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Electronically Filed  
Aug 08 2018 03:04 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX VOLUME VII PAGES 1402-1625**

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**Case No. 74468**

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1 PROSPECTIVE JUROR NO. 065: No, I won't.

2 MR. DICKERSON: Okay. And the actually robbery that occurred,

3 you're not going to hold that against the defendant in this case, are you?

4 PROSPECTIVE JUROR NO. 065: No, I won't.

5 MR. DICKERSON: Okay. Great. I appreciate that, sir.

6 Ms. Ward, how you doing, ma'am?

7 PROSPECTIVE JUROR NO. 058: Good. Sorry. Badge 0058.

8 MR. DICKERSON: Thank you, so much. I forgot that time, too.

9 So you're an administrative assistant at HCA?

10 PROSPECTIVE JUROR NO. 058: Yes, sir.

11 MR. DICKERSON: And how long have you been there?

12 PROSPECTIVE JUROR NO. 058: It will be two years in August.

13 MR. DICKERSON: Great. How do you like that?

14 PROSPECTIVE JUROR NO. 058: It's fun.

15 MR. DICKERSON: Yeah?

16 PROSPECTIVE JUROR NO. 058: Missing it.

17 MR. DICKERSON: Well, hopefully, we'll get you back there soon

18 enough. Some day this will be over.

19 The -- you talked about law enforcement and your connection with law

20 enforcement.

21 PROSPECTIVE JUROR NO. 058: Uh-huh.

22 MR. DICKERSON: You said that your -- I believe your words were

23 your play father?

24 PROSPECTIVE JUROR NO. 058: Yes.

25 MR. DICKERSON: Okay. Tell me about that. I -- I don't know that



1 term.

2 PROSPECTIVE JUROR NO. 058: Oh. Well, for me it's my play dad.  
3 It's my best friend's father, so you're right, you know, he lived right next door, so  
4 we played together, I played at his house. But I haven't talked to him in years.

5 MR. DICKERSON: Okay.

6 PROSPECTIVE JUROR NO. 058: He lives in California. I want to say  
7 the last time I talked to him would probably be four years ago, and that was at my  
8 best friend's wedding.

9 MR. DICKERSON: Okay. What are your feelings about him as an  
10 individual?

11 PROSPECTIVE JUROR NO. 058: Love him.

12 MR. DICKERSON: Okay. So you don't have any ill feelings about law  
13 enforcement, then?

14 PROSPECTIVE JUROR NO. 058: No.

15 MR. DICKERSON: Okay. And you just don't talk to him, because  
16 adult friendships are, hey --

17 PROSPECTIVE JUROR NO. 058: That's Daddy.

18 MR. DICKERSON: -- nice to see you, let's catch up later on.

19 PROSPECTIVE JUROR NO. 058: That's Dad.

20 MR. DICKERSON: Okay.

21 PROSPECTIVE JUROR NO. 058: Hey, Dad. All right.

22 MR. DICKERSON: Okay. Great.

23 All three of you, anything that we haven't talked about that you think I  
24 should know as an attorney prosecuting this case? Anything about your  
25 background or your lives that, if you were me or you were the defendant, you

1 would want that to come out?

2 Mr. Vandenboom, Badge No. 059, anything?

3 PROSPECTIVE JUROR NO. 059: No.

4 MR. DICKERSON: Okay. Mr. Narsa, Badge No. 065, anything?

5 PROSPECTIVE JUROR NO. 065: No.

6 MR. DICKERSON: Okay. Ms. Ward, Badge No. 058?

7 PROSPECTIVE JUROR NO. 058: No.

8 MR. DICKERSON: Okay. And Ms. Ward, you can be fair and  
9 impartial in this case?

10 PROSPECTIVE JUROR NO. 058: Yes, sir.

11 MR. DICKERSON: Okay.

12 Mr. Narsa, 065, you can be fair and impartial in this case?

13 PROSPECTIVE JUROR NO. 065: Yes, sir.

14 MR. DICKERSON: And Mr. Vandenboom, Badge No. 059, you can be  
15 fair and impartial in this case?

16 PROSPECTIVE JUROR NO. 059: Yes, sir.

17 MR. DICKERSON: Okay. Thank you.

18 THE COURT: Ms. Machnich, you may have the floor.

19 MS. MACHNICH: Thank you, Your Honor. All right.

20 Microphone's up front -- we can start with you. All right.

21 This is Ms. Ward, Badge 58.

22 PROSPECTIVE JUROR NO. 058: Yes, ma'am.

23 MS. MACHNICH: Hi.

24 PROSPECTIVE JUROR NO. 058: Hello.

25 MS. MACHNICH: Thank you for hanging in there with us on this.

1           So referencing your -- your relationship with your play dad, if the State  
2 were not to prove their case and you were to find Mr. Valentine not guilty, and then  
3 you were to run into your play dad next month, next year, five years from now, and  
4 got to talking and you talked about your jury service, would you feel comfortable  
5 telling him that you found a defendant not guilty, or would you feel uncomfortable  
6 because law enforcement generally is on the prosecution's side?

7           PROSPECTIVE JUROR NO. 058: No.

8           MR. DICKERSON: Why not?

9           PROSPECTIVE JUROR NO. 058: Because, I mean, if he's innocent,  
10 he's innocent. And I can talk to my father, my play father, about anything, so --

11          MS. MACHNICH: Okay.

12          PROSPECTIVE JUROR NO. 058: -- he wouldn't judge me if I said he  
13 was guilty or not guilty.

14          MS. MACHNICH: Okay. And, just briefly, the difference between  
15 innocence and not guilty, do you -- do you see the difference between innocence  
16 and being not guilty in a case?

17          PROSPECTIVE JUROR NO. 058: Uh-huh.

18          MS. MACHNICH: Yes?

19          PROSPECTIVE JUROR NO. 058: Yes, ma'am, I'm sorry. Yes,  
20 ma'am.

21          MS. MACHNICH: Okay. Sorry. They are recording and everything.  
22 What -- what is the difference between those two things?

23          PROSPECTIVE JUROR NO. 058: You did it or you didn't do it. That's  
24 my opinion. Just --

25          MS. MACHNICH: Okay. So --

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1 PROSPECTIVE JUROR NO. 058: -- if he -- if he did it or if he didn't do  
2 it.

3 MS. MACHNICH: Right. And then so there -- but there is a difference  
4 between being innocent --

5 PROSPECTIVE JUROR NO. 058: Oh.

6 MS. MACHNICH: -- halo, as he sits here, he is innocent, no evidence,  
7 right?

8 PROSPECTIVE JUROR NO. 058: Yes.

9 MS. MACHNICH: And being not guilty at the end of the trial, which is  
10 the State didn't prove their case?

11 PROSPECTIVE JUROR NO. 058: Yes.

12 MS. MACHNICH: Do you see the difference between those two?

13 PROSPECTIVE JUROR NO. 058: I see it now. Thank you.

14 MS. MACHNICH: Oh, okay. No, I just want to make sure, because I  
15 know you were referencing innocence and -- all right. And I don't know if we  
16 brought that up at all.

17 So the State asked you if you could be fair and impartial. If you were  
18 sitting in Mr. Valentine's chair right now, would you want yourself to be on this  
19 jury?

20 PROSPECTIVE JUROR NO. 058: Yes.

21 MS. MACHNICH: Why is that?

22 PROSPECTIVE JUROR NO. 058: Because I'm a fair person. I mean,  
23 I try to be fair no matter what I do. I try to look outside the box. I try to look, you  
24 know, make sure, like, okay, I understand everything. I don't go off of he say/she  
25 say. I go off of what I know and what I feel that I know is right.

1 MS. MACHNICH: Okay. Thank you. I appreciate that. All right.  
2 Let's go down to -- well, let's go to Mr. Narsa, since you are sitting next  
3 in line.

4 PROSPECTIVE JUROR NO. 065: 065.

5 MS. MACHNICH: Okay. So Oakland, you said that's a pretty scary  
6 place?

7 PROSPECTIVE JUROR NO. 065: Yes.

8 MS. MACHNICH: Yes. Okay. So you said during the process, after  
9 having been a victim of crime, you were scared to testify?

10 PROSPECTIVE JUROR NO. 065: I was.

11 MS. MACHNICH: Why was that?

12 PROSPECTIVE JUROR NO. 065: Again, all the media and the TVs  
13 out there and what I can hear they can do to you later on if you convict somebody  
14 or find that person guilty, they can come back at you and know where you live. I  
15 mean, I took all that then, you know. And living with my parents at that moment --  
16 you know, at that time, I was scared for my family.

17 MS. MACHNICH: Okay. And -- and that's largely because the -- the  
18 culture there, you're talking about?

19 PROSPECTIVE JUROR NO. 065: Yes.

20 MS. MACHNICH: And what is it about the culture?

21 PROSPECTIVE JUROR NO. 065: It's just the crimes, I mean, how  
22 high the crimes are. And from all the stories I'm hearing also from, you know,  
23 friends and what could happen, I mean, I was -- honestly, I was in a shocked  
24 mode.

25 MS. MACHNICH: Okay. And that's -- and that's absolutely fair.

1 PROSPECTIVE JUROR NO. 065: I mean, you know, I -- you know,  
2 just the way I'm feeling right now.

3 MS. MACHNICH: Okay. All right. So have you ever heard the phrase  
4 snitches get stitches?

5 PROSPECTIVE JUROR NO. 065: Yeah.

6 MS. MACHNICH: Okay.

7 PROSPECTIVE JUROR NO. 065: Kind of.

8 MS. MACHNICH: Kind of like that, but not like that. But you're --  
9 you're testifying against, in your case, the person who did it?

10 PROSPECTIVE JUROR NO. 065: Right.

11 MS. MACHNICH: Okay. And you felt that speaking out against that  
12 person might have -- it was scary to you, because it might have caused harm to  
13 you -- yourself or your family?

14 PROSPECTIVE JUROR NO. 065: Yeah. Not only that, I mean, I -- I  
15 felt bad for the person. I'm not going to lie to you. I mean, it doesn't matter what I  
16 went through and what the person did.

17 MS. MACHNICH: Okay.

18 PROSPECTIVE JUROR NO. 065: I mean, I don't think they realize  
19 what the outcomes are and what we go through afterwards and that we have to  
20 live with that. I mean, I -- I felt guilty. I mean, [indiscernible] but really bad for the  
21 person. But again, you know, I had to be honest.

22 MS. MACHNICH: Right.

23 PROSPECTIVE JUROR NO. 065: Jurors asking questions, I had to  
24 be honest. I mean, yes, I knew who the person was, because I could see the  
25 person, you know. And I left it at that.

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1 MS. MACHNICH: And -- and you did your best?

2 PROSPECTIVE JUROR NO. 065: I did my best.

3 MS. MACHNICH: Now, obviously, you've ascertained that in this case  
4 there will be accusers, there'll be victims on the stand, right? So will -- there'll be  
5 witnesses in this case.

6 PROSPECTIVE JUROR NO. 065: Yes.

7 MS. MACHNICH: And some of those witnesses will be people who will  
8 be saying that Mr. Valentine did something wrong, right?

9 PROSPECTIVE JUROR NO. 065: Yes.

10 MS. MACHNICH: All right. Without knowing who they are, other than  
11 the names that were read, having never met them, conceivably never seen these  
12 people before in your life, as you sit here now, are you more likely to believe what  
13 they say and put more credence on their testimony because of your experiences?

14 PROSPECTIVE JUROR NO. 065: No. Of course not.

15 MS. MACHNICH: Okay.

16 PROSPECTIVE JUROR NO. 065: Of course not. I mean, I --

17 MS. MACHNICH: And why not?

18 PROSPECTIVE JUROR NO. 065: I mean, because I've got to listen to  
19 all the evidence. Again, I mean, as far as what decision I'm going to make, that -- I  
20 don't know. I can't tell you.

21 MS. MACHNICH: Okay.

22 PROSPECTIVE JUROR NO. 065: Like I said, I, you know, just like --  
23 everything is just like coming back to me again, you know.

