND TO MY FAMILIES, SISTERS LETTERS.

COUNSEL TOLD DEFENDANT THE FOLLOWING "DON'T WORRY, WE'LL DEAL WITH THAT LATER, I AM VERY BUSY AND DON'T HAVE TIME RIGHT" ETC... JUST WAIT I GET TO IT, WHENEVER ASKED TO DO ANYTHING IN DEFENDANT'S CASE.

COUNSEL WAS CONSTANTLY NOT LISTENING TO MY VIEWS DURING THE COURSE OF THIS CASE LISTED ABOVE, AND TELLING ME JUST WAIT, IT WILL BE OKAY AND THE LIKE.

DEFENDANT HAS AN UNQUALIFIED RIGHT TO LEGAL ASSISTANCE THAT EXPRESSES LOYALTY TO SAID DEFENDANT. "THE RIGHT TO COUNSEL IS THE RIGHT [ALSO] TO EFFECTIVE ASSISTANCE OF COUNSEL." CUTLER V. SULLIVAN 100 S. CT. 1708 (1980); AND FRAZIER V. U.S. 18 F. 3d 778 (9<sup>th</sup> CIR. 1994).

THUS THE ADVERSARIAL PROCESS PROTECTED BY THE SIXTH AMENDMENT REQUIRES THAT THE ACCUSED HAVE "COUNSEL ACTING IN THE ROLE OF AN ADVOCATE." ANDERS V. CALIFORNIA, 87 S. CT. 1396 & 1480 (1967).

A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE EFFECTIVE OR ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS NO COUNSEL AT ALL; AND ANY APPEAL(S) WOULD BE FUTILE IN ITS GESTURE.

EVITT V. LUCY, 105 S. CT. 830 (1985); DOUGLAS V. CALIFORNIA, 83 S. CT. 814 (1963).

APPOINTED COUNSEL FOR THIS DEFENDANT HAS DONE NOTHING TO FAIRLY AND PROPERLY REPRESENT HIM, COUNSEL HAS COME TO SEE HIM 3 TIMES HERE IN C.C.D.C. AND TO THIS MOMENT HE HAS DISCUSSED MY CASE & DEFENSE PREPARATION A TOTAL OF 45 MINUTES HERE & 5 MINUTES AT A TIME EACH OF THE 3 TIMES I BEEN IN COURT THIS IS GROUNDS OF INEFFECTIVE COUNSEL, GRANDE V. BUNNELL, NO. 92-5530 D.C. NO. CV-90-6419-WJR (S); FILED MAY 25<sup>th</sup>, 1994 (9<sup>th</sup> CIR.)

THEREFORE, DEFENDANT CONTENTS THAT ALTHOUGH COUNSEL HAS BEEN APPOINTED IN THIS CASE, THE ACTIONS OF COUNSEL OR LACK

- NEXT PAGE -

THESE, HAVE CREATED UNFAIR PREJUDICE AND OBSTACLES WHICH DO NOT COMPORT THE FAIR PROCEDURES OWED TO THE DEFENDANT.

THE PLURALITY OPINION IN EVITT AND DOUGLAS, INFRA, MADE IT VERY CLEAR THAT:

"THERE IS LACKING THAT EQUALITY DEMANDED BY THE FOURTEENTH AMENDMENT, WHERE THE 'RICH MAN' ENJOYS THE BENEFIT OF THE LAW BEING RIGHTEOUSLY PRACTICED; IN THAT, COUNSEL'S EXAMINATION STEP BY STEP (INTO THE RECORD OF THE CASE), AND RESEARCH OF THE LAW, AND A MARSHALING OF THE FACTS, ARGUMENTS IN HIS BEHALF IS DONE AS SHOULD BEFIT AN ADVOCATE OF DEFENSE; WHILE THE INDIGENT, SO BURDENED BY A PRELIMINARY DETERMINATION THAT HIS CASE IS WITHOUT MERIT, IS FORCED TO SHIFT FOR HIMSELF." 105 S. CT. AT 842; 83 S. CT. AT 816-17

NOTWITHSTANDING THE STRONG POLICY FAVORING AUTONOMY, "ETHICAL, PROFESSIONAL AND CONSTITUTIONAL PRINCIPALS" ESTABLISH COUNSEL'S STANDARDS OWED TO HIS OR HER CLIENT. SEE: AMERICAN BAR ASSOCIATION (ABA), AND PROFESSIONAL RESPONSIBILITY CODE (CPR).

