

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 02 2018 10:27 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IVONNE CABRERA,)
)
Appellant,)
)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)
_____)

Case No. 74341

APPENDIX TO APPELLANT'S OPENING BRIEF VOLUME X

**Appeal from Judgment of Conviction
Eighth Judicial District Court**

Patricia M. Erickson, Esq.
Nevada Bar No. 3506
601 South Tenth St., Suite 108
Las Vegas, Nevada 89101
(702) 388-1055
pme@pmericksonlaw.com

Attorney for Appellant

Steven B. Wolfson
Nevada Bar No. 1565
Clark County District Attorney
200 Lewis Avenue, Third Floor
Las Vegas, Nevada 89155
(702) 671-2500

Attorney for Respondent

INDEX TO APPENDIX VOLUMES I THROUGH XIV

Document	Volume and Pages
Amended Information filed on 07.05.2017	IV 880 - 883
Corrected Notice of Intent to Seek Death Penalty filed 10.31.2012	I 108 - 115
Court Exhibit List	XI 2299
Court Exhibit 11 - Objections to Jury Instructions	XI 2300 - 2318
Criminal Complaint filed 05.02.2012	I 1 - 4
Defendant Cabrera's Motion for Severance filed 09.21.2012	I 35 - 47
Defendant Jose Gonzales' Motion to Sever Defendants filed 03.02.2015	II 256 - 316
Defense Exhibit B	XI 2319 - 2320
Defense Exhibit I	XI 2321 - 2322
Defense Exhibit T1	XI 2323
Defense Exhibit JJJ	XII 2324 - 2334
Defense Exhibit Marked KKK	XII 2335 - 2337
Defense Exhibit Marked LLL	XII 2338 - 2348
Defense Exhibit Marked MMM	XII 2349 - 2365
Defense Exhibit Marked NNN	XII 2366 - 2367
District Court Trial Minutes	XIV 2379 - 2395

Guilt Phase Verdict filed on 07.18.2017	IX 2008 - 2012
Information filed 08.27.2012	I 17 - 21
Jose Gonzales' Guilty Plea Agreement filed on 04.12.2017	IV 803 - 812
Jose Gonzales' Judgment of Conviction filed on 05.31.2017	IV 878 - 879
Judgment of Conviction filed on 09.22.2017	X 2294 - 2296
Jury Instructions filed on 07.18.2017	IX 1953 - 2007
Jury Trial Transcript on 07.05.2017 (1 st)	IV 884 - 936
Jury Trial Transcript on 07.05.2017 (2 nd)	V 937 - 1006
Jury Trial Transcript on 07.06.2017 (1 st)	V 1007 - 1069
Jury Trial Transcript on 07.06.2017 (2 nd)	V 1070 - 1154
Jury Trial Transcript on 07.07.2017 (1 st)	VI 1158- 1288
Jury Trial Transcript on 07.07.2017 (2 nd)	VI 1289 - 1358
Jury Trial Transcript on 07.10.2017 (1 st)	VI 1359 - 1403
Jury Trial Transcript on 07.10.2017 (2 nd)	VI 1404 - 1463
Jury Trial Transcript on 07.11.2017 (1 st)	VII 1464 - 1503
Jury Trial Transcript on 07.11.2017 (2 nd)	VII 1504 - 1566
Jury Trial Transcript on 07.12.2017 (1 st)	VII 1567 - VIII 1673
Jury Trial Transcript on 07.12.2017 (2 nd)	VIII 1674 - 1694
Jury Trial Transcript on 07.13.2017	VIII 1695 - 1837

Jury Trial Transcript on 07.17.2017 (1 st)	VIII 1838 - IX 1952
Jury Trial Penalty Transcript on 07.19.2017 (1 st)	IX 2013 - 2077
Jury Trial Penalty Transcript on 07.19.2017 (2 nd)	IX 2078 - 2112
Jury Trial Penalty Transcript on 07.20.2017 (1 st)	X 2113 - 2170
Jury Trial Penalty Transcript on 07.20.2017 (2 nd)	X 2171 - 2262
Minute Order on 06.22.2016	IV 752 - 753
Motion to Continue Trial Date filed on behalf of co-defendant Jose Gonzales filed 07.03.2013	I 141 - 146
Motion to Continue Trial Date filed on behalf of co-defendant Jose Gonzales filed 04.09.2014	I 200 - 206
Notice of Appeal filed on 10.23.2017	X 2297 - 2298
Notice of Entry of Findings of Fact, Conclusions of Law and Order filed 12.03.2012	I 137 - 140
Notice of Evidence in Support of Aggravating Circumstances filed 09.25.2012	I 48 - 55
Notice of Motion and Motion for the Jury to be Taken to the Scene of the Crimes Alleged in the Information filed on 06.12.2016	III 715 - 720
Notice of Motion and Motion in Limine to Preclude Duress as a Defense to All the Charges in the Information filed on 07.13.2016	IV 754 - 758
Notice of Motion and Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 09.04.2015	III 535 - 546

Notice of Motion and Motion to File Corrected Notice of Intent to Seek the Death Penalty filed 10.04.2012	I 80 - 85
Notice of Motion and Motion to Preclude Introduction of Statement, or in the Alternative, to Redact Statement filed on 08.10.2018	II 398 - 442
Notice of Motion and Motion Requesting an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.10.2015	II 453 - 456
Notice of Motion and Motion to Continue Trial filed on 09.07.2015	III 547 - 564
Notice of Motion and Motion to Strike Aggravating Circumstances filed 08.10.2015	II 443 - 452
Opposition to State's Motion in Limine to Preclude Duress as a Defense to Murder filed on 06.21.2016	III 726 - 733
Opposition to State's Motion in Limine to Preclude Duress as a Defense to All the Charges in the Information filed on 07.27.2016	IV 759 - 767
Opposition to State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 09.12.2015	III 588 - 591
Opposition to State's Motion to File Corrected Notice of Intent so Seek the Death Penalty filed 10.25.2012	I 97 - 103
Order for Production of Inmate Jose Alejandro Gonzales, BAC #1016762	V 1155 - 1157

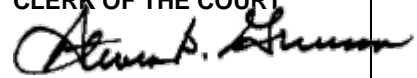
Order Granting Motion to Sever Trials filed on 03.16.2015	II 335
Order Granting State's Motion in Limine to Preclude Duress as a Defense to all the Charges in the Information filed on 12.01.2016	IV 785 - 786
Order Granting State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 01.31.2015	III 713 - 714
Penalty Phase Verdict filed on 07.20.2017	X 2263 - 2274
Receipt of Copy of Discovery filed 10.29.2012	I 104 - 107
Renewed Motion to Continue Trial Date and Motion to File Declaration in Support Under Seal filed on behalf of co-defendant Jose Gonzales filed 07.31.2013	I 157 - 184
Reply to State's Opposition to Motion to Continue Trial filed on 09.11.2015	III 575 - 587
Reply to State Response to Defendant's Motion for an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.16.2015	II 460 - 464
Reply to State/Response to Motion to Strike Aggravating Circumstances filed on 08.21.2015	III 492 - 524
Second Amended Notice of Intent to Seek Death Penalty filed on 12.10.2015	III 673 - 678
Sentencing Memorandum filed on 09.08.2017	X 2275 - 2293
State Exhibit 19	XIII 2368 - 2369
State Exhibit 47	XIII 2370 - 2371

State Exhibit 153	XIII 2372
State Exhibit 154	XIII 2373 - 2375
State Exhibit 169	XIII 2376
State Exhibit 170	XIII 2377 - 2378
State's Opposition to Cabrera Motion to Sever filed 09.25.2012	I 56 - 71
State's Opposition to Defendant's Motion to Continue Trial filed on 09.10.2015	III 571 - 574
State's Response to Defendant's Motion for a Jury View and Motion in Limine to Preclude Duress as a Defense to Murder filed on 06.14.2016	III 721 - 725
State's Response to Defendant's Motion for an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.14.2015	II 457 - 459
State's Response to Defendant's Motion to Preclude Introduction of Statement, or in the Alternative, to Redact Statement filed 08.18.2015	II 474 - 481
State's Response to Defendant's Motion to Strike Aggravating Circumstances filed on 08.18.2015	II 465 - 473
State's Opposition to Defendant [Gonzales] Motion to Continue Trial Date filed on 04.14.2014	I 207 - 215
Transcript Hearing on 09.06.2012	I 22 - 25
Transcript Hearing on 09.12.2012	I 26 - 34
Transcript Hearing on 10.01.2012	I 72 - 79

Transcript Hearing on 10.17.2012	I 86 - 96
Transcript Hearing on 10.31.2012	I 116 - 136
Transcript Hearing on 07.24.2013	I 147 - 156
Transcript Hearing on 08.19.2013	I 185 - 191
Transcript Hearing on 08.21.2013	I 192 - 199
Transcript Hearing on 04.21.2014	I 216 - 222
Transcript Hearing on 04.28.2014	I 223 - 242
Transcript Hearing on 05.14.2014	II 243 - 255
Transcript Hearing on 03.04.2015	II 317 - 334
Transcript Hearing on 03.16.2015	II 336 - 377
Transcript Hearing on 04.06.2015	II 378 - 386
Transcript Hearing on 07.22.2015	II 387 - 397
Transcript Hearing on 08.19.2015	III 482 - 491
Transcript Hearing on 08.26.2015	III 525 - 534
Transcript Hearing on 09.09.2015	III 565 - 570
Transcript Hearing on 09.14.2015	III 592 - 621
Transcript Hearing on 11.20.2015	III 622 - 657
Transcript Hearing on 12.09.2015	III 658 - 672
Transcript Hearing on 12.16.2015	III 679 - 701
Transcript Hearing on 12.21.2015	III 702 - 712

Transcript Hearing on 06.22.2016	IV 734 - 751
Transcript Hearing on 08.08.2016	IV 768 - 784
Transcript Hearing for Jose Gonzales on 04.12.2017	IV 787 - 802
Transcript Hearing for Jose Gonzales on 05.22.2017	IV 813 - 877
Transcript Preliminary Hearing on 08.21.2012	I 5 - 16

Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT
CLARK COUNTY, NEVADA

The State of Nevada,
Plaintiff,

vs.

IVONNE CABRERA, #1617623, aka Ivonne
CABRERA,

Defendant.

Case No. C283700-1
Dept. No. XXV

Before the Honorable KATHLEEN E. DELANEY
Thursday, July 20, 2017, 10:00 A.M.
Reporter's Transcript of Proceedings

PENALTY PHASE

APPEARANCES:

For the State: MARC DIGIACOMO, ESQ.
HETTY WONG, ESQ.
Deputies District Attorney

For the Defendant: BRET WHIPPLE, ESQ.
PATRICIA ERICKSON, ESQ.
Attorneys at Law

Spanish Interpreter: Alex Andrade

REPORTED BY: RENEE SILVAGGIO, C.C.R. No. 122

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

I N D E X

WITNESS CALLED BY THE DEFENSE:

RAUL CABRERA

DIRECT EXAMINATION BY MS. ERICKSON: 14

ANA MARTINEZ

DIRECT EXAMINATION BY MS. ERICKSON: 25

CINDY LOPEZ CABARERA

DIRECT EXAMINATION BY MS. ERICKSON: 33

NANCY CABRERA

DIRECT EXAMINATION BY MS. ERICKSON: 38

THEODORE PAUL WILLIAMS, ESQ.

DIRECT EXAMINATION BY MS. ERICKSON: 47

1 Las Vegas, Clark County, Nevada

2 Thursday, July 20, 2017, 10:00 A.M.

3 P R O C E E D I N G S

4 * * * * *

5 (The following proceedings were had in open
6 Court outside the presence of the jury panel:)

7 THE COURT: I understand there is something
8 before we begin with the jurors and sort of I just want to wrap
9 up our discussion with regard to the allocution, but,
10 Ms. Erickson.

10:28AM

11 MS. ERICKSON: Yes, Judge.

12 Mr. Whipple pointed out to me that I should have
13 included two more mitigating circumstances in the list that I
14 provided you last night.

10:28AM

15 THE COURT: Okay. Go ahead.

16 MS. ERICKSON: One would be -- an additional one
17 would be not the actual killer. And the next would be
18 acceptance of responsibility and remorse.

19 MR. DIGIACOMO: We'll see.

10:29AM

20 THE COURT: All right. I have those. Thank
21 you.

22 And, Mr. Digiacomo, did have something too
23 before we --

24 MR. DIGIACOMO: Just briefly, judge.

10:29AM

25 In 173 and 174, pursuant to the Court's

1 decision, I made those corrections. I sent them around to
2 everybody. I have now corrected the two exhibits and I was
3 going to ask that the two pages that we did do the redactions
4 on unredacted versions become Court record so we know what was
5 taken out.

10:29AM

6 THE COURT: That's fine, yes, please. I'll have
7 you return the documents.

8 And then at this time the State's proposed 173
9 and 174 will be admitted.

10:29AM

10 (State's Exhibit Numbers 173 and 174, respectively,
11 was admitted into evidence.)

12 THE COURT: I apologize for not acknowledging
13 your e-mail yesterday. I realize I didn't down that when my
14 JEA asked of me, and they were fine, and I thought the white
15 redaction served those purposes. So those will be admitted.

10:30AM

16 And the next in line for the Court's Exhibit for
17 the unredacted pages that had been replaced --

18 THE CLERK: 20 and 21.

19 THE COURT: Okay. Will be Court's 20 and 21.

10:30AM

20 And will it be clear that those from -- so let
21 me just make it clear for the record.

22 So Court's Exhibit 2, is that document which was
23 redacted -- or that page of the document that was redacted,
24 State's Exhibit 173? I can see it's a narrative.

10:30AM

25 MR. DIGIACOMO: No. It's --

1 THE COURT: It's in.

2 MR. DIGIACOMO: She wants to do it the other
3 way.

4 THE COURT: It's the another way. That's 20.

10:30AM

5 In your left hand, that's 20. I thought that's the one you
6 were marking, so that's what I said.

7 And then Court's Exhibit 21 is that excerpt from
8 the -- or that unredacted portion of the PSI from State's 174.

9 MR. DIGIACOMO: Correct.

10:31AM

10 THE COURT: Okay. We also were advised that
11 Ms. Cabrera was intending to take the stand and do an
12 allocution. I have the admonishment or the allocution
13 instruction I would like to give Ms. Cabrera at this time.

14 Is there anything else we need to address before
15 we do --

10:31AM

16 MS. ERICKSON: There's one other issue I needed
17 to make yesterday. I made an argument requesting that Jose
18 Gonzales's records be admitted, that the Court, after
19 consideration, denied; but I would like to make the record that
20 I would have introduced, either a Court exhibit or my next in
21 line, so that the argument is preserved for the -- for appeal.

10:31AM

22 THE COURT: How many documents do you have?

23 MS. ERICKSON: I have his SCOPE, I have his
24 Criminal Complaint, and also some other documents exactly the
25 same as what was admitted in the State's criminal records for

10:32AM

1 Ms. Cabrera's. It's case number 07F25174X, which then became
2 District Court case C239888.

3 I have the Information and Guilty Plea Agreement
4 and Judgment from this case number 256027.

10:32AM

5 And, finally, I have a Justice Court register of
6 actions. The case number was 09F16224X. Mr. Gonzales was
7 charged with possession of a firearm by a prohibited person.

10:32AM

8 After diligent searching and by myself and my
9 investigator David Gruber, we could not find any of the
10 documents about the case, and it said -- the result was a
11 Grand Jury -- it they took it to the Grand Jury, and so the
12 case was dismissed. I can't find the Grand Jury. I can't find
13 any of that. So that would be part of the -- so that would be
14 four records, one, two, three, four records.

10:33AM

15 THE COURT: So you might have to go through and
16 identify them again here just in a second, but this is what I
17 want to do.

10:33AM

18 So you had referenced yesterday that you had a
19 proposed exhibit, which was the Judgment of Conviction of
20 Mr. Gonzales in this case.

21 MS. ERICKSON: Yes.

22 THE COURT: And the Court did agree that that
23 would be admitted.

10:33AM

24 MS. ERICKSON: And I'm asking that that be
25 withdrawn.

1 THE COURT: You want to withdraw that?

2 MS. ERICKSON: Yes.

3 THE COURT: Okay. So we will -- I don't know
4 that we ever actually admitted it, but for the record --

10:33AM 5 MS. ERICKSON: I think you said it would be
6 admitted, but it's not been admitted yet.

7 THE COURT: But just for the record what is it?
8 Defendant's what, proposed what?

9 MS. ERICKSON: Defendant's C.

10:33AM 10 THE COURT: Okay.

11 MS. ERICKSON: So defendant's proposed C should
12 go into the bundle with these other four records.

13 THE COURT: It's not going to go into the others
14 because Defense Proposed C would have been admitted.

10:33AM 15 MS. ERICKSON: Right.

16 THE COURT: But the defense is --

17 MS. ERICKSON: Withdrawing.

18 THE COURT: -- withdrawing its request to have
19 it admitted?

10:34AM 20 MS. ERICKSON: Yes.

21 THE COURT: So to the extent that it was
22 admitted provisionally or previously admitted, that will not be
23 admitted now.

24 But what we will do is we'll mark the four
10:34AM 25 documents you have that you were offering that the Court took

1 argument on yesterday and declined to allow you to admit, we'll
2 mark those next in line for the defendant.

3 So what is next in line for the defendant?

4 They're still going to be in as proposed, but
10:34AM 5 they're not admitted.

6 THE CLERK: KKK, LLL, NNN.

7 THE COURT: We're into triple letters now?

8 THE CLERK: Yes.

9 (Sotto voce at this time.)

10:34AM 10 MS. ERICKSON: Judge, I can staple them all
11 together if you just need one package.

12 THE COURT: What?

13 We -- since we did the State's 173 and 174 as
14 sort of packages of documents, and just for ease of reference,
10:34AM 15 we'll go ahead and make the documents of the prior criminal
16 history of Jose Gonzales Defendant's Proposed -- it comes in as
17 KKK; is that correct?

18 THE CLERK: Yes.

19 THE COURT: That's the next in line, and it
10:35AM 20 would be proposed, but not admitted.

21 I believe again there is argument and objection
22 yesterday, not admitted, but we'll let you give that to the
23 Clerk.

24 MS. ERICKSON: Yes. If I can approach?

10:35AM 25 THE COURT: Yes, please.

1 MS. ERICKSON: I haven't stapled them. They are
2 in with a clippey.

3 THE COURT: Thank you.

4 And then does that resolve any of the outside
10:35AM 5 evidentiary matters that we have before we proceed?

6 MS. ERICKSON: Yeah.

7 I -- my first three witnesses -- my first three
8 potential witnesses are Spanish speakers, two of whom I have to
9 speak to really quickly. They just got here.

10:35AM 10 So I don't know what the Court -- and I also
11 needed to know what the Court's schedule may be because I got a
12 lawyer, I've got an investigator, I've got all sorts of --

13 THE COURT: Do we have an Interpreter?

14 MS. ERICKSON: I believe so.

10:35AM 15 MR. DIGIACOMO: Yes.

16 THE COURT: Oh, there she is. I didn't see you
17 sitting there. So we could proceed.

18 The Court's schedule was to get through as many
19 witnesses as we could, take a lunch recess somewhere within,
10:36AM 20 you know, the lunch hour, which would make sense with wherever
21 we broke the witnesses, and then resume, you know, after --

22 MS. ERICKSON: Lunch.

23 THE COURT: -- the lunch break, but not an
24 extended one, but a lunch break to then complete with your
10:36AM 25 witnesses.

1 So how many witnesses do you have total?

2 MS. ERICKSON: Potentially, ten or 11. None of
3 them are going to be extremely long.

4 THE COURT: I'm sorry?

10:36AM

5 MS. ERICKSON: None of them are going to be
6 extremely long.

7 THE COURT: I'm just getting -- you know,
8 matching up with what we had estimated yesterday, and the time
9 frame, I think we get started and we go, and we have the

10:36AM

10 Interpreter here and we take those.

11 Do we have the Interpreter here could we take
12 those individuals?

13 MS. ERICKSON: Could I talk to them really
14 quickly?

10:36AM

15 THE COURT: Take a moment to make sure you are
16 ready to call them, yes.

17 MS. ERICKSON: Okay. I'm going to take them
18 outside very briefly.

19 (Recess in proceedings.)

10:42AM

20 THE COURT: Ms. Erickson, have you had an opportunity to
21 speak with the witnesses?

22 MS. ERICKSON: I did, Judge, and we're ready to
23 go.

10:43AM

24 THE COURT: Okay. I just wanted to address,
25 should we --

1 MS. ERICKSON: Oh, yes.

2 THE COURT: I don't know when we're going to
3 be -- Ms. Cabrera is going to be taking the stand, so I didn't
4 know if I should address it now or if we should address it
10:43AM 5 before we return from lunch.

6 MS. ERICKSON: I think after lunch would be
7 fine.

8 THE COURT: I'm fine either way.

9 MS. ERICKSON: That might be best.

10:43AM 10 THE COURT: So we'll have other witnesses
11 between now and lunch, we'll just play it by hear. Okay.

12 MS. ERICKSON: Thank you. Judge.

13 THE COURT: All right. Let's have the jury.

14 (The following proceedings were had in open

10:43AM 15 Court in the presence of the jury panel:)

16 THE COURT: I'll invite everyone to please have
17 a seat.

18 Ladies and gentlemen, please take your seats as
19 you reach them. Please make sure your cell phones are off or
10:44AM 20 silenced.

21 We're continuing the trial of the State of
22 Nevada versus Ivonne Cabrera.

23 Mr. Digiacomo?

24 MR. DIGIACOMO: Oh, I -- I haven't rested yet.

10:44AM 25 So I was just about to say a few words and sit down.

1 THE COURT: I apologize. Yes, I was -- I wasn't
2 sure why you were standing, but of course that makes sense
3 because I was going to call on you anyway.

4 We are resuming the trial of the State of Nevada
10:44AM 5 versus Ivonne Cabrera.

6 We did adjourn yesterday after witnesses, and we
7 appreciate that we excused the jurors, while outside the
8 Court's preference while we were addressing documentary issues.

9 We have resolved. We have admitted State's
10:44AM 10 Proposed 173 and 174 into evidence.

11 And, Mr. Digiacomo, do you have any further
12 witnesses or evidence?

13 MR. DIGIACOMO: We do not. The State would
14 rest.

10:44AM 15 THE COURT: All right. Thank you.

16 At this time, Ms. Erickson, are you prepared to
17 call your first witness --

18 MS. ERICKSON: Yes, Judge.

19 THE COURT: -- on behalf of Ivonne Cabrera?

10:45AM 20 MS. ERICKSON: Raul Cabrera.

21 THE COURT: Raul Cabrera.

22 Do we need the assistance of anyone?

23 MS. ERICKSON: Yes, we do, Judge.

24 THE COURT: Is the chair here, Elvis?

10:45AM 25 THE MARSHAL: Yes.

1 THE COURT: Yes, Mr. Cabrera, if could you
2 please come to the witness stand, go around the podium there
3 and come to the witness stand. There should be two chairs, one
4 for you and one for the Interpreter.

10:45AM

5 If you can just remain standing when you reach
6 the chair, and I'll ask the Court Clerk to give the oath first
7 to the Interpreter.

8 ALEX ANDRADE.

9 called as an Interpreter on behalf of the Defendant,
10 having been first duly sworn
11 to translate from Spanish into English and from English into
12 Spanish, translated as follows:

13 THE INTERPRETER: I do.

14 THE CLERK: And your name, please.

10:45AM

15 THE INTERPRETER: Alex Andrade.

16 THE CLERK: Thank you very much.

17 THE COURT: Thank you.

18 And now the Clerk will swear you, Mr. Cabrera.

19 RAUL CABRERA

10:45AM

20 called as a witness on behalf of the Defendant,

21 having been first duly sworn,

22 was examined and testified as follows:

23 THE INTERPRETER: Yes.

24 THE CLERK: Please take a seat.

10:46AM

25 Please state and spell your first and last name

1 for the record.

2 THE INTERPRETER: Rule Cabrera.

3 Do you want me to spell it?

4 R-A-U-L, C-A-B-R-E-R-A.

10:46AM 5 THE CLERK: Thank you.

6 THE COURT: Thank you.

7 Ms. Erickson.

8 DIRECT EXAMINATION

9 BY MS. ERICKSON:

10:46AM 10 Q. Mr. Cabrera, are you Ivonne's dad?

11 A. Yes.

12 Q. And how many children do you have?

13 A. Six.

14 Q. And I guess I should go backwards. Where were you
10:46AM 15 born?

16 A. I was born in Santopecas (phonetic), Mexico.

17 Q. Okay. When did you come to the United States?

18 A. In -- in I -- well, I came in '69 and six -- '69.

19 Q. And when you came to the United States did you make
10:47AM 20 part of California your home area?

21 A. Yes.

22 Q. And which part of California was that?

23 A. Los Angeles.

24 Q. And did there come a time when you got married?

10:47AM 25 A. Yes.