24 MS. MACHNICH: Okay. And so everything's coming back to you, is  
25 that going influence whether you find Mr. Valentine guilty or not guilty?

1 PROSPECTIVE JUROR NO. 065: It -- I -- I can't tell you. I mean, I  
2 might, possible.

3 MS. MACHNICH: So it possibly could?

4 PROSPECTIVE JUROR NO. 065: Possibly not. I mean, I -- I couldn't  
5 tell you. I --

6 MS. MACHNICH: Okay. So I guess I'll come back to the State's  
7 question. Because what -- what we're trying to find is a fair jury for this trial. Do  
8 you believe that you can be fair and impartial to both the State of Nevada and  
9 Mr. Valentine in this case?

10 PROSPECTIVE JUROR NO. 065: I'll do my best, yeah. I'll try to be  
11 fair.

12 MS. MACHNICH: I know I keep harping on it and everyone says they'll  
13 do their best, and we know you guys will. But what we're concerned with is if  
14 there's something in there that's that nagging feeling. And -- and if -- if you can't --  
15 if, like, if you really will do your best and you haven't made up your mind and you  
16 could be fair, you can be fair. And -- and if you can't, you can't. And we're just  
17 trying to get that out at this point.

18 PROSPECTIVE JUROR NO. 065: I mean, I -- I understand what  
19 you're saying. But at the same time, it's like, I don't know if I'm going to be thinking  
20 right at those moments. Because, I mean, right now, honestly, I'm -- I'm seeing  
21 two different pictures. I'm seeing me again put in that position where I was at, just  
22 yesterday, for example, and this again. So it's like I'm trying to be fair.

23 MS. MACHNICH: Okay.

24 PROSPECTIVE JUROR NO. 065: I want to be fair. But again, I feel  
25 like I'm -- I'm there again, you know. And what am I supposed to do? How am I



1 supposed to, you know, deal with this thing? And for me to lose sleep again, for  
2 me to bring back the nine years I kind of forgot about it and moved on, and thank  
3 God I haven't faced any occasions like that. And now I feel like again I'm -- I'm  
4 there. Like it happened to me again.

5 MS. MACHNICH: Okay. So is --

6 PROSPECTIVE JUROR NO. 065: So it's going to be tough. I mean,  
7 I -- I'm going to be fair, of course.

8 MS. MACHNICH: Okay.

9 PROSPECTIVE JUROR NO. 065: You know, or I got to listen to  
10 everything.

11 MS. MACHNICH: Right. I appreciate that. I -- I really do. All right.  
12 Let's see here -- let's -- let's pass the microphone down for the moment to  
13 Mr. Vandenboom.

14 PROSPECTIVE JUROR NO. 059: Badge 59.

15 MS. MACHNICH: Hi.

16 PROSPECTIVE JUROR NO. 059: Hello.

17 MS. MACHNICH: Okay. It's getting really late.

18 We talked about a lot of topics. Mr. Gaston brought up a lot of issues  
19 relating to race relations in the news and stuff along those lines.

20 Do you have any strong feelings about any of the topics that were  
21 brought up by either the State or Mr. Gaston or myself earlier?

22 PROSPECTIVE JUROR NO. 059: No.

23 MS. MACHNICH: Okay. Do you feel that you would be a good juror  
24 for this case?

25 PROSPECTIVE JUROR NO. 059: I think I would be, yes.

1 MS. MACHNICH: If you were sitting in Mr. Valentine's chair right now,  
2 would you want you to be a juror on this case?

3 PROSPECTIVE JUROR NO. 059: Yes.

4 MS. MACHNICH: And why is that?

5 PROSPECTIVE JUROR NO. 059: I feel like I have, in my short time  
6 on this earth, experienced, you know, several different walk of -- walks of life,  
7 having grown up in small town little Wisconsin, I've gotten to see that area. You  
8 know, I've traveled throughout the country, throughout the world. I've -- I've got to  
9 see a lot of different cultures, people, ways people live. And it all comes down to  
10 the fact that we're all people.

11 MS. MACHNICH: Right. And you do feel that you could balance  
12 everything that was said on the stand and -- and judge fairly based on the law that  
13 the judge gives you?

14 PROSPECTIVE JUROR NO. 059: I think I would, yes.

15 MS. MACHNICH: I very much appreciate that, sir.

16 Court's brief indulgence.

17 THE COURT: Uh-huh.

18 MS. MACHNICH: All right. Your Honor, may we approach?

19 THE COURT: Uh-huh.

20 MS. MACHNICH: Thank you.

21 [Bench conference transcribed as follows.]

22 THE COURT: Yeah. Hi. What's up?

23 MS. MACHNICH: Your -- Your Honor, I am very concerned about  
24 Mr. Narsa.

25 THE COURT: Pardon me?

1 MS. MACHNICH: I am very concerned about Mr. Narsa and his  
2 reliving his own experiences and potentially projecting that onto the victims in this  
3 case. So we would move to strike Mr. Narsa based upon that ground.

4 I -- I mean, he -- I know he said that he could be fair and I know he put  
5 those words to it. But he also says that he's not sleeping, he's having flashbacks,  
6 and this -- factual scenario is very similar, that he was held up at gunpoint and  
7 these people were held up at gunpoint.

8 So because of those concerns, the fact that he said at best he can say  
9 I'll do my best, it -- I don't -- I hate to say this, I don't think his best is good enough  
10 if he can't articulate if he can be fair and impartial. I don't think he could.

11 MR. GASTON: [Indiscernible.] He's equivocating [indiscernible].

12 MS. MACHNICH: Well, he is equivocating.

13 MS. LEXIS: I think --

14 THE COURT: What's the State's position?

15 MS. LEXIS: I think he was pretty clear, especially when posed  
16 whether he could be fair and impartial. Yes, he could. I think -- it doesn't rise to  
17 the level of for-cause, certainly they're open to [indiscernible]. If the standard that  
18 the court has been citing is whether or not they can give an equivocal answer -- or  
19 unequivocal answer, sorry, concerning whether he could be fair, and I think  
20 multiple times he indicated he could be fair, he could be impartial, he would listen  
21 to the evidence. He wouldn't automatically say Mr. Valentine was guilty just  
22 because of his experiences. And so I don't think it rises to the level.

23 He was pretty unequivocal about his ability to be fair.

24 MR. GASTON: [Indiscernible.] I mean, I guess, based on  
25 [indiscernible] the exact same type of victim in the exact same crimes that's been

1 charged with. And before he even was asked the question in the most, like,  
2 general part of trial, he's having flashbacks on [indiscernible], what's he going to be  
3 like when he hears seven people come in and testify? And there's, you know,  
4 there's the exact same fact patterns as what he went through.

5 THE COURT: So it's a very similar fact pattern.

6 MR. GASTON: I mean, he's losing sleep already.

7 THE COURT: So losing -- he's losing sleep, he's anguished over it.  
8 But the standard is not whether it's going to be in the back of your mind or the front  
9 of your mind or if you're -- whether you're going to be losing sleep. But it's  
10 whether -- whether you're able to unequivocally state that -- that you will not be  
11 biased towards one side or the other side as a result of that anguish, whether you  
12 can set that aside.

13 He did say, you know, that he wants to be fair. He will try to be fair.  
14 I'm going to be fair, of course. I'm going to listen to everything.

15 So to me, that was -- that was what he ended on.

16 MS. LEXIS: Yeah.

17 THE COURT: So totality of the circumstances and the context, I find --

18 MS. MACHNICH: Okay.

19 THE COURT: -- that he could be fair and impartial.

20 MR. GASTON: Thank you.

21 THE COURT: And I will overrule the objection.

22 MR. GASTON: Okay.

23 MS. MACHNICH: And we will pass for cause.

24 THE COURT: Okay. Pass for cause now, too?

25 MS. LEXIS: We do.

1 THE COURT: All right. Thank you.

2 MS. LEXIS: Thank you.

3 [End of bench conference.]

4 THE COURT: Okay. So, ladies and gentlemen, we're now going to  
5 enter the last phase of the jury selection process, it's called the exercise of  
6 peremptory challenges. This will take a -- a few minutes, maybe -- well, usually  
7 about 15 minutes or so.

8 Counsel are each entitled to exercise -- oh -- five --

9 MS. MACHNICH: Sorry.

10 THE COURT: -- each -- each side is entitled to exercise five  
11 peremptory challenges. And so as you know, we have 24 people now in the box.  
12 Each side gets to deselect five, so we're going to get the 24 of you down to 14. All  
13 right. All right. So 10 -- 10 of you will be excused during this process.

14 The court clerk has a form that she will hand to the prosecutor first.  
15 And -- and you folks just need to sit quietly while the attorneys pass the form back  
16 and forth and -- and they will silently and secretly, you know, deselect people on  
17 the form. Then the form gets handed to me, I review it, and the clerk reviews it,  
18 enters the names, and then we announce the -- the 14 people that are going to  
19 comprise our jury and two alternates.

20 You won't know if you're the alternate. You'll find out if you're the  
21 alternate at the end of the case, so we're just going to have a pool of 14 of you. All  
22 right.

23 So just sit here quietly. If you need to, I -- I ask that you please don't --  
24 please don't talk, but if you need to, you can stand and stretch, if you feel that you  
25 need to do that. All right. All right.

1 So just -- we're staying on the record, though.

2 [Pause in proceedings.]

3 THE COURT: All right. Thank you. I have the peremptory challenge  
4 form. All peremptory challenges have been exercised.

5 Do the attorneys want to lodge any objections to the court accepting  
6 the peremptory challenges? And if so, you can approach.

7 MS. MACHNICH: No, Your Honor.

8 MS. LEXIS: The State does not.

9 THE COURT: Okay. Give me a moment to record these. And I'll give  
10 them to the clerk.

11 [Pause in proceedings.]

12 THE COURT: Okay. Will the parties please approach.

13 [Bench conference transcribed as follows.]

14 THE COURT: This -- that's a seat number, not the badge number.

15 MS. MACHNICH: Oh, sorry.

16 THE COURT: Can you just change that and initial that? Thanks.  
17 Thank you.

18 MS. LEXIS: Thank you, Your Honor.

19 [End of bench conference.]

20 THE COURT: All right. Madam Clerk, will you please enter the  
21 peremptory challenges.

22 [Pause in proceedings.]

23 THE COURT: Madam Clerk, will you please call the names of the final  
24 jurors, including the two alternates. And when you're finished, I'll let you know if  
25 my records concur.

1 THE CLERK: All right. Juror No. 1, Steve Winterbourne; Juror No. 2,  
2 Mirna Hermosillo; Juror No. 3, Corey Lee; Juror No. 4, Karen Smallwood;  
3 Juror No. 5, Thomas Vandenboom; Juror No. 6, Louis Grusinski; Juror No. 7, Kelly  
4 Day; Juror No. 8, Nekeisha Ward; Juror No. 9, Christopher Armanious;  
5 Juror No. 10, Benjamin Muhlestein -- Muhlestein; Juror -- Juror No. 11, Ellen  
6 McGarity; Juror No. 12, Cynthia Jones; Juror No. 13, Shawn Maurer; and  
7 Juror No. 14, Timothy Duerson.

8 THE COURT: Very good. My records concur.

9 Ladies and gentlemen, thank you for participating in this process. If  
10 your name was not called, if you're not one of the jurors, with the deep  
11 appreciation of the court, I'm now excusing you. So you, along with the people in  
12 the back, you are excused now. You may -- you may leave. Give your badges to  
13 the marshal.

14 The -- the people whose names were called, if you're one of the jurors,  
15 please remain -- remain here. We have some further business to -- to deal with.

16 Yes, sir?

17 PROSPECTIVE JUROR NO. 020: I couldn't hear if my name was  
18 called or not.

19 THE COURT: Okay. Your number -- your seat number?

20 PROSPECTIVE JUROR NO. 020: 020.

21 THE COURT: Yes. Louis Grusinski, you are one of the jurors, sir.

22 PROSPECTIVE JUROR NO. 020: Okay.

23 THE COURT: Your name was called. Yes, sir.

24 So stay here, keep the headphones. Thank you very much for your  
25 patience.

1 Everyone else, you're excused with the thank you of the court.  
2 If your name was called, please remain seated.

3 [Prospective jury panel excused at 4:24 p.m.]