SO CLEARLY, A CONFLICT OF INTEREST NOW EXISTS BETWEEN COUNSEL / CLIENT (DEFENDANT), AS ALL FAITH AND TRUST HAS BEEN DEFEATED AS A RESULT OF COUNSEL'S ACTIONS OR LACK THEREOF, AND A "SHOWING" OF CONFLICT OF INTEREST REQUIRES NO SHOWING OF PREJUDICE. CLYDE V. SULLIVAN, 100 S. CT. AT 1717.

THE LAW ADDRESSES ITSELF TO ACTUALITIES. ADJUDICATION IS NOT A MERE MECHANICAL PROCESS, NOR DOES IT COMPEL ANY EITHER (OR DETERMINATION.) GRIFFIN V. ILLINOIS, 76 S. CT. 585 592-594 (1956)

- NEXT PAGE -

THEREFORE FUNDAMENTAL FAIRNESS REQUIRES THE ABOLITION OF PREJUDICE WHICH DEFENDANT IS PRESENTLY SUFFERING. THIS IS AN ACTUALITY THAT THE LAW MUST ADDRESS. ANYTHING SHORT OF ABOLITION WOULD FURTHER FURTHER A MANIFEST OF INJUSTICE. THE "EFFECTIVENESS (IN ASSISTANCE) OF COUNSEL" IS AN INDIVIDUALS MOST FUNDAMENTAL RIGHT, FOR WITHOUT IT, EVERY OTHER RIGHT DEFENDANT HAS TO ASSERT BECOMES AFFECTED.

Dated this 26<sup>th</sup> day of Nov., 2009

Respectfully Submitted: Barron Hamm  
BARRON HAMM # 2707761  
DEFENDANT PRO SE

Dated this 9<sup>th</sup> day of Dec, 2009. I, BARRON HAMM, DO SOLEMNLY SWEAR, UNDER PENALTY OF PERJURY, THAT THE ABOVE (AFOREMENTIONED) TEXT OF MOTION TO DISMISS COUNSEL... IS ACCURATE, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, (NRS. 171.102, AND NRS. 208.165)

Respectfully: Barron Hamm  
BARRON HAMM # 2707761  
DEFENDANT PRO SE

\* I HAVE ALSO FILED A COMPLAINT WITH NEVADA BAR ASSOC.

MAIL STAMPED FILED COPIES TO: PAPER PERSON

D.A.

Judge Mosley

ANY OTHER LEGAL PARTIES NEEDED

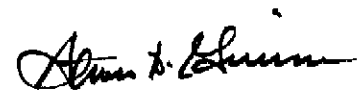
Barron Hummel 707741  
330 South Casino Center  
Las Vegas, Nevada 89101



Chief of The Clark County  
Edward "Friedland" Chief of Clark  
Regional Justice Center  
200 Lewis Ave P.O. Box 35160  
Las Vegas, NV 89155-1160

8915584500





CLERK OF THE COURT

**NOTC**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
SONIA V. JIMENEZ  
Chief Deputy District Attorney  
Nevada Bar #008818  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO: C256384
	)	
-vs-	)	DEPT NO: VII
	)	
BARRON HAMM,	)	
#2707761	)	
	)	
Defendant.	)	

NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

TO: BARRON HAMM, Defendant; and

TO: PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses in its case in chief:

1. FORD, Lisa, P #13202, Crime Scene Analyst I, LVMPD, or Designee:
2. GRAMMAS, Kristin, P #7808, Crime Scene Analyst I. LVMPD, or Designee:
3. LEMASTER, David, P #4243, Senior Crime Scene Analyst, LVMPD, or Designee:
4. MADDEN, Angela, P #13205, Crime Scene Analyst I, LVMPD, or Designee:
5. SHRUM, Shelly, P #7917, Crime Scene Analyst II, LVMPD, or Designee:

Individuals listed above are all experts in the area of the identification, documentation, collection and preservation of evidence and will give opinions related

1 thereto. He/She is expected to testify regarding the identification, documentation, collection  
2 and preservation of evidence in this case.

3 6. HAINES, Lori, P #9931, Forensic Scientist I, LVMPD, or Designee:

4 She is an expert in the area of latent print examination and comparison and will give  
5 scientific opinions related thereto. He will testify regarding the various latent print  
6 comparisons he performed in this case.