1 Q. Okay. And what is your wife's name?

2 A. Maria Cabrera.

3 Q. And is she present in the courtroom today?

4 A. Yes.

10:47AM 5 Q. Is she standing up, sort of?

6 A. Yes.

7 Q. Mr. Cabrera, how have you been employed?

8 A. I don't work any more, but I was a cook.

9 Q. Okay. And where were you a cook?

10:48AM 10 A. At the kitchen.

11 Q. I'm sorry?

12 A. In the kitchen.

13 Q. Oh, yes. The person -- or the company that employed
14 you?

10:48AM 15 A. Sam Boyd.

16 Q. Okay. So when did you come and live in Las Vegas?

17 A. I don't remember the exact date, but it was 20 years
18 ago.

19 Q. Okay. And have you -- since you moved to Las Vegas,
10:48AM 20 have you always been employed by Sam's as a cook?

21 A. I've only worked there, yes.

22 Q. Okay. And you said you have six children?

23 A. Yes.

24 Q. And who is the oldest?

10:48AM 25 A. Miguel, and Ivonne, Cindy, Nancy, Suzy, and Raul.

1 Q. Raul, junior?

2 A. Yes.

3 Q. And did you just name them in the order that they
4 were born?

10:49AM 5 A. Yes.

6 Q. Okay.

7 MS. ERICKSON: Can I approach the witness,
8 Judge?

9 THE COURT: You may.

10:49AM 10 Just I'm going to interrupt one minute with the
11 Court Reporter -- the Court Interpreter. I have no problem if
12 you stand, but do we have a chair provided?

13 THE INTERPRETER: There is one.

14 THE COURT: I just wanted to make sure that you
10:49AM 15 had. My Marshal indicated that there was, but I can't see it,
16 but --

17 MS. ERICKSON: I would also make sure that the
18 jury can hear you because you are sort of looking at me.

19 My voice is isn't very high, yours isn't either.

10:49AM 20 BY MS. ERICKSON:

21 Q. Mr. Cabrera, I'm showing you some pictures that are
22 marked for identification as Defendant's PP through UU. Have
23 you seen these pictures before?

24 A. Yes.

10:50AM 25 Q. Look at them for a minute.

1 A. Yes, yes.

2 Q. Okay.

3 A. That's my family.

10:50AM

4 MS. ERICKSON: Judge, I'd move for the admission
5 of PP through UU.

6 MR. DIGIACOMO: No objection.

7 THE COURT: Defendant's Exhibits PP through UU
8 are admitted. You may publish them.

10:50AM

9 (Defendant's Exhibit Numbers PP through UU, respectively,
10 were admitted into evidence.)

11 BY MS. ERICKSON:

12 Q. Now, I'm showing you Defendant's Exhibit PP. Can you
13 tell me if you -- who is in this picture?

10:51AM

14 A. I'm on it, my brother-in-law, my brother, Ivonne is
15 there, and my kids are there too, the girls.

16 Q. I can't hear.

17 A. I don't have my glasses, so --

18 Q. Oh, no.

19 A. -- I can't see very well.

10:51AM

20 Q. All right. Well, why are all the family together in
21 this picture?

22 A. I think there was a party there.

23 Q. Okay. And do you know where this party was?

24 A. This party was in California.

10:51AM

25 Q. Okay. So that was before you moved here?

1 A. I think so.

2 Q. Okay. Do you know -- can you guess -- do you know
3 how old Ivonne was in this picture, or about how old?

4 A. What would it be, like, seven --

10:52AM 5 Q. Okay. And --

6 A. -- or eight.

7 Q. And Ivonne is the girl that's wearing the striped
8 shirt; correct?

9 A. Yes.

10:52AM 10 Q. And I'm showing you what's been marked as QQ. I hope
11 you can see this. Do you recognize who's in that photograph?

12 A. My wife and I, Miguel, and Ivonne, and Nancy. The
13 one who -- who's in the back, I don't recognize very well, but
14 it is a family member.

10:52AM 15 Q. Okay. And what about the person that head's cut off?

16 A. That's me.

17 Q. Okay. And where was this taken?

18 A. The photo was -- I think it was in Tijuana.

19 Q. And do you have relatives in Tijuana?

10:53AM 20 A. Yes. I have family and we would go often to see
21 them.

22 Q. How many brothers and sisters do you have?

23 A. I have five sisters and there are three brothers.

24 Q. So there is nine in your family?

10:53AM 25 A. Yes.

1 Q. Showing you what's been admitted as Defendant's RR,
2 can you see that photograph?

3 A. Yes.

4 Q. Where would that photograph have been taken?

10:53AM 5 A. This photo, it seems it was also in Los Angeles.

6 Q. Okay. And can you point out Ivonne in that picture.

7 A. Yes.

8 Q. You can circle her with your finger on the screen?

9 A. It's this one (indicating).

10:54AM 10 Q. Um, did anything come up?

11 THE COURT: There is a mark, but you --

12 (The witness complies.)

13 BY MS. ERICKSON:

14 Q. Okay. Thank you.

10:54AM 15 And how old was Ivonne in this photo, do you think?

16 A. I think she must have been about 13 or 14 there.

17 Q. Okay. And all the little kids, are those other
18 cousins?

19 A. Siblings and cousins.

10:55AM 20 Q. Okay. How would you describe Ivonne between the ages
21 of five and 13 or 14?

22 A. Good, very good, yes.

23 Q. Okay. You were working at the time?

24 A. Yes.

10:55AM 25 Q. And was your wife working at the time also?

1 A. Um, yes, her too.

2 Q. When you guys were working who -- who took -- who
3 made sure everything went okay in the house?

4 A. Yeah, she -- she would, and the oldest, Miguel.

10:55AM 5 Q. Okay. So when you say "she", do you mean Ivonne?

6 A. Yes.

7 Q. Okay. So Miguel is her older brother? Si?

8 A. Yes.

9 Q. So what kind of things would Miguel and Ivonne do to
10 take care of the children while you and Maria were working?

11 A. I think she would entertain them and put movies on
12 for them. There was never a complaint.

13 Q. Okay. Did there come a time that Ivonne graduated
14 from high school?

10:56AM 15 A. Yes.

16 Q. Is that a photograph of her after her graduation?

17 A. Yes.

18 Q. Okay. And can you tell me who's in that photograph?

19 A. Ivonne, it's me, my wife is there, and what -- Ivonne
10:56AM 20 and Raul, and Nancy, and Cindy.

21 Q. Okay. So pretty much everybody but your oldest son?

22 A. Yes.

23 Q. Would -- what was he doing in this time frame?

24 A. Seems to me he was in the Marines.

10:57AM 25 Q. Okay. Showing you what's been admitted as

1 Defendant's TT, do you know where this photograph was taken?

2 A. Yes.

3 Q. Where?

4 A. This photo we took in California.

10:57AM 5 Q. It looks like you are at a baseball field.

6 A. Yes. I think -- I think it was California.

7 Q. Okay. Do you remember why everyone was dressed so
8 nicely at a baseball field?

9 A. I don't remember if there was a party in the park on
10:58AM 10 that occasion or I don't know. We just -- or we just stood for
11 the photo. I -- I don't remember.

12 Q. Okay. And so who's in that photograph?

13 A. It's Ivonne, it's me, and my brother.

14 Q. And what's your brother's name?

10:58AM 15 A. Alberto Cabrera.

16 Q. How old -- how old was Ivonne when you moved to
17 California -- I mean to Las Vegas?

18 A. I think she was -- how old would she have been? Must
19 have been about 18 -- no, no because she graduated here.

10:59AM 20 She must have been about 16, around there, between 15
21 and 16.

22 Q. So she graduated from high school here in Las Vegas?

23 A. Yes.

24 Q. And after she graduated high school did she work?

10:59AM 25 A. She took some time off to rest and then she was going

1 to continue on with her studies, but during that time is when
2 she got together with her husband. She got married.

3 Q. Okay. And what -- what was her husband's name?

4 A. Name is Celso Aguirre.

10:59AM 5 Q. I'm sorry?

6 A. Celso Aguirre.

7 Q. Okay. And has Ivonne ever been divorced from him or
8 are they just separated?

9 A. She divorced him.

11:00AM 10 Q. What kind of man was Celso Aguirre?

11 A. Well, in the beginning he was fine. Then afterwards
12 they had problems among them.

13 Q. When you say "problems," what do you know happened
14 between them?

11:00AM 15 A. The biggest problem they had was one day she called
16 us, she was crying, because Celso had been chasing her around
17 with a knife.

18 Q. Was that -- go ahead.

19 A. So we went over to where she lived, my oldest son and
11:00AM 20 I went, and it was reported to the police, and he got arrested,
21 and then they got separated, but the -- they did have a lot of
22 problems. We just didn't know about them --

23 Q. Okay.

24 A. -- until this accident because by this accident then
11:01AM 25 it was serious.

1 Q. Okay. Did Ivonne and Celso have children?

2 A. Yes.

3 Q. Can you tell me the -- are they boys, girls or --

4 A. They're boys.

11:01AM 5 Q. Okay. How many?

6 A. Two.

7 Q. And what are their names?

8 A. Andres Aguirre and Erick Aguirre.

9 Q. And, obviously, Ivonne was arrested more than five
11:01AM 10 years ago?

11 A. Yes.

12 Q. And have -- where have the boys been living?

13 A. With my wife and I, my children, all of us.

14 Q. Okay. Did you make -- does Ivonne get to see them or
11:02AM 15 talk to them on the phone or --

16 A. Yes. She calls them on the phone, and I bring them
17 to see her every eight days or every two weeks.

18 One week I bring and one week my wife does.

19 Q. How would you describe Ivonne as a mom?

11:02AM 20 A. A good mom.

21 Q. And why do you say that?

22 A. She's a good mom in the sense that when she was --
23 before this happened she was with them -- she -- she was just
24 fine with them. She was a good mother to them.

11:03AM 25 MS. ERICKSON: I think that's all I have. Thank

1 you so much.

2 THE COURT: You are all done. Mr. Cabrera, just
3 one second. I'm not sure that there would be any questions,
4 but I need to make sure that there are no additional questions
11:03AM 5 for you.

6 Mr. Digiacomo?

7 MR. DIGIACOMO: There are none.

8 THE COURT: Mr. Cabrera, I apologize for the
9 confusion. You may be excused.

11:03AM 10 Whereupon, at this time the Witness was excused.)

11 THE COURT: Ms. Erickson, your next witness.
12 We will also need the Interpreter?

13 MS. ERICKSON: Yes. The Interpreter will be
14 needed for Ana Martinez.

11:03AM 15 THE COURT: Ana Martinez.

16 Ms. Martinez, just like the last witness, if you
17 could come to the witness stand to the chair and remain
18 standing behind it.

19 The Interpreter has already been sworn, but my
11:04AM 20 Clerk does need to swear you in to give testimony.

21 This is the Clerk here.

22 ANA MARTINEZ

23 called as a witness on behalf of the Defendant,

24 having been first duly sworn,

11:04AM 25 was examined and testified as follows:

1 THE INTERPRETER: Yes.

2 THE CLERK: Please take your seat.

3 Can you please state and spell your first and
4 last name for the record.

11:04AM 5 THE INTERPRETER: My name is Ana B. Martinez.

6 THE COURT: Can you spell it for us.

7 THE INTERPRETER: A-N-A, M A R T I N E Z.

8 DIRECT EXAMINATION

9 BY MS. ERICKSON:

11:04AM 10 Q. Ms. Martinez, how are you related to Ivonne?

11 A. She's my niece and I'm her Godmother.

12 Q. And as a Godmother what are your responsibilities for
13 her?

14 A. My responsibilities towards her is to guide her on a
11:05AM 15 good path and care for her.

16 Q. And how did you become a Godmother? Is there a
17 ceremony?

18 A. Yes, there's a ceremony.

19 Q. And where was that taken -- where -- did -- where did
11:05AM 20 that take place?

21 A. We baptized her in Los Angeles, at -- in the -- in
22 the Las Vegas plaza (sic).

23 Q. I'm sorry?

24 A. In Los Angeles, in the Plazita Olvera.

11:05AM 25 Q. Okay. And are you -- so you are her aunt and

1 Godmother. Who are you related to as her -- who is your sister
2 or brother?

3 A. Her -- her mother is my sister.

4 Q. Okay. How many people in your family?

11:06AM 5 A. My family, as in siblings?

6 Q. Yes.

7 A. There's 15 of us.

8 Q. Okay. And are there many nieces, nephews,
9 grandchildren?

11:06AM 10 A. Yes, many grandchildren and nieces, nephews.

11 Q. Does the family -- did the family get together for
12 special occasions in Los Angeles?

13 A. Oh, yes, in Los Angeles, and here as well.

14 Q. What kind of get-togethers would you have in
11:06AM 15 Los Angeles?

16 A. Well, we would go visit -- we would visit each other
17 every week.

18 Q. So when did you move to Las Vegas?

19 A. 1986.

11:07AM 20 Q. And did your sister and her family also move here
21 obviously?

22 A. Yes, but not on that date, later.

23 Q. Okay. Could you tell the ladies and gentlemen of the
24 jury what kind of girl was Ivonne as she was growing up until
11:07AM 25 her teenage years?

1 A. She was -- she is a very good person. She would help
2 her mother and her father when they would go to work. Her and
3 her older brother would care for the -- for the rest of the
4 children. She would cook, clean, everything. She would help
11:08AM 5 her parents.

6 Q. And then after her --

7 MS. ERICKSON: May I approach, Judge?

8 THE COURT: You may.

9 BY MS. ERICKSON:

11:08AM 10 Q. I'm showing you what's been marked for exhibit as
11 Defendant's FFF and III. Ms. Martinez, do you recognize those
12 photographs?

13 A. Yes. That's when she turned 15. And here it's me
14 and my sister and her, and my niece, and my -- the other
11:08AM 15 sister, her mother.

16 MS. ERICKSON: Move for admission of Defense
17 Exhibit FFF and III.

18 THE COURT: Triple F and triple I, Defense
19 Exhibits will be admitted. You may publish.

11:09AM 20 (Defense Exhibit Numbers FFF and III, respectively,
21 were admitted into evidence.)

22 MS. ERICKSON: Thank you, Judge.

23 BY MS. ERICKSON:

24 Q. I'm showing you what's now been admitted as
11:09AM 25 Defendant's FFF. I think you said that this was the

1 Quinceanera when Ivonne was 15?

2 A. Yes.

3 Q. And --

4 A. Uh-huh.

11:09AM 5 Q. And what -- what was the event?

6 A. When she turned 15.

7 Q. She's dressed up in a party dress. Is it a party or
8 a Quinceanera or --

9 A. Yes, Quinceanera.

11:09AM 10 Q. Sorry. What is a Quinceanera?

11 A. She is presented to the church because she turned 15.

12 Q. And this picture -- Ivonne is in the white dress?

13 A. Yes.

14 Q. And is your sister and her mother in the -- the
15 taller woman in the dress?

16 A. Yes, uh-huh.

17 Q. Who is the younger girl?

18 A. I don't know who the -- the little one is. I think
19 it's one of her sisters. You can't see very well.

11:10AM 20 Q. Okay. It's an old picture.

21 All right. And so you said that you saw Ivonne and
22 you went over to your sister's house once a week when you were
23 in Los Angeles, and did that continue in Las Vegas?

24 A. Yes.

11:10AM 25 Q. Okay. So --

1 A. When I would have time off.

2 Q. Okay. Because you worked?

3 A. Yes.

4 Q. And what did you do -- what kind of work?

11:10AM 5 A. In Los Angeles, I worked in electronics. Here, I
6 work in the casino, as a dealer.

7 Q. Okay. I asked you to describe Ivonne to the ladies
8 and gentlemen until she was about 13. How would you describe
9 her between the years of 13 and 18?

11:11AM 10 A. She did very well. She was a good -- she was a good
11 girl, yes.

12 Q. Did she continue taking care of the younger children?

13 A. And her children. She's a good mother. She's a good
14 daughter.

11:11AM 15 Q. I'll get to that next.

16 Because -- do you know how old she was when she had
17 her children?

18 A. She was, like, nine- -- like 20.

19 Q. Did you ever meet her husband?

11:11AM 20 A. Yes, yes.

21 Q. What kind of person was he?

22 A. He was a good person, but then later they started
23 having problems between them, between the two of them.

24 Q. Okay. How would you describe Ivonne as a mom?

11:12AM 25 A. She's a good mom.

1 Q. Why do you say that?

2 A. She's a good daughter.

3 Because I would see that she behaved well.

4 Q. And when you say "behaved well," what did you
11:12AM 5 observe?

6 A. She was dedicated to her children and she would
7 listen to her mother and her father.

8 Q. What would you say, even today, is the most important
9 thing in Ivonne's life?

11:12AM 10 A. The most important thing, well, her children and her
11 parents.

12 Q. Why do you say that?

13 A. Because she also thinks a lot of her children and her
14 parents and the rest of the family because we all love her very
11:13AM 15 much.

16 Q. I am slowing you what's been marked as Defense --
17 admitted as Defendant's III, where is this picture taken?

18 A. This picture -- I think it was in Los Angeles -- no.
19 This photo was here in Las Vegas.

11:13AM 20 Q. Okay. Would this be a typical photo of -- of
21 gathering of the family?

22 A. Yes. We were going to make tamales.

23 Q. Did you ever see a change in Ivonne?

24 A. After she separated from the husband, like that
11:14AM 25 affected her a lot.

1 Q. When you say that, what do you mean?

2 A. Like, if she -- she wanted her husband to be together
3 with her children, I guess.

4 Q. Do you know where Celso is today?

11:14AM 5 A. He's in Mexico.

6 Q. Do you know when he went there?

7 A. After they separated he went there.

8 Q. In this picture, which person, in the picture, is
9 Ivonne?

11:15AM 10 A. This one, then there's Cindy and her mom, then my
11 older sister and I (indicating).

12 Q. So this one is you (indicating)?

13 A. Yes.

14 Q. And this is your sister Maria (indicating)?

11:15AM 15 A. No. The next one is Martha.

16 Q. I'm sorry?

17 A. Martha.

18 Q. Okay. Yes.

19 And then who is this (indicating)?

11:15AM 20 A. That's Cindy.

21 Q. And (indicating)?

22 A. Ivonne.

23 Q. Okay. And (indicating)?

24 A. Martha.

11:15AM 25 Q. Martha, okay.

1 MS. ERICKSON: I think that's all I have. Thank
2 you.

3 THE COURT: Any questions from the State?

4 MR. DIGIACOMO: No, Your Honor.

11:16AM 5 THE COURT: Thank you, Ms. Martinez. You are
6 excused. Just watch your step as you go through.

7 (Whereupon, at this time the Witness was excused.)

8 THE COURT: I think we may have one additional
9 witness that will need the Interpreter.

11:16AM 10 Is that correct, Ms. Erickson, one additional
11 witness that needs the Interpreter this morning?

12 MS. ERICKSON: I will have the need of her later
13 on today, but right now we don't need an interpreter.

14 THE COURT: Later this morning or after our
11:16AM 15 lunch?

16 MS. ERICKSON: After lunch.

17 THE COURT: Okay. Thank you, Ms. Andrade.

18 If you are ready then, Ms. Erickson, call your
19 next witness.

11:16AM 20 MS. ERICKSON: Just a moment, Judge.

21 THE COURT: Take your time.

22 MS. ERICKSON: I would call Cindy Cayno (sic).

23 THE COURT: Cindy Cayno.

24 Ms. Cayno, will you come right around that
11:17AM 25 podium to the right and right up to the witness stand.

1 When you reach the chair, if you could remain
2 standing just briefly to have my Clerk swear you in, please.
3 Here she is.

4 THE CLERK: Please raise your right hand.

11:17AM

5 WITNESS NAME

6 called as a witness on behalf of the Defendant,

7 having been first duly sworn,

8 was examined and testified as follows:

9 THE WITNESS: Yes.

11:17AM

10 THE CLERK: Please take a seat.

11 Will you please state and spell your first and
12 last name for the record.

13 THE WITNESS: Cindy Lopez Cabrera. C-I-N-D-Y,
14 L-O-P-E-Z, C-A-B-R-E-R-A.

11:17AM

15 DIRECT EXAMINATION

16 BY MS. ERICKSON:

17 Q. I'm sorry, I called you by the wrong name.

18 THE COURT: Ms. Cabrera. You may proceed,
19 Ms. Erickson.

11:17AM

20 BY MS. ERICKSON:

21 Q. Are you related to Ivonne?

22 A. Yes.

23 Q. How are you related?

24 A. She's my older sister.

11:17AM

25 Q. How much older is she?

1 A. Five years.

2 Q. Are you employed?

3 A. Yes.

4 Q. How are you employed?

11:18AM 5 A. I work at a law firm.

6 Q. And what do you do at the law firm?

7 A. You could say a legal assistant.

8 Q. I'm sorry?

9 A. Legal assistant.

11:18AM 10 Q. And which law firm?

11 A. Ladah law firm.

12 Q. And how do you spell that?

13 A. L-A-D-A-H Law Firm.

14 Q. Who is -- what -- are there more than one attorney in
11:18AM 15 the law firm or --

16 A. There's multiple attorneys, but there's the main
17 attorney, Ramzy Ladah.

18 Q. Do you know Ted -- Ted Williams?

19 A. Yes, I do.

11:18AM 20 Q. Okay. How do you know him?

21 A. He rents a space inside the building where I work at.

22 Q. Is he a lawyer?

23 A. Yes.

24 Q. Okay. Obviously, you're Ivonne's sister and you grew
11:18AM 25 up together?

1 A. Yes.

2 Q. That's right.

3 Can you tell the ladies and gentlemen about -- a
4 special memory that you have of Ivonne.

11:19AM 5 A. Special memory, well, for Christmas, my parents used
6 to work at night so they would leave and we will stay home with
7 the presents wrapped, and we knew that we were getting roller
8 blades, so we found a way to open the present without ripping
9 the wrapping paper, took out the skating, and we would skate
10 around the house with them and put them back in, so my parents
11 wouldn't notice.

12 Q. And who -- who figured that out?

13 A. It was, I think, my older brother and her.

14 Q. Okay. And what kind of sister is Ivonne?

11:19AM 15 A. She's a very caring sister. I mean, if you need
16 anything, if you are in having any problems or anything, she
17 will be there for you.

18 Q. And you say she'll be there for you, what do you
19 mean?

11:20AM 20 A. Um, just being there for you, like, with hearing you
21 out, your problems, or just speaking to you. That's the way
22 she is.

23 Q. Has she always been like that?

24 A. Yes.

11:20AM 25 Q. Was she that way with friends in school and after

1 school?

2 A. I don't really think I saw her much in school, or we
3 were in school together, but she -- she's a very friendly
4 person, so I would imagine being the same way with friends.

11:20AM

5 Q. Do you know -- did Ivonne engage in any particular --
6 a particular interest when she was in high school?

7 A. Yes. Sports was her thing.

8 Q. Okay. And why do you say that?

11:20AM

9 A. She always played basketball during high school and
10 even before high school.

11 Q. Was she involved in -- was it a tournaments or --

12 A. Yeah, it was tournaments.

13 Q. Okay. And did you all go to those tournaments, the
14 games?

11:21AM

15 A. Yes, we did, we went to her games.

16 MS. ERICKSON: Just a moment, Judge.

17 (Sotto voce at this time.)

18 BY MS. ERICKSON:

19 Q. You have an older brother, Miguel?

11:21AM

20 A. Yes.

21 Q. Okay. Where is he right now?

22 A. He is on vacation in Mexico.

23 Q. Okay. Has he been gone for a little bit or a long
24 time or --

11:21AM

25 A. A little bit. I think, like, over a week.

1 Q. That's all.

2 You have to see if the State has any questions.

3 THE COURT: Anything from the State?

4 MR. DIGIACOMO: No, no.

11:22AM 5 THE COURT: Ms. Lopez Cabrera, you are excused.

6 Thank you. Please just watch your step as you leave the jury

7 (sic) box.

8 THE WITNESS: Thank you.

9 (Whereupon, at this time the Witness was excused.)

11:22AM 10 THE COURT: Pardon me, Ms. Erickson.

11 MS. ERICKSON: I have a witness over here at

12 11:30. So I would call --

13 (Sotto voce at this time.)

14 MS. ERICKSON: I would call Nancy Cabrera.

11:22AM 15 THE COURT: Nancy Cabrera, please. Thank you.

16 Ms. Cabrera, the same thing as the other

17 witnesses. If you will just come and stand behind the chair

18 and my Clerk here to the right will swear you in.