4 THE COURT: Thank you very much. All right.

5 We're outside the presence of the nonjurors that have just left. You  
6 may be seated.

7 The clerk will now administer the oath to the jurors.

8 [Jury sworn.]

9 THE COURT: All right. You may be seated. All right.

10 So I'm going to -- I'm going to read some preliminary instructions to  
11 you at this time.

12 And Madam Clerk, do you have the information in this case?

13 THE CLERK: Yes.

14 THE COURT: Okay. Is it an information or an indictment? What do  
15 we have?

16 MR. DICKERSON: It's an indictment.

17 THE COURT: Okay. So there an amended one or --

18 MR. DICKERSON: We don't have an amended one.

19 MS. LEXIS: No.

20 THE COURT: Okay. All right.

21 Ladies and gentlemen, let's do this all official. We're going to have you  
22 reorder yourselves so that you're going to sit in the order in which we're going to  
23 conduct the trial.

24 Marshal, please assist the jurors in reordering themselves.

25 Basically, the -- the people in the back -- far back row condense



1 yourselves, all the way far left.

2 And -- and then Mr. Vandenboom, please take the next seat.

3 Louis Grusinski take the seat after that.

4 And then Kelly Day, take the seat after that.

5 No. You guys are in the back row. All right. All right.

6 So right after Smallwood, then it goes Thomas Vandenboom, then  
7 Louis Grusinski, and then Kelly Day.

8 And then, front row, Nekeisha Ward, you're going to be all the way up  
9 here, front row. We're going to do seven and seven.

10 Nekeisha Ward, and then Christopher Armanious will be next to that.

11 Then Benjamin Muhlestein.

12 Next to that Ellen McGarity.

13 Cynthia Jones.

14 And the last two people, Shawn Maurer and Timothy Duerson. All  
15 right.

16 Thank you, folks.

17 Should be seven and seven, right?

18 THE MARSHAL: Seven, yep.

19 THE COURT: All right. Ladies and gentlemen, you're now the jury in  
20 this case. I want to take a few minutes to tell you something about your duties as  
21 jurors and to give you some preliminary instructions. At the end of the trial, I will  
22 give you more detailed written instructions that will control your deliberations.

23 When you deliberate, it will be your duty to weigh and to evaluate all  
24 the evidence received in the case and -- and in that process, to decide the facts.  
25 To the facts as you find them, you will apply the law as I give it to you whether you

1 agree with the law or not.

2 You must decide the case solely on the evidence and the law before  
3 you, and you must not be influenced by any personal likes or dislikes, opinions,  
4 prejudices, or sympathy.

5 Please do not take anything I may say or do during the trial as  
6 indicating what I think of the evidence or what your verdict should be. That is  
7 entirely up to you.

8 It is important that you keep an open mind and not decide any issue in  
9 the case until the entire case has been submitted to you for deliberations.

10 This is a criminal case brought by the State of Nevada. The State  
11 charges the defendant with alleged crimes. The crimes against the defendant are  
12 contained in a document called the indictment. The indictment simply describes  
13 the charges that the State brings against the defendant. The indictment is not  
14 evidence and does not prove anything.

15 The clerk will now read the indictment.

16 [Indictment read.]

17 THE COURT: Thank you.

18 The defendant has pled not guilty to each and every one of these  
19 charges and is presumed innocent unless and until the State proves the defendant  
20 guilty beyond a reasonable doubt. In addition, the defendant has the right to  
21 remain silent and never has to prove innocence or to present any evidence.

22 The evidence you are to consider in deciding what the facts are  
23 consists of the sworn testimony of any witness, the exhibits which are received into  
24 evidence, and any facts to which the parties might agree.

25 The following things are not evidence and you must not consider them

1 as evidence in deciding the facts of this case.

- 2 1. Statements and arguments of the attorneys;  
3 2. Questions and objections of the attorneys;  
4 3. Any testimony that I instruct you to disregard; and  
5 4. Anything you may see or hear when the court is not in session,  
6 even if what you see or hear is done or said by one of the parties or by one of the  
7 witnesses.

8 There are rules of evidence that control what can be received into  
9 evidence. When a lawyer asks a question or offers an exhibit in evidence and a  
10 lawyer on the other side thinks that it is not permitted by the rules of evidence, that  
11 lawyer may object. If I overrule the objection, then the question may be answered  
12 or the exhibit may be received. If I sustain the objection, then the question cannot  
13 be answered or the exhibit cannot be received. Whenever I sustain an objection to  
14 a question, you must ignore the question and you must not guess what the answer  
15 would have been.

16 Sometimes I may order the evidence be stricken from the record and  
17 that you disregard or ignore certain evidence. That means that when you are  
18 deciding the case, you must not consider the evidence that I told you to disregard.

19 In deciding the facts in this case, you may have to decide which  
20 testimony to believe and which testimony not to believe. You may believe  
21 everything a witness says, or part of it, or none of it. In considering the testimony  
22 of any witness, you may take into account:

- 23 1. The witness's opportunity and ability to see or hear or know the  
24 things testified to;  
25 2. The witness's memory;

1           3. The witness's manner while testifying;  
2           4. The witness's interest in the outcome of the case, if any;  
3           5. The witness's bias or prejudice, if any;  
4           6. Whether other evidence contradicted the witness's testimony;  
5           7. The reasonableness of the witness's testimony in light of all the  
6 evidence; and

7           8. Any other factors that bear on believability.

8           The weight of the evidence as to a fact does not necessarily depend  
9 on the number of witnesses who testify about it.

10           At the end of the trial, you will have to make your decision based on  
11 what you recall of the evidence. You will not have a written transcript of the trial. I  
12 urge you to pay close attention to the testimony as it is given.

13           If you wish, you may take notes to help you remember the evidence. If  
14 you do take notes, please keep them to yourself until you and your fellow jurors go  
15 to the jury room to decide the case. Do not let note taking distract you from being  
16 attentive. When you leave court for recesses, your notes should be left in the  
17 courtroom. No one will read your notes. The marshal will provide you with  
18 notepaper and pens.

19           Whether or not you take notes, you should rely on your own memory of  
20 the evidence. Notes are only to assist your memory. You should not be overly  
21 influenced by your notes or those of your fellow jurors.

22           You will be given the opportunity to ask written questions of any of the  
23 witnesses called to testify in this case. You are not encouraged to ask large  
24 numbers of questions, because that is the primary responsibility of counsel.

25           Questions may be asked only in the following manner: After both

1 lawyers have finished questioning the witness, and only at this time, if there are  
2 additional questions you would like to ask the witness, you may then seek  
3 permission to ask that witness a written question. Should you desire to ask a  
4 question, write your question down with your name and juror number on a full  
5 sheet of clean paper and raise your hand.

6 All questions from jurors must be factual in nature and designed to  
7 clarify information already presented. All the questions must be directed to the  
8 witness and not to the lawyers or to the judge. Write your questions as if you were  
9 the one asking the witness the question.

10 The marshal will then pick up your question and give them to me.  
11 After consulting with counsel, I will determine if your question is legally proper. If I  
12 determine that your question may properly be asked, I will ask it.

13 In addition, jurors must not place undue weight on the responses to  
14 their questions. Additionally, no adverse inference should be drawn if the court  
15 does not allow a particular question.

16 If you cannot hear a witness, please raise your hand as an indication.  
17 Also, if you need to use the restroom or if you feel ill, please also raise your hand  
18 as an indication. I have no objection to jurors bringing drinks into the courtroom,  
19 but please be careful with them.

20 Regarding cell phones, iPads, and other electronic devices, you may  
21 keep them with you, however you must keep them turned off and not use them  
22 while court is in session. And you must never use them to research, seek, or  
23 obtain any information about the case.

24 The next phase of trial will now begin. First, each side may make an  
25 opening statement. An opening statement is not evidence. It is simply an outline

1 to help you understand what that party expects the evidence will show. A party is  
2 not required to make an opening statement.

3 The State will then present evidence and counsel for the defendant  
4 may cross-examine. Then if the defendant chooses to offer evidence, counsel for  
5 the State may cross-examine.

6 After the evidence has been presented, I will instruct you on the law of  
7 the case that applies here and then the attorneys will make closing arguments.  
8 After that, you will go to the jury room to deliberate on your verdict.

9 Ladies and gentlemen of the jury, given the lateness of the hour, I'm  
10 anticipating excusing you now and having you come back tomorrow at 10:30,  
11 unless the parties have discussed otherwise.

12 MS. LEXIS: We have not. We're fine with that.

13 MS. MACHNICH: We're fine with that, as well, Your Honor.

14 THE COURT: Very good.

15 So I'm going to excuse you both -- all tonight. I have a civil calendar  
16 tomorrow morning, which is going to take about an hour, from 9:00 to 10:00. I'm  
17 going to ask you all to be lined up, ready to go to come in here.

18 Marshal, I need them at -- at 10:30.

19 THE MARSHAL: Okay.

20 THE COURT: All right. So we're starting tomorrow at 10:30. Let me  
21 give you the standard admonishment that you're going to hear several times.

22 During this overnight recess, you are admonished, do not  
23 communicate among yourselves or with anybody else about this trial or the subject  
24 matter of this trial; do not communicate at all with any of the parties, attorneys, or  
25 witnesses involved in this trial; do not seek or obtain any information or comments

1 about this case from any source, including newspapers, television, radio, Internet,  
2 e-mail, cell phones, or any other electronic device; do not read, watch, or listen to  
3 any report of or commentary about the case; do not perform any research or  
4 investigation; do not form or express any opinion on any subject connected with  
5 the trial until the case is finally submitted to you for deliberations.

6 You are directed to return outside this courtroom at the hallway for  
7 further proceedings tomorrow at 10:30. As I indicated, you may bring drinks, you  
8 may bring coffee, water, soda, whatever you want. You're responsible during trial  
9 for your own lunches until you start deliberating. Once you're deliberating, the  
10 court will supply lunch. All right.

11 Very good. Have a nice everything, everybody. And we're honored to  
12 have you on our jury. We'll make good progress tomorrow.

13 [Jury recessed at 4:43 p.m.]

14 THE COURT: We're outside the presence. Anything to put on the  
15 record, counsel?

16 MS. LEXIS: Not by the State.

17 MR. GASTON: Not right now, Your Honor, by the defense.

18 THE COURT: All right. We'll see you guys tomorrow at 10:30.

19 MR. DICKERSON: Thank you very much, Your Honor.

20 MS. LEXIS: Thank you.

21 MS. MACHNICH: Thank you.

22 THE COURT: Thank you, guys. Court's adjourned.

23 [Court adjourned at 4:44 p.m., until Wednesday, July 26, 2017, at 10:44 a.m.]  
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



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Shawna Ortega, CET\*562





RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
KEANDRE VALENTINE,  
Defendant.

CASE NO. C-16-316081-1  
DEPT. NO. II

BEFORE THE HONORABLE RICHARD SCOTTI, DISTRICT COURT JUDGE

WEDNESDAY, JULY 26, 2017

**TRANSCRIPT OF PROCEEDINGS RE:  
JURY TRIAL - DAY 3**

\*\*\*\*\*

APPEARANCES:

For the Plaintiff:

AGNES M. LEXIS, ESQ.  
Chief Deputy District Attorney  
MICHAEL DICKERSON, ESQ.  
Deputy District Attorney

For the Defendant:

TEGAN C. MACHNICH, ESQ.  
Deputy Public Defender  
TYLER GASTON, ESQ.  
Deputy Public Defender

RECORDED BY: DALYNE EASLEY, COURT RECORDER

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EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
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1                   **LAS VEGAS, NEVADA, WEDNESDAY, JULY 26, 2017**

2                               [Case called at 10:44 a.m.]