7 7. OLSON, Alane M., M. D., Clark County Coroner's Office, or Designee:

8 She is an expert in the area of forensic pathology and will give scientific opinions  
9 related thereto. She is expected to testify regarding the cause and manner of death of  
10 JARED FLEMMING

11 8. PAULETTE, Kristina, P #8805, Forensic Scientist II, LVMPD, or Designee:

12 She is an expert in the area DNA technology and will give scientific opinions related  
13 thereto. She is expected to testify regarding the DNA profiling analysis and related  
14 procedures he performed in this case.

15 The substance of each expert witness' testimony and a copy of all reports made by or  
16 at the direction of the expert witness has been provided in discovery.

17 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

18  
19  
20 BY



21 DAVID ROGER  
22 DISTRICT ATTORNEY  
Nevada Bar #002781

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of Notice of Expert Witnesses, was made this 9<sup>TH</sup> day of February, 2010, by Electronic Filing to:

PUBLIC DEFENDER

E-mail Address: pdclerk@co.clark.nv.us

By: /s/ D. Jason

Secretary for the District Attorney's Office

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Lisa Ford

P# 13202

Date:03-25-08

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene
	Crime Scene Analyst II	18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of Nevada Las Vegas	Interdisciplinary Studies-	Bachelor of Arts/Dec 2007
Los Angeles Pierce College	General Education	Associates/Dec 2003
<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst I	03-10-08 to Present
USAF - CA ANG	Vehicle Operator	02/01 to Present
Valor Security	Unarmed Security Guard	12/05 - 10/06
International E&S	Assistant Bookkeeper	06/03 - 08/04



# LAS VEGAS CRIMINALISTICS BUREAU

## STATEMENT OF QUALIFICATIONS

Name: **Kristin K. Grammas**

P# **7808**

Date: **8/14/03**

<b>CURRENT CLASSIFICATION</b>		
	<i>CLASSIFICATION</i>	<i>MINIMUM QUALIFICATIONS</i>
<b>X</b>	Crime Scene Analyst I	AA degree with major course work in criminal justice, forensic science, physical science or related field, including specialized training in crime scene investigation
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I
	Senior Crime Scene Analyst	2 years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst
	Crime Scene Analyst Supervisor	4 years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a bachelor's degree from an accredited college or university with major course work in criminal justice, forensic science, physical science or related field.
<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
CCSN and UNLV	Major Course Work in Criminal Justice and Anthropology	
<b>ADDITIONAL TRAINING/SEMINARS</b>		
<i>Course / Seminar</i>	<i>Hours</i>	<i>Date</i>
Basic Forensic Science / American Institute of Applied Science (AIAS)	260	8/15/01
Nevada State Division of the International Association for Identification (Member # 00208) / NSDIAI		9/30/02
New Civilian Employee Orientation / LVMPD	42	10/15/02
Completion of Training – Collection of Samples from Biological Fluids/Stains / Criminalistics Bureau – LVMPD		11/06/02
Completion of Proficiency Exercise – Presumptive Semen/Acid Phosphatase Test / Criminalistics Bureau – LVMPD		11/06/02
Crime Scene Analyst Academy / Criminalistics Bureau – LVMPD	160	10/14 to 11/7/02
Field Training Evaluation Program (FTEP) – Satisfactorily Completed / LVMPD		11/12/02 to 2/19/03
Major Case Prints / LVMPD	4	4/02/03
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD – Criminalistics Bureau/Field	CSA I	08/12/02