19 NANCY CABRERA

11:22AM 20 called as a witness on behalf of the Defendant,

21 having been first duly sworn,

22 was examined and testified as follows:

23 THE WITNESS: Yes.

24 THE CLERK: Please take a seat.

11:23AM 25 Can you please state and spell your first and

1 last name for the record.

2 THE WITNESS: Nancy Cabrera, N A N C Y.

3 C-A-B-R-E-R-A.

4 THE CLERK: Thank you.

11:23AM 5 DIRECT EXAMINATION

6 BY MS. ERICKSON:

7 Q. How are you related to Ivonne?

8 A. I'm her sister.

9 Q. Her younger, older?

11:23AM 10 A. Younger sister.

11 Q. I'm sorry?

12 A. Younger.

13 Q. Okay. Are you second to Ivonne, or third?

14 A. Third.

11:23AM 15 Q. Okay. Are you employed?

16 A. Yes.

17 Q. Where are you employed?

18 A. Ladah Law Firm.

19 Q. How long have you been there?

11:23AM 20 A. Six years.

21 Q. And what do you do there?

22 A. I'm a legal assistant.

23 Q. Okay. Do you and your sister Cindy both work there?

24 A. Yes.

11:23AM 25 Q. Do you do the same job she does, or different?

1 A. Different.

2 Q. Okay. What do you do?

3 A. I handle the medical record department for reviews.

4 Q. What kind of law does the Ladah Law Firm do?

11:24AM 5 A. Medical malpractice and personal injury.

6 Q. I'm sorry?

7 A. Medical malpractice and personal injury.

8 Q. Okay. So that covers -- you need to have medical
9 records and those kind of things?

11:24AM 10 A. Yeah.

11 Q. And that's what you do?

12 A. Uh-huh, yes.

13 Q. Did Ivonne work there?

14 A. Yes, she did.

11:24AM 15 Q. Okay. When did she work there?

16 A. In 2011 -- well, she worked there before I did, with
17 Ted Williams.

18 Q. Do you know how long she had worked there before you?

19 A. Approximately three or four years before me.

11:24AM 20 Q. Okay. So probably, like, 2009?

21 A. 2009/2010, yeah, uh-huh.

22 Q. Okay. And what did Ivonne do there?

23 A. She was a receptionist. She would arrive with smile
24 with the -- to PYCs, to intake, she will translate, she will

11:24AM 25 request records as well, prepare demand letters, request police

1 reports; multiple tasks.

2 Q. Okay.

3 A. Uh-huh.

4 Q. We've heard about Ivonne -- Ivonne's marriage and her
11:25AM 5 children.

6 A. Yes.

7 Q. Her two boys?

8 A. Yes.

9 Q. How old are they now?

11:25AM 10 A. 15 and 13.

11 Q. Is -- are they present in Court?

12 A. Yes, they are.

13 Q. How would you describe Ivonne as a mother?

14 A. She's a very caring person. She always made sure
11:25AM 15 that their homework was done or make sure that they would make
16 it to school, was always making sure they had clean clothes,
17 food on the table, make sure they were always okay and happy.

18 Q. And how old was she when she had -- which one is
19 older?

11:25AM 20 A. Andres.

21 Q. And do you remember how old she was when she had
22 Andres?

23 A. Probably 20 or 21.

24 Q. And how old was she when she had Erick?

11:26AM 25 A. Right after, maybe 23.

1 Q. Okay. How are the boys doing now?

2 A. Um, they're okay; problems here and there.

3 Q. When you say problems, who's having problems?

4 A. Andres, he misses his mom a lot.

11:26AM 5 Q. He's what?

6 A. He's missing his mom a lot.

7 Q. Okay. What kind of trouble -- what kind of problems
8 is he having?

9 A. He doesn't want to go to school. He's always trying
11:26AM 10 to get attention. He's missing mom's attention.

11 Q. Do you know if Ivonne has tried to do anything about
12 these issues?

13 A. Oh, yeah. When she speaks with him on the phone she
14 always tell them they have to be good boys and everything is
11:26AM 15 going to be okay.

16 Q. Does she try to learn what the issue -- problems are,
17 or the issues?

18 A. Of course. She's always -- she's always, always
19 aware of everything that's going on. She's always asking, and
11:26AM 20 we keep her updated.

21 Q. So even though she's been in jail for five years
22 she's been in the boys' lives as best she could?

23 A. Yes.

24 Q. Do you have any idea how many times a week she may
11:27AM 25 call or --

1 A. I would say daily; but if it's not daily, it's every
2 other day.

3 Q. And what do you think is the best characteristic of
4 Ivonne?

11:27AM 5 A. Um, she's very caring, very loving.

6 Q. And when you say that, why do you say that?

7 A. Because she always makes sure that we were all okay.
8 If we needed something, she would always help us out. She was
9 always the one to cheer us up if anything was going wrong. She
11:27AM 10 always made sure if our -- if our kids needed something she
11 would get it for us as well.

12 Q. Did there come a time that Ivonne started having some
13 problems herself?

14 A. Yes.

11:27AM 15 Q. What kind of problems?

16 A. I noticed that she started not wanting to go over to
17 the family. She was depressed, didn't want to do much. She
18 would keep to herself.

19 Q. About when did that start happening?

11:28AM 20 A. After she got separated.

21 Q. So how do you think her marriage with Celso impacted
22 on her?

23 A. It impacted her a lot. Her whole attitude,
24 everything, that she was a very -- a person that was always
11:28AM 25 motivated, all that went down.

1 Q. So before her marriage, how would you describe her?

2 A. Very happy. She used to like going dancing. She
3 would be very outgoing. I was thinking about joining school
4 and getting things done, but then she met her husband and she
11:28AM 5 married.

6 Q. So after the marriage and after the separation, you
7 noticed a difference in her --

8 A. Yes.

9 Q. -- in her?

11:28AM 10 A. Yes.

11 Q. Did she still remain devoted to the boys?

12 A. Yeah. After she got separated she was still with the
13 boys. She will take care of them. She will worry them -- she
14 was working two jobs, double shifts, to be able to support
11:28AM 15 them, and she was always there.

16 Q. Showing --

17 MS. ERICKSON: May I approach, Judge?

18 THE COURT: You may.

19 BY MS. ERICKSON:

11:29AM 20 Q. Showing you what's been marked as Defendant's
21 Proposed 00 (sic) and Defendant's admitted III. Do you
22 recognize the people in 000?

23 A. Yes.

24 Q. And who are they to you?

11:29AM 25 A. This is my sister and my --

1 Q. Hold on. Are they your family?

2 A. Yes.

3 Q. Okay.

4 A. All the of them.

11:29AM

5 MS. ERICKSON: Okay. I move for admission of
6 000?

7 THE COURT: State's -- sorry. Defense Triple 0
8 will be admitted, and you may publish.

9 (Defence Exhibit Number 000 was admitted into evidence.)

11:29AM

10 BY MS. ERICKSON:

11 Q. Can you tell us who, from this side over to this side
12 (indicating), who those relatives are?

13 A. That's my sister Yanayelli (phonetic), my brother
14 Raul, my cousin Becto (phonetic) --

11:30AM

15 Q. Not too fast.

16 A. I'm sorry.

17 Alfonso; my father; Cindy, my sister; my mother;
18 myself; my Aunt Ana, my Uncle Victor, my Uncle -- my Aunt
19 Martha; my cousin Jasmine, my Mi- -- Michael, Jasmine's

11:30AM

20 husband; and my cousin Antholee (phonetic).

21 Q. It looks like you have a pretty large family.

22 A. Yes.

23 Q. And this isn't nearly all of it, is it?

24 A. No. That's hardly no one.

11:30AM

25 Q. Okay. Would that be all the people -- or how many --

1 how much of your family lives here in Las Vegas now?

2 A. All the ones that I mentioned and our kids and a
3 couple other -- other aunts and uncles.

4 Q. Okay. And I'm showing you what's been admitted as
11:31AM 5 III. Do you recognize the people in this photograph?

6 A. Yes.

7 Q. And starting from this side going to this way
8 (indicating), who are they?

9 A. My Aunt Ana, Aunt Martha, Ivonne, my sister Cindy,
11:31AM 10 and my mother.

11 Q. Do you remember this picture or what would -- what
12 does it look like was going on?

13 A. It must have been right before Christmas or after
14 Christmas, we were making tamales for -- that's usually how we
11:31AM 15 celebrated Christmas.

16 Q. Tamales are a family tradition?

17 A. A tradition of Thanksgiving -- not Thanksgiving, of
18 Christmas and New Year's.

19 Q. What's the tradition of Christmas?

11:31AM 20 A. And we all eat together and open presents.

21 Q. Cindy talked about breaking into presents when you
22 were younger, still breaking into presents now?

23 A. No, not now, not more.

24 MS. ERICKSON: I have nothing further.

11:32AM 25 THE COURT: Thank you.

1 The State, do you have any questions?

2 MR. DIGIACOMO: No.

3 THE COURT: Thank you, Ms. Cabrera. You are
4 excused. Mind your step as you exit the box.

11:32AM 5 (Whereupon, at this time the Witness was excused.)

6 MS. ERICKSON: Hold on, Judge.

7 THE COURT: Sure. And I did see someone come
8 in, so I don't know if that was your witness or not.

9 MS. ERICKSON: Oh, he's here.

11:32AM 10 Can I walk out?

11 THE COURT: You may, certainly.

12 MS. ERICKSON: I would call Theodore Williams.

13 THE WITNESS: Mr. Williams, if you could just
14 come right through and go to the witness stand.

11:33AM 15 THE WITNESS: Yes, Your Honor.

16 THE COURT: My Clerk to the right will swear you
17 in.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: She's here.

11:33AM 20 THE CLERK: Please raise your right hand.

21 THEODORE WILLIAMS, ESQ.

22 called as a witness on behalf of the Defendant,

23 having been first duly sworn,

24 was examined and testified as follows:

11:33AM 25 THE WITNESS: Yes, I do.

1 THE CLERK: Please take a seat.

2 THE WITNESS: Thank you.

3 THE CLERK: Can you please state and spell your
4 first and last name for the record.

11:33AM

5 THE WITNESS: Sure. My name is Theodore Paul
6 Williams. T-H-E-O-D-O-R-E; Paul, P-A-U-L; Williams,
7 W-I-L-L-I-A-M-S.

8 THE COURT: Whenever you are ready.

9 DIRECT EXAMINATION

11:33AM

10 BY MS. ERICKSON:

11 Q. Mr. Williams, how are you employed?

12 A. I'm an attorney. I own my own law practice. I've
13 had my own law practice for 25 years. I'm a sole practitioner.

14 Q. Where did you go to college?

11:33AM

15 A. I got a bachelor's degree from UNLV. I graduated in
16 1987. And I attended the University of Arizona Law School, and
17 I graduated in 1991.

18 Q. Are you from this area?

19 A. Yeah, born and raised in Las Vegas. I graduated from
20 Rancho High School in 1982.

11:34AM

21 Q. Okay. And when did you take the Bar?

22 A. I took the Bar in '91, didn't have luck that first
23 time, but I passed it my second try in 1992.

24 Q. Okay. So what kind of law do you practice?

11:34AM

25 A. I practice primarily divorce, personal injury, and

1 criminal defense. Probably personal jury and divorce make up a
2 majority of my practice and criminal practice might make up 25,
3 30 percent of my practice.

11:34AM

4 Q. Okay. In your criminal practice did that start from
5 when you opened your office and was an equal -- sorry.

6 Once you opened your office, how much of your
7 business has been criminal defense?

11:34AM

8 A. Okay. Probably in the beginning I did more criminal
9 defense, and then I've been moving more towards personal
10 injury.

11 So I would say maybe in the beginning maybe like 60,
12 50 percent of my practice was criminal defense and now it's
13 down to, like, maybe 25, 30 percent at this time.

11:35AM

14 Q. So how many people have you represented in criminal
15 cases, any estimate?

16 A. I would have to say thousands. I'm not sure how many
17 thousands, but it would be well over a thousand I -- I would
18 think.

19 Q. Do you know eye Ivonne Cabrera?

11:35AM

20 A. Yes, I do. I feel like I know her quite well.

21 Q. And why do you say that?

11:35AM

22 A. Ivonne worked at my law office as a receptionist for
23 about a year, year and a half. Then she worked for the
24 attorney that bought the law office for about a year. So I was
25 around Ivonne quite a bit, five days a week actually, for

1 approximately two to two and a half years.

2 Q. At the time -- so what -- what time frame would it be
3 that Ivonne started working for you?

11:35AM

4 A. I'm thinking it would have been sometime in 2010. I
5 believe maybe early 2010 she would have worked for me for at
6 least that whole year of 2010, and maybe part of 2011. She
7 might have worked for me for part of 2009 as well.

8 Q. Okay. When you hired her did you know that she had
9 criminal convictions?

11:36AM

10 A. Yes, I did.

11 Q. What were the convictions?

11:36AM

12 A. I understood that she had, I believe it was,
13 possession of stolen vehicle or a -- a grand theft/auto. It
14 was a property crime involving a vehicle. I knew that -- I
15 knew that she did prison time too.

16 Q. Okay. So knowing that, why did you hire her?

11:36AM

17 A. She was recommended to me by a mutual friend of ours
18 named Margie Martinez. She said great things about Ivonne.
19 She said that she's -- she's a good person. She believed in
20 her.

21 I met with Ivonne. I talked with her. I was
22 impressed with her. She seemed like she really wanted to do
23 the right thing. She wanted to change. I was really impressed
24 with that. And I decided to hire her after speaking with her.

11:36AM

25 Q. And what did she do at your firm?

1 A. Ivonne was a receptionist. She was the person that
2 clients would meet when they came to our office. She would
3 take phone calls. She would let us know when a phone call was
4 made. She copied some documents, ran some errands, general
11:37AM 5 stuff around the office.

6 Q. So basically she was the first person that anyone had
7 contact with in your office?

8 A. That's correct. When they called or when they walked
9 into our office, Ivonne would be the first person they would
11:37AM 10 speak to, that is true.

11 Q. And was she good at that?

12 A. I thought she was really good at that.

13 Ivonne, she came to work and she just put her head
14 down. She did her job. She was five minutes early to work
11:37AM 15 every day. She never left early, never pulled any games. She
16 usually ate her lunch at work also. She was really -- I could
17 tell that she -- I got the impression she really wanted to
18 change and do right by her family.

19 Q. And did you know any of her family?

11:37AM 20 A. Yes. I know -- well, actually I think I know her
21 entire family. I've never met her brother.

22 Q. Okay.

23 A. But I know her three sisters and her parents and some
24 of her nieces and nephews too.

11:37AM 25 Q. Ivonne was probably, 2010, she had children at that

1 point?

2 A. Yes. My I understanding two boys, I believe.

3 Q. Okay. You were with her a lot. Did she speak about
4 the boys?

11:38AM

5 A. She did. She mentioned something to the effect, it
6 was -- and my secretary sat next to her, close to her, about
7 five feet away, and the talk was that she wants to -- she just
8 wants to come home and be with her kids.

9 Q. So her day was at work, at home, children?

11:38AM

10 A. I don't even think she went out to lunch. She would
11 pack her lunch to work and eat at work, and 5:05 she's home,
12 she's going back home to her kids, correct.

13 Q. Did there come a time that she was in a car accident?

11:38AM

14 A. Yes. I believe it was in late September 2011 she was
15 in a car accident, that's correct.

16 Q. What -- did you represent her in that --

17 A. No. I didn't represent her in the case. The
18 attorney that I shared office space with, name's Ramzy Ladah,
19 he represented her in the case. I believe Ivonne was driving
20 the car. Her kids might have been in the car also. But I know
21 that she was in an accident and that she went to a
22 chiropractor, a pain management doctor, who prescribes drugs,
23 Lortabs --

11:38AM

24 Q. Okay.

11:39AM

25 A. -- opiates.

1 Q. Okay.

2 A. And a couple other physicians.

3 Q. Okay. You mentioned Ramzy. Now could you tell the
4 ladies and gentlemen the structure of the -- you're working
11:39AM 5 environment?

6 A. Sure. Okay.

7 So Ivonne -- I owned the law office, it's right
8 across the street at 517 South Third Street, as a partial
9 owner, and Ivonne worked for me about a year, year and a half
11:39AM 10 while I owned the building. Ramzy Ladah bought the office
11 building, and I believe in early 2011, maybe late 2010, I
12 believe, and then he hired Ivonne to be his receptionist.

13 So we're -- Ramzy is right across the office from me.
14 We share personal injury cases, work on cases together. I
11:39AM 15 consider him a friend.

16 Q. Okay. And did there come a time, after Ivonne's
17 accident in 2011, that you noticed a change in her?

18 A. Yes.

19 Q. What did you notice?

11:39AM 20 A. I would think it would have been about approximately
21 a month or two after her accident, there was talk in the
22 office, kind of whispers with my secretary, who is always by
23 Ivonne and amongst me, that she was definitely acting
24 differently. She was not the same Ivonne that we always knew,
11:40AM 25 absolutely.

1 Q. And what -- what did you observe?

2 A. Well, okay. I -- I can't say I know this firsthand I
3 witnessed this, but the word was that she was prescribed
4 oxycodone, or an opiate, possibly Lortab, from her pain
11:40AM 5 management doctor from a personal injury case, and that she was
6 having a problem with these, and this might sound like an
7 exaggeration also, but it's the absolute truth, it's was like
8 night and day, kind of like Dr. Jekyll and Mr. Hyde. It was
9 kind of like -- she was a different person.

11:40AM 10 And you could see it in her eyes also, kind of like a
11 mean look in her eyes. She was not the same Ivonne that we had
12 known, that we had known for the past two years. That's what
13 we noticed.

14 Q. And at that point in time are we very aware of opiate
11:41AM 15 addiction, what it does to people?

16 A. I knew that it was bad stuff, but I didn't know -- I
17 didn't know myself, and I'm an attorney, and I do personal
18 injury, the full extent of how bad it was, until fairly
19 recently, maybe, like, three years or so; although I've had
11:41AM 20 clients in the past that had problems with these opiates, also
21 so I was aware of some problems that were -- that were out
22 there.

23 Q. Okay.

24 A. But not to the extent that's in the news media all
11:41AM 25 the time now.

1 Q. Now, in your criminal practice, how would you
2 describe a person with Ivonne's kind of criminal history with
3 two convictions for possession of a stolen vehicle?

4 MR. DIGIACOMO: Objection.

11:41AM

5 THE COURT: Ms. Erickson?

6 MR. DIGIACOMO: It's opinion, it's irrelevant,
7 number one; two, it calls for speculation; three, not relevant.

8 MS. ERICKSON: It is relevant.

11:41AM

9 THE COURT: Not on the relevancy basis. But on
10 the speculation basis, I will sustain the objection.

11 MS. ERICKSON: Okay.

12 BY MS. ERICKSON:

11:42AM

13 Q. Is there anything else that you would like the jury
14 to know about Ivonne based upon the fact that you know they're
15 going to be sentencing her?

11:42AM

16 A. I feel like I knew Ivonne pretty well for that
17 two-year period, and I know her family well now, and I feel
18 they're good people. They really are good people. They're
19 hardworking people. And Ivonne was a good, hardworking person
20 when she came out of prison. I really got the impression that
21 she wanted to change also. I was sure she did.

11:42AM

22 I feel, and maybe this is wrong, maybe this is
23 speculative, but I really feel -- I mean, I've been an attorney
24 for 25 years. I do divorces. I pretty much seen a lot of
25 things. I was a psychology major.

1 I feel that if Ivonne did not get that prescription
2 for those opiates, that wouldn't have sent her down this road.

3 I think she has some type of inherent pre-disposition
4 that when she takes a drug like this, it just sends her down a
11:43AM 5 bad path.

6 A lot of us, we take an opiate, and it makes us feel
7 weird or something, we say this is no good, we should stay away
8 from it. But some people, they get into this, and it could
9 send them down a really bad road, and I think that's what
11:43AM 10 happened with Ivonne.

11 MS. ERICKSON: Thank you very much.

12 THE COURT: Excuse me. Mr. Digiacomo, any
13 questions for Mr. Williams?

14 MR. DIGIACOMO: No.

11:43AM 15 THE COURT: All right. Thank you.

16 Thank you, Mr. Williams. Make sure you take
17 your file with you.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Watch your step.

11:43AM 20 (Whereupon, at this time the Witness was excused.)

21 MS. ERICKSON: Judge, can we approach?

22 THE COURT: Please.

23 (Sidebar conference at bench, not reported.)

24 THE COURT: All right. I think, in speaking
11:44AM 25 with Counsel and getting you ready to have the remainder

1 witnesses called, this is the time we're going to take our
2 lunch recess.

3 We'll return at 1:00 o'clock. It's a quarter to
4 12:00 now. So that means about an hour and 15 minutes to find
11:44AM 5 your lunch and return here.

6 We do expect to start promptly at 1:00 o'clock.
7 I appreciate that has not always been the case for our starts,
8 and this morning we had some matters to resolve, but at this
9 point we should be able to start promptly at 1:00.

11:44AM 10 So please be back and prepared to do so.

11 During this recess --

12 (The jury was admonished by the Court.)

13 THE COURT: We'll see you back in about an hour
14 and 15 minutes. Have a good lunch.

11:45AM 15 THE MARSHAL: All rise.

16 (The following proceedings were had in open

17 Court outside the presence of the jury panel:)

18 THE COURT: Just so that we can start promptly
19 at 1:00, can we come back about ten till?

11:46AM 20 I'm staying in, but I'll come back about ten
21 till, and then that way we can make sure we know what the rest
22 of the afternoon looks like, maybe five till, but just make
23 sure we got everything lined up to go, and that will give you
24 an opportunity to speak with Ms. Cabrera as well.

11:46AM 25 MR. DIGIACOMO: Perfect. Thank you, Judge.

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

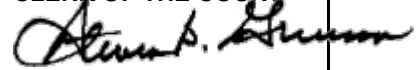
THE COURT: All right. We'll see you then.

(Recess in proceedings.)

* * * * *

ATTEST: Full, true and accurate transcript of proceedings.

/S/Renee Silvaggio
RENEE SILVAGGIO, C.C.R. 122



TRAN
CASE NO. C-12-283700-1
DEPT. NO. 25

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	REPORTER'S TRANSCRIPT
)	OF
vs.)	JURY TRIAL
)	
IVONNE CABRERA,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED THURSDAY, JULY 20, 2017

REPORTED BY: Sharon Howard, C.C.R. #745

02171

1 APPEARANCES:

2 For the State:

MARC DIGIACOMO, ESQ.

3 HETTY WONG, ESQ.

4
5
6
7 For the Defendant:

PATRICIA ERICKSON, ESQ.

8 BRET WHIPPLE, ESQ.

9
10
11 * * * * *
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I N D E X
O F
W I T N E S S E S

NAME: ANDRES AGUIRRE	PAGE
Direct Examination By Ms. Erickson	9
NAME: ERICK AGUIRRE	PAGE
Direct Examination By Ms. Erickson	13
NAME: SUSY CABRERA	PAGE
Direct Examination By Ms. Erickson	16
NAME: SHEILA RUSSELL	PAGE
Direct Examination By Ms. Erickson	22
NAME: MARIA CABRERA	PAGE
Direct Examination By Ms. Erickson	32
	PAGE
Closing Statement By Ms. Wong	51
Closing Statement By Mr. Whipple	63
Closing Statement By Ms. Erickson	68
Closing Statement By Mr. DiGiacomo	76

* * * * *

1 LAS VEGAS, NEVADA; THURSDAY, JULY 20, 2017

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Did everybody get their copy of the
6 jury instructions.

7 MR. WHIPPLE: Your Honor, I got the modified
8 version.

9 MS. ERICKSON: There is one thing, Judge.

10 THE COURT: Okay.

11 MS. ERICKSON: Your court clerk asked me to
12 clarify the record. Apparently during the testimony of
13 Ivonne's father I admitted OO and I may have said OOO. So
14 the record should reflect the document I was requesting
15 was OO.

16 THE COURT: The only thing I want to further
17 correct is I didn't recall that coming in with the father,
18 but I'll defer to my clerk for that. I thought that was a
19 subsequent exhibit.

20 In any event, looks like there was an exhibit
21 referred to as OO. We actually haven't marked anything,
22 yet, OO. When the court admitted it it was triple O. It
23 should have been double O.

24 I do want to note in the jury instructions I did make
25 a revision following our discussion yesterday to how the

1 verdict as unanimous would be worded. I'm stumbling
2 trying to find it.

3 Instruction 18, on page 19, if anybody wants to take
4 a look at that. That is the only revision I made, other
5 then the mitigating circumstances. I know there are still
6 some to be proven. I don't know if the State has any
7 objection. Otherwise, there wasn't any further dialogue
8 on that point. But there may still be final revisions
9 there on Instruction No. --

10 MS. ERICKSON: 12.

11 THE COURT: Is it 12.

12 MS. ERICKSON: Yes.

13 THE COURT: At this time, does the State -- have
14 any -- well, shall we wait to see what the evidence is.

15 MR. DIGIACOMO: The sentence and the report is
16 the only one that, depending on how she allocutes, there
17 may not be --

18 THE COURT: May I have counsel at the bench. I
19 have a question I prefer to do it at the bench.

20 (Discussion held at the bench.)