3                               [Outside the presence of the jury.]

4                   MS. MACHNICH: Good morning, Your Honor.

5                   THE COURT: Good morning. What's up, guys?

6                   MR. DICKERSON: Good morning, Your Honor.

7                   MS. LEXIS: Good morning.

8                   MR. GASTON: Two -- two things.

9                   THE COURT: Okay.

10                  MR. GASTON: Well -- well, so we've talked to the State, talked to  
11 them yesterday about intention to raise the issue now. We don't think it's going to  
12 be an issue right now. We'll raise it as it comes up, but just so the court's aware --

13                  THE COURT: I like to get heads up. Thank you.

14                  MR. GASTON: The defendant -- the defendant made a statement to  
15 the police officer and gave a fake name. And that kind of lying about a little bit of  
16 his background, et cetera.

17                  THE COURT: Okay.

18                  MR. GASTON: Up front.

19                  THE COURT: Okay.

20                  MR. GASTON: There's two bases as to why I don't believe that should  
21 come in, and I've informed that of the State, they -- one is that it's a bad act and  
22 there was no bad act notice; two is that it's a violation of Miranda. As the State's  
23 aware, we all have our separate positions.

24                  THE COURT: Uh-huh.

25                  MR. GASTON: But it doesn't need to be addressed right now. The

1 State indicated that they're not going to bring it up in the opening. We're not going  
2 to reference it in our opening. The first time it could possibly be an issue is when  
3 the detective would testify near the end of the trial. So if it is going to be an issue,  
4 the State will give us a head --

5 THE COURT: Well, if it's a Miranda issue, shouldn't you have done a  
6 motion to suppress before trial?

7 MR. GASTON: Yes. Yes. Unless good cause -- so we have an  
8 affidavit filled out as to why there would be good cause in our eyes as to why we  
9 didn't.

10 THE COURT: Oh, okay.

11 MR. GASTON: But -- but correct. But if it becomes an issue, the  
12 State's going to let us know up front --

13 THE COURT: Okay.

14 MR. GASTON: -- before the detective testifies, we'll bring it up then.

15 THE COURT: All right.

16 MR. GASTON: Second issue, I -- I just wanted to do a Motion to  
17 Reconsider the venire challenge. I did find the section --

18 THE COURT: Venire challenge?

19 MR. GASTON: As to the fair cross-section of the community.

20 THE COURT: Oh, yeah, yeah, yeah, yeah, yeah. Okay.

21 MR. GASTON: Yes. I found a section of the transcripts indicating that  
22 the jury commissioner did say that summonses go out equally among the ZIP  
23 codes. It is --

24 THE COURT: It seems so strange to me that she does that.

25 MR. GASTON: Yeah. There's another transcript I didn't print off. In

1 there she said, I don't know, the computer figures it out. But in this one she said it  
2 happens.

3 So it's a -- from a case. I just printed out the relevant section.

4 THE COURT: I might want to bring her here. I don't want to slow  
5 down -- maybe in an appropriate break we could bring her here and find out if she  
6 actually done that --

7 MR. GASTON: Okay.

8 MS. MACHNICH: Okay.

9 THE COURT: -- now.

10 MR. GASTON: I wanted to give a copy -- I mean, that's fine, if -- if we  
11 want to deal with the Motion to Reconsider later.

12 THE COURT: How -- what's the date of the transcript?

13 MR. GASTON: Two -- like, a year and a half ago.

14 THE COURT: Okay.

15 MR. GASTON: It is a 25-page transcript.

16 THE COURT: Because, I -- I mean, if you end up appealing this, it  
17 probably would be a good idea to have in the record what the current practice  
18 is if -- if she doesn't do that now.

19 MS. LEXIS: Right. And, Your Honor, since this is essentially a Motion  
20 for Reconsideration --

21 THE COURT: Right.

22 MS. LEXIS: -- we would ask that this be briefed so we have the  
23 opportunity to --

24 THE COURT: Of course.

25 MS. LEXIS: -- to brief it as well --

1 THE COURT: Yeah. Well --

2 MS. LEXIS: -- to make our position known. Because at this point,  
3 really he's citing to a transcript that we haven't looked at, that we have not been  
4 provided with yet. And so we would like the opportunity for a fair briefing. I think  
5 that's a fair request.

6 That way all of the parties are on equal footing and we can --

7 THE COURT: You must have someone at the PD's office put together  
8 a quick Motion for Reconsideration and attaching that, right?

9 MR. GASTON: That -- that would be fine. I'm just -- because --

10 THE COURT: And you can file it here in open court. But if -- but if I --  
11 if it's in writing, and then I can give the -- we have something tangible to give to the  
12 State, then they have can someone look at it while we're proceeding with trial.

13 MR. GASTON: I can -- I can do that.

14 THE COURT: Yeah.

15 MR. GASTON: In the Motion to Reconsider, I guess, do you want me  
16 to re-address all of the -- I mean, essentially the only reconsideration is this really  
17 does happen, so I renew my earlier argument.

18 THE COURT: Yeah. I mean, that's the only point, is you -- you're --  
19 you're basing your Motion for Reconsideration on an alleged erroneous fact.

20 MR. GASTON: Okay. Okay.

21 THE COURT: Or -- or the -- the court misapprehended the correct fact  
22 or something like that.

23 MR. GASTON: Is it --

24 THE COURT: All right.

25 MR. GASTON: And is it -- is it a -- I don't want -- so this is a 25-page

1 excerpt from a 269-page transcript of Day 1 of trial. This is the only part that's  
2 relevant.

3 THE COURT: It is.

4 MR. GASTON: Do you want me to attach the entire transcript?

5 THE COURT: I --

6 MR. GASTON: Or just the part where she testified?

7 THE COURT: I -- whatever you think is appropriate. I don't know.

8 MS. LEXIS: Her testimony.

9 MR. GASTON: Yeah. I just printed off the 25 pages.

10 MR. DICKERSON: Yeah. I mean, I think that would be a lot of --

11 THE COURT: I don't think we need to attach everything, unless --

12 MR. DICKERSON: Yeah. I think that would be left to counsel and  
13 however he wants to proceed with his motion. I don't think it should be discussed  
14 before that point.

15 MR. GASTON: I mean, I can attach the 269 pages, if the State wants  
16 theirs.

17 THE COURT: I -- I mean, I --

18 MR. GASTON: Only 25 pages matters.

19 THE COURT: I don't -- I don't know if the other parts are relevant or  
20 not.

21 MR. GASTON: All right. I'll attach it just to be safe. And then I'll just --

22 THE COURT: You can e-mail it to me, if you want.

23 MR. GASTON: I'll do that. And then I'll indicate in my motion which  
24 parts are relevant.

25 THE COURT: Whatever you give me, make sure you give the other

1 side.

2 MR. GASTON: Sure. Okay. I'll do that in a bit, then.

3 THE COURT: Let's -- can we bring the jurors in then?

4 MR. GASTON: That's all we got. Yep.

5 THE COURT: All right. Perfect. And then after I look at your motion,  
6 I'll decide if I want to bring Mariah in here and -- and we can get some testimony  
7 on -- from her. You know, because that way the supreme court's not guessing on  
8 what current practice is, although they probably know from other cases.

9 MR. GASTON: Yes, sir.

10 MS. MACHNICH: And -- and, Your Honor, just -- why I'm on my phone  
11 right now is I'm texting someone in my office.

12 THE COURT: Okay. I don't mind.

13 MS. MACHNICH: So.

14 THE COURT: You can be on the phone.

15 MS. MACHNICH: I just -- when Your Honor is talking and I'm over  
16 here, it's -- it's always about the case. It's just I'm trying to communicate with the  
17 office to try to get what we're talking about done.

18 THE COURT: All right. Are we good to start, then?

19 MS. LEXIS: And you've already read instructions, so we're going right  
20 into opening?

21 THE COURT: Right. Right into opening.

22 MS. LEXIS: All right.

23 THE COURT: I'll just take roll from -- for the jurors.

24 MS. LEXIS: Okay.

25 [Pause in proceedings.]



1 [Jury reconvened at 10:50 a.m.]

2 THE COURT: All right. Please be seated, counsel.

3 This is the *State of Nevada vs. Keandre Valentine*,  
4 Case No. C-316081. Let's go ahead and have -- have the court clerk take roll for  
5 the jurors. We'll only do this the one time. But now that everyone's in their seats,  
6 let's make sure everyone's here and in the right order.

7 Go ahead.

8 Just announce present or here.

9 [Jury roll called.]

10 THE COURT: All right. Very good. Everybody is accounted for and in  
11 the right order.

12 We can proceed with opening statements.

13 The State may now present its opening statement to the jury.

14 And I see that the gentleman who needs the hearing assisted device,  
15 do you have that with you there, sir? It should -- should have been on your seat or  
16 below your seat or -- it is there? All right.

17 And everybody should have notepads and pens. All right.

18 Very good. All right. You may proceed.

19 MS. LEXIS: Thank you.

20 Ladies and gentlemen of the jury, on May 29th, 2016, the evidence will  
21 show that the defendant made a phone call. In this phone call, which was  
22 recorded, the defendant makes the following statement:

23 I am so angry at myself right now. I tried to stay out of trouble.

24 The evidence will show that the defendant, Keandre Valentine, was  
25 angry at himself because the last two days prior to being taken into custody, he

1 had made the conscious decision -- series of decisions to commit five armed  
2 robberies.

3 This case is going to boil down to -- or what this case is really about --  
4 everyday people, doing everyday things, who had the misfortune of coming into  
5 contact with the defendant.

6 The first event, first armed robbery, the evidence will show, occurred  
7 on May 26, 2016, at approximately 12:58 p.m. The victim in that particular case,  
8 his name is Marvin Bass. And I don't know if you're familiar with this area of town,  
9 but it's like Rancho and Washington. It's the Rancho Outlet Mall -- or mall --  
10 shopping mall.

11 Mr. Bass will tell you that he was sitting in his car when he saw a  
12 newer model car, a white four-door with dealer plates on it.

13 The white car parked next to him. Mr. Bass will tell you that he thought  
14 he knew the driver, so he rolled down the driver's side window, and as the walk --  
15 as the driver walked up to him, Mr. Bass realized he didn't know him after all. But  
16 by this point he had rolled down the window. Okay.

17 Mr. Bass will tell you that the driver of that white car immediately came  
18 very close to him and said, give me your gold, give me your wallet, or I'll shoot  
19 your fat ass.

20 Mr. Bass will tell you the robber then pulled out a gun, a black Glock,  
21 and pointed it at him. And the robber stuck his other hand -- so gun in one hand,  
22 stuck the other hand in the car and snatched two gold chains with charms off of  
23 Mr. Bass's neck.

24 The robber demanded his wallet, so Mr. Bass gave him his wallet. At  
25 this point, the gun is out. It's been brandished. It's pointing at Mr. Bass. And he's

1     afraid.

2                 The robber demanded his cell phone. Mr. Bass said he didn't have  
3     one, although he really did. He'll tell you he had it in his shorts pocket, the front  
4     pocket, but he was seated, so it wasn't easily visible.

5                 Mr. Bass will tell you the robber then reached into the car to pat him  
6     down on his shorts and on his legs to see whether there were other items that he  
7     should steal.

8                 The robber did not find the cell phone in Mr. Bass's front pocket. But  
9     what the robber did next was demanded that Mr. Bass open the glove box.

10                Mr. Bass, complying, showed the robber that there was nothing in the glove box.

11                The robber then told Mr. Bass to look down until he left, meaning, don't  
12     look at him, don't look at the robber as he was leaving, keep your head down, or  
13     he was going to shoot Mr. Bass. Mr. Bass complied. The robber walked off and  
14     he was able to notice that the robber walked off to the white newer model four-door  
15     car that he arrived in, and sped off.

16                Mr. Bass was able to give a description: Black male adult, 24 to 25  
17     years old, with a medium afro, thin build, 5-11 to 6-feet -- 6-foot tall, wearing  
18     dark-colored clothing.