**LAS VEGAS CRIMINALISTICS BUREAU  
STATEMENT OF QUALIFICATIONS**

NAME: DAVID LEMASTER

P# 4243

DATE: OCTOBER 24, 1997

<b>CURRENT CLASSIFICATION</b>			
	<i>CLASSIFICATION</i>	<i>MINIMUM QUALIFICATIONS</i>	
	CRIME SCENE ANALYST I	AA DEGREE WITH MAJOR COURSE WORK IN CRIMINAL JUSTICE, FORENSIC SCIENCE, PHYSICAL SCIENCE OR RELATED FIELD, INCLUDING SPECIALIZED TRAINING IN CRIME SCENE INVESTIGATION	
	CRIME SCENE ANALYST II	18 MONTHS - 2 YEARS CONTINUOUS SERVICE WITH LVMPD AS A CRIME SCENE ANALYST I	
X	SENIOR CRIME SCENE ANALYST	2 YEARS AS A CRIME SCENE ANALYST II TO QUALIFY FOR THE PROMOTIONAL TEST FOR SENIOR CRIME SCENE ANALYST	
	CRIME SCENE ANALYST SUPERVISOR	4 YEARS CONTINUOUS SERVICE WITH LVMPD AND COMPLETION OF PROBATION AS A SENIOR CRIME SCENE ANALYST. MUST HAVE THE EQUIVALENT OF A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY WITH MAJOR COURSE WORK IN CRIMINAL JUSTICE, FORENSIC SCIENCE, PHYSICAL SCIENCE OR RELATED FIELD.	
<b>FORMAL EDUCATION</b>			
	<i>Institution</i>	<i>Major</i>	<i>Degree/ Date</i>
	UNIVERSITY OF NEVADA, LAS VEGAS	GENERAL BIOLOGY	BA 5/90
<b>TESTIMONY</b>			
<i>Yes</i>	<i>No</i>		
X		Eighth Judicial District, Clark County Nevada	
X		Justice Courts of Las Vegas Township	
<b>EMPLOYMENT HISTORY</b>			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LAS VEGAS METROPOLITAN POLICE	CRIME SCENE ANALYST	9/91 present
<b>PROFESSIONAL AFFILIATIONS</b>			
	<i>Organization</i>	<i>Date(s)</i>	
	INTERNATIONAL ASSOCIATION FOR IDENTIFICATION	94 present	
	CALIFORNIA INTERNATIONAL ASSOCIATION FOR IDENTIFICATION	96 present	

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Angela Madden

P# 13205

Date:03-25-08

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene
	Crime Scene Analyst II	18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
George Washington University	Forensic Science	Master of Science/Aug 2007
University of Maryland College	Criminal Justice	Bachelor of Arts/May 2005
<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst I	03-10-08 to Present
MDB International LLC	Investigative Research Analyst	03/12/07 - 02/22/08

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: SHRUM, Shelly

P# 7917

Date: 06-15-06

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
Chadron State College	Human Biology	Bachelors Degree 1995
University of Wyoming	Medical Technology	Bachelors Degree 1996
University of New Haven	Forensic Science/Fire Science	Master Degree 1999

<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court

<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst II	03-24-03 to Present

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 12/26/07

Name: Lori J. Haines P#: 9931 Classification: Forensic Scientist Trainee

Current Discipline of Assignment: Latent Prints

<b>EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)</b>			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

<b>EDUCATION</b>			
Institution	Dates Attended	Major	Degree Completed
University of Arizona	6/85 - 6/03	Chemistry	BS

<b>ADDITIONAL TRAINING / SEMINARS</b>		
Course / Seminar	Location	Dates
IAI 92 <sup>nd</sup> International Educational Conference	San Diego, CA	7/22/07-7/28/07
SCAFO 16 <sup>th</sup> Annual Forensic Training Seminar	Riverside, CA	10/1/07 - 10/2/07
Advanced Palm Print Comparison Techniques	Fresno, CA	11/13/07-11/15/07
Finding Latent Evidence with Chemistry and Light	Henderson, NV	12/11/07-12/14/07

**ADDITIONAL TRAINING / SEMINARS**

Course / Seminar	Location	Dates

**COURTROOM EXPERIENCE**

Court	Discipline	Number of Times
None		

**EMPLOYMENT HISTORY**

Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	3/07-Present
Clark County School District	Science Teacher	8/03 - 3/07
Lockheed Analytical Laboratory	Senior Associate Scientist	1/93 - 6/97
Associated Pathologist's Laboratories	Veterinary Lab Technician	1/92 - 1-93

**PROFESSIONAL AFFILIATIONS**

Organization	Date(s)
International Association of Identification	6/07-present

Statement of Qualifications

Name: Lori Haines

Page: 3

**PUBLICATIONS / PRESENTATIONS:**

"Back to Basics" Ridge Flow and Creases of Hands and Feet - Tri-State IAI Educational Convention, Salt Lake City. 11/6/07

"Who Moved My Latent" - Tri-State IAI Educational Convention, Salt Lake City. 11/6/07

**OTHER QUALIFICATIONS:**

None

*Curriculum Vitae*  
**ALANE M. OLSON, M.D.**  
Clark County Coroner's Office  
1704 Pinto Ln.  
Las Vegas, NV 89106  
702-455-1862  
e-mail: [alo@co.clark.nv.us](mailto:alo@co.clark.nv.us)

**EMPLOYMENT**

9/12/05	Clark County Coroner's Office
7/1/00-9/9/05	Ellen G.I. Clark, M.D., P.C., Washoe County Coroner/Medical Examiner's Office