21 THE COURT: We'll have a break before we have
22 the final testimony.

23 MS. ERICKSON: Your Honor, if we are going to go
24 straight into closing, I will have an objection to the
25 State using any slides that say justice. Justice was

1 reached by the guilty verdict. Justice is -- this is not
2 a justice phase, this is the sentencing phase.

3 It's inappropriate to be calling this justice for
4 Erik Quezada and James Headrick. It is punishment for
5 crimes she has been convicted of. The convictions are
6 justice.

7 I would object to them doing that then.

8 THE COURT: You just mentioned again, I don't
9 know if it's in the record, as you are saying and as I
10 would recognize in the opening statements the State
11 utilized that term. There was not an objection raised at
12 that time. I understand you are objecting to it being
13 utilized in the closings.

14 Mr. DiGiacomo, you want to respond.

15 MR. DIGIACOMO: Yes.

16 The last line of the jury instruction, for the
17 steadfast purpose of doing equal and exact justice between
18 the Defendant and the State of Nevada. It's wholly
19 appropriate to make the argument that this is about
20 justice, and ultimately what the decision should be. It's
21 her judgment day. Thus, there is no basis to object and
22 say this is about anything else.

23 THE COURT: I understand the objection, Ms.
24 Erickson. I will note it. Although I will not so limit
25 the State in their closings. I think the arguments that

1 were made in openings and as the evidence comes in and
2 what comes in in closings to help folks understand what
3 that evidence and how they should weigh it does implicate
4 justice, so I will allow that term.

5 What we'll do is complete the witnesses. We'll take
6 a break, because I'm assuming there is about an hour or so
7 left of your witnesses then we'll take a break. Finalize
8 the instructions, if there is any adjustments, we do that.
9 And then bring you back for closings.

10 MR. WHIPPLE: The allocution.

11 THE COURT: I'll do that at this time, before we
12 go into that testimony.

13 Are we ready to proceed with that, or is there
14 anything else for the record.

15 MR. WHIPPLE: No.

16 THE COURT: Ms. Cabrera, I do need to speak with
17 you briefly about -- I have been advised by counsel you
18 may intend to take the stand and give statements. So as a
19 Defendant facing a penalty determination by a jury, I must
20 instruct you that you have the right to give an unsworn
21 statement in allocution. The right to allocution is
22 limited in scope to express your remorse, apology,
23 chagrin, plead for leniency, and plans or hopes or goals
24 for the future.

25 You may not address facts and circumstances relating

1 to guilt or exculpation. And your statements are subject
2 to the court's supervision.

3 You should -- should you have statements that go
4 beyond that boundaries of what you are permitted to do or
5 not do, you may be subject to corrective action by the
6 court, which could included comments by the court or the
7 prosecutor, and the possibility of opening up the case for
8 cross-examination.

9 Do you understand these rights and obligations, if
10 you will.

11 THE WITNESS: Yes, I do.

12 THE COURT: Have you discussed that with your
13 client. Again, I'm not trying to go into what you had in
14 your discussions, but did you advise her of her rights.

15 MR. WHIPPLE: We actually had the Homick case
16 law, which is instruction on allocution. We both reviewed
17 it. She has put together her thoughts. It's a
18 page-and-a-half. She anticipates reading them.

19 THE COURT: I just wanted to see if there was
20 that discussion.

21 You are familiar with the case. You are familiar
22 with the boundaries and scope of your testimony. I think
23 we're good to proceed.

24 Anything further before we bring the jurors back in.

25 MR. WHIPPLE: Can we approach real quick on one

1 issue. I would rather have it addressed before --

2 THE COURT: Come on up.

3 (Discussion held at the bench.)

4 THE COURT: All right.

5 Let's bring in the jurors. Reassuming in the trial
6 of State of Nevada vs. Ivonne Cabrera. Does Ms. Cabrera
7 have additional witnesses to call at this time.

8 MS. ERICKSON: Yes, Andres Aguirre.

9 THE COURT: If you could, sir, come right
10 through the courtroom. All the way up to the witness
11 stand. Turn to face the clerk. She'll swear you in.

12 THE CLERK: You do solemnly swear the testimony
13 you are about to give in this action, shall be the truth,
14 the whole truth, and nothing but the truth, so help you
15 God.

16 THE WITNESS: I do.

17 THE CLERK: Be seated. State and spell your
18 name for the record.

19 THE WITNESS: Andres Aguirre, A-N-D-R-E-S --
20 A-G-U-I-R-R-E.

21 THE COURT: Ms. Erickson, whenever you are
22 ready.

23 DIRECT EXAMINATION

24 BY MS. ERICKSON:

25 Q. Andres, is Ivonne your mom?

1 A. Yes.

2 Q. How old are you?

3 A. 15.

4 Q. How old were you when your mom got arrested?

5 A. 10.

6 Q. You'll need to speak up.

7 A. 10 years old.

8 Q. What kind of mom was she before she got
9 arrested?

10 A. Loving, caring. She looked after us, took
11 care of us. Helped us with homework.

12 Q. People can't hear you. Speak up.

13 A. She took care of us. She was always there for
14 us. She always told us to do the right thing, not the
15 bad, and she always gave us advice to be good. All
16 that.

17 Q. While she's been in jail, have you had contact
18 with her?

19 A. Yeah.

20 Q. How?

21 A. Go visit her, or she'll call on the phone.

22 Q. When you talk about visiting her, how does
23 that work?

24 A. We go and there is a computer screen and we
25 talk on the phone.

1 Q. So it is not in the same room?

2 A. No.

3 Q. It's basically a video monitor and a phone?

4 A. Yes.

5 Q. Okay.

6 Have you been having some trouble lately?

7 A. Yes.

8 Q. What is going on?

9 A. I've been getting in trouble.

10 Q. What kind of trouble?

11 A. Doing bad things.

12 Q. Are you on house arrest?

13 A. Yeah.

14 Q. Why is this going on with you?

15 A. Um --

16 Q. Is it hard for you to talk about?

17 A. Yeah.

18 Q. Did anyone make you come and testify?

19 A. No.

20 Q. Did I tell you you didn't have to?

21 A. Yes.

22 Q. Did you choose to do this?

23 A. Yes.

24 Q. Why?

25 A. Because I love my mom. Because I love my mom

1 and I want her -- I want her -- I want to be with her and
2 have a great future with my mom and my little brother and
3 my family.

4 Q. That will be important to you?

5 A. Yeah.

6 Q. Is it important to everyone in your extended
7 family?

8 A. Yes.

9 Q. Is there anything else you want the jury to
10 know?

11 A. No.

12 MS. ERICKSON: Thank you.

13 THE COURT: Thank you, Mr. Aguirre. You can
14 take your seat.

15 Your next witness, Ms. Erickson.

16 MS. ERICKSON: Erick Aguirre.

17 THE COURT: Mr. Aguirre, when you reach the
18 witness stand, my clerk will swear you in.

19 THE CLERK: You do solemnly swear the testimony
20 you are about to give in this action, shall be the truth,
21 the whole truth, and nothing but the truth, so help you
22 God.

23 THE WITNESS: I do.

24 THE CLERK: Be seated. State and spell your
25 name for the record.

1 THE WITNESS: Erick Aguirre, E-R-I-C-K,
2 A-G-U-I-R-R-E.

3 THE COURT: When you are ready.

4 DIRECT EXAMINATION

5 BY MS. ERICKSON:

6 Q. How old are you, Erick?

7 A. 14.

8 Q. What grade are you in school?

9 A. 8th grade.

10 Q. How old were you when your mom got arrested?

11 A. I was 7.

12 Q. 7?

13 A. Yeah.

14 Q. You have good memories of your mom?

15 A. Yes.

16 Q. Tell the jury something about that.

17 A. One memory I had was when I first went to
18 Disneyland with my mom. I was scared of going on any
19 rides. I was going on the roller coaster, and I was
20 really scared. My mom told me to be strong. When we took
21 the ride on the roller coaster, I'm not scared anymore. I
22 like to ride now. Just because of my mom.

23 Q. Since she has been arrested have you been able
24 to talk to her?

25 A. Yes.

1 Q. Your brother just testified it was through
2 video visits?

3 A. Yes.

4 Q. Have you been able to hug your mom in the last
5 5-and-a-half years?

6 A. I talk to her a lot on the phone -- video
7 chat.

8 Q. But no personal contact?

9 A. No.

10 Q. Does she call often?

11 A. Yes.

12 Q. How often?

13 A. Once a day, or once in two days.

14 Q. You get to talk to her?

15 A. Yes.

16 Q. What do you talk about?

17 A. I'm telling her I'm doing way better in school
18 now. I'm trying to change my ways and not be bad no
19 more.

20 Q. You are not a bad boy. Does your mom tell
21 you, you're not a bad boy?

22 A. Yes.

23 Q. Does it help you feel better about yourself?

24 A. Yes.

25 Q. Do you need to talk to her as a parent?

1 A. Yes.

2 Q. And why?

3 A. I'm in a rough place right now. Every time my
4 mom talks to me I feel way better. And I like that she
5 doesn't give up. She always talks to me. She tells me to
6 stay strong and everything will be good for you. And that
7 helps me a lot.

8 Q. I'm going to ask you the same question I asked
9 your brother. Did anyone make you come up here?

10 A. No.

11 Q. Did I tell you you didn't have to and there
12 would be nothing wrong with that?

13 A. Yes.

14 Q. Why are you here?

15 A. I haven't given up on my mom. I love her, and
16 I want her to be with me. When I do everything, I want
17 her to be proud and see what I'm doing to change. Because
18 every time I do something good, my mom always gets happy.
19 I like seeing her happy. I never like it when she's
20 crying about us, not doing what we have to do.

21 MS. ERICKSON: Thank you, Erick.

22 THE COURT: Thank you, Mr. Aguirre. You may
23 take your seat.

24 Your next witness.

25 MS. ERICKSON: Susy Cabrera.

1 THE COURT: Come up to the stand and face my
2 clerk, and she will swear you in.

3 THE CLERK: You do solemnly swear the testimony
4 you are about to give in this action, shall be the truth,
5 the whole truth, and nothing but the truth, so help you
6 God.

7 THE WITNESS: I do.

8 THE CLERK: Be seated. State and spell your
9 name for the record.

10 THE WITNESS: Susy Cabrera, S-u-s-y.

11 THE COURT: When you are ready.

12 DIRECT EXAMINATION

13 BY MS. ERICKSON:

14 Q. Susy, are you related to Ivonne?

15 A. Yes, I am.

16 Q. How are you related?

17 A. She's my sister.

18 Q. Is she the oldest?

19 A. Second oldest.

20 Q. Miguel is the oldest?

21 A. Yes.

22 Q. How much older is she than you?

23 A. Maybe like 8 years, I think.

24 Q. So when you were growing up and were 7, 8, 9,
25 was Ivonne living in the home with you and your family?

1 A. I think at that age she was still living at
2 home with us. She was.

3 Q. Did there come a time when she moved out?

4 A. Yes. She moved out when she got married.

5 Q. Who did she get married to?

6 A. She got married to Celso.

7 Q. What is Celso's last name?

8 A. Aguirre.

9 Q. Did you spend time with Ivonne and Celso?

10 A. Yes, I did.

11 Q. Why?

12 A. On summer vacation during my middle school
13 years I used to stay with her in her -- where they used to
14 live. I'd stay 2 or 3 months with her.

15 Q. Who would be living in the house -- or was it
16 a trailer?

17 A. It was a trailer park. At the time Ivonne was
18 there. It was Ivonne and Celso, and they only had Andres.

19 Q. Erick wasn't born yet?

20 A. He wasn't born yet.

21 Q. Why did you spend the summers with Ivonne and
22 Celso?

23 A. I loved being with my sister. I'd always ask
24 my mom can I go stay with her. So she let me stay with
25 her during the summer. I would go and stay with her in

1 her house at the trailer park.

2 Q. Why did you love being with her?

3 A. Because I feel like she always -- I don't
4 know. She always motivated me. She always told me to do
5 this, do that.

6 Q. Because she was always -- was she making you
7 do things?

8 A. No. I always wanted to spend time with her. I
9 looked up to her. She would always guide me in school and
10 with homework, and during sports. Cause when she was in
11 high school she was in sports. She used to play
12 basketball. So she used to always set me up in different
13 sports to try to do the same thing with her. It was nice
14 to have that experience with her.

15 I feel like she was -- she was like a second mom to
16 me.

17 Q. What was Ivonne and Celso's relationship
18 like?

19 A. I felt like -- now that I'm older and I see
20 it, I feel like before it was good and bad.

21 Q. Why was it good?

22 A. We had good times together. Sometimes we used
23 to play. We used to all get along and play together. We
24 used to always play board games.

25 So we used to play board games and we used to spend

1 time together and just hang out all day with my sister and
2 her husband.

3 Q. You said there were bad times. What were
4 those?

5 A. The bad times was when my sister, like she
6 used to make food for him and something was wrong in the
7 food. He would grab the food and throw it in the wall.
8 Just like he would literally -- he would be so angry that
9 the food didn't come out the way he wanted it to come out,
10 he would literally throw the food on the floor, grab her
11 by her arm and take her to the room.

12 Q. Which room?

13 A. To the bedroom.

14 I'll stay in the living room and just hear
15 everything. And just get her son and just wait outside,
16 because I didn't want to hear nothing. I'd go outside and
17 not hear anything.

18 Then she would come out and she would just tell me
19 everything is okay. Don't worry. So that's what I mean,
20 sometimes we had good times, sometimes we had bad times.
21 Depending on the attitude or reaction that her husband was
22 going to get that day.

23 Q. In one summertime, how many times did Celso
24 lose his temper?

25 A. I think it was like 3 times a month.

1 Q. 3 times a month. You'd be in the living room,
2 not in the bedroom?

3 A. Yeah.

4 Q. What did you hear?

5 A. I would hear, like, my sister they just --
6 both of them yelling. I would hear banging on the wall.
7 She would come out and her hair would be all messed up,
8 and would be, like, everything will be okay. Don't tell
9 mom. Everything will be okay.

10 Q. Was everything okay?

11 A. I don't think it was okay.

12 Q. Why don't you think so?

13 A. Because I feel like that's not normal. That's
14 not what women like to go through. I know something
15 wasn't right. I didn't know how to deal with it at that
16 time, because I was younger.

17 Q. Ivonne would say don't tell mom and dad?

18 A. Yeah.

19 Q. Why?

20 A. Just for them not to worry.

21 Q. It was important for mom and dad not to worry
22 about her?

23 A. She didn't want to worry no one.

24 Q. Did that happen every summer you stayed
25 there?

1 A. I stayed there two summers. It happened those
2 two summers.

3 Q. As an adult and you look back on it, how would
4 you describe Celso's behavior?

5 A. I think he had anger issues. He really did.

6 For the simplest thing he would get mad.
7 Especially like when he didn't have money. That was his
8 big thing. He'd get very physical in a matter of, like,
9 pulling her to the room and just -- I don't know what
10 would go on there. I would stay in the living room. It
11 was basically because of money, and -- I don't know what
12 else, honestly.

13 MS. ERICKSON: Thank you.

14 THE COURT: Thank you, Ms. Cabrera. You may
15 step down. You may return to your seat. Please mind your
16 step.

17 MS. ERICKSON: Sheila Russell.

18 THE COURT: Come up to the witness stand. Face
19 my clerk, and she will swear you in.

20 THE CLERK: You do solemnly swear the testimony
21 you are about to give in this action, shall be the truth,
22 the whole truth, and nothing but the truth, so help you
23 God.

24 THE WITNESS: I do.

25 THE CLERK: Be seated. State and spell your

1 name for the record.

2 THE WITNESS: Sheila Russell, S-h-e-i-l-a
3 R-u-s-s-e-l-l.

4 THE COURT: When you are ready, Ms. Erickson.

5 DIRECT EXAMINATION

6 BY MS. ERICKSON:

7 Q. Do you know Ivonne Cabrera?

8 A. Yes, I do.

9 Q. How long have you known her?

10 A. Almost 15 years.

11 Q. Where did you meet her?

12 A. Through a mutual friend. We become really
13 close friends right along.

14 Q. You met through a mutual friend. How did that
15 occur?

16 A. They'd come over to my house. They used to
17 come over to my house all the time and sit and talk.

18 Q. You mentioned your house. Where is that?

19 A. It's in North Las Vegas -- 1927 Bassler.

20 Q. That's your house. And do you own that
21 house?

22 A. Yes, I do.

23 Q. Does your mom own it too?

24 A. Yes.

25 Q. Is your mom here in court?

1 A. She is. Her name is Loleta.

2 Q. So you say you met Ivonne and you became
3 friends.

4 A. Yes.

5 Q. Can you tell the ladies and gentlemen what
6 kind of friend was she?

7 A. She is a good friend. If I needed advice or
8 if I had problems with my boyfriend, she would always be
9 somebody I could go and talk to and ask how come this is
10 happening, or why is this happening. Ivonne would always
11 give me good advice every time I ever asked her with my
12 relationships.

13 Q. So when you say every time you asked her, what
14 other then -- were there specific things that you would --

15 A. Just boyfriend/girlfriend things. Like
16 fighting or other girls being around. Just typical --

17 Q. Relationships.

18 A. Yes.

19 Q. During the time that you knew Ivonne, did she
20 have a meth habit?

21 A. Yes.

22 Q. Did you have one?

23 A. Yes.

24 Q. When did you start using meth?

25 A. Probably 16.

1 Q. So when you met Ivonne, you had a pretty good
2 habit?

3 A. It was a habit, not --

4 Q. Not a bad one. It did guess worse?

5 A. Excuse me.

6 Q. Did it get worse?

7 A. No.

8 Q. Were you living in the Bassler house in April
9 of 2012?

10 A. April 2012 I was just going into rehab.

11 Q. Where did you go into rehab?

12 A. Salvation Army. It was court ordered.

13 Q. When is the first time you went to rehab?
14 When did you go?

15 A. The year was before that.

16 Q. So that would be 2011?

17 A. Yes.

18 Q. Did it work?

19 A. The first time, no. The first time I was
20 ordered by the court. The second time, I went for me. The
21 second time I got it.

22 Q. You are clean and sober today?

23 A. Yes, I am.

24 Q. Can you describe Ivonne's personality?

25 A. Very bubbly, outgoing, very witty, very happy,

1 always talking about her kids every chance she got, always
2 says something about her boys.

3 Q. What would you say was the most important
4 thing in her life?

5 A. Her boys.

6 Q. You say she was bubbly. She was working?

7 A. Yes.

8 She was working in cabinetry, putting in cabinets,
9 you know, construction-wise. Then we lost contact for a
10 while and she got back in contact with me when she was
11 working for the law firm.

12 Q. So if you met her 10 to 15 -- 10 to 15 or --

13 A. Almost 14 years ago.

14 Q. Did there come a time that she was living at
15 Bassler with you?

16 A. Yes. Just before I went into rehab the second
17 time.

18 Q. Was there any time in your friendship that you
19 saw Ivonne do kind deeds without getting anything back for
20 it?

21 A. Yeah, there's been many times. Somebody would
22 ask can you take me over here, or will you help me put
23 this up, or can you help me -- you know, something that
24 needed construction-wise, Ivonne would always be there for
25 somebody if they needed help. She would automatically go

1 help them, not expecting anything for it. We use to call
2 it pay forward, to help people out.

3 Q. When you say pay forward, what does that
4 mean?

5 A. That means you do something without getting
6 anything back for it.

7 Q. How often did you see Ivonne doing these kinds
8 of things?

9 A. All the time. She would always have somebody
10 with her that she was going to help.

11 Q. Was there a time when she helped a little
12 girl?

13 A. Yes. There was a 3 year old wondering around
14 the streets and she went and asked the little girl where's
15 your family. The little girl didn't say anything, so
16 Ivonne picked her up and went to help find her familiar
17 for her.

18 Q. So she walked the neighborhood?

19 A. We walked the neighborhood. We knocked
20 door-to-door. Just trying to find the family.

21 Q. Were you able to find it?

22 A. Yes.

23 Q. Bet they were happy?

24 A. Yes.

25 Q. How old did you think the little girl was?

1 A. 3.

2 Q. How far away from home was she?

3 A. Not far.

4 Q. Was anyone out looking for her?

5 A. No.

6 Q. How would you describe Ivonne. As a leader or

7 a follower?

8 A. She's a follower. She's never a leader.

9 Q. Why would you say that?

10 A. Because she would always go and help people

11 that needed help. She wouldn't conjure up anything, or

12 say, hey, come help me do this. She'd say, let me help

13 you do this. She's just a follower, not a leader.

14 Q. Did you ever see her telling somebody what to

15 do and how to do it and what they should be doing?

16 A. No.

17 Q. Ever?

18 A. Never.

19 Q. Would you say that you have a good

20 understanding of Ivonne?

21 A. Yes.

22 Q. Why do you say that?

23 A. She's a very good friend. We're very close.

24 When we did have contact with each other, she was very

25 close with me. My house would be the place to come to get

1 her head straight or if she needed some place to go think.
2 She could come to my house. I'd give her the keys and she
3 could go lay down, get some sleep.

4 Q. Any time she'd help people, by asking you to
5 let them stay at the house or get groceries. Any of those
6 things?

7 A. There's been a couple times she asked me if I
8 could let somebody stay there a week or so. And I did.

9 Q. Why would she ask you that?

10 A. Because my house is -- we call it a safe
11 house.

12 Q. What does that mean.

13 A. It means people having problems with
14 girlfriends or boyfriend or something like that, they'd
15 always come to me. And they couldn't get past me to get
16 to people that they were trying to get in touch with.

17 Q. Okay. Anything you think the jury should know
18 about Ivonne that you haven't told them?

19 A. This is not the Ivonne I have ever known. She
20 is always somebody close to my heart. She has always been
21 there for me when I needed a shoulder to cry on, if I
22 needed somebody to talk to, she'd be there and help me
23 through. There have been many times I couldn't go to my
24 family, but she'd help me with my problems.

25 MS. ERICKSON: Thank you, very much, Sheila.

1 THE COURT: Thank you, Ms. Russell.

2 There are no further questions. Please mind your
3 step.

4 Your next witness, Ms. Erickson.

5 MS. ERICKSON: Maria Cabrera -- we need an
6 interpreter.

7 THE COURT: We did arrange to have someone here.

8 MS. ERICKSON: I apologize. This will be my
9 last witness.

10 THE COURT: We anticipated we would need one
11 this afternoon. She was aware of it. She may have gotten
12 tied up.

13 MS. ERICKSON: Judge, if we can approach the
14 bench while we wait.

15 THE COURT: Sure.

16 (Discussion held at the bench.)

17 THE COURT: We do understand the interpreter is
18 in route. Ms. Erickson, you had a document you wanted to
19 discuss.

20 MS. ERICKSON: Yes, Judge.

21 I would be moving for admission of JJ, which are the
22 criminal complaints, State of Nevada vs. Celso Aguirre,
23 charged with assault with a deadly weapon. Battery
24 constituting domestic violence. The victim was Ivonne
25 Cabrera. It contains the arrest report, the criminal --

1 the criminal complaint, the arrest report, the justice
2 court minutes, the guilty plea agreement, and the warrant.
3 They still exist in the case.

4 THE, COURT: Without objection from the State,
5 the court will admit JJ.

6 Is that it.

7 MR. DIGIACOMO: Yes, your Honor.

8 THE COURT: There was a prior exhibit admitted
9 as triple O, but we had not yet marked a triple O. It was
10 a double O.

11 Until we can get an interpreter -- I'm sure we can
12 have a brief break, and she'll probably come then. We
13 might as well do it and see if that works.

14 JURY ADMONITION

15 During the recess, ladies and gentlemen, you are
16 admonished not to converse among yourselves or with anyone
17 else, including, without limitation, the lawyers, parties
18 and witnesses, on any subject connected with this trial,
19 or any other case referred to during it, or read, watch,
20 or listen to any report of or commentary on the trial, or
21 any person connected with this trial, or any such other
22 case by any medium of information including, without
23 limitation, newspapers, television, internet or radio.

24 You are further admonished not to form or express any
25 opinion on any subject connected with this trial until the

1 case is finally submitted to you.

2 Sorry for the quick turnaround for the break, but see
3 you back in 5 to 10 minutes, while we get the interpreter.

4 (Brief recess taken.)