19                Mr. Bass will also tell you that he -- once he saw this individual, the  
20     robber, drive off in the white car, Mr. Bass followed him, and he called 911 and  
21     was advising 911 of this ongoing emergency or this -- of this crime, reporting this  
22     crime that had just occurred, and also telling the 911 dispatchers where it was that  
23     this car was going.

24                At some point, Mr. Bass gets stuck behind a light and he was not able  
25     to follow -- follow the car. So he pulls over. Police make contact with him. He is

1 interviewed. And Mr. Bass told the police that he would be able to identify the  
2 robber if he saw that robber again. And sure enough on 6/1, June 1st, 2016,  
3 Mr. Bass was presented a photo lineup, as shown in this particular picture, this will  
4 be evidence that we'll present to you during trial, and he positively identified the  
5 person in Position No. 3, Keandre Valentine, as the individual who used a gun to  
6 take the chains. The same person who demanded items from him, who patted him  
7 down, who made him look for items in his car to steal.

8 The second event, the evidence will show, occurred on  
9 May 28th, 2016, at approximately 6:53 a.m. Darrell and Deborah Faulkner were in  
10 their garage. They were getting ready to pack to move out of state. Ms. Faulkner  
11 or Mrs. Faulkner had just arrived home. She just parked her vehicle. And she  
12 had -- she had her purse with her. She and her husband were speaking in their  
13 garage. They lived at 2605 Rising Legend Way. That's here in Las Vegas, Clark  
14 County.

15 There's their garage. She -- Mr. and Mrs. Faulkner were in the garage  
16 speaking.

17 A different viewpoint of the garage here, looking out.

18 When Darrell said he had his back -- Mr. Faulkner had his back  
19 away -- it's actually away from the open garage door. So he wasn't facing the front  
20 of the garage door. When Deborah said, somebody's here. So Mr. Faulkner  
21 turned around and immediately he saw a gun to his face, gun to his face right off  
22 the bat.

23 Mr. Faulkner, who is familiar with guns, will testify, and he'll tell you,  
24 he's familiar with that type of firearm. It was a .40-caliber Glock.

25 The robber then told the Faulknors to get -- get down on the ground,

1 and the robber demanded all of their money, said something to the effect of,  
2 where's the money at? Where's the valuables? And the robber kept threatening to  
3 shoot Mr. Faulkner and his wife during the course of these demands for their  
4 items. This occurred in their garage.

5 The robber kept pointing the gun at his wife, and Mr. Faulkner, in  
6 particular, was very afraid of this. His wife was hysterical, she was scared. And at  
7 this point Mrs. Faulkner had sat on the ground and the robber was kind of in a  
8 triangular situation with them. Mr. Faulkner was kind of squatting. Meanwhile, his  
9 wife was actually in a seated position. The robber was standing up with his gun to  
10 his waist and directly in front of where the barrel of that gun, you'll hear, was  
11 Mrs. Faulkner.

12 The robber kept saying, give me everything you've got right now or I'm  
13 going to shoot you. Hurry up, give me the money or I'm going to shoot you.

14 Darrell was looking at the -- at the robber very hard, because he was in  
15 fear for his -- his life. He was in fear for his wife's life. He'll tell you that, he was  
16 looking at him really, really hard. And that caused the person who was robbing  
17 him to tell him, stop looking at me or I'm going to shoot you. Mr. Faulkner, when  
18 you meet him, you'll see he doesn't quite listen to instructions very well -- he's a  
19 little bit of a cowboy -- continued to look at him. Continued to look at him.

20 The robber demanded money, other items, and finally Mr. Faulkner, he  
21 came to his senses, decided, I need to diffuse the situation. So he offered him a  
22 hundred dollars. He's, like, I have a hundred dollars in my wallet. I'm going to give  
23 it to you. Okay?

24 So Mr. Faulkner will tell you he starts to stand up, reaches into his  
25 purse -- or excuse me, in his pocket, pulls out his black wallet. When the -- or

1 when the robber tries to snatch the wallet from him, Mr. Faulkner says, no, no, no,  
2 no, no, no. You can have the hundred dollars, but my CDL license is in there and  
3 that's hard to replace. You're not getting my wallet.

4 And so he handed the -- the robber the hundred dollars. But the  
5 robber wasn't satisfied with that. They'll tell you. The robber then turned his  
6 attention to Mrs. Faulkner who had a purse with her. And he demanded to know  
7 what was in her purse, whether there were valuables in her purse.

8 Deborah was so scared -- Mrs. Faulkner was so scared that  
9 Mr. Faulkner had to help her dump out her purse. And there was really nothing  
10 valuable, you know, identification cards, things like that, in -- in Mrs. Faulkner's  
11 purse. So once he -- once the robber had her open the purse and -- and dump out  
12 the contents, seeing no money in there, he still didn't stop there, though.

13 You'll hear from the Faulkners that he continued to look around the  
14 garage and he's asking is there anything else of value here? What -- what else is  
15 there? You know. I need -- I need stuff.

16 And Darrell, Mr. Faulkner said, hey, buddy, look around, you know.  
17 There are tools. Take the tools. Well, he didn't -- he didn't do that.

18 But then, at that point, seeing that there was nothing else really to  
19 take, and he would have to just be appeased with the hundred dollars, the robber  
20 then told the Faulkners to go inside their house, shut the garage door, stop looking  
21 at him and said something to the effect of, I'll shoot you in the neck if you keep  
22 looking at me.

23 The robber put the gun back in his waistband and ran away.

24 Darrell Faulkner called 911. You'll hear that 911 call, and the police  
25 showed up.

1           Then there was a showup conducted. And you'll hear what a showup  
2 is, the procedure for a showup. But, basically, it's presenting a potential suspect to  
3 a victim to determine whether or not the person in custody or the person who is  
4 being detained is the individual who committed the crime. Okay. So a showup  
5 was committed -- or was done at 9:23 a.m. And Mr. Faulkner told the police, once  
6 he was shown this particular person, that he was 100 percent sure that the person  
7 who robbed him was the person later identified as Keandre Valentine.

8           The third event occurred minutes after that particular incident with the  
9 Faulkners on May 28th, 2016, at approximately 7:01 a.m., the victim being Jordan  
10 Alexander. Jordan Alexander lives just a little bit down the road from 2605 Rising  
11 Legend Way. He lives over at 1508 Robin Street. He lives there with his mom, his  
12 grandmother, and his nephew.

13           Jordan will tell you that he was in front of the house -- not in the  
14 garage, but in the front of the house moving his nephew's car seat from his  
15 mother's car to his car. They were going to attend a funeral.

16           He then observed a newer model, white, unregistered Mazda 3 pull up,  
17 no license plate. And as Jordan will characterize it, and as Jordan will testify  
18 before you, he'll tell you, it looked like it was fresh off the lot.

19           But one thing that he did notice was that the car had really dark tinted  
20 windows. Really dark tinted windows, almost a limo tint.

21           Jordan will tell you that he hopped out of the car -- the driver of that  
22 white car hopped out and walked behind him. And Jordan heard him say, give me  
23 everything. He looked over. Something drew -- drew his attention to the robber's  
24 abdomen or his stomach area, and that's when Jordan saw a gun aimed right at  
25 him.

1 Jordan will tell you that that firearm, to the best of his knowledge of  
2 guns, was a black semiautomatic gun. And so Jordan will tell you he gave the  
3 robber his wallet, because that's all he had. That's all that he had on him. That  
4 wallet contained a Nevada ID card and a Wells Fargo debit card in Jordan's name.  
5 In fact, his ID card has his picture on it and the Wells Fargo debit card has his  
6 name on it, okay, along with other things in his wallet.

7 The robber also asked Jordan who was carrying his mom and his  
8 sister's purse and a set of car keys, what about those purses? And that -- those  
9 keys, what car do they go to? And Jordan, telling the truth to this robber said  
10 these aren't the keys to this car. And I -- there's nothing in the purses for you to  
11 take.

12 The robber peeked inside the car and walked back to the -- to the  
13 white Mazda. And Jordan will tell you that prior to running inside the house, telling  
14 his mom what happened, Jordan said he watched this individual get into the car  
15 and he made it a point to look at this car and try to remember everything he could  
16 about this car. Because he knew ultimately he was going to have to provide this  
17 information to the police, and it might potentially help the police capture the  
18 individual responsible for this crime.

19 Jordan will tell you that when he looked at this car, tried to memorize  
20 the back of this car, he was able to determine that it was a Mazda 3, four-door  
21 sedan, and that there was an emblem on the left side of this particular car. And  
22 he'll tell you what that emblem was or what he believed that word to say. And so  
23 he'll tell you, that's where he focused his attention. During the -- the robbery, he  
24 focused his attention on the gun and also on the individual robbing him. But he  
25 made it a specific point to look at this vehicle.



1 After Jordan ran into the house to tell his family what happened,  
2 Jordan will tell you that he and his mother got in a vehicle -- in his mother's vehicle,  
3 and attempted to follow the robber in the Mazda, but lost him.

4 They saw a police car in the area, in the neighborhood, so they  
5 stopped, pulled over, reported the robbery to the police.

6 Jordan will tell you that when he met with the police, he told them he  
7 would be able to identify the robber if he saw this robber again.

8 Another showup was conducted, about two hours after the incident  
9 with Jordan Alexander. And the evidence will show that Jordan Alexander will tell  
10 you that he was 100 percent sure that the person who robbed him was the person  
11 depicted in this photograph, none other than the defendant, Keandre Valentine.

12 We're at our fourth event. The fourth event happened on May 28th --  
13 or actually this is the third event -- no, yeah, third event.

14 May 28th, 2016, at about 7:08 a.m. The victim in this particular case is  
15 Santiago Garcia.

16 The robbery -- this armed robbery occurred a little bit down the street  
17 from Jordan Alexander's house, 1508 Robin Street, down the street at 1312 Nye  
18 Street. Santiago Garcia was working as a landscaper at 1312 Nye Street. He had  
19 an assistant with him, Juan Carlos Gomez, who was on the roof of the residence.  
20 And they were trimming trees.

21 Santiago was on a ladder, pretty much at the top of the ladder, when  
22 he observed a four-door white car park about three houses away. And, in  
23 particular, he noted the vehicle did not have a license plate. And it had what he  
24 recalled to be a black plate card, a dealer card on it. No-license-plate dealer car.  
25 He'll tell you that the person he observed coming out of that particular white

1 four-door car was a black male adult about 6-feet tall dressed all in black with an  
2 afro style and black hair.

3 Santiago will tell you that this -- the driver of that white Mazda pulled  
4 up -- or came up to him and Juan Carlos while they -- while he was up on the  
5 ladder and Juan Carlos is over on the roof, and pulled out a gun and pointed it at  
6 Juan Carlos, who is up on the roof.

7 The robber told them to come down -- told him to come down from the  
8 ladder of the roof. Juan Carlos was scared, so he immediately jumps back and he  
9 hides, because, you know, you're able to do that on a roof. It's not directly visible  
10 from down on the ground. So he hid on the roof.

11 Meanwhile, Santiago was ordered to come down from the ladder, turn  
12 off the trimmer that he had. Okay. And the evidence will show that the robber  
13 demanded money and everything in his pockets. And he will say -- Santiago will  
14 tell you that this particular robber used bad words, demanded money by saying  
15 such things as, give me the fucking money, give me your money, give me your  
16 wallet, give me everything you have.

17 Santiago told the robber he didn't have any money, but he really -- he  
18 was lying.

19 Eventually, seeing that his -- or realizing that he was in danger and he  
20 should probably just turn over what he had, it wasn't worth his life, Santiago will tell  
21 you that he gave the robber cash. Cash that he had on his pocket.

22 But then the robber wasn't satisfied with the cash that he received from  
23 Santiago, so the robber demanded his cell phone. So at this point Santiago is -- is  
24 threatened, very scared. So he gives the robber his cell phone.