**EDUCATION**

7/99-6/00	Forensic Pathology Fellowship: Milwaukee County Medical Examiner's Office/MCWAH
7/94-6/99	Residency in combined Anatomic and Clinical Pathology: Oregon Health Sciences University, Portland, OR
5/94	MD degree: University of Nevada School of Medicine, Reno, NV
6/87	Bachelor of Science: Microbiology, University of Idaho, Moscow

**PROFESSIONAL ACTIVITIES**

2001	Co-author, <u>Liquid Petroleum Explosion without Fire</u> , American Board of Medico legal Death Investigators Newsletter.
2000	Co-author, elder abuse presentation, given at September meeting of National Association of Medical Examiners, Indianapolis, IN
1999-2000	Team Teacher and laboratory instructor, MCW sophomore Pathology course
1995-1999	Laboratory instructor, Oregon health Sciences University Medical School sophomore Pathology course
1955-1999	Team teacher, Oregon Health Sciences University Medical Technologist School Pathophysiology course
1998-1998	Autopsy instructor, Oregon Health Sciences University Department of Pathology, incoming residents and student fellows
1997	Hematopathology in-service lecture, Kaiser Permanente Regional Laboratory



#### LICENSURE

1995-1999	State of Oregon
1999-present	State of Wisconsin
2000-present	State of Nevada

#### PROFESSIONAL BOARD CERTIFICATION

Anatomic and Clinical Pathology  
Forensic Pathology

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 10/18/07

Name: Kristina Paulette P#: 8805 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

<b>EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)</b>			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	

<b>EDUCATION</b>			
Institution	Dates Attended	Major	Degree Completed
University of Alabama at Birmingham	May 2001 - May 2003	Forensic Science	MSFS
University of Texas	August 1996 - May 2000	Biology	BA

<b>ADDITIONAL TRAINING / SEMINARS</b>		
Course / Seminar	Location	Dates
Workshop - Applied Statistics	Hollywood, CA	10/01/07
Conference: 18 <sup>th</sup> International Symposium on Human Identification	Hollywood, CA	10/01/07 - 10/04/07
Conference: Medicolegal Investigation of Death	Las Vegas, NV	11/29/06-11/31/06
Workshop: Forensic Population Genetics and Statistics	Las Vegas, NV	11/28/06
Workshop: Advanced Topics in Statistics	Nashville, TN	10/9/06
Conference: 17th International Symposium on Human Identification	Nashville, TN	10/9/06-10/12/06
Complex Mixture Interpretation	Lakewood, CO	08/29/06-8/31/06
Training: FBI DNA Audit Class	Fredricksburg, VA	7/25/06-7/26/06
Training: Differential Extractions	Las Vegas, NV	6/13/06-6/14/06

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/9/06-5/11/06
Seminar: Racial Profiling SNPs	Seattle, WA	2/23/06
Seminar: The Atypical Serial Killer	Seattle, WA	2/22/06
Seminar: Bioterrorism Mass Disasters	Seattle, WA	2/21/06
Workshop: Sexual Homicide - Fantasy Becomes Reality	Seattle, WA	2/21/06
Workshop: Advanced Topics in STR DNA Analysis	Seattle, WA	2/20/06
Conference: American Academy of Forensic Sciences	Seattle, WA	2/20/06-2/25/06
Drivers Training II	Las Vegas, NV	10/05
Orientation for Civilian Employees	Las Vegas, NV	10/05
Workshop: Accommodating the Demands of Increasing Volume in Private and Public Laboratories	Dallas, TX	9/29/05
Workshop: Implementation of Automation in the Lab	Dallas, TX	9/29/05
Workshop: Presenting DNA Evidence in Court	Dallas, TX	9/26/05
Conference: 16 <sup>th</sup> International Symposium on Human Identification	Dallas, TX	9/26/05-9/30/05
Workshop: Mitochondrial DNA	Dallas, TX	2/16/04
Conference: American Academy of Forensic Sciences	Dallas, TX	2/16/04-2/21/04
Conference: American Academy of Forensic Sciences	Chicago, IL	2/17/03-2/22/03
Training: North Carolina State University's Summer Institute of Statistical Genetics "Interpreting DNA Evidence"	Raleigh, NC	5/29/02-5/31/02
Workshop: Young Forensic Scientist's Forum	Atlanta, GA	2/12/02
Conference: American Academy of Forensic Sciences	Atlanta, GA	2/11/06-2/16/06
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
4 <sup>th</sup> District Court - Ada County - Boise, Idaho	DNA	1
Duval County - Jacksonville, FL	DNA	2
Whitley County - Williamsburg, KY	DNA	1
Clark County District, Justice Court - Las Vegas, NV	DNA	11