5 THE COURT: We do have our interpreter now
6 present. Ms. Erickson, the witness you intended to call,
7 gain, please.

8 MS. ERICKSON: Maria Cabrera.

9 THE COURT: Maria Cabrera.

10 Ms. Cabrera, please come to the witness stand. When
11 you reach the stand, stand behind the chair.

12 We'll need to swear the interpreter first.

13 THE CLERK: You do solemnly swear you will
14 interpret from Spanish into English and from English into
15 Spanish the questions and answers propounded by counsel to
16 the witness to the best of your ability so help you God.

17 THE WITNESS: I do.

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

20 THE WITNESS: Noell Tatton -- N-O-E-L-L,
21 T-A-T-T-O-N.

22 THE CLERK: Thank you.

23 THE COURT: We need to swear the witness now.

24 THE CLERK: You do solemnly swear the testimony
25 you are about to give in this action, shall be the truth,

1 the whole truth, and nothing but the truth, so help you
2 God.

3 THE WITNESS: I do.

4 THE CLERK: Be seated. State and spell your
5 name for the record.

6 THE WITNESS: Maria Cabrera -- M-a-r-i-a.

7 THE COURT: Whenever you are ready, Ms.
8 Erickson.

9 DIRECT EXAMINATION

10 BY MS. ERICKSON:

11 Q. Ms. Cabrera, may I call you Maria?

12 A. Yes.

13 Q. Where were you born?

14 A. In Durango, Mexico. I was raised in
15 Sinaloa.

16 Q. Is there a nickname for people who come from
17 Sinaloa?

18 A. Chinola.

19 Q. For boys and girls, men and women?

20 A. Claris -- young people.

21 Q. Ivonne your old daughter?

22 A. I have my son Miguel. He is first. She is
23 second.

24 MS. ERICKSON: May I approach, Judge.

25 THE COURT: You may.

1 BY MS. ERICKSON:

2 Q. I'm showing you some pictures that have been
3 marked as Defendant's Exhibits XX through ZZ. And then
4 AAA through EEE -- GGG, HHH -- VV and NN.

5 Look through the photographs and when you are
6 finished tell me if you recognize the people in them.
7 Without telling me who they are.

8 Do you recognize them?

9 A. I recognize every one.

10 MS. ERICKSON: Move for the admission of -- do
11 you want me to read them again.

12 THE COURT: They were not in consecutive order.
13 I did have that we had XX through ZZ. Those are
14 admitted.

15 Then we had triple A through triple H. That will be
16 admitted.

17 I thought you indicated some others out of order.

18 MS. ERICKSON: Yes, Judge -- double B and double
19 N.

20 THE COURT: Is that B or V.

21 MS. ERICKSON: Double V as in Victor. Double N
22 as in Nancy.

23 THE COURT: I'll admit it.

24 BY MS. ERICKSON:

25 Q. I'm not going to go through all the pictures,

1 but would it be fair to say that Ivonne is in everyone of
2 those pictures?

3 A. Yes. I think there is one of them that she
4 not in.

5 Q. When did you move to the United States?

6 A. Are you talking about from the United States
7 to here or from California.

8 Q. From Sinaloa to California?

9 A. I was 18 when I arrived here.

10 Q. How long before you met your husband Raul?

11 A. A year and a few months.

12 Q. When was your first child born?

13 A. In Sinaloa.

14 Q. What year?

15 A. '78.

16 Q. That would be Miguel?

17 A. Yes.

18 Q. I'm showing you what's been admitted as JJ?

19 A. It's Miguel and Ivonne. It was my daughter's
20 birthday.

21 Q. Which birthday was it?

22 A. Her first one.

23 Q. She has a cake in front of her. Didn't she get
24 that all over her?

25 A. No.

1 Q. I'm showing you what's mark -- been admitted
2 as XX.

3 Who is in that picture?

4 A. That's me and Ivonne.

5 Q. How old was she?

6 A. She was about 6 months in that picture.

7 Q. Who is in this photo?

8 A. Miguel and Ivonne.

9 Q. How old was Ivonne at that time?

10 A. She was about 4.

11 Q. And who is in this photo?

12 A. Ivonne.

13 Q. How did that picture get taken?

14 A. In her school.

15 Q. What grade?

16 A. 7th -- no, no. I was mistaken. I think she
17 was in second grade.

18 Q. Now, are there people here that are your
19 relatives out in the courtroom -- and I'm not going to be
20 calling to testify?

21 A. So that they will give testimony?

22 Q. They are just going to watch?

23 A. Yes, everyone. All those people.

24 Q. So everybody that is in the second row and
25 third row are family members?

1 A. Yes.

2 Q. Is there someone in this picture that is here
3 today?

4 A. Yes, one person.

5 Q. Who?

6 A. Javier Cana, he's right by Ivonne.

7 Q. Where is he in court?

8 A. He is right there.

9 Q. Thank you.

10 What is his relationship to you and Ivonne?

11 A. He is my brother. He is Ivonne's uncle.

12 Q. What kind of child was Ivonne?

13 A. She was the same as the other girls.

14 Q. Helpful?

15 A. Of course.

16 Q. When you say of course, why do you say of
17 course?

18 A. Because she would help me.

19 Q. Did you trust her?

20 A. Yes. She is my daughter.

21 Q. Did she stay at home with Miguel and take care
22 of the other kids while you and your husband were at
23 work?

24 A. Yes. Miguel and her were the oldest ones.

25 Q. So they were responsible for the younger

1 ones?

2 A. Yes, but only when we had to go to work.

3 Q. Did that continue -- did Ivonne change from
4 when she was young to when she graduated from high
5 school?

6 A. No, she was the same.

7 Q. When you say the same, can you tell the ladies
8 and gentlemen of the jury what kind of daughter was she?

9 A. She was very good, very caring. She always
10 loved to play with the kids, do little jokes with them.
11 She would dance with them.

12 Q. Did there come a time that you learned
13 something from Ivonne that happened when she was 7 or 8?

14 A. She was younger. She was younger. She was
15 more or less 6 to 7.

16 Q. What did you learn?

17 A. She was molested by her uncle.

18 Q. Which uncle?

19 A. One in Mexico.

20 Q. Your brother?

21 A. Yes.

22 Q. What did she say happened?

23 A. That he would touch her, and he would pull out
24 his penis and make her touch it.

25 Q. Did you believe her when she told you that?

1 A. Only about 4 months ago.

2 Q. Did you believe her?

3 A. Yes.

4 Q. Why?

5 THE INTERPRETER: May the interpreter request a
6 representation, your Honor.

7 THE COURT: Yes.

8 THE WITNESS: Well, I believed her because I had
9 heard through the family that another girl in the family
10 had been molested by him, but that was many years ago.

11 BY MS. ERICKSON:

12 Q. How long did your brother molest Ivonne?

13 A. I couldn't really tell you how much time.

14 Q. It wasn't just 1 time or 2 or 3?

15 A. No. Well, she only told me that she had been
16 molested. She didn't tell me how many times it
17 happened.

18 Q. How is Ivonne's relationship with her boys
19 now?

20 A. Good. Even though they know where she is,
21 they call her every day or she calls them. And they are
22 able to talk. And when we come to visit, we try and bring
23 the kids so she can see the boys, all 5 years she's been
24 in jail.

25 Q. After she is sentenced in this case, will you

1 still take the boys to see her in prison?

2 A. Always.

3 Q. Do you think it's important for the boys to
4 have contact with their mom?

5 A. Yes. She's their mother. She is their
6 mother. And they love her very much.

7 Q. Is there anything else you would like to tell
8 the jury about Ivonne today?

9 A. Well, I could tell you hundreds of stories,
10 but for me, she's always been my little girl.

11 MS. ERICKSON: Thank you.

12 THE COURT: Thank you, Ms. Cabrera. Your
13 testimony is complete. You may step down.

14 THE WITNESS: Thank you.

15 THE COURT: Mind your step.

16 I don't believe there are any others that will need
17 your services.

18 THE INTERPRETER: Thank you.

19 THE COURT: Any further witnesses.

20 MS. ERICKSON: Ms. Cabrera is going make a
21 statement.

22 THE COURT: All right.

23 MR. WHIPPLE: Court's indulgence, your Honor.

24 THE COURT: Yes.

25 MR. WHIPPLE: With the court's permission, I

1 will accompany Ms. Cabrera to the stand.

2 THE COURT: Please.

3 When you are ready, Ms. Cabrera.

4 THE DEFENDANT: Good afternoon to everyone. I
5 want to thank you guys for taking the time. Yesterday I
6 saw the pain in the eyes of the families of James Headrick
7 and Erik Quezada. I want you all to know that I feel the
8 pain. I am sorry that this ever happened, and I have never
9 wanted to bring pain or harm to anyone's life.

10 This process has been very difficult, but I accept
11 your verdict you gave on Tuesday. As you made judgment
12 upon me, I would like you to know a little about me.

13 I am a proud mother of two boys. I love my boys with
14 all my heart. And my biggest loss is knowing that I am
15 never -- I'll never be able -- I can never be a part of
16 their lives like I would hope for. I love my family, and
17 I thank them for always being there for me, even in tough
18 times.

19 I am a hopeful person. I try to always improve
20 myself. Even in prison, I will always try to improve who
21 I am.

22 That's it. Thank you.

23 THE COURT: Thank you, Ms. Cabrera. When you
24 are ready you may take your seat. May I have counsel at
25 the bench just briefly.

1 (Discussion held at the bench.)

2 THE COURT: Ms. Erickson, with the clarification
3 on the one exhibit, you had decided not to introduce, have
4 you completed you witnesses and your exhibits.

5 MS. ERICKSON: Yes, Judge. And the defense
6 would rest.

7 THE COURT: We have now received the evidence
8 intended to be put on by the State, as well as the
9 Defendant in this case. It is now time for the court to
10 instruct the jurors as to the instructions that apply to
11 this phase of the trial.

12 Some of these instructions you are going to hear are
13 going to sound familiar to the ones you heard previously
14 as you hear them.

15 You will, as before, have a copy set of these
16 instructions when you go to deliberate. So you do not
17 need to, other than what you need and feel comfortable and
18 want to take notes, you will have your copy set of
19 instructions. You will then hear from counsel, and you
20 will then begin your deliberation on this phase of the
21 trial.

22 Ladies and Gentlemen of the jury, it is my duty as
23 judge to instruct you in the law that applies in the case.
24 It is your duty as jurors to follow these instructions and
25 to apply the rules of law to the facts as you find them

1 from the evidence.

2 You must not be concerned with the wisdom of any rule
3 of law stated in these instructions. Regardless of any
4 opinion you may have as to what the law ought to be, it
5 would be a violation of your oath to base a verdict upon
6 on other view of the law then that given in the
7 instruction of the court.

8 If in these instructions any rule, direction, or idea
9 is repeated or stated in different ways no emphasis
10 thereon is intended by me and none may be inferred by you.
11 For that reason you not to single out any certain sentence
12 or any individual point or instruction and ignore the
13 others. But you are to consider all the instructions as a
14 whole and regard each in the light of all the others.

15 The trial jury shall fix the punishment for every
16 person who is convicted of murder in the first degree.
17 The jury shall fix the punishment at (1), a definite term
18 of 50 years, with eligibility of parole beginning when a
19 minimum of 20 years has been served, or (2), life
20 imprisonment, with the possibility of parole, with
21 eligibility for parole beginning when a minimum of 20
22 years is served, or (3), life imprisonment, without the
23 possibility of parole, which means exactly what is says,
24 that the Defendant shall not be eligible for parole, or
25 (4), death.

1 A prison term of 50 years, eligibility of parole
2 beginning when a minimum of 20 years has been served does
3 not mean the Defendant would be paroled after 20 years,
4 but only that she would be eligible for parole after that
5 period of time.

6 Life imprisonment, with the possibility of parole is
7 a sentence to life imprisonment which provides that the
8 Defendant would be eligible for parole after a period of
9 20 years. This does not mean that she would be paroled
10 after 20 years, but only that she would be eligible for
11 parole after that period of time.

12 Life imprisonment, without the possibility of parole
13 means exactly what it says. That the Defendant shall not
14 be eligible for parole. If you sentence the Defendant to
15 death, you must assume the sentence will be carried out.

16 In the penalty hearing evidence may be presented
17 concerning aggravating and mitigating circumstances
18 relative to the defense and any other evidence that bears
19 on the Defendant's character. Hearsay is admissible in a
20 penalty hearing.

21 The jury must find an existence of each aggravating
22 circumstance, if any, unanimously and beyond a reasonable
23 doubt. The jurors need not find mitigating circumstances
24 unanimously. In determining the appropriate sentence,
25 each juror must consider any mitigating circumstance,

1 circumstances which that juror finds.

2 The jury may impose a sentence of death only if (1),
3 the jurors find unanimously and beyond a reasonable doubt
4 that at least one aggravating circumstance exist. Each
5 and every juror determines that the mitigating
6 circumstance, circumstances, if any, which he or she found
7 do not outweigh the aggravating circumstance,
8 circumstances. And (3), if jurors determine that in their
9 discretion a sentence of death is appropriate.

10 In deciding on an appropriate sentence for the
11 Defendant you will consider 3 types of evidence; evidence
12 relevant to the existence of aggravating circumstances,
13 evidence relevant to the existence of mitigating
14 circumstances, and other evidence presented against the
15 Defendant.

16 You must consider each type of evidence for its
17 appropriate purpose. In determining unanimously whether
18 any aggravating circumstance had been proven beyond a
19 reasonable doubt, you are consider only evidence relevant
20 to that aggravating circumstance. You are not to consider
21 other evidence against the Defendant.

22 In determining individually if any mitigating
23 circumstance exists, you are to consider only evidence
24 relevant to that mitigating circumstance. You are not to
25 consider other evidence presented against the Defendant.

1 In determining individually whether any mitigating
2 circumstance outweigh any aggravating circumstances, you
3 are to consider only evidence relevant to any mitigating
4 and aggravating circumstances. You are not to consider
5 other evidence presented against the Defendant.

6 If you find unanimously and beyond a reasonable doubt
7 that at least one aggravating circumstance exists and each
8 of you determine that any mitigating circumstances do not
9 outweigh the aggravating, the Defendant is eligible for a
10 death sentence. At that point you are to consider all 3
11 types of evidence, and you still have the discretion to
12 impose a sentence less than death. You must decide on a
13 sentence unanimously.

14 If you do not decide unanimously that at least one
15 aggravating circumstance has been proven beyond a
16 reasonable doubt, or if at least one of you determines
17 that the mitigating circumstance outweighs the
18 aggravating, the Defendant is not eligible for a death
19 sentence.

20 Upon determining that the Defendant is not eligible
21 for death, you are to consider all 3 types of evidence in
22 determining a sentence other than death. And you must
23 decide on such a sentence unanimously.

24 The law does not require the jury to impose the death
25 penalty under any circumstances, even when the aggravating

1 circumstances outweigh is mitigating circumstances. Nor
2 is the Defendant required to establish any mitigating
3 circumstances in order to be sentenced to less than
4 death.

5 You are instructed that the following factors are
6 circumstances by which murder of the first degree may be
7 aggravated.

8 (1), the Defendant has in the immediate proceeding
9 been convicted of more than one offence of murder in the
10 first or second degree.

11 (2), the murder was committed by a person who at any
12 time before a penalty hearing is conducted for murder is
13 or has been convicted of a felony involving the use or
14 threat of violence upon the person of another. A person
15 shall be deemed to have been convicted at the time the
16 jury verdict of guilty is rendered.

17 (3), the murder was committed by a person who
18 knowingly created a risk, great risk of death, to more
19 than one person by means of a weapon, device, or course of
20 action which would normally be hazardous to the lives of
21 more than one person.

22 (4) the murder was committed while the person was
23 engaged alone or with others in the commission of a
24 burglary, and the person charged killed or attempted to
25 kill the person murdered or knew or had reason to know

1 that life would be taken or lethal force used.

2 Mitigating circumstances are those factors which,
3 while they do not constitute a legal justification or
4 excuse for the commission of the offence in question, may
5 be considered in the estimation of the jury in fairness
6 and mercy as extenuating or reducing the degree of the
7 Defendant's moral culpability.

8 You must consider any aspect of the Defendant's
9 character or record and any other circumstances of the
10 offense the Defendant proffers as a basis for a sentence
11 less than death. In balancing aggravating and mitigating
12 circumstances it is not the mere number of aggravating
13 circumstances or mitigating circumstances that controls.

14 In determining whether mitigating circumstances exist
15 jurors have an obligation to make an independent and
16 objective analysis of all the relevant evidence.
17 Arguments of counsel or a party do not relieve jurors of
18 this responsibility. Jurors must consider the totality of
19 the circumstances of the crime and the Defendant as
20 established by the evidence presented in the guilt and
21 penalty phase of the trial. Neither the prosecution nor
22 the Defendant's insistence on the existence or
23 non-existence of mitigating circumstances is binding upon
24 the jurors.

25 Murder of the first degree may be mitigated by any of

1 the follow circumstances, even though the mitigating
2 circumstance is not sufficient to constitute a defense or
3 reduce the degree of murder.

4 1, devoted mother to her two sons, Andres and
5 Erick.

6 2, caring and responsible daughter, sister, and
7 relative to extended family.

8 3, trusted and dedicated employee prior to the 2011
9 car accident.

10 4, engaged in acts of kindness prior to and after
11 arrest.

12 5, endured threats and acts of domestic violence at
13 the hands of her husband, Celso Aguirre.

14 6, molested by an uncle while a young girl.

15 7, limited criminal history.

16 8, addiction to opioid prescription medication as a
17 result of the 2011 car accident.

18 9, history of addiction to methamphetamine.

19 10, no indicia of future of dangerousness.

20 11, desire of her family to maintain a close
21 relationship in the future.

22 12, not the killer -- not the actual killer.

23 13, acceptance of responsibility and remorse.

24 14, any other mitigating circumstance.

25 A reasonable doubt is one based on reason. It is not

1 mere possible doubt, but such a doubt as would govern or
2 control a person in the more weighty affairs of life. If
3 the minds of the jurors, after the entire comparison and
4 consideration of all the evidence, are in such a condition
5 that they feel an abiding conviction of the truth of the
6 charge, there is not a reasonable doubt. Doubt to be
7 reasonable must be actual, not mere possibility or
8 speculation.

9 The jury is instructed that in determining the
10 appropriate penalty to be imposed in this case that it may
11 consider all evidence introduced and instructions given at
12 both the penalty phase hearing of these proceedings and
13 the trial of this matter.

14 In your deliberation you may not discuss or consider
15 the subject of whether the Defendant is guilty or not
16 guilty, as that issue has already been decided. Your duty
17 is confined to a determination of the punishment to be
18 imposed.

19 The credibility or believability of a witness should
20 be determined by his or her manner upon the stand, his or
21 her relationship to the parties, his or her fears,
22 motives, interests or feelings, his or her opportunity to
23 have observed the matters in which he or she testified,
24 the reasonableness of his or her statement, and the
25 strength or weakness of his or her recollections.

1 If you believe that a witness has lied about any
2 material fact in the case, you may disregard the entire
3 testimony of that witness or any portion of his or her
4 testimony which is not proved by other evidence.

5 Although you are to consider only the evidence in the
6 case in reaching a verdict, you must bring to the
7 consideration of the evidence your everyday common sense
8 and judgment as reasonable men and women. Thus you are
9 not limited solely to what you see and hear as the
10 witnesses testify. You may draw reasonable inferences
11 from the evidence which you feel are justified in the
12 light of common experience, keeping in mind that such
13 inferences should not be based on speculation or guess. A
14 verdict may never be influenced by sympathy, prejudice, or
15 public opinion. Your decision should be the product of
16 sincere judgment and sound discretion in accordance with
17 these rules of law.

18 During your deliberation you will have all the
19 exhibits which were admitted into evidence, these
20 instructions and forms of verdict which have been prepared
21 for your convenience. The ultimate sentence you decide to
22 impose must be unanimous. When you have agreed upon the
23 ultimate sentence to be imposed and completed your
24 verdict, they should is be signed and dated by your
25 foreperson.

1 The court has submitted a verdict form which is
2 designed to reflect your findings with respect to the
3 presence or absence and weight to be given in any
4 aggravating circumstance and any mitigating circumstance,
5 as well as your ultimate decision regarding penalty.

6 Now you will listen to the arguments of counsel who
7 will endeavor to aid you in reaching a proper verdict, by
8 refreshing in your minds the evidence and by showing the
9 application of the law. Whatever counsel may say, you
10 will bear in mind it is your duty to be governed in your
11 deliberations by the evidence as you understand and
12 remember it to be, and by the law as given to you in these
13 instructions. With the sole fixed and steadfast purpose of
14 doing equal and exact justice between the Defendant and
15 the State of Nevada.

16 I will sign and date these instructions today and you
17 will have your copy set in your deliberation room.

18 At this time I will invite the State to make closing
19 argument.

20 MS. WONG: Thank you.

21 CLOSING STATEMENT

22 BY MS. WONG:

23 Ladies and gentlemen, it was the action of
24 Ivonne Cabrera on April 26th of 2012 that brought us here
25 today. Two days ago you found the Defendant guilty for

1 the murder of James Headrick and Erik Morales, and the
2 attempted murder of Ashley Wantland and Melissa Marin.
3 Now you must decide what punishment the Defendant deserves
4 for her crimes.

5 I know it is not an easy decision and is probably one
6 of the hardest decisions you'll have to make. All that we
7 ask of you is to do justice in this case. In fact, it is
8 your duty to do equal and exact justice between the
9 Defendant and the State of Nevada.

10 In a death penalty case there are two questions you
11 have to answer before you can reach a verdict. The first
12 one is can you consider the death penalty. Is that even
13 an option. And the second question is what is the
14 appropriate sentence. Basically there are a few things
15 that need to occur before you consider death as an option.

16 First, the jurors must find unanimously, beyond a
17 reasonable doubt, that one aggravating circumstance
18 exists.

19 Two, each and every juror determines the mitigating
20 circumstances, if any, which he or she has found do not
21 outweigh the aggravating circumstance or circumstances.

22 And finally the jury just unanimously decide that
23 death is actually the appropriate sentence.

24 I'm actually going to walk you through the analysis.
25 I'm also going to reference the special verdict form that

1 you're going to fill out. You haven't seen it yet, but it
2 can be a little intimidating, and it's going to be a
3 little lengthy. There's a lot of boxes for you to check
4 and depending on what box you check you go to a different
5 section of the verdict form. I want to be able to guide
6 you so that you know what appropriate boxes to check,
7 depending on what your findings are in the case.

8 Let's talk about the first step, which is you have to
9 unanimously and beyond a reasonable doubt find that at
10 least one aggravating circumstance exists. So here you go
11 to the special verdict -- basically this is the first part
12 of it. Here you see Count (3), murder with use of a
13 deadly weapon. In parentheses, James Headrick. We're only
14 going to go through the verdict form pertaining to James,
15 but you are going to actually repeat this process and do
16 your same analysis for Erick because there are two murders
17 in this case.

18 Under Section 1, aggravating circumstances -- and the
19 State has listed 5 of them. Ladies and gentlemen, by
20 virtue of your guilty verdict alone you have essentially
21 found that these aggravating circumstances exist.

22 For example, first one is the Defendant has in the
23 immediate proceedings been convicted of more than one
24 offense of murder in the first or second degree. We have
25 already convicted the Defendant for first degree murder of

1 James and Erick. So that aggravating circumstance has
2 been proven.

3 The second one and the third one, they're actually
4 the same kind of aggravating circumstances, they just
5 pertain to different victims.

6 Number two, the murder was convicted by a person who
7 at any time before a penalty hearing is convicted for the
8 murder is or has been convicted of a felony involving the
9 use or threat of violence to the person of another, to
10 wit, in this case attempt murder with use of a deadly
11 weapon as alleged in Count (4), against Ashley Wantland.

12 And number three, it's the same thing, but that is
13 Melissa Marin. Finding the Defendant guilty of attempted
14 murder of Ashley Wantland and Melissa Marin, you've
15 already found these aggravating circumstances exist.

16 Number four, now this -- let me read it to you first.
17 The murder was committed by a person who knowingly created
18 a great risk of death to more than one person by means of
19 a weapon, device, or course of action that normally would
20 be hazardous to the life of more than one person.

21 This is actually the only aggravating circumstance
22 whereby if somebody who knew nothing about this case,
23 looked at your verdict form, would not be able to tell
24 right off the bat by looking at the four corners of that
25 verdict form, whether or not this was actually met. But

1 look at the facts and circumstances of this case, ladies
2 and gentlemen.

3 When the Defendant and Smoky broke into the victims'
4 apartment, those victims were probably in their most
5 vulnerable state. They were asleep in their bed. Ashley
6 and Melissa were actually shot in their bed. James and
7 Erick were shot without shirts on. They only had shorts.
8 These people were shot in their bed, in an enclosed space.
9 They had no where to run. They had no time to defend
10 themselves. They were sitting ducks.