25 Santiago Garcia will tell you that during the course of this robbery, the

1 person with the gun, who was demanding his stuff, had it pressed against his  
2 chest. But that after he got the cell phone and the cash, the robber backed up, still  
3 pointing the gun. Santiago also went backwards and started to go back to try to  
4 hide behind a wall, the house, take cover, but then he saw -- Santiago said as he --  
5 as the driver walked away, he was able to peek over, and he saw that driver -- that  
6 robber get in the driver's side of the same white car and drive off.

7 Santiago Garcia will tell you that he asked the homeowner --  
8 remember, this wasn't his house, he was working as a landscaper. So he asked  
9 the homeowner to call 911, since the robber took his phone.

10 And the police responded.

11 Santiago Garcia will tell you that the police took him to identify a  
12 person they had in custody. And, initially, the -- the person that was shown to him,  
13 it was a negative ID. Santiago will tell you that whoever it was that the police  
14 showed him was not the person that had robbed him.

15 So once that was done, Santiago goes back to the house where he  
16 was working, but then he got another phone call from the police -- or he got  
17 contact from the police -- the officer asking Santiago -- Santiago to now come with  
18 him to look at a possible suspect vehicle, okay, located at 1701 J Street.

19 So Santiago gets into the vehicle with the officer, he's transported  
20 to 1701 J Street, which you will find out, the evidence will show is an apartment  
21 complex nearby, near where these houses were located. And he was shown this  
22 white, unregistered, four-door Mazda vehicle. And Santiago will tell you, upon  
23 seeing that vehicle, he said, yep, that's the car that the robber was driving.

24 So he identified that car as the suspect vehicle, the same vehicle being  
25 driven by the person who had robbed him at gunpoint.

1 Santiago will tell you that upon looking at that car, he recognized that  
2 black paper plate card, not a real license plate, like a dealer card. And after he  
3 made identification of the car, he'll tell you that he was brought back to the house  
4 that he was working at, because Santiago did not stop working during this incident.  
5 He kept on his -- his appointments.

6 But that wasn't the last time the police made contact with him, because  
7 they then asked him to meet them at a parking lot, because now they wanted to  
8 take him back to a -- to 1701 J Street to possibly look at a suspect they had in  
9 custody -- suspects they had in custody, and determine -- and do a showup to  
10 determine whether or not the people they had detained, or one of the individuals  
11 they had detained was, in fact, the person who pressed that gun to his chest  
12 during the armed robbery.

13 And Santiago Garcia will -- or -- will tell you, as he testifies here during  
14 this trial, that he is 100 percent sure that the person who robbed him was the  
15 defendant, Keandre Valentine.

16 The fifth event, Lazaro Bravo-Torres and his wife Rosa Vazquez --  
17 Ramirez, I apologize. I forgot to put the other part of her name -- will testify that on  
18 May 28th, 2016, at about 7:15 a.m., they were at their home, getting ready to leave  
19 their home, actually, located at 1104 Leonard Avenue. And I put a map here,  
20 which you will have in evidence, which we will admit in evidence, showing the  
21 proximity or the close proximity that particular home had to 1701 J Street.

22 So Lazaro, Mr. Bravo-Torres, will tell you during this trial, during his  
23 testimony, that he was in his truck, his work truck. He was getting ready to go to  
24 work. This is still early in the morning. He was in his truck, waiting for his wife to  
25 close the gate, the gate that you see there, or the -- the gate to their home, when --

1 he was waiting for his wife to close the gate, he saw a black male adult approach.  
2 Just as the black male adult is approaching, his wife gets in the truck.

3 Lazaro will tell you that the robber asked where's Martin Luther King?  
4 Something like that. And Lazaro will tell you, he -- he gave directions. He  
5 pointed -- he pointed to Martin Luther King.

6 But then Lazaro will tell you that the robber pointed a gun at his chest  
7 or closer area. And the robber demanded money and his wallet. And Lazaro told  
8 this robber, I don't -- I didn't have any of that stuff. So at that point the robber told  
9 him to get out of the truck. The robber patted him down, went through his pants,  
10 all the while the gun pointed at his chest.

11 Lazaro will tell you that his wife was in fear, visibly fearful. Got out of  
12 the truck. But the robber pointed the gun at his wife. The robber told her not to  
13 move or he will shoot.

14 Rosa, having been told that, will tell you that her response was, okay,  
15 I'm not -- I'm not move -- I'm not going to move.

16 Lazaro will tell you that the robber then put his body in the truck and  
17 looked through the glove compartment in the center console of their truck. And at  
18 that point, the robber saw Rosa's purse, and he took her purse. Lazaro will tell you  
19 that the robber told them to get in the truck and leave or he will shoot. So they got  
20 in the car and left.

21 Lazaro will tell you that the gun pointed at him, pointed at his wife, the  
22 gun that was presumably going to be used to, you know, carry out the threat of I'll  
23 shoot you if you don't give me these items, that that was black. And that the  
24 individual who approached him and committed this armed robbery was a black  
25 male adult; was taller than him, thin, with a thin face, curly hair, about 19 to 20

1 years old.

2 His wife, Rosa, called 911, using his phone, which was on the floor.  
3 That's why it wasn't visible. It was on the floor of the truck.

4 And a showup was conducted at 9:11 a.m., a little after -- two hours  
5 after this incident. Lazaro will tell you that he was 90 percent sure that the  
6 individual who robbed him was the person listed right there, Keandre Valentine.

7 His wife will tell you essentially the same thing. Husband was in the  
8 truck. They were in the trailer, they were getting ready to go to work. She was  
9 closing the gate. When she got in the truck, a black man got close to the window  
10 and asked where MLK is. Her husband told him. The BMA put the -- a gun to the  
11 husband's shoulder. The man with the gun made the husband come out of the  
12 truck, demanded money or his wallet, and her husband said, well, I don't have any  
13 of that. Robber put the gun to Lazaro's chest. The robber looked through his  
14 pants to see if he had any of those things.

15 She got out of the truck. He told her not to move. I'm going to shoot.  
16 And the robber pointed the gun at her. And, in fear, she did not move. She saw  
17 the robber looking through the truck for things to take. He took her purse, which  
18 had her cell phone, her wallet, all of her papers, and money.

19 The robber made them get in the truck, told them to leave. So they  
20 left. She called 911, using her husband's phone, the one that the robber didn't get,  
21 and she gave a description of the individual who robbed them: 20 to 22 years old,  
22 dressed all in black, 6-foot tall approximately, thin build, pants sagged, and a  
23 showup was conducted with Rosa Vazquez Ramirez at 9:25 a.m., about two hours  
24 after the incident.

25 And Rosa will tell you that she was 95 percent sure that the person

1 who robbed her and her husband was the defendant, Keandre Valentine.

2 Right before the identifications were made, now, we have four  
3 different 911 calls being made in this particular area of town. So the police have  
4 started to be dispatched at all of these different locations, the homes that you saw  
5 kind of all three in a row, and the one a little bit closer to the south J Street -- or the  
6 J Street address. Okay. So they're starting to respond.

7 And at some point, a sergeant and other officers who respond or who  
8 are canvassing the neighborhood for potential suspects are led to the 1701 J  
9 Street, because at approximately 7:34, shortly after the last robbery with Rosa and  
10 Lazaro, a sergeant or another officer -- and another officer observed a white  
11 four-door Mazda with dark-tinted windows, dealer plates, parked in the parking lot  
12 or on the side street of 1701 J Street. So he stopped, of course, broadcast it all  
13 over the radio, and the sergeant and this other officer, with their hand on the hood,  
14 oh, it's still warm. This car was just used recently.

15 So that information was dispatched. And at some point they made  
16 contact with an individual by the name of Chanise Williams. And Chanise  
17 Williams, the police will tell you that she gave consent to look at her  
18 apartment, 218. Apartment No. 218 located at 1701 J Street. She gave them  
19 permission to go ahead and take a look. So Apartment 218.

20 The evidence will show -- the officers will testify that when they looked  
21 in apartment 218, they made contact with the defendant, Keandre Valentine, in the  
22 bedroom -- in the master bedroom, pretending to be asleep, in his flip-flops.

23 So they obtained a search warrant. They obtained a search warrant to  
24 search both the vehicle and Apartment 218.

25 When the white Mazda, the four-door Mazda with the dealer plates

1 was processed, fingerprints were lifted from the driver -- the interior of the driver's  
2 side window. Okay. The evidence will show, and we'll have our fingerprint analyst  
3 come and testify and tell you that prints belonging to the defendant, Keandre  
4 Valentine, was, in fact, located on the interior of the driver's side window. Okay.  
5 Front driver's side window.

6 The detectives who executed the search warrant will tell you that while  
7 searching Apartment 218, they found Jordan Alexander's ID card, the same ID  
8 card that had been in his wallet, that had been taken that morning.

9 The detectives will also tell you that, lo and behold, the Wells Fargo  
10 debit card that was also in Jordan Alexander's wallet was also located in  
11 Apartment 218.

12 During the search of this particular apartment, detectives will tell you  
13 that they located a cell phone, which Santiago Garcia identified as being the cell  
14 phone that was taken during the robbery while he was up on the tree -- on the  
15 ladder. That was also found in Apartment 218.

16 Rosa Vazquez -- or the -- the detectives will tell you during the search  
17 of Apartment 218, they'll tell you that they -- they located a phone and a debit card  
18 belonging to Rosa Vazquez Ramirez, the same phone and debit card that was in  
19 her purse and in her wallet, in the same purse and wallet that was taken during the  
20 robbery earlier that morning.

21 The detectives will also tell you that during a search of this particular  
22 apartment, they found a .40-caliber Glock that had been taken apart. One part  
23 was placed in a Gray bin and the -- the top slider part was located in a different  
24 part of the room. But this is the one in the bed. And here is -- well, that was the  
25 slider part, sorry, in the gray bin. And the actual -- the rest of the gun was located



1 in this box in a kid's room.

2 The detectives will also tell you that they found two .40-caliber  
3 cartridges also hidden in a box in the same child's room.

4 Ladies and gentlemen of the jury, the evidence will show, and Marvin  
5 Bass, Jordan Alexander, Darrell Faulkner and Santiago Garcia will tell you that  
6 Keandre Valentine -- or that the gun -- the robber, the individual who robbed them,  
7 was left-handed, held the gun with his left hand. Okay.

8 The evidence will show that Keandre Valentine is left-handed.

9 The evidence will show that the same white unregistered newer model  
10 four-door car, described by Marvin Bass, Jordan Alexander, and Santiago Garcia,  
11 well, that car belonged to him.

12 And other than that -- and lastly, you are going to hear some jail call  
13 recordings, calls at the Clark County Detention Center are recorded. And you're  
14 going to hear jail calls where the defendant, Valentine, makes admissions  
15 regarding the robberies.

16 And you're going to hear jail call recordings where he talks about the  
17 white car identified by the victims as being his car. And you are going to hear  
18 evidence or the jail calls where the defendant talks about taking apart and hiding  
19 the 27, as he refers to it in the jail calls, in two separate places in the apartment.  
20 And you're going to hear that the gun recovered at the apartment, that was found  
21 in two pieces, was, in fact, a Glock Model 27 .40-caliber.

22 At the end of this trial, Mr. Dickerson and I are going to ask you, after  
23 consideration of all of the evidence that we present, to find Keandre Valentine  
24 guilty of all of the charges.

25 Thank you.

1 THE COURT: Thank you. All right.  
2 The defense may now present its opening statement to the jury.  
3 MR. GASTON: Thank you, Your Honor.  
4 The State just ended by asking you to find Keandre guilty.  
5 MS. LEXIS: I think that's a mischaracterization, Your Honor.  
6 MR. GASTON: Okay. Sorry. Ask them --  
7 You heard the State comment --  
8 THE COURT: Well, they --  
9 MS. LEXIS: I said after consideration of all of the evidence presented,  
10 we're going to ask that you find him guilty.  
11 THE COURT: Yes. All right. Let's continue.  
12 MR. GASTON: I'll -- I'll clarify.  
13 THE COURT: All right. Thank you.  
14 MR. GASTON: The State asked you, after consideration of all the  
15 evidence, to find him guilty.  
16 Well, after consideration of all the evidence, Keandre is guilty. He's  
17 guilty of possession of stolen property. He's guilty of obstruction of justice. He's a  
18 guilt -- he's guilty of providing false information to a police officer. He's guilty of  
19 being an accessory after the fact.  
20 But none of those charges are in the indictment. None of those  
21 charges are the decision that you're making. The decision that you're making is, is  
22 he guilty of what's in those, the robberies and the burglaries? And he's not.  
23 The person who committed those robberies, the person who held the  
24 gun, the person who robbed those people that the district attorney just went  
25 through is Bobby McCoy.