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department Forensic Lab	Forensic Scientist	7/05 - present
Orchid Cellmark Forensics - Dallas, TX	DNA Analyst II	8/03 - 7/05
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
American Academy of Forensic Sciences - Associate Member	2/02 - present	
PUBLICATIONS / PRESENTATIONS:		
None		
OTHER QUALIFICATIONS:		
None		

[FL 11/00]



**CLARK COUNTY COURTS  
EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**



REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>RD</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554  
FAX (702) 474-2434

Edward A. Friedland  
Clerk of the Court

Steven D. Grierson  
Assistant Clerk of the Court

Public Defender

Date: March 1, 2010  
Case No: C256384

Attached are pleadings received by the Office of the District Court Clerk on:

March 1, 2010

Pleadings: MOTION TO SUPPRESS MY STATEMENT

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Deputy Clerk of the Court

#DC

Barron Hamm

71

330 S. casino center

Las Vegas N.V. 898101

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

Barron HAMM 2707761

Defendant

Case No.:

C256-384

Dept. No.:

Docket No.:

### Motion To suppress my statement

Now comes the Defendant, Barron Hamm  
by his attorney, and respectfully move  
this Honorable court to suppress the  
portion of statement obtained by Det  
Wildemann on May 4th of 2009

The basis of this request is that  
towards the end of the interview, the  
Defendant requested to have his mother  
present, Det Wildemann brought the  
Defendants mother, Mrs. Martin into the  
interview room and after a brief  
discussion, Detective Wildemann excused  
himself so the Defendant and his

RECEIVED

MAR 01 2010

CLERK OF THE COURT

1 Mother could speak privately by leaving  
2 the video recorder on; Detective Wildemann  
3 clearly manipulated the situation  
4 and obtained the statement that followed  
5 under questionable circumstances.  
6 That the Defendant and his mother were  
7 led to believe that they were speaking  
8 in confidence with one another, therefore  
9 making the discussion privileged  
10 wherefore, the Defendant respectfully moves  
11 this court for an order of suppression  
12 from use as evidence against the Defendant.  
13 In this proceeding the evidence obtained  
14 unlawfully by Det. Wildemann  
15

16 DATED THIS 15<sup>th</sup> day of Feb, 2010.

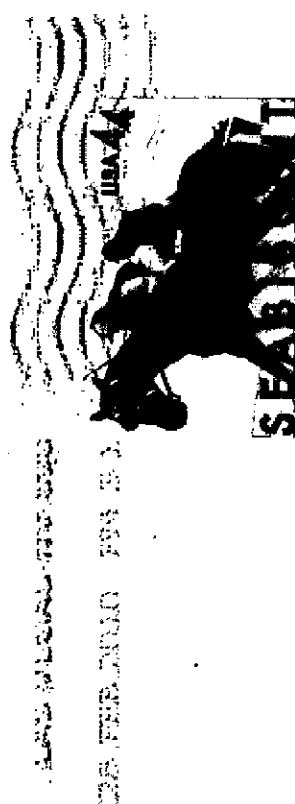
17 I, Barron Hamm 2707761, do  
18 solemnly swear, under the penalty of perjury, that  
19 the above Motion To Suppress is accurate,  
20 correct, and true to the best of my knowledge.

21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,

23  
24  
25 Defendant

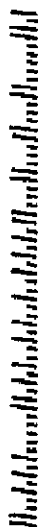
BARRONHAM 2707761  
330 S. Casino Center  
Las Vegas N.V. 89101



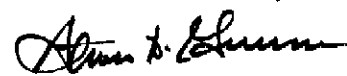
Clark of the Court  
Steven D. Grierson

200 Lewis Ave. 3rd Floor  
Las Vegas N.E.V. 89155-1169

8915534500







CLERK OF THE COURT

**NOTC**

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
SONIA V. JIMENEZ  
Chief Deputy District Attorney  
Nevada Bar #008818  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BARRON HAMM,  
#2707761

Defendant.

CASE NO: C256384

DEPT NO: VII

**NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]**

TO: BARRON HAMM, Defendant; and

TO: PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
BARRY, P.	LVMPD #1691
BASS, R.	LVMPD #6259
BECHYNE, A.	LVMPD #1794
CILAMBERLIN, R.	LVMPD #6626
COLLING, D.	LVMPD #8882
CUSTODIAN OF RECORDS or Designee	CCSD Police
CUSTODIAN OF RECORDS or Designee	DJJS Probation