11 So here the Defendant absolutely, by bringing Smoky
12 into that apartment and open fire in that bedroom, that
13 absolutely created great risk of death to everybody inside
14 that apartment that day.

15 Then number five, the murder was committed while the
16 person was engaged alone or with others in the commission
17 of a burglary, and the person charged killed or attempted
18 to kill the person murdered or knew or had reason to know
19 that life would be taken or lethal force used. Burglary
20 while in possession of a deadly weapon as alleged in Count
21 (2) of the amended information.

22 Ladies and gentlemen, you already found the Defendant
23 guilty of felony murder. You found her guilty of
24 burglary. You found her guilty of first degree, willful,
25 premeditated murder. You found all those, so in essence

1 you've already found that this aggravating circumstance as
2 well.

3 So once you find unanimously and beyond a reasonable
4 doubt that at least one aggravator exists -- in this case,
5 we have 5 -- you then go to a second step of your
6 analysis, which is now each and everyone of you must
7 determine that the mitigating circumstances in this case
8 do not outweigh the aggravating circumstances. This is
9 not a numbers game. It's not which side has one more
10 number wins.

11 For example, one aggravator can outweigh a hundred
12 mitigators. And vice versa. One mitigator can outweigh a
13 hundred aggravators. You decide how much weight to each
14 mitigator and each aggravator, and then you conduct that
15 balancing test to see whether the aggravators outweigh the
16 mitigators or which mitigators outweigh the aggravators.

17 Now, mitigating circumstances are those factors while
18 they do not constitute a legal justification or excuse for
19 the commission of the offence in question, it may be
20 considered in estimation of the jury in fairness and mercy
21 and extenuating or reducing the degree of the Defendant's
22 moral culpability. Basically, mitigators can be anything
23 you want it to be, if you believe that that thing reduces
24 the Defendant's moral culpability. So if you believe that
25 Defendant having brown hair is a mitigating factor,

1 because it reduces her moral culpability, you can list
2 that as a mitigator. And unlike finding of aggravators,
3 you don't have to be unanimous in finding mitigating
4 circumstances. If one of you believes that that is a
5 mitigator, you can consider that as a mitigating
6 circumstance.

7 The defense has listed, I think, 13 mitigating
8 circumstances in this case. The fact she's a devoted
9 mother, caring and responsible daughter, trusted and
10 dedicated employee, engaged in acts of kindness, endured
11 threats and acts of domestic violence, molested by an
12 uncle, limited criminal history, addiction to prescription
13 medication, history of meth addiction, no indicia of
14 dangerousness, desire for family to maintain a close
15 relationship, not the killer, and accepting responsibility
16 and remorse.

17 So, once we get here to Section 2 now, under the
18 heading of mitigating circumstances, now you must
19 determine if any of the mitigating circumstances that
20 defense has listed exist. And I just said this, but if so
21 much as one of you find that that particular mitigating
22 circumstance exists, one out of 12 of you decides, she is
23 a devoted mother. I consider that a mitigating
24 circumstance. You can check the box as yes, even though
25 only one of you actually believes that. Now, if none of

1 you believe she is a devoted mother, you check the box,
2 no. And you do that same analysis for all 13
3 mitigators.

4 The thing about mitigating evidence is that you're
5 not bound by what is on that piece of paper. You're not
6 bound by what the defense has offered. If you believe
7 there is something out there, some quality about the
8 Defendant that should be considered as a mitigator that's
9 not listed here, you can actually write that in yourself
10 and consider that as a mitigating circumstance.

11 Then now, once you do that and find out how many
12 mitigators that you have and what they are, and the number
13 of aggravators you get, you conduct your balancing test.
14 Now you have to check the box that either says the
15 aggravating circumstances outweigh the mitigating
16 circumstances, or you check the box that says the
17 mitigating circumstances outweigh the aggravating
18 circumstances.

19 Just for argument sake, let's say you find that the
20 mitigating circumstances outweigh the aggravating
21 circumstances. Well, in this instance you then go to
22 Section 5 of your verdict form. What you are going to
23 notice is that on Section 5, it will provide you with 3
24 options for the sentence you can impose, and you are going
25 to notice that death is no longer on the table. If you

1 find that the mitigators outweigh the aggravators, death
2 is no longer an option.

3 What you then are left with is life without the
4 possibility of parole, or you are going to have life with
5 the possibility of parole, with eligibility of parole
6 beginning when a minimum of 20 years has been served. So
7 20 to life.

8 I believe Ms. Erickson mentioned yesterday that if
9 you were to give life with the possibility of parole, the
10 minimum term the Defendant would serve is 40 years. I
11 think she misspoke. That's not correct. The minimum that
12 she would serve is 20.

13 Then, of course, there's a definite term of 50 years
14 imprisonment, with eligibility of parole beginning when a
15 minimum of 20 years has been served. So that's 20 to 50
16 term sentence.

17 Ladies and gentlemen, I'm fairly confident that you
18 will never actually get to Section 5.

19 MS. ERICKSON: I'm objecting, personalization.
20 I'm asking --

21 THE COURT: I got the basis for the objection.
22 Sustained.

23 MS. WONG: Ladies and gentlemen let's say, now
24 you -- I don't -- before you get to Section 5, I want to
25 talk about the mitigating circumstances that the defense

1 mentioned in this case.

2 The first one I want to talk about is the fact that
3 she is a devoted mother. Where were her children on April
4 26, 2012 (sic). If she had been with her children,
5 instead of running around with Smoky breaking into an
6 apartment, none of us would be here today. Her two boys
7 would not have to get up on the stand and shed tears and
8 cry because they miss their mother. If she was truly a
9 devoted mother, she would not be high around her
10 children.

11 Now, she did say she won't smoke meth in front of her
12 kids, but it's okay to take care of them while you are
13 under the influence. How truly devoted of a mother is she
14 when she's running around on the street, instead of
15 staying home with her kids. She is the one who is to blame
16 for her kids' sadness, for her kids missing their mom, for
17 her kids not behaving in school. That's her fault.

18 That leads us to the second mitigating circumstance.
19 History of meth addiction. Well, she did that on her own
20 free will. Nobody forced her to do drugs. She claimed
21 she got into a car accident back in 2011, where she then
22 became readdicted to drugs again. Well, who was to blame
23 because she was addicted to drugs in 2008 and started
24 committing crimes and went to prison. Now, she wants the
25 benefit because she's a drug addict, because she does

1 drugs.

2 The third one I want to talk about is the fact she's
3 a trusted, dedicated employee. So she got paid for doing
4 her job. This is not charity work. She wants credit for
5 what every single, hard-working man or woman would do
6 every single day.

7 Finally, the one I want -- the last one I want to
8 talk about. That she endured threats and acts of domestic
9 violence. I see irony written all over this. Here we
10 have a Defendant who self-proclaims she is a victim of
11 domestic violence. Somebody who understands the
12 degradation and the pain that come from having violence
13 inflicted upon you. What does she do She tries to
14 execute 4 people, seconds before she entered their
15 apartment were they are asleep in their bed, and have her
16 victimization somehow reduce her moral culpability. If
17 anything, I think it increases it, because she knows
18 better.

19 Ladies and gentlemen, at this point I will submit to
20 you that the aggravating circumstance in this case
21 absolutely outweigh the mitigating circumstances.

22 So now, if you find that, then you get to Section 4,
23 where you now get to decide the sentence. And you have 4
24 options to choose from -- and death is not an option. Now
25 you have life without the possibility of parole -- 20

1 years to life -- and now 20 up to 50 years.

2 I want to talk about these top two options here --
3 life without the possibility of parole -- sorry -- life
4 with the possibility of parole after 20 years, and
5 definite term of 50 years, and eligibility for parole
6 after 20 years. There is no difference between those two
7 options. Because in both instances the Defendant will
8 serve a minimum of 20 years before she's eligible for
9 parole. The only difference is the length of time that
10 she will be on parole. But in both cases, she will be --
11 could be back out on the streets in 20 years.

12 MS. ERICKSON: Objection. That's an
13 inappropriate statement about what the law is.

14 THE COURT: Sustain.

15 I'll direct the jurors to disregard that last
16 comment.

17 MS. WONG: In either case, she will be eligible
18 for parole with a minimum of 20 years.

19 That essentially is the same sentence. It's the most
20 lenient sentence that our system has to offer under these
21 circumstances. When we think about who is deserving of
22 the most lenient sentence, we think of the person who has
23 never been in trouble with the law. The person who up to
24 this point has been a perfectly law abiding citizen.
25 That's not the Defendant.

1 Back in 2008, she was on probation for a gross
2 misdemeanor offense, conspiracy to commit larceny. And
3 while she's on probation she then gets convicted of a
4 felony of possession of stolen vehicle, and then goes to
5 prison. She had her second chance at life and then she
6 did this.

7 By this, I mean she tried to execute 4 people in
8 their homes and successfully killed 2. This Defendant is
9 not deserving of the most lenient sentence our system has
10 to offer. But it is your decision to make, Ladies and
11 Gentlemen. You must decide what justice is in this case.
12 Whatever you decide, the State of Nevada will respect and
13 accept. But when you go back there to deliberate, I just
14 want you to ask yourself, what is justice for James. What
15 is justice for Erick.

16 Thank you.

17 THE COURT: Thank you, Ms. Wong.

18 MR. WHIPPLE: Thanks, your Honor.

19 CLOSING STATEMENT

20 BY MR. WHIPPLE:

21 Folks, a couple of things. First of all
22 mitigation is any reason for any one of you to choose a
23 sentence of less than death. It could be unique to each
24 and every one of you. It does not have to be the same.
25 It's what each one of you personally believes. Any reason

1 for a decision less than death.

2 Second of all, anyone of you could make a
3 determination that if a mitigation outweighs the
4 aggravation, this doesn't even go to the contemplation of
5 death. Any one of the 12 of you could make a
6 determination that if mitigation outweighs aggravation,
7 then death is off the table. It just takes one person.
8 Okay.

9 Third, there's no lenient sentence in this case. She
10 is not going to be eligible for parole in 20 years.
11 You've got weapon enhancements. You've got 2 murders that
12 are 20 years a piece, plus the weapon enhancement. Plus
13 all her other charges you didn't convict her of. There is
14 not a lenient sentence in the book. Justice, justice has
15 been served. You did that on Monday, earlier this week.
16 That's what you did. There is no lenient sentence. You
17 couldn't give a lenient sentence if you wanted to at this
18 point.

19 So why are we here. We're here because the first
20 thing I started talking to you almost 4 weeks ago. It
21 comes down to Ivonne Cabrera. I hope in this penalty
22 phase you've had an opportunity to see a little bit more
23 of who Ivonne Cabrera is, other than February 26, 2012.

24 Those are what mitigation is about. She is a caring
25 mother. She does have a family. She does have children.

1 Those are all important things for you to be aware of.

2 Each one of those things could be unique to each one
3 of you. I'm not going to talk long. You've been here so
4 long to begin with. I know you all have a conscience. I
5 know you all have been thinking about what the
6 appropriate thing is. I want to clarify a couple of
7 things. Okay.

8 If you decide to choose the death penalty, there will
9 come a day that Ivonne Cabrera will be led from a cell.
10 She'll be strapped down. There will be a needle put in
11 her arm, against her will. And she will die. That is a
12 fact. That is the power you have in your hands. If you
13 choose that she can never evaluate the possibility of
14 parole, she will die in prison. That's a fact.

15 If you give her the possibility of parole, there may
16 be a day that she may have hope of being reunited with her
17 family and freedom. She turned 38 years of age on Monday.
18 It's 20 years per murder charge, on top of that, all the
19 enhancements. Plus, the different charges you've already
20 convicted her of. It's a very confusing, complex sentence
21 that the court will make a determination, eventually,
22 potentially, on how all those enhancements apply and the
23 other charges -- whether they will be concurrent or
24 consecutive. Safe to say, it will be decades and decades
25 in the future. There is no lenient sentence in this case.

1 The decision you make, that credible power that each
2 of one have will be imposed on that woman there with the
3 family behind her. Make no second guesses, your decision
4 will come first. I want to make sure we are clear on
5 that.

6 I want to talk about drugs for a second. What is the
7 one common thing we have in this case. It was the drugs.
8 I'm not trying to minimize this case because of the drugs,
9 but that issue is so much larger then any of us, so much
10 larger then Ivonne Cabrera, so much larger then James and
11 Erik. It's a societal problem.

12 I remember -- I'm going to date myself -- 1981, I was
13 graduating high school. I remember they let us out of
14 class early. All of us were going to run down and see the
15 new president being sworn in. It was Mr. Ronald Reagan.
16 He had this thing about the war on drugs, and how he was
17 going to pour billions and billions of dollars into the
18 war on drugs. It's something they've been fighting
19 forever. And it's larger then any individual. I'm not
20 going to stand up here and say we lost the war on drugs,
21 but you all know that it permeates our society and it's
22 nothing but bad.

23 I think it is very important to hear or listen and
24 recall the attorney who testified. He talked to you about
25 the Ivonne Cabrera he knew. He told you about what

1 happened when she got on this Lortab. Is it a reason for
2 avoiding justice or accountability. Absolutely not.
3 We're not saying that. What I'm saying is it's something
4 you can take into consideration. And because this is so
5 much larger then just Ivonne Cabrera, I think it's
6 something you should be aware of.

7 I don't want you to lame Ivonne for the drugs in our
8 community. I know you are not doing that. But in some
9 ways, I think there is that suggestion.

10 These folks were all on drugs. Both of the
11 gentlemen, during autopsy both of them were under the
12 influence. Without drugs we'd never be here. Without
13 drugs James wouldn't be stealing from Wal-Mart. People
14 make bad decisions. What I'm asking you is to put it in
15 context of who Ivonne Cabrera is. And that's not who she
16 is. That may have been a disease she was effected by, but
17 that's not who she is. And that's not what she wants to
18 be. That's what I wanted to present to you, to say she's
19 more then what the allegations have been.

20 I'm going to finish up on the issue of the death
21 penalty, because it is such a significant and serious
22 issue. There is the suggestion that my client, her
23 mitigators, don't count. That they are not true
24 mitigators. I'm not going to argue that. That should just
25 be something for each one of you to decide.

1 Folks, you had the opportunity to see her twice. She
2 did not pull the trigger that caused such harm to those 4
3 individuals. She's not the actual killer. The remorse
4 you see throughout this trial and the family she lives
5 behind, I'll suggest to you that those 3 things alone,
6 those 3 mitigation factors, outweigh any aggravator. And
7 that death should not even be an issue for you to
8 evaluate.

9 You have been an amazing group of people. We
10 appreciate your time. I'm asking that you look into your
11 heart and soul and come up with what you think is fair.
12 Again, I'll I'm going to ask is that you use all of the
13 information you've had during the course of trial.

14 Thank you.

15 THE COURT: Thank you, Mr. Whipple.

16 Ms. Erickson.

17 CLOSING STATEMENT

18 BY MS. ERICKSON:

19 I'm not standing up here and telling you that she is
20 blaming anybody else for her life.

21 THE COURT: I can't hear you.

22 MS. ERICKSON: I'm sorry.

23 I think you can tell that she blames herself for her
24 children's sadness, her parents' devastation, her sisters
25 and brothers, aunts and uncles. She didn't tell you that

1 she blames anybody, by suggesting what the State wants you
2 to think, that mitigation means nothing. That's just not
3 true.

4 Each one of you is a sentencer in this case. Each
5 one of you can look at the witnesses that came today and
6 see the person that is who Ivonne Cabrera was and is. But
7 not on April 26th. She's not telling you that she wasn't
8 the wrong person, the culpable person.

9 The law allows mitigation. It's a strange concept.
10 It is not an excuse. I'm not standing here saying this
11 was an accident. I'm not saying that there is a reason why
12 it shouldn't be looked at seriously.

13 There is a thing called abhorrent behavior.
14 Abhorrent behavior is something that does not follow the
15 correct or expected course or something that is not
16 typical or normal. The evidence that was presented to you
17 shows you that April 26, 2012, was an abhorrent day,
18 There is no evidence in this case of Ivonne Cabrera
19 committing any other violent act, ever. Yes, she stole a
20 car. She got probation. She stole another car. No one
21 was hurt. They are crimes. What kind of crimes are they.
22 Crimes that go with being a drug addict.

23 Some people may not accept that. Some people may
24 think that's not acceptable. In this day and age we know
25 that drug addiction is an illness. And sometimes it takes

1 you to the wrong place. It doesn't make you not
2 responsible. Of course, not. But it's something you
3 should think about when you decide what an appropriate
4 sentence is in this case.

5 One of the things that I think might be important to
6 you is that on about November 3, 2004, the State of
7 Nevada, through the district attorney's office, filed a
8 criminal complaint in this court building. Charging her
9 ex-husband, Celso Aguirre, with coercion, which is
10 precluding her from doing an act that she had the right to
11 do, which was not let her leave the residence.

12 Assault with a deadly weapon, because he took a knife
13 and was pointing it at her and threatening to kill her.

14 Battery constituting domestic violence.

15 An investigation found the charges were based on a
16 police investigation. On November 1, 2004, a police
17 officer by the name of J. Cane arrived at domestic
18 disturbance call. His main contact was with the victim,
19 Ivonne Cabrera, who was crying. She stated that on
20 today's date her husband of 3 years, who resides with her,
21 called her at work stating he was moving out. She went
22 home and after arriving she see's Celso's bags were
23 packed. At that point he becomes agitated and aggressive.
24 He locked the front door of the apartment while standing
25 in the living room and grabbed a large kitchen knife off

1 the counter and was holding it, point toward her in his
2 right hand. And stated that if she wasn't going to be
3 with him, he was going to make it worthwhile.

4 Celso was yelling at her, threatening to kill her.
5 Celso began walking toward her with the knife in his hand.
6 She believed he was going to kill her and try to escape by
7 opening the front door -- the front room window to climb
8 out. She wasn't able to get away. Celso wasn't there
9 anymore when police arrived, but did he stay away. No.
10 He came back.

11 Ivonne's father told you they came over and called
12 the police again. Police arrived. Celso wouldn't admit
13 that he had a knife that day, but he admitted to doing it
14 last week.

15 Susy told you about these acts that occurred every
16 summer when she was there. Three times a week. What kind
17 of man is that. A controlling, angry, dominant person.
18 What kind of person allows it. Someone who wants to see
19 the best in someone. Someone who would say, we're okay.
20 Don't tell mom and dad. Don't tell mom and dad.

21 One of the hardest things of sitting here today for
22 everyone is the fact that there are two people who are
23 dead. Everybody in this room feels that loss. Everybody.
24 Families on both sides. You saw the people come here
25 today as you saw the family of Erik and James. They are

1 all in the same boat. And Ivonne is not saying she didn't
2 do this. She is not blaming others.

3 But the law says you are sentencers, and you are
4 required to look as much as you can into who that person
5 is. She's being sentenced. Not her family. Not her
6 children. But it's important that her children and her
7 family want to see because they love her.

8 Does that make you think something about a sentence
9 that is up to you. But that is what you guys have to do.
10 We're not here for revenge. We are not here to do an eye
11 for an eye. We are not here to only impose the death
12 penalty because two people are dead.

13 You knew that when this was a murder case. We asked
14 everyone of you, will you consider evidence of reasons why
15 a person should not be given the death penalty, and every
16 one of you promised that you would do that.

17 It's not an easy job, but you promised. We don't
18 believe that sentencers should just seek revenge. A just
19 society does not seek revenge. A just society looks at
20 the person. Sees if that is who she is. You heard from
21 her friend. Sheila Russell came in and told you about the
22 3 year old that I mentioned in the opening statement.
23 Someone that has no redeemable qualities would not take a
24 3 year old off the street and walk down the street looking
25 for the parents. That is tell you something about who

1 Ivonne Cabrera is. Does that tell you something about who
2 she'll be. Sometimes it's easier to just say, there's two
3 people dead, death penalty is justice. Right. Maybe in
4 certain cases it is. But a person who has two stolen car
5 felonies, who didn't do well on probation and went to
6 prison. But when she got back out, she was working, doing
7 a great job and took care of her kids. Took care of her
8 friends.

9 She is a person people look to, or is that an act.
10 Something that is unexpected. The State may get up and say
11 this crime itself means that she is dangerous to society.
12 She should be left in prison.

13 There is no evidence in front of you that she has
14 done anything in jail over the past 5 years, no threats to
15 staff.

16 MR. DIGIACOMO: I object. It isn't in evidence.
17 They could have called somebody to put that evidence in.
18 There is no evidence of what has gone on in jail.

19 THE COURT: Sustained.

20 MS. ERICKSON: You would have heard about it.

21 MR. DIGIACOMO: Objection.

22 THE COURT: Sustained.

23 The jurors are instructed to disregard this portion
24 of the statement.

25 You may proceed, Ms. Erickson.

1 MS. ERICKSON: Your job is hard. Unfortunately
2 this is something you each have to do.

3 Prison is prison. Yes, Ivonne would be able to visit
4 with her family and James' and Erik's family can't. Best
5 of all, she'll be able to talk to her family and James
6 and Erik can't. But when you look at that, that's more
7 like an eye for an eye then it is a way of thinking about
8 what is the appropriate sentence.

9 Each one of you saw this evidence today. Is there
10 any doubt that Ivonne is a devoted mother. Is there any
11 doubt she's a devoted daughter that helped her family. Is
12 there any doubt she was a good employee, trusted, in a law
13 firm. Is there any doubt she was addicted to drugs. And
14 what does that do. Well, it doesn't make you yourself. A
15 disease is a disease.

16 Is there any doubt she did kind deeds for no reason.
17 Is there any doubt that April 26, was not a day that will
18 ever be repeated. Not only because she'll go to prison,
19 but for all the reasons that that's not who she is. In
20 your minds, it's your choice. You have to look and say a
21 person has no violent crimes at all, will they be violent
22 in the future. Does a person who has absolutely no
23 violent crimes -- not convictions, but crimes -- someone
24 who should be given the most horrid sentence. That is up
25 to you all.

1 The discussion about aggravating circumstances
2 mitigating circumstance. Then one here, you have found
3 all the aggravators, so basically you need to look at
4 what's been presented and decide what is the punishment
5 for a person that is not a hardened criminal and has
6 redeemable qualities, who will do good in her life,
7 because in prison she can do good. She can show you that
8 she is not that person. You saw her testify. You saw her
9 statement. It's up to you to believe or think or decide
10 who is she and what should the sentence be.

11 Because in the end, as this instruction says, this is
12 where I began. That's where it end. The law never ever,
13 ever requires a sentence of death. You can check every
14 box in there. You can check none of the mitigation. The
15 law never ever, ever requires a death penalty. The reason
16 for that is because it's your responsibility to determine
17 who the person is that you are sentencing.

18 I submit that a sentence of life in prison with the
19 possibility of parole means a very, very long sentence for
20 a prisoner. And it's a possibility you die in prison,
21 just as much as if she had any other sentence. So I would
22 ask you to find that life with the possibility of, is an
23 appropriate sentence. I will submit it with that.

24 Thank you.

25 THE COURT: Thank you, Ms. Erickson.

1 Mr. DiGiacomo, for the State's final remarks.

2 MR. DIGIACOMO: Thank you.

3 CLOSING STATEMENT

4 BY MR. DIGIACOMO:

5 For the most part everything has been said. I
6 told you when I stood up here earlier yesterday that we
7 are going to accept whatever verdict you give. I do have
8 some thoughts though about what's happened in this
9 courtroom. It's almost like we left Webster and Bassler
10 last week and walked into, you know, June Cleaver's house
11 here. Ivonne Cabrera is this wonder girl who -- and I
12 will not dispute this. Her parents seem to be great
13 people. Her family seems to be good people. But tell me
14 something happened in your youth that caused you to be
15 this person that kills or attempts to kill 4 people, and
16 does wind up killing 2 people.

17 Then you heard it. She was sexually assaulted
18 as a kid. Oh, she told her mother 4 months ago.

19 MS. ERICKSON: Objection. I realized --
20 personalization.

21 THE COURT: Overruled.

22 MR. DIGIACOMO: You go and you think, wait a
23 second. She's had a PSI before. Somebody looking for a
24 little bit less of a sentence, so what happens, a PSI
25 writing interviews Ms. Cabrera. You realize we're right

1 back at Webster and Bassler. Right back to last week
2 because she tells them there's been no history of sexual
3 abuse. Now suddenly there is abuse. She tells them there
4 is no drug problem. Now suddenly when she was on the stand
5 there was drug problems.