1 Now, on the morning of the 28th, that's when all these robberies  
2 happened, right? That's all about seven, 10 minutes apart.

3 On the morning of the 28th, Keandre is sleeping. He's in his cousin,  
4 Chanise Williams', apartment. He's visiting her with his girlfriend Omara McBride  
5 [phonetic]. And he's asleep. He's woken up by Bobby McCoy coming into the  
6 apartment. Bobby dropped off the car, left some stuff, and then left.

7 Well, when the police are outside looking at the car, the white Mazda --  
8 it's a big police presence, there's several armed robberies, big police presence --  
9 they're outside, looking at the white Mazda. Omara McBride and Chanise Williams  
10 realize here that police are out looking at the car. They come outside.

11 Keandre, up in the apartment, also realizes police are here in front of  
12 his cousin's car, in front of the car, the white Mazda. Starts looking at what Bobby  
13 left. Well, in -- in the stuff that Bobby left off, there's an ID, cell phones, credit  
14 cards belonging to people that is not Bobby McCoy, is not Chanise, is not  
15 Keandre, is belonging to other people, and there's also a gun. It doesn't take a  
16 genius to put two and two together about must have happened.

17 This is Keandre's first mistake. He doesn't just wait and tell the police  
18 what happened. He doesn't just wait and rat out Bobby. He doesn't wait for the  
19 police to come up or even go down to the police and be, like, here's all the stuff.  
20 That's not what happens. That's not what you're going to hear.

21 Keandre covers for Bobby. He takes the stolen property and he hides  
22 it around the room, some in a drawer, some on this counter, some over here. He  
23 hides it around the room.

24 He takes the gun and he disassembles it into pieces and he hides it on  
25 opposite ends of the apartment; of some's in here, some's in the kid's room,

27

1 some's in the gray -- the gray bin. He hides it. And then he lies to the police. He  
2 doesn't tell them what really happened. And that is where Keandre committed his  
3 first crimes. All the crimes, really.

4 Possession of stolen property. He knows the property is stolen and  
5 he's possessing it. Obstruction of justice; he's literally obstructing an investigation.  
6 Providing false information to a police officer; he's literally lying to the police. And  
7 accessory after the fact, because he's covering up the crime that Bobby just  
8 committed. He's trying to help Bobby get away with it. That doesn't make him  
9 guilty of the robberies, which are separate crimes.

10 Bobby and Keandre are friends. They're from Oakland, California.  
11 Snitching, ratting out your buddy to police, maybe that is what he should have  
12 done, but he didn't do it. But it's a little different when you grew up like Keandre  
13 did in Oakland, California, that may be affluent suburbia. Summerlin. All right.

14 So when the police do come up, he pretends to be asleep. Oh, what,  
15 you -- you guys are here? Huh? Pretends to be asleep, pretends not to know  
16 what's going on, pretends not to know anything about it. That doesn't make him  
17 guilty of robbery.

18 Bobby left him literally holding the bag. Now, keep in mind the time  
19 lapse between when the last robbery happened to when the police got there, right?  
20 Last robbery 7:15 a.m., give or take a minute. All right. 7:15 a.m.

21 Police locate the car, 7:34 a.m., if I'm not mistaken. It was 7:39. So  
22 about -- within 20 minutes.

23 20 minutes lapsed from when the last robbery happened to when the  
24 police find the car. You'll hear that the car is still warm. Quick time lapse, okay.  
25 Not a lot of time passed. The police, ultimately, they search everything. Okay. It's

1 what they do, okay, they -- they search everything. They find the stolen property  
2 hidden around the room. They find the guns hidden around the room. They arrest  
3 Keandre. They search Keandre, they search the car, and they find a lot of the  
4 stolen property.

5 They don't find all of it. What they do find is the property that's not  
6 valuable. They find the property that can't just be spent or will be easily caught if  
7 you do. They find the credit card, the debit card, the ID. They don't find the cash.  
8 You'll hear about between I think 550 to \$700 -- 600, 650, to \$700 is stolen in  
9 cash. They never recover that. That is never recovered.

10 Marvin Bass will talk to you about how gold chains, jewelry is taken.  
11 Easily convertible to cash, easily spent, right? Not recovered.

12 Well, Keandre's in the apartment. The cash isn't there. The valuable  
13 jewelry is not there. Neither is Bobby McCoy.

14 Now, the car -- cars are easy to identify. Okay. Descriptions of the  
15 car, you're going to hear about the descriptions of the car, of the person, et cetera.  
16 Okay. Remarkably accurate, white, Mazda, four doors, dealer plates, new. The  
17 car that the police found is the car used in the robberies. So you'll also hear -- side  
18 note -- you'll also hear how this car was purchased on July 25th, in California. One  
19 day prior to the first robbery, Marvin Bass, three days prior to the rest of the  
20 robberies. Okay. Not a lot of time for a lot of people to use that car.

21 So the police do what police do; they dust for prints. They find  
22 Keandre's prints in the driver's seat -- or on the driver's window. Well, Keandre  
23 tells them, I was in the driver's seat, I never drove the car. But I was in the driver's  
24 seat. I went with my girlfriend to purchase the car. Okay. But -- so he explains  
25 he's in the car.

1 Well, Bobby McCoy, his prints are also recovered on the car, and a  
2 third person, Latasha Allen, but, you know, she's a female, so obviously she's not  
3 the young black male doing robberies. She doesn't have anything to do with it.

4 But Bobby McCoy's prints are also recovered. So Bobby McCoy has  
5 also touched this car.

6 Well, we don't know what his explanation for touching the car is. We  
7 don't know where he was at the time of the robbery. There's a lot we don't know  
8 about Bobby McCoy. The police never talked to Bobby McCoy. When the  
9 identifications happen, you'll hear, when the identifications are all -- all done and --  
10 done and in, Keandre's arrested, the investigation is done.

11 They don't go look at Bobby McCoy. They don't do the rest of the stuff  
12 to verify these identifications were correct. Okay.

13 So let's talk a little bit more about some of these descriptions.

14 Well, again, the car, all right, because limited availability. You'll also  
15 hear about the car, because remember, the -- the relevant time stamp -- time area  
16 here is that early morning of the 28th, all right, when all the robberies happened.  
17 You'll hear how Chanise Williams, the cousin, goes to the Downtown Grand, with  
18 the car, at the night of the 27th. She checks it into the valet, around 10:30 p.m.,  
19 and she picked it up around 1:30 a.m. There's a valet ticket you'll get that verifies  
20 the car, the time stamps, and the last name of the person dropping it off is  
21 Williams. She was out with the girls.

22 So 1:30 a.m., a few hours before the robbery, Keandre doesn't have  
23 that car. It's important.

24 Now, let's move on to the identifications, a big part of this case, the  
25 descriptions. So I want to talk about height. That's some of the description that

1 was given that we talked about, height. Faces are complicated. Height isn't.

2 Every -- most of the individuals that described the -- the person who  
3 did this, their height, described it as being around 5-10, give or take an inch, 5-10  
4 to 6-foot, 5-10 to 11, 5-9, 5-10. He was around 5-10, everybody. Not one single  
5 person who describes the height of the man who did this puts him at above 6 feet  
6 tall.

7 Spoiler alert, Keandre Valentine is 6-foot-3. Bobby McCoy, 5-10.

8 When we are going through the descriptions, pay attention to the  
9 height of the witness, right? A witness who is 5-10 saying this person was 5-10 is  
10 saying he's about my height. One of the witnesses is 6-2. He's a little shorter than  
11 me, about 6-foot tall. One of the witnesses is about 5-7. He's 5-6, he's a little bit  
12 taller than me, about 5-10.

13 Height is easy. When you're 5-10 or 6-foot and you say shorter than  
14 you, it's not a mistake you make. He's either taller or shorter than you. It is -- it's  
15 one way or the other. Bobby McCoy is 5-10. Keandre is 6-3.

16 Let's look at the other descriptions. The descriptions are of a young  
17 black male. Most of the descriptions, when they talk about age, describe him as  
18 being early 20s. One of the descriptions, the one they put up on their PowerPoint,  
19 describes him as being 19 or 20. Spoiler alert. Keandre, now, is 23. So at the  
20 time of the robberies, he would have been 22, because remember these happened  
21 back in May of 2016, a year ago. So he would have been 22.

22 Bobby McCoy, 20 -- he's now 21 -- at the time of the robbery. And if I  
23 hadn't mentioned that, Bobby McCoy is also black.

24 You'll see photos of Bobby McCoy. You'll see photos of Keandre -- or  
25 you can see Keandre Valentine, he's sitting there. But you'll see photos of Bobby

1 McCoy. They look a lot alike.

2 Other descriptions that are all pretty consistent -- slender. When they  
3 guessed the weight, all but one described the person as about 145 pounds, 150  
4 pounds. Keandre is slender. He fits that description. So does Bobby McCoy.  
5 Same weight.

6 Now, when we're -- when we're -- obviously you see where we're going  
7 here. We're talking about reliability of identifications, if you look at the accuracy of  
8 the description given. Not all of the descriptions are the same. Not all of the  
9 descriptions are correct.

10 MS. LEXIS: Objection, Your Honor. Argumentative.

11 THE COURT: Well, is there going to be evidence that not all of the  
12 descriptions are the same?

13 MR. GASTON: Yes.

14 THE COURT: All right. So overruled.

15 Go ahead.

16 MR. GASTON: Most of the descriptions describe him as being  
17 slender, 150 pounds, like we just talked about. One of the descriptions describes  
18 him as being 200 pounds. Four of them describe him as left-handed. Does that  
19 mean that the guy who did this is 200 pounds? No. He's 150 pounds. It's just  
20 wrong. 200 pounds is wrong.

21 The -- the mistakes happen in the identifications. They don't all match  
22 up. Some of them are just clearly incorrect. Mistakes happen. Doesn't mean the  
23 person's lying. Right? You're not going to hear any evidence implying that any of  
24 these witnesses are lying, that they're just out to get somebody. Okay. But  
25 sometimes, mistakes just happen.



1           You'll hear how the descriptions, each individual witness's own  
2 descriptions change throughout the process.

3           THE COURT: So just careful that you're not evaluating the evidence  
4 now, just to let the jurors know what the evidence is going to be.

5           MR. GASTON: Yes, sir.

6           THE COURT: All right. What the evidence will show. Don't -- don't try  
7 to qualitate -- provide a qualitative analysis to the evidence at this time.

8           MR. GASTON: Yes, sir.

9           THE COURT: Thank you.

10          MR. GASTON: So you'll -- you'll see how the descriptions change.  
11 Specifically, what kind of clothes is the person wearing? Well, one of the  
12 descriptions is kind of dark shirt, it could have been Navy blue, black, but light-blue  
13 jeans, blue shoes -- light blue jeans. When that person testifies at grand jury,  
14 that's the initial statement that they give. The initial statement, so right after the  
15 incident happened, talking to the police, that's the initial one they give, written  
16 down and everything. Okay.

17          When that person testifies at grand jury, well, now it's black pants. It's  
18 no longer light blue jeans. Now he's wearing black pants. All right.

19          And those changing descriptions happen with multiple witnesses in  
20 some of their stuff.

21          Now, about some details, okay. A point, the descriptions change  
22 throughout the process.

23          You're going to hear a lot in this case about identification procedures.  
24 Okay. You're going to hear the procedure used in this case and different types of  
25 procedures that could have been used. The procedure that was actually used for

1 four of the five identifications is called a showup. The other is called a photo array.