6 It reminds me of the difference between her trial
7 testimony and the statement you heard she told the police.
8 Smoky did have the car. Smoky didn't have the car. Who
9 knows who Ivonne Cabrera is. I have no idea who that is.
10 And you have no idea who that is. Because of the amount
11 and the contradictions from the evidence. I'm going to
12 suggest to you that Ivonne Cabrera that testified to you
13 in hopes of getting a not guilty, is the true Ivonne
14 Cabrera. That Ivonne Cabrera is the person that grabbed
15 Smoky with the silenced gun and brought him into that
16 house to kill 4 people. And I'm going to suggest to you
17 that a convicted felon who's only been out of prison for a
18 short period of time, who commits what should have been a
19 quadruple homicide, doesn't get the minimum sentence.

20 The minimum sentence, the argument by Mr. Whipple
21 about, oh, well, the judge is the going to run those
22 consecutive. And she's going to have all this other time.
23 That's not the indicia of the jury's responsibility.

24 Your job here is to give justice. So if you think
25 she should get out or have the opportunity to get out 15

1 years from now, then you give a 20 to life sentence. Is
2 that justice. Don't put it on the judge to fix a mistake
3 by the jurors.

4 MS. ERICKSON: Objection, Judge.

5 MR. WHIPPLE: Inappropriate argument.

6 THE COURT: Sustained.

7 MR. DIGIACOMO: You don't get to decide if it's
8 more than 15 more years before she's eligible for parole.
9 That's the only decision you can make. Is it 20 to life,
10 or is it something more.

11 I'm going to suggest to you that in this situation
12 you don't get the minimum sentence. In this situation you
13 have to at least receive the mid-range. Then I want you
14 to think about it this way. I'm not going to whether or
15 not you check off every one of those aggravators. It's
16 probably going to outweigh two bodies and two people that
17 almost died. How would any of that ever -- you can check
18 the box and decide they mitigate. You can check the box
19 and decide they don't mitigate. Decide if they're true or
20 not true. The end of the you are going to have 4 choices
21 to pick from. I'm going to suggest to you that you should
22 think about this case this way.

23 I want you to think about what if Erik Quezada was
24 not home when this happened. What if it was just James
25 and Ashley and Melissa. And what if the Defendant was

1 being sentenced just for that offense. What sentence
2 would you be applying in that case.

3 MS. ERICKSON: Objection. Pure speculation.
4 That's not what the case is. And that's not
5 appropriate.

6 MR. DIGIACOMO: This is an argument. It's
7 completely appropriate.

8 THE COURT: Overruled.

9 You may proceed.

10 MR. DIGIACOMO: What would you be doing.

11 You'd look at it. There's a person, I got to give 20
12 to life, I can give life without, or I can give death.
13 And I have two other people that are shot. I have a
14 felony. Who had numerous opportunity to address the f cut
15 fact she cut off her house arrest bracelet and got that
16 case dismissed as well.

17 And you'd have to ask yourself, Smoky had no motive.
18 So who's worse. The person that pulled the trigger. Or
19 the person who knew these people that were going to be
20 killed. And you think to yourself that at the end of the
21 day, I suggest to you that you certainly aren't going to
22 give her 20 to life. Maybe give her life without. Maybe
23 you would consider the death penalty. But it's going to
24 be one of those two.

25 If that's the sentence for James, when you really

1 think about this, what's the sentence for Erik. What
2 justice does he get. If for James it's life in prison for
3 the rest of her life. You have to do justice to both
4 James and Erik.

5 When you go back to that room, yes, I know Ms.
6 Erickson said it's a double homicide. It's not any double
7 homicide. It is four people sleeping in their home who
8 had a man brought there to kill them by this woman.

9 When you stand up in a courtroom and you announce
10 your verdict, be comfortable that it's justice.

11 MS. ERICKSON: Objection.

12 MR. DIGIACOMO: Apply justice.

13 THE COURT: Overruled.

14 MR. DIGIACOMO: Thank you.

15 THE COURT: Thank you, Mr. DiGiacomo.

16 As soon as the officers are ready to take the jurors,
17 this will be the time to deliberate on this phase of the
18 trial. As when you deliberated before, you'll go out
19 here. The two officers that will take you with them, will
20 be the 12 who will be deliberating, go with our marshall
21 Elvis. The 3 alternates will go with Ms. Springberg.

22 Let's get the officers sworn.

23 THE CLERK: You do solemnly swear you will keep
24 this jury together in some private and convenient place,
25 that you will not let any to person speak to them, nor

1 speak to them yourself, unless it be by order of the
2 court, except to ask whether they have agreed upon a
3 verdict and that you will return them into court when they
4 have so agreed, so help you God.

5 COURT OFFICERS: I will.

6 THE COURT: Thank you.

7 At this time the jurors will adjourn to deliberate.
8 See you when you have reached a verdict.

9 THE COURT: Make sure the clerk has your
10 numbers, so we can reach you. I'm going to make changes
11 to the jury yes no boxes rather than listing final forms
12 of the instructions were provide to them already. We'll
13 get the rest in.

14 Thank you all.

15 (Jury dismissed to deliberate)

16 THE COURT: Let the record reflect we're
17 reassuming in State of Nevada vs. Ivonne Cabrera, in the
18 presence of counsel for Ms. Cabrera and counsel for State
19 of Nevada.

20 Will counsel stipulate to the presence of the
21 jurors.

22 MR. DIGIACOMO: Yes, your Honor.

23 MS. ERICKSON: Yes, your Honor.

24 THE COURT: Juror No. 2, has the jury reached a
25 verdict for this second phase of trial.

1 IMPANELED JUROR: Yes, we have.

2 THE COURT: May I ask you to hand the verdict to
3 my marshall to bring it forward to the court.

4 I'll hand the special verdict form to my clerk to
5 read as completed by the jurors.

6 THE CLERK: District Court, Clark County,
7 Nevada, the State of Nevada, plaintiff, vs. Ivonne
8 Cabrera, Defendant, case C-283700-1, Department 25,
9 special verdict:

10 Count (3), murder with use of a deadly weapon, James
11 Headrick, we the jury in the above-entitled case found the
12 Defendant, Ivonne Cabrera guilty of Count (3), murder of
13 the first degree with use of a deadly weapon, James
14 Headrick, find as follows;

15 Section 1, aggravated circumstances.

16 1) when the Defendant has in the immediate proceeding
17 been convicted of more than one offence of murder in the
18 first or second degree. Yes.

19 2, the murder was committed by a person who at any
20 time before a penalty hearing conducted for the murder or
21 has been convicted of a felony involving the use or threat
22 of violence to a person of another, to wit, attempt murder
23 with use of a deadly weapon, Ashley Wantland, as alleged
24 in Count (4) of the instant amended information. Yes.

25 3, the murder was committed by a person who at any

1 time before a penalty hearing is conducted for the murder
2 is or has been convicted of a felony involving the use or
3 threat of violence to a person of another, to wit, attempt
4 murder with use of a deadly weapon, Melissa Marin, as
5 alleged in Count (6) of the instant amended information.

6 4, the murder was committed by the person who
7 knowingly created great risk of death to more than one
8 person by means of a weapon, device, or course of action,
9 which would normally be hazardous to the lives of more
10 than one person. Yes.

11 5, the murder was committed while the person was engaged,
12 alone or with others, in the commission of any burglary or
13 the person charged killed or attempted to kill the person
14 murdered or knew or had reason to know that life would be
15 taken or lethal force used, to wit, burglary while in
16 possession of a deadly weapon as alleged in Count (2) of
17 the instant amended information. Yes.

18 Section 2, mitigating circumstances:

19 1, devoted mother to her two sons, Andres and Erick.
20 No.

21 2, caring or responsible daughter, sister, and
22 relative to extended family. Yes.

23 3, trusted and dedicated employee prior to her 2011
24 car accident. Yes.

25 4, engaged in acts of kindness prior to and after

1 arrest. Yes.

2 5, endured threats and acts of domestic violence at
3 the hand of her husband, Celso Aguirre. Yes.

4 6, molested by an uncle while a young girl. No.

5 7, limited criminal history. No.

6 8, addicted to opioid prescription medication as a
7 result of the 2011 car accident. No.

8 9, history of addiction to methamphetamine. No.

9 10, no indicia for future dangerousness. Yes.

10 11, desire for family to maintain a close
11 relationship in the future. No.

12 12, not be the actual killer. Yes.

13 13, acceptance of responsibility and remorse. Yes.

14 Section 3, Balancing:

15 We the jury find in the above-entitled case having
16 considered any aggravated circumstance or circumstances,
17 unanimously proven beyond a reasonable doubt by the State
18 and any mitigating circumstance or circumstances by the
19 following;

20 The aggravating circumstance or circumstances
21 outweigh any mitigating circumstance or circumstances.

22 Section 5, final sentencing decision.

23 Aggravating circumstances outweigh mitigating
24 circumstances. We the jury in the above-entitled case
25 having found the Defendant, Ivonne Cabrera, guilty of

1 Count (3), murder of the first degree with use of a deadly
2 weapon, and having found that the aggravating circumstance
3 or circumstances outweigh any mitigating circumstance or
4 circumstances, impose a sentence of life without the
5 possibility of parole.

6 Section 5, final sentencing decision.

7 Mitigating circumstances outweigh aggravating
8 circumstances. We the jury in the above-entitled case,
9 having found the Defendant, Ivonne Cabrera, guilty of
10 Count (3), murder of the first degree with use of a deadly
11 weapon, and having found that mitigating circumstance or
12 circumstances outweigh any aggravating circumstance or
13 circumstances, impose a sentence of Count (5), murder with
14 use of a deadly weapon, Erik Quezada, we the jury in the
15 above-entitled case, having found the Defendant, Ivonne
16 Cabrera, guilty of Count (5), murder of the first degree
17 with use of a deadly weapon, Erik Quezada-Morales, as
18 follows;

19 Section 1, aggravated circumstances.

20 1, the Defendant has in the immediate proceeding been
21 convicted of more than one offence of murder in the first
22 or second degree. Yes.

23 2, the murder was committed by a person who at any
24 time before a penalty hearing was conducted for the murder
25 or has been convicted of a felony involving the use or

1 threat of violence to the person of another, to wit,
2 attempt murder with use of a deadly weapon, Ashley
3 Wantland, as alleged in Count (4) of the instant amended
4 information. Yes.

5 3, the murder was committed by a person who at any
6 time before a penalty hearing is conducted for the murder
7 or has been convicted of a felony involving the use or
8 threat of violence to the person of another, to wit,
9 attempt murder with use of a deadly weapon, Melissa Marin,
10 as alleged in Count (6) of the instant amended
11 information. Yes.

12 4, the murder was committed by the person who
13 knowingly created a great risk of death to more than one
14 person by means of a weapon, device, or course of action,
15 which would normally be hazardous to the lives of more
16 than one person. Yes.

17 5, the murder was committed while the person was engaged,
18 alone or with others, in the commission of any burglary,
19 or the person charged killed or attempted to kill the
20 person murdered or knew or had reason to know that life
21 would be taken or lethal force used, to wit, burglary
22 while in possession of a deadly weapon as alleged in Count
23 (2), of the instant amended information. Yes.

24 Section 2, mitigating circumstances.

25 1, devoted mother to her two sons, Andres and Erick.

1 No.

2 2, caring or responsible daughter, sister, and
3 relative to extended family. Yes.

4 3, trusted and dedicated employee prior to her 2011
5 car accident. Yes.

6 4, engaged in acts of kindness prior to and after
7 arrest. Yes.

8 5, endured threats and acts of domestic violence at
9 the hand of her husband, Celso Aguirre. Yes.

10 6, molested by an uncle while a young girl. No.

11 7, limited criminal history. No.

12 8, addicted to opioid prescription medication as a
13 result of the 2011 car accident. No.

14 9, history of addiction to methamphetamine. No.

15 10, no indicia for future dangerousness. Yes.

16 11, desire for family to maintain a close
17 relationship in the future. No.

18 12, not be the actual killer. Yes.

19 13, acceptance of responsibility and remorse. Yes.

20 Section 3, Balancing:

21 We the jury find in the above-entitled case having
22 considered any aggravated circumstance or circumstances,
23 unanimously proven beyond a reasonable doubt by the State
24 and any mitigating circumstance or circumstances by the
25 following;

1 The aggravating circumstance or circumstances
2 outweigh any mitigating circumstance or circumstances.

3 Section 5, final sentencing decision.

4 Aggravating circumstances outweigh any mitigating
5 circumstance. We the jury in the above-entitled case
6 having found the Defendant, Ivonne Cabrera, guilty of
7 Count (5), murder of the first degree with use of a deadly
8 weapon, and having found that the aggravating circumstance
9 or circumstances outweigh any mitigating circumstance or
10 circumstances, impose a sentence of life without the
11 possibility of parole.

12 Dated: Nelson Araujo, this 20th day of July 2017,
13 foreperson.

14 Ladies and gentlemen of the Jury, is this your
15 verdicts as read so say you one so say you all.

16 IMPANELED JURORS: (Choir of yeses.)

17 THE COURT: Would either like to have the jurors
18 polled.

19 MS. ERICKSON: No.

20 MR. DIGIACOMO: No.

21 THE COURT: The verdict will be recorded in the
22 record of the court. At this time, Ladies and Gentlemen,
23 that does complete your service in this trial. On behalf
24 of the court and the State of Nevada, counsel for
25 Ms. Cabrera, everyone involved in this trial, we

1 appreciate your time and effort to this trial. You are
2 officially discharged.

3 What that means is that while I have had to admonish
4 you as our Supreme Court requires we do on every break and
5 over night recess that you cannot discuss this case, you
6 are now free to discuss this case with anyone you see fit
7 in any way you see fit.

8 Sometimes counsel would like to speak to jurors to
9 learn more about the case from them. There is nothing
10 wrong with that. You are not required to speak with
11 anyone. If anyone wants to speak with you and you wish
12 not to be, by all means declare about that.

13 While I'm not anticipating having problems with that,
14 you let us know.

15 We have a marshall that's going to help you get over
16 to the garage. Since we're after 6:00, we have tickets
17 for you to get out, but that door doesn't always open like
18 it should. So the marshall will be there make sure you
19 get out of the parking garage.

20 You are discharged.

21 (Jury discharged from service)

22 THE COURT: We need to remand the Defendant in
23 custody officially on this case and set this matter over
24 for sentencing. The date will be approximately 50 days
25 from today.

1 Here is your date.

2 THE CLERK: September 11, at 9:00.

3 THE COURT: Anything else we need to address
4 before we adjourn.

5 MR. DIGIACOMO: No, your Honor.

6 MS. ERICKSON: No, your Honor.

7 THE COURT: Thank you counsel for your hard work
8 in this case. It's been a privilege to serve in the case.
9 See you on the next court calendar. Have a good day.

10

11

12

* * * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard

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

C.C.R. #745

DISTRICT COURT
CLARK COUNTY, NEVADA

JUL 20 2017

BY. S. Boyle
S. BOYLE, DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

IVONNE CABRERA,

Defendant.

CASE NO: C-12-283700-1
DEPT NO: XXV

SPECIAL VERDICT

COUNT 3: MURDER WITH USE OF A DEADLY WEAPON (James Headrick)

We, the Jury in the above-entitled case, having found the Defendant, IVONNE CABRERA, guilty of Count 3 – Murder of the First Degree with Use of a Deadly Weapon (James Headrick), find as follows:

Section I: Aggravating Circumstances

Instructions: Answer by checking "Yes" or "No" as to whether the Jury unanimously finds that the State has proven any aggravating circumstances beyond a reasonable doubt.

1. The Defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree.
☒ Yes.
☐ No.
2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder, is or has been convicted of a felony involving the use or threat of violence to the person of another, to-wit: Attempt Murder With Use of a Deadly Weapon (Ashley Wantland), as alleged in Count 4 of the instant Amended Information.
☒ Yes.
☐ No.

1 3. The murder was committed by a person who, at any time before a penalty
2 hearing is conducted for the murder, is or has been convicted of a felony
3 involving the use or threat of violence to the person of another, to-wit:
4 Attempt Murder With Use of a Deadly Weapon (Melissa Marin), as alleged in
5 Count 6 of the instant Amended Information.

6 ☒ Yes.

7 ☐ No.

8 4. The murder was committed by a person who knowingly created a great risk of
9 death to more than one person by means of a weapon, device or course of
10 action which would normally be hazardous to the lives of more than one
11 person.

12 ☒ Yes.

13 ☐ No.

14 5. The murder was committed while the person was engaged, alone or with
15 others, in the commission of any burglary, and the person charged killed or
16 attempted to kill the person murdered or knew or had reason to know that life
17 would be taken or lethal force used, to-wit: Burglary While In Possession of a
18 Deadly Weapon, as alleged in Count 2 of the instant Amended Information.

19 ☒ Yes.

20 ☐ No.

21
22 **Instructions:** *If you answered "No" to all of the above aggravating circumstances,*
23 *that ends your consideration of the death penalty for Count 3. Go directly to Section V to*
24 *record your final sentencing decision as to Count 3.*

25 *If you answered "Yes" to any of the above aggravating circumstances, please go to*
26 *Section II.*

27 ///

28 ///

1 **Section II: Mitigating Circumstances**

2 **Instructions:** *Answer by checking "Yes" if any Juror finds that the defense has*
3 *established the existence of the following mitigating circumstances. Answer by checking*
4 *"No" if no Juror finds that the defense has established the existence of any of the following*
5 *mitigating circumstances.*

6 1. Devoted mother to her two sons Andres and Erick

7 ☐ Yes.

8 ☒ No.

9 2. Caring and responsible daughter, sister and relative to extended family

10 ☒ Yes.

11 ☐ No.

12 3. Trusted and dedicated employee prior to her 2011 car accident

13 ☒ Yes.

14 ☐ No.

15 4. Engaged in acts of kindness prior to and after arrest

16 ☒ Yes.

17 ☐ No.

18 5. Endured threats and acts of domestic violence at the hands of her husband
 Celso Aguirre

19 ☒ Yes.

20 ☐ No.

21 6. Molested by an uncle while a young girl

22 ☐ Yes.

23 ☒ No.

24 7. Limited criminal history

25 ☐ Yes.

26 ☒ No.

27 ///

28 ///

1 8. Addiction to opioid prescription medication as a result of the 2011 car
2 accident

3 ☐ Yes.

4 ☒ No.

5 9. History of addiction to methamphetamine

6 ☐ Yes.

7 ☒ No.

8 10. No indicia of future dangerousness

9 ☒ Yes.

10 ☐ No.

11 11. Desire of her family to maintain a close relationship in the future

12 ☐ Yes.

13 ☒ No.

14 12. Not the actual killer

15 ☒ Yes.

16 ☐ No.

17 13. Acceptance of responsibility and remorse

18 ☒ Yes.

19 ☐ No.

20 14. List on the lines below any additional mitigating circumstances at least one
21 Juror has found to exist. If you need additional space, ask the Marshall for
22 more paper.

23 A. _____

24 B. _____

25 C. _____

26 _____

27 _____

28 _____

1 D. _____

2 _____
3 E. _____

4 _____

5
6 **Section III: Balancing**

7 **Instructions:** *Check only one of the following.*

8 We, the Jury in the above-entitled case, having considered any aggravating
9 circumstance or circumstances unanimously proven beyond a reasonable doubt by the State,
10 and any mitigating circumstance or circumstances, find the following:

11 ☒ The aggravating circumstance or circumstances outweigh any mitigating
12 circumstance or circumstances.

13 **Instructions:** *If you checked the above box, proceed to Section IV to record*
14 *your final sentencing decision as to Count 3.*

15 ☐ The mitigating circumstance or circumstances outweigh any aggravating
16 circumstance or circumstances.

17 **Instructions:** *If you checked the above box, proceed to Section V to record*
18 *your final sentencing decision as to Count 3.*

19
20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Section IV: Final Sentencing Decision (Aggravating Circumstance(s) Outweigh Mitigating Circumstance(s))

We, the Jury in the above entitled case, having found the Defendant, IVONNE CABRERA, Guilty of Count 3 – Murder of the First Degree with use of a Deadly Weapon, and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances, impose a sentence of:

- ☐ A definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has served
- ☐ Life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served
- ☒ Life without the possibility of parole
- ☐ Death

Section V: Final Sentencing Decision (Mitigating Circumstance(s) Outweigh Aggravating Circumstance(s))

Instructions: *If you have determined a sentence under Section IV, do not fill out this section. If you have not determined a sentence under Section IV, fill out this section.*

We, the Jury in the above entitled case, having found the Defendant, IVONNE CABRERA, Guilty of Count 3 – Murder of the First Degree with use of a Deadly Weapon, and having found that the mitigating circumstance or circumstances outweigh any aggravating circumstance or circumstances, impose a sentence of:

- ☐ A definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has served
- ☐ Life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served
- ☐ Life without the possibility of parole

///

///

1 **COUNT 5: MURDER WITH USE OF A DEADLY WEAPON (Erik Quezada-**
2 **Morales)**

3 We, the Jury in the above-entitled case, having found the Defendant, IVONNE
4 CABRERA, guilty of Count 5 – Murder of the First Degree with Use of a Deadly Weapon
5 (Erik Quezada-Morales), find as follows:

6 **Section I: Aggravating Circumstances**

7 **Instructions:** Answer by checking "Yes" or "No" as to whether the Jury
8 unanimously finds that the State has proven any aggravating circumstances beyond a
9 reasonable doubt.

- 10 1. The defendant has, in the immediate proceeding, been convicted of more than
11 one offense of murder in the first or second degree.

12 ☒ Yes.

13 ☐ No.

- 14 2. The murder was committed by a person who, at any time before a penalty
15 hearing is conducted for the murder, is or has been convicted of a felony
16 involving the use or threat of violence to the person of another, to-wit:
17 Attempt Murder With Use of a Deadly Weapon (Ashley Wantland), as alleged
18 in Count 4 of the instant Amended Information.

19 ☒ Yes.

20 ☐ No.

- 21 3. The murder was committed by a person who, at any time before a penalty
22 hearing is conducted for the murder, is or has been convicted of a felony
23 involving the use or threat of violence to the person of another, to-wit:
24 Attempt Murder With Use of a Deadly Weapon (Melissa Marin), as alleged in
25 Count 6 of the instant Amended Information.

26 ☒ Yes.

27 ☐ No.

1 4. The murder was committed by a person who knowingly created a great risk of
2 death to more than one person by means of a weapon, device or course of
3 action which would normally be hazardous to the lives of more than one
4 person.

5 ☒ Yes.

6 ☐ No.

7 5. The murder was committed while the person was engaged, alone or with
8 others, in the commission of any burglary, and the person charged killed or
9 attempted to kill the person murdered or knew or had reason to know that life
10 would be taken or lethal force used, to-wit: Burglary While In Possession of a
11 Deadly Weapon, as alleged in Count 2 of the instant Amended Information.

12 ☒ Yes.

13 ☐ No.

14
15 **Instructions:** *If you answered "No" to all of the above aggravating circumstances,*
16 *that ends your consideration of the death penalty for Count 5. Go direction to Section V to*
17 *record your final sentencing decision as to Count 5.*

18 *If you answered "Yes" to any of the above aggravating circumstances, please go to*
19 *Section II.*

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **Section II: Mitigating Circumstances**

2 **Instructions:** Answer by checking "Yes" if any Juror finds that the defense has
3 established the existence of the following mitigating circumstances. Answer by checking
4 "No" if no Juror finds that the defense has established the existence of any of the following
5 mitigating circumstances.

6 1. Devoted mother to her two sons Andres and Erick

7 ☐ Yes.

8 ☒ No.

9 2. Caring and responsible daughter, sister and relative to extended family

10 ☒ Yes.

11 ☐ No.

12 3. Trusted and dedicated employee prior to her 2011 car accident

13 ☒ Yes.

14 ☐ No.

15 4. Engaged in acts of kindness prior to and after arrest

16 ☒ Yes.

17 ☐ No.

18 5. Endured threats and acts of domestic violence at the hands of her husband
19 Celso Aguirre

20 ☒ Yes.

21 ☐ No.

22 6. Molested by an uncle while a young girl

23 ☐ Yes.

24 ☒ No.

25 7. Limited criminal history

26 ☐ Yes.

27 ☒ No.

28 ///

///

1 8. Addiction to opioid prescription medication as a result of the 2011 car
2 accident

3 ☐ Yes.

4 ☒ No.

5 9. History of addiction to methamphetamine

6 ☐ Yes.

7 ☒ No.

8 10. No indicia of future dangerousness

9 ☒ Yes.

10 ☐ No.

11 11. Desire of her family to maintain a close relationship in the future

12 ☐ Yes.

13 ☒ No.

14 12. Not the actual killer

15 ☒ Yes.

16 ☐ No.

17 13. Acceptance of responsibility and remorse

18 ☒ Yes.

19 ☐ No.

20 14. List on the lines below any additional mitigating circumstances at least one
21 Juror has found to exist. If you need additional space, ask the Marshall for
22 more paper.

23 A. _____

24 B. _____

25 C. _____

26 _____

27 _____

28 _____

1 D. _____

2
3 E. _____

4
5
6 **Section III: Balancing**

7 **Instructions:** *Check only one of the following.*

8 We, the Jury in the above-entitled case, having considered any aggravating
9 circumstance or circumstances unanimously proven beyond a reasonable doubt by the State
10 and any mitigating circumstance or circumstances, find the following:

11 ☒ The aggravating circumstance or circumstances outweigh any mitigating
12 circumstance or circumstances.

13 **Instructions:** *If you checked the above box, proceed to Section IV to record*
14 *your final sentencing decision as to Count 5.*

15 ☐ The mitigating circumstance or circumstances outweigh any aggravating
16 circumstance or circumstances.

17 **Instructions:** *If you checked the above box, proceed to Section V to record*
18 *your final sentencing decision as to Count 5.*

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

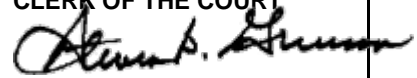
We, the Jury in the above entitled case, having found the Defendant, IVONNE CABRERA, Guilty of Count 5 – Murder of the First Degree with use of a Deadly Weapon, and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances, impose a sentence of:

- Section V: Final Sentencing Decision (Mitigating Circumstance(s) Outweigh Aggravating Circumstance(s))**

We, the Jury in the above entitled case, having found the Defendant, IVONNE CABRERA, Guilty of Count 5 – Murder of the First Degree with use of a Deadly Weapon, and having found that the mitigating circumstance or circumstances outweigh any aggravating circumstance or circumstances, impose a sentence of:

- DATED at Las Vegas, Nevada, this 20 day of July, 2017.

02274



Patricia M. Erickson, Esq.
Nevada Bar No. 3506
601 South Tenth Street, Suite 108
Las Vegas, Nevada 89101
(702) 388-1055
pme@pmericksonlaw.com
IVONNE CABRERA

DISTRICT COURT

COUNTY OF CLARK, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

IVONNE CABRERA,

Defendant.

Case No.: C-12-283700-1

Dept. No.: XXV

SENTENCING MEMORANDUM

Hearing Date: September 11, 2017

Hearing Time: 9:00 a.m.

On April 26, 2012, Jose Gonzales shot and killed James Headrick and Eric Quezado-Morales. Jose Gonzales also shot and attempted to kill Ashley Wantland and Melissa Marin. After Gonzales pled guilty to two counts of first degree murder with use of a deadly weapon and two counts of attempt murder with use of a deadly weapon, a sentencing hearing was conducted before this Honorable Court.

At this hearing, the state, through Marc DiGiacomo, submitted an insipid argument requesting this court impose life without the possibility of parole sentences for the commission of two counts of first degree murder with use of a deadly weapon.¹ At the conclusion of this hearing, this court imposed a sentence of life WITH the possibility of parole for the commission of each count of first degree murder.²

¹ See three page argument by state during May 22, 2017 sentencing of co-defendant Jose Gonzales submitted as Exhibit "A" and incorporated by reference.

² See Judgment of Conviction in State v. Gonzales submitted as Exhibit "B" and incorporated by reference.

1 At the conclusion of this sentencing hearing, Gonzales - the actual killer - received an
2 aggregated sentence of 56 years to life with the possibility of parole.³

3 On June 21, 2017, while Ivonne was being held in the court detention area,
4 counsel discussed a potential sentence that could be submitted to the state to resolve the
5 case without trial which was scheduled to being five days later.⁴ After this discussion,
6 Ivonne was brought into the court room and broke down in uncontrolled almost hysterical
7 crying based upon the thought of agreeing to any sentence.

8 On June 22, 2017, Ivonne called undersigned counsel and authorized contact with
9 the state regarding the proposed resolution discussed on June 21, 2017. On this date
10 co-counsel Whipple sent a text to Marc DiGiacomo enunciating the defense's proposed
11 negotiation of the case. Mr. DiGiacomo responded "that isn't the ballpark. I might be
12 willing to go 25-life but there r 4 victims..."⁵

13 Ivonne's trial began June 26, 2017. During the state's case in chief, Melissa Marin
14 testified that she had ended her relationship with Erik Quesado-Morales. However, one
15 week before April 26, 2012, Ivonne brought Erik to the trailer where Marin was staying,
16 brought Marin outside the trailer, got Marin into a car which was also occupied by Erik and
17 then drove to 7-11. Marin also testified that Ivonne told her she needed to speak with
18 Erik. Somehow, this action - by Ivonne - made Marin reconcile with Erik.⁶ Somehow, this
19 action - by Ivonne - made Marin be in a bedroom at the Webster Street apartment one
20 week later - on April 26th - when Gonzales shot Eric and Marin.

21 ///

23 ³ Exhibit "B".

24 ⁴ The sentence discussed with Ms. Cabrera had not been offered by the state.

25 ⁵ See Declaration of Patricia M. Erickson attached as Exhibit "C" and incorporated
26 by reference.

27 ⁶ See 07.07.2017 jury trial transcript - morning session - pp.11-12.

1 On July 13, 2017, during the state's cross examination of Ivonne, prosecutor
2 DiGiacomo asked Ivonne if her nickname, "Chinola", meant boss. Ivonne denied this fact
3 twice. As there were absolutely no facts in evidence to support the assertion that
4 "Chinola" meant boss, this line of questioning should have ended.

5 However, the prosecutor went on asserting facts not in evidence that "Chinola"
6 meant boss by asking another question "in the drug culture Chinola doesn't have ..."
7 which Ivonne interrupted and said "yes it does. But not because of that reason. I was not
8 called that because of that reason."⁷ This line of questioning continued with Ivonne
9 testifying to why she had the nick name of "Chinola" which did not mean, in her case,
10 boss or someone in the drug culture "who has the ability to issue commands to people."

11 During the state's rebuttal closing argument, prosecutor DiGiacomo asserted that
12 Marin's testimony, that Ivonne made her talk to Eric, combined with the his
13 misrepresentation regarding the "Chinola" boss testimony,⁸ meant that Ivonne Cabrera
14 was the "leader" of this group of individuals.⁹ Immediately after asserting that Ivonne was
15 the "leader" of the group, including Jose Gonzales, the prosecutor questioned "and what
16 is Smokey doing in that residence? He has absolutely no reason to be there."

17 In direct contrast to this statement during rebuttal closing argument, prosecutor
18 DiGiacomo argued during Gonzales' sentencing that,

20 ⁷ See 07.13.2017 jury trial transcript, by Sharon Howard, at p.33.

21 ⁸ During the rebuttal closing argument, prosecutor DiGiacomo completely
22 mischaracterized the facts of this testimony when he argued:

23 And when the defense put up here and said she didn't admit that Chinola, on the
24 street, is a boss, notice what Ms. Erickson didn't highlight, because I said to
25 [Cabrera] Well, isn't it true that on the street, Chinola should all be called a boss?
She's, like: Yes, it is. ... She got caught, at first, saying: Oh that's true, she's the
boss.

26 See 07.17.2017 jury trial transcript p.103.

27 ⁹ Id.

1 [t]here's no dispute there is no provocation for the event. [Gonzales] broke
2 into this house with the intent to execute 4 separate individuals and he
3 pulled the trigger ... [Gonzales' actions on April 26th] were "over the
4 employment card because there was money on it. The only thing that
5 makes sense to me is he was going in to execute them to get something of
6 value in order to supply his drug habit."¹⁰

7 Given the inconsistencies between the arguments presented before this Court and
8 the Cabrera jury, it is submitted that this Court should impose sentences on the
9 conspiracy, attempt murder and burglary crimes which sentences are then ordered to run
10 concurrently to the life without possibility of parole imposed by the jury regarding Count
11 Three.

12 Before trial, the state might have agreed that a sentence of 25 years to life was an
13 appropriate sentence in Ivonne's case. When trial began, the state manufactured the
14 theory that Ivonne was the leader and boss of the actual killer Gonzales. Given these
15 facts, it is submitted that this Court should impose sentences on the conspiracy, attempt
16 murder and burglary crimes which are ordered to run concurrently to the life without
17 possibility of parole imposed by the jury regarding Count Three.

18 Gonzales - the actual killer - had, prior to April 26, 2012, committed violent criminal
19 offenses. Nonetheless, he was sentenced to life WITH the possibility of parole on each
20 first degree murder conviction. Prior to July 18, 2017, Ms. Cabrera had never been
21 convicted of a violent crime.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

¹⁰

See Exhibit "B" p.31 and 32.

1 Given these facts, it is submitted that this Court should order the jury's sentencing verdict
2 of life without the possibility of parole on Count 5 be run concurrently to the sentences
3 imposed on Count 3.

4 DATED this 8th day September, 2017.

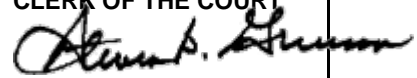
5
6 Respectfully Submitted,

7
8 /s/ Patricia M. Erickson

9 Patricia M. Erickson, Esq.
10 Nevada Bar No. 3506
11 601 South Tenth St., Suite 108
12 Las Vegas, NV 89101
13 (702) 388-1055
14 pme@pmericksonlaw.com
15 Counsel for Defendant:
16 IVONNE CABRERA
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

EXHIBIT 'A'



TRAN
CASE NO. C-12-283700-2
DEPT. NO. 25

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JOSE GONZALES,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT
OF
SENTENCING

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: MONDAY, MAY 22, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

02281

1 APPEARANCES:

2 For the State:

MARC DIGIACOMO, ESQ.

3

HETTY WONG, ESQ.

4

5 For the Defendant:

ALZORA JACKSON, ESQ.

6

CLARK PATRICK, ESQ.

7

8

9

10

11

12

13

14

15

16

17

* * * * *

18

19

20

21

22

23

24

25

1 MR. PATRICK: Thank you. That's all I have, your
2 Honor.

3 THE COURT: Thank you. Dr. Jones-Forrester, we
4 appreciate your time today.

5 We'll excuse you at this time.

6 THE WITNESS: Thank you, very much.

7 THE COURT: Thank you.

8 Ladies and gentlemen, as I mentioned we are going
9 to briefly recess the sentencing in State of Nevada Jose
10 Gonzales so that we can bring in the counsel and the
11 individuals here and jurors to take a verdict in a case
12 that's been pending resolution. As soon as we can recall
13 you, we'll do so. Thank you.

14 (Brief recess taken.)

15 THE COURT: Resuming in the matter of State of
16 Nevada vs. Jose Gonzales for sentencing.

17 I appreciate the opportunity to take that recess so we
18 could conclude that matter. I'm ready to resume.

19 Anything before we begin with you argument.

20 MR. DIGIACOMO: No.

21 THE COURT: Let me hear the State's argument.

22 MR. DIGIACOMO: Thank you, Judge.

23 MR. DIGIACOMO: I'm not going to belabor much.
24 I'm only going to touch on Dr. Forrester.

25 In Clark County when we discuss apportionality it

1 is rare we have a case we have a quadruple homicide. The
2 only reason it's not a quadruple homicide is a medical
3 miracle for lack of a better term.

4 There's no dispute who the individual with the gun is.
5 There's no dispute there is no provocation for the event.
6 He broke into this house with the intent to execute 4
7 separate individuals and he pulled the trigger. You have to
8 ask yourself what sentence does that individual deserve.

9 Let's be honest about it. In front of 12 people he had
10 a high likelihood of receiving the death penalty, and he
11 received the benefit of the bargain where he was able to
12 avoid that sentence. The question for the court is should
13 you give him anything less the life without the possibility
14 of parole. What you have to ask yourself is first from a
15 question of punishment sake.

16 You know, if it were a single homicide and you heard
17 the evidence you heard today, maybe you'd consider life with
18 the possibility of parole for a guy who broke into
19 somebody's house while they were asleep and shot them to
20 death. This isn't that case.

21 This is a two-time convicted felon that spent the
22 majority of his life in prison. He was out for a brief
23 period of time before committing a violent offense. A guy
24 who admits his job was to rob dope dealers to get drugs.
25 The idea we should accept everything else he says about his

1 history but denying that he wasn't on drugs doesn't make any
2 sense to me. I can't make any sense of this crime. Over
3 the car, some dispute over the car. Is it over the
4 employment card because there was money on it. The only
5 thing that makes sense to me is he was going in to execute
6 them to get something of value in order to supply his drug
7 habit. Which suggests to me he is not on drugs.

8 Another thing I would note is here's a guy who's low
9 average intellectual on the IQ scale, but he only went
10 through the eighth grade. You'd expect somebody who was a
11 low IQ and only went to the eighth grade to be farther down
12 that range. He's a fairly intelligent that we come in
13 contact with in the criminal justice system. Most
14 importantly, he's somebody who has empathy.

15 What Dr. Forrester said about that, he has empathy,
16 tells you one thing. He knew what he was doing. He knew
17 the pain he was inflicting on 4 separate individuals when he
18 fired rounds into their torsos killing two and horribly
19 wounding 2 others that by some miracle survived their
20 wounds.

21 What possible punishment do you give that person.
22 There is one possible punishment in this case. If it was
23 one body, a maxed out life with a 28 years to life. But
24 then you get to the second body, what's the punishment
25 there. Give him a consecutive 28 to life, now he's got 56

1 to life. Then you'll add 8 to 20 for the attempt murders,
2 with each consecutive. Doesn't each victim deserve their
3 own punishment.

4 What point do we get to a number that makes sense.
5 What statement are you giving the community if you don't
6 give life without for this Defendant. If you don't give
7 life without to this Defendant there isn't a Defendant that
8 has earned life without who's entered a plea of guilty in
9 Clark County.

10 I submit to the court.

11 THE COURT: Ms. Jackson or Mr. Patrick, who wishes
12 to speak first.

13 MR. PATRICK: I would, your Honor.

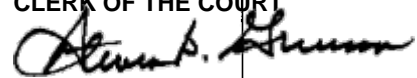
14 THE COURT: Mr. Patrick.

15 MR. PATRICK: I think the biggest thing that
16 Dr. Jones-Forrester had to tell us that throughout her
17 evaluation of Jose, and I can say throughout my knowing Jose
18 for the last 5 years, is that, yes, he absolutely minimizes
19 the trauma he's suffered through in his life.

20 The court is well-aware that he does that. The court
21 as well-aware he is a stand up man. That was shown when he
22 entered his plea. And that the plea as written had
23 co-conspirator language in it that he insisted be taken out
24 because he was willing to stand up and say what he did wrong
25 and was not willing to rat on anybody else. That is what

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

EXHIBIT 'B'



JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSE ALEJANDRO GONZALES
#2636822

Defendant.

CASE NO. C-12-283700-2

DEPT. NO. XXV

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 and 2 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; COUNTS 3 and 4 – ATTEMPT MURDER (Category B Felony) in violation of NRS 200.010, 193.330; thereafter, on the 22nd day of May, 2017, the Defendant was present in court for sentencing with counsel ALZORA JACKSON and CLARK PATRICK, Deputy Special Public Defenders, and good cause appearing,

02288

MAY 26 2017

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
3 including testing to determine genetic markers (waived if previously collected) plus
4 \$3.00 DNA Collection Fee (waived if previously collected), the Defendant is sentenced
5 to the Nevada Department of Corrections as follows: **COUNT 1** – LIFE with the
6 eligibility for parole after serving a **MINIMUM** of TWENTY (20) YEARS plus a
7 **CONSECUTIVE** term of TWO HUNDRED FORTY (240) MONTHS with a **MINIMUM**
8 parole eligibility of NINETY-SIX (96) MONTHS for the Use of a Deadly Weapon;
9 **COUNT 2** - LIFE with the eligibility for parole after serving a **MINIMUM** of TWENTY
10 (20) YEARS plus a **CONSECUTIVE** term of TWO HUNDRED FORTY (240) MONTHS
11 with a **MINIMUM** parole eligibility of NINETY-SIX (96) MONTHS for the Use of a
12 Deadly Weapon, **CONSECUTIVE** to COUNT 1; **COUNT 3** - a **MAXIMUM** of TWO
13 HUNDRED FORTY (240) MONTHS with a **MINIMUM** parole eligibility of EIGHTY-
14 FOUR (84) MONTHS, **CONCURRENT** with COUNT 2; and **COUNT 4** - a **MAXIMUM**
15 of TWO HUNDRED FORTY (240) MONTHS with a **MINIMUM** parole eligibility of
16 EIGHTY-FOUR (84) MONTHS, **CONCURRENT** with COUNT 3; with ONE
17 THOUSAND EIGHT HUNDRED SEVEN (1,807) DAYS credit for time served.
18 Defendant to serve a **MINIMUM** of FIFTY-SIX (56) YEARS to LIFE before the
19 possibility of parole.
20
21
22
23

24 DATED this 26th day of May, 2017

25
26
27
28

KATHLEEN DELANEY
DISTRICT COURT JUDGE

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

EXHIBIT 'C'

**DECLARATION OF PATRICIA M. ERICKSON IN SUPPORT OF SENTENCING
MEMORANDUM**

PATRICIA M. ERICKSON, knowing the penalties for perjury, does state the following under penalty of perjury:

1. I am attorney of law licensed to practice in the state of Nevada, the District Court of Nevada and the Court of Appeals for the Ninth Circuit and was appointed to act in that capacity in State of Nevada v. Ivonne Cabrera, case no. C-12-283700-1.

2. I have personal knowledge of the facts contained within the present Declaration and within the Sentencing Memorandum and believe those facts to be true and correct. Further, I believe any fact enunciated in this Declaration and in the Sentencing Memorandum that is based upon information and belief is also true and correct.

3. On June 21, 2017, while Ivonne Cabrera was being held in the court detention area, Bret Whipple and I discussed a potential sentence that could be submitted the state to resolve the case without trial which was scheduled to begin six days later. After this discussion, Ivonne was brought into the court room and broke down in uncontrolled almost hysterical crying based upon the thought of agreeing to any sentence.

4. On June 22, 2017, Ivonne Cabrera called me and authorized contact with the state regarding the proposed resolution discussed on June 21, 2017.

5. On this June 22, 2017, co-counsel Bret Whipple sent a text to Marc DiGiacomo enunciating the defense's proposed negotiation of the case. Mr. DiGiacomo responded "that isn't the ballpark. I might be willing to go 25-life but there r 4 victims...

///

///

///

///

///

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

6. I know these facts are true because I sent a text to Mr. Whipple enunciating the proposed resolution and received a copy of DiGiacomo’s text from Mr. Whipple.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of September, 2017, at Las Vegas, Nevada.

/s/ Patricia M. Erickson

Patricia M. Erickson

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 SERVICE

I hereby certify that on the 8TH day of September, 2017, I emailed a true and correct copy of the forgoing SENTENCING MEMORANDUM to the prosecutors at the following email addresses:

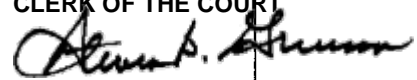
Marc.DiGiacomo@clarkcountyda.com
Hetty.Wong@clarkcountyda.com

Further, I hereby certify that on the 8th of September, 2017, I requested that a file stamped true and correct copy of the forgoing SENTENCING MEMORANDUM be served through the court's efilng service to counsel for the parties at the below email addresses:

Counsel for the State:

Marc.DiGiacomo@clarkcountyda.com
Hetty.Wong@clarkcountyda.com

/s/ Patricia M. Erickson
Patricia M. Erickson



JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

IVONNE CABRERA
aka YVONNE CABRERA
#1617623

Defendant.

CASE NO. C-12-283700-1

DEPT. NO. XXV

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category A Felony) in violation of NRS 199.480, 200.010, 200.030, COUNT 2 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060, COUNT 3 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5 - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030; and COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030,

02254 SEP 20 2017

1 193.330, 193.165; and the matter having been tried before a jury and the Defendant
2 having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT
3 MURDER (Category A Felony) in violation of NRS 199.480, 200.010, 200.030, COUNT
4 2 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B
5 Felony) in violation of NRS 205.060, COUNT 3 – FIRST DEGREE MURDER WITH
6 USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010,
7 200.030; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
8 (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5
9 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A
10 Felony) in violation of NRS 200.010, 200.030; and COUNT 6 - ATTEMPT MURDER
11 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,
12 200.030, 193.330, 193.165;; thereafter, on the 11th day of September, 2017, the
13 Defendant was present in court for sentencing with her counsel Patricia Ericson, Esq.,
14 and good cause appearing,

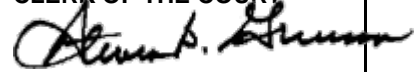
15
16
17
18 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
19 addition to the \$25.00 Administrative Assessment Fee, \$50,118.25 Restitution, to be
20 paid JOINTLY AND SEVERALLY with Co-Defendant, (\$1700.00 for Victim Erik
21 Morales, payable to Eduardo Gutierrez and \$48,418.25 payable to Victims of Crime -
22 \$12,714.25 Victim #1, \$34,000.00 Victim #2 and \$1,704.00 Victim #3), the Defendant is
23 SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 -**
24 **a MAXIMUM of ONE HUNDRED AND TWENTY (120) MONTHS with a MINIMUM**
25 **Parole Eligibility of FORTY-EIGHT (48) MONTHS; COUNT 2 - to a MAXIMUM of ONE**
26 **HUNDRED AND TWENTY (120) MONTHS with a MINIMUM parole eligibility of**
27 **FORTY-EIGHT (48) MONTHS, CONCURRENT with COUNT 1; COUNT 3 – LIFE**
28

1 WITHOUT the possibility of parole, CONCURRENT with Count 2, plus a
2 CONSECUTIVE term of ONE HUNDRED AND TWENTY (120) MONTHS with a
3 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly
4 Weapon, CONCURRENT WITH COUNT 2; **COUNT 4** - a MAXIMUM of TWO
5 HUNDRED AND FORTY (240) MONTHS with a MINIMUM Parole Eligibility of EIGHTY-
6 FOUR (84) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED AND FORTY
7 (240) MONTHS with a MINIMUM parole eligibility of EIGHTY-FOUR (84) MONTHS for
8 the Use of a Deadly Weapon, CONCURRENT with Count 3, **COUNT 5** – LIFE
9 WITHOUT the possibility of parole, CONCURRENT with Count 4, plus a
10 CONSECUTIVE term of ONE HUNDRED AND TWENTY (120) MONTHS with a
11 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly
12 Weapon; **COUNT 6** - a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS
13 with a MINIMUM Parole Eligibility of EIGHTY-FOUR (84) MONTHS, plus a
14 CONSECUTIVE term of TWO HUNDRED AND FORTY (240) MONTHS with a
15 MINIMUM parole eligibility of EIGHTY-FOUR (84) MONTHS for the Use of a Deadly
16 Weapon, CONCURRENT with Count 5, with ONE THOUSAND NINE HUNDRED AND
17 SIXTY-FOUR (1964) DAYS credit for time served. As the \$150.00 DNA Analysis Fee
18 and Genetic Testing have been previously imposed, the Fee and Testing in the current
19 case are WAIVED. The AGGREGATE TOTAL sentence is LIFE WITHOUT THE
20 POSSIBILITY OF PAROLE.
21
22
23
24

25 DATED this 21st day of September 2017.

26
27
28

KATHLEEN DELANEY
DISTRICT COURT JUDGE



Patricia M. Erickson, Esq.
Nevada Bar No. 3506
601 South Tenth Street, Suite 108
Las Vegas, Nevada 89101
(702) 388-1055
pme@pmericksonlaw.com
Counsel for Defendant:
IVONNE CABRERA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

IVONNE CABRERA,

Defendant.

Case No.: C-12-283700-1
Dept No.: XXV

NOTICE OF APPEAL

Notice is hereby given that IVONNE CABRERA, defendant above named, hereby appeals to the Supreme Court of Nevada from her convictions of: conspiracy to commit murder, burglary while in possession of a deadly weapon, first degree murder with use of a deadly and attempt murder with use of a deadly weapon. Ms. Cabrera also appeals the sentences imposed as set forth in the Judgment of Conviction filed on September 22, 2017. The District Court imposed the controlling sentences of life without possibility of parole for the two convictions of first degree murder on September 11, 2017.

DATED this 23rd day of October, 2015.

Respectfully Submitted,

/s/ Patricia M. Erickson

Patricia M. Erickson, Esq.
Nevada Bar No. 3506
601 South Tenth Street, Suite 108
Las Vegas, NV 89101
(702) 388-1055
pme@pmericksonlaw.com
Counsel for Defendant IVONNE CABRERA

02297

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 MAILING

I hereby certify that on this 23rd day of October, 2017 a true and correct copy of the forgoing **NOTICE OF APPEAL** was deposited in the United States Mail, with postage prepaid, addressed to the following:

Steven B. Wolfson
District Attorney
200 Lewis Street. 3rd Floor
Las Vegas, NV 89155

Ivonne Cabrera #1026217
c/o Florence McClure Women's CC
4370 Smiley Rd
Las Vegas, NV 89115

/s/ Patricia M. Erickson

Patricia M. Erickson