2 A showup is when a person, almost always in handcuffs, in front of cop  
3 cars, et cetera, is there. He's just standing outside. The witness is driven by,  
4 relatively close driven by, and then asked some variation of is this the guy who did  
5 it? That's a showup. That's one way to do an identification. Okay.

6 Another way is a photo array. The idea is to give more options. So  
7 you take the suspect's photo, you put it in a -- you take -- you take the suspect's  
8 photo, then you get five other photos that look similar. They match the description  
9 given, and they try to be as close as possible to this guy's description. Right. I  
10 mean, a photo array is probably not very good if the description is black and  
11 there's five white people, right? So you try to make them all look alike.

12 And then you get the photo array and you say, please look at this  
13 and -- and tell me if there's a -- if the suspect is one of these people. Okay. That's  
14 another way to do it.

15 A third way is a lineup, an actual physical lineup, right, like you see on  
16 TV in all the -- in all the old crime movies. Okay. It's not used that often, but it's  
17 after literally six humans walk into, behind the screen, and the witness on the other  
18 side of the screen, and do you see of the people who did it. An actual lineup, right.  
19 And you -- and you can kind of see the progression. The idea is it's an actual  
20 living, breathing human, instead of just a photo. Multiple people, so instead of one.  
21 Okay.

22 In this process, four of them were showups, driven by, is this the guy  
23 who did it? One was a photo array. She showed you a quick photo of the -- a  
24 quick look at the photo array. We're going to break that down by the time the trial  
25 is done, we're going to have talked about that photo array and go into detail about

1 the photo array, and the different photos that were selected. Okay. And talk about  
2 good or bad photo array.

3 But that one was used to obtain the identifications.

4 And keep in mind, by the time these people get to trial, there was the  
5 original discussion with police, the original looking at the suspect in the showup.  
6 There was testifying at grand jury. Seeing more photos. Then there was  
7 pretrialing with the State, pretrial, talk to your witnesses, kind of get an idea what  
8 they're going to say, answer questions, et cetera. Talking to that -- and then finally  
9 testifying now a year later. Okay. That's the process that has happened with  
10 these witnesses by the time they get here on the stand.

11 When they actually do the identification on the showup, there's a form  
12 and they -- and they make their statements. They write down kind of what they  
13 want to add, essentially, to the showup. A couple of them talked about 100  
14 percent confident this is him.

15 Two of them, 95 percent confident. 90 percent confident. Some of  
16 them, in their statements, and we'll -- we'll talk about all the actual -- which goes  
17 with which person, et cetera. But some of them add extra details. It's him, but  
18 different clothes. Okay. Clothes change easy, right? You just change your  
19 clothes. It's him. But different hair. Kind of like he cut it.

20 Well, okay.

21 So when you're looking at these showups and evaluate these  
22 showups, look at the statements that they actually wrote down. What's different?  
23 Is that an important detail? Is it not an important detail? What's changed?  
24 Because they -- they don't just say it's him or it's not him. They actually write out a  
25 description, write out a statement. Those statements are important. They matter.

1 Now, some of you might still be thinking, yeah, mistaken identifications  
2 happen, maybe one gets a guy wrong now and then. But five people? Five  
3 people are going to make the same mistake?

4 Now, this isn't argument. They don't argue their case. I don't argue  
5 my case. We're giving you a preview of what's to come in this case. But having  
6 not heard the evidence yet, some of you might still be thinking, I mean, how can  
7 five people really get it wrong?

8 MS. LEXIS: Your Honor, at this point, I'm -- I'm going to object. He is  
9 arguing.

10 THE COURT: This is argument, Mr. Gaston. You're -- you're telling  
11 the jurors how to evaluate -- or you're asking them how to evaluate the evidence.  
12 Stick to what the evidence will show, okay, rather than telling them how they  
13 should develop it and use it and consider it. Okay.

14 MR. GASTON: Yes, sir.

15 THE COURT: All right. Thank you.

16 MR. GASTON: Well --

17 THE COURT: Sustained. Go ahead.

18 MS. LEXIS: Thank you.

19 MR. GASTON: You're going to hear from a Dr. Steven Smith, okay.  
20 He's going to answer these questions. Dr. Steven Smith -- well, never mind. He  
21 got his bachelor's degree from the University of Michigan in psychology. He got a  
22 Ph.D. from the University of Wisconsin in psychology. He did his dissertation on  
23 the context dependence -- he did his dissertation on the context dependence of  
24 episodic memory. He's taught -- he's a college professor. He's taught at many  
25 colleges and universities from -- he's currently at the University of Texas A & M.

1 Was at UCLA, University of Wisconsin. He's coauthored/worked on about four  
2 books. He's published numerous articles, research articles, et cetera, in his expert  
3 field. Okay. He's a renowned -- nationally renowned expert in psychology. But  
4 specifically memory, perception, and identifications.

5 He's going to walk you through a lot of the science behind this. So  
6 you're not just relying on common sense. You're not just relying on arguments and  
7 guesses. He's going to walk you through the science behind it, the science kind of  
8 behind how perception works, how your brain gets tricked, what leads to more  
9 reliable and less reliable identifications. He's going to talk to you about the  
10 different procedures, how suggestibility is such a critical factor in leading to  
11 erroneous identifications. He's going to talk to you about -- I mean, part of what he  
12 talks about when perception happens is perception as opposed to just walking to  
13 the mall, or as opposed to being in a stressful event where a life's literally being  
14 threatened and a gun pointed at you. Okay. He's going to walk through kind of  
15 the science that isn't obviously recognizable or intuitive.

16 And so, hopefully, by the time he's done testifying, he'll have answered  
17 a lot of those questions.

18 So the fact is, Keandre does not behave appropriately in this case. He  
19 doesn't. He's disrespectful to the police officers. He commits crimes. But he  
20 didn't do the robberies or burglaries.

21 And when listening to all of the evidence that's presented in this case,  
22 keep in mind that one thought, that one thought in the back of your mind: Faces  
23 are complicated, height isn't. And find Keandre not guilty.

24 Thank you.

25 THE COURT: Thank you, Mr. Gaston.

1           So it's 10 to 12:00. Do you guys want to take a lunch break now, or do  
2 you want to start -- start your first witness?

3           MS. LEXIS: Your Honor, it would be -- it would be our preference to  
4 do the lunch break. That way with can get our exhibits to your clerk.

5           THE COURT: Defense, you guys okay with that?

6           MR. GASTON: Yes, sir.

7           MS. MACHNICH: Uh-huh.

8           THE COURT: All right. Then we'll go ahead and take our lunch break.

9           Ladies and gentlemen of the jury, at this time, you -- you're going to  
10 have your lunch recess.

11           Do not communicate among yourselves or with anybody else about the  
12 trial or the subject matter of this trial; do not communicate at all with any of the  
13 parties, attorneys, or witnesses involved in this trial; do not seek or obtain any  
14 information or comments about this case from any source, including newspapers,  
15 television, radio, Internet, e-mail, cell phones, or any other electronic device; do  
16 not read, watch, or listen to any report of or commentary about the case; don't  
17 perform any research or investigation; do not form or express any opinion on any  
18 subject connected with this trial until the case is finally submitted to you for  
19 deliberations.

20           I ask that you be -- you are directed to return to the hallway outside  
21 this courtroom for further proceedings at -- let's say -- let's say 1:10. All right. So  
22 give the parties a little more time to -- to mark their exhibits. All right.

23           1:10 outside these doors. Leave your notepads here. Nobody will  
24 ever look at your notepads. All right. Just leave them on your chair. All right.

25           Please enjoy your lunch.

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24  
25

[Jury recessed at 11:50 a.m.]

THE COURT: All right. We're outside the presence.

Madam Clerk, do you -- do you -- do you want to assist the attorneys in marking exhibits right now? Or do you want to take your lunch break and do it after?

THE CLERK: Right now is fine.

THE COURT: Whatever -- whatever you choose.

THE CLERK: Right now.

THE COURT: Right now. All right.

Can you guys -- can you help mark them now?

MR. DICKERSON: Absolutely. Thank you.

THE COURT: And then -- and then she can go on her lunch break.

MR. DICKERSON: Yeah.

MS. MACHNICH: And we'd like to see what they're proposing, because we may be able to stipulate to some of them and not others, so.

THE COURT: Very good. Thanks for your cooperation. All right.

Well, the court will be in recess, then. Thank you.

[Court recessed from 11:51 a.m., until 1:19 p.m.]

[Outside the presence of the jury.]

THE COURT: All right. What do we have to put on the record?

MR. GASTON: Are we on the record?

THE COURT: Yeah.

MR. GASTON: Just one thing. Grusinski, the juror -- juror who has the hearing problems still doesn't have his headphones on. I don't want to keep having the same problem with this guy and we forget to give him his headphones,

1 he just sitting --

2 THE COURT: No. He's had them -- he has them the whole time. He  
3 just -- he only uses them when he needs to.

4 MS. LEXIS: That's my understanding, as well.

5 MR. GASTON: My -- my --

6 MR. DICKERSON: Yeah, that's what he said.

7 MR. GASTON: So my request would be --

8 THE COURT: No. They -- they've been there the whole time.

9 MR. GASTON: I believe you.

10 THE COURT: Okay.

11 MR. GASTON: I believe you. My request would be --

12 THE COURT: We can't force him to wear them.

13 MS. LEXIS: Yeah.

14 MR. GASTON: I get that. My -- my question would just be if we could  
15 just bring him in separately, briefly, before we get started again and ask him how  
16 much he's heard. Or however we want to do it without it being prejudicial. But --

17 THE COURT: No. I -- I'm -- he -- he knows to -- to raise his hand if he  
18 can't hear anything. I'm not going to create a problem where one doesn't exist. All  
19 right.

20 So no, let's move on. Next thing.

21 MR. GASTON: Oh, that's it. That's all I have.

22 THE COURT: Okay. Ms. Machnich, will you please take your seat?

23 MS. MACHNICH: Yes.

24 THE COURT: All right.

25 MS. MACHNICH: I -- I was just going to let the clerk know which



1 exhibits I stipulated to.

2 THE COURT: All right. Do that quickly.

3 MS. MACHNICH: Okay.

4 It's 1:22, all right, guys. You we've got to -- we've got to be a little bit  
5 more prompt here. I don't know why we're not a little more --

6 MS. LEXIS: Tegan and I were here -- no, not -- not throwing you guys  
7 under the bus, but --

8 THE COURT: I don't like keeping the jury waiting this long.

9 MS. LEXIS: Understand, Your Honor.

10 THE COURT: It frustrates me more than anything else.

11 MS. LEXIS: Yes, Your Honor.

12 May I step out for just a moment to make sure our witness is here --

13 THE COURT: Yeah.

14 MS. LEXIS: -- and waiting?

15 THE COURT: Thank you.

16 MR. GASTON: Marvin Bass?

17 MS. LEXIS: Yeah.

18 MR. GASTON: He's out there.

19 MS. LEXIS: Is he out there? Okay. Thank you.

20 MR. GASTON: Black guy?

21 MS. LEXIS: Yeah.

22 [Pause in proceedings.]

23 MS. MACHNICH: Your Honor, we can bring the jury in. I can do this  
24 while they're filing in. I'm almost done. I'm just -- I'm just moving through my --  
25 most of -- I think we're stippling all of them. So I -- I just want to make sure I've laid

1 hands on each of them.

2 THE COURT: All right. Would you wait on that?

3 MS. MACHNICH: Okay.

4 [Pause in proceedings.]

5 THE COURT: You guys got to put anything on the record about  
6 exhibits, or will that come later?

7 MS. MACHNICH: We're going to need to have them all numerically  
8 marked. I know that the stickers are still going on.

9 THE COURT: Okay.

10 MS. MACHNICH: But I've left out the ones I'm not stippling to. I turned  
11 them the other way.

12 THE COURT: Perfect.

13 MS. MACHNICH: It's about four or five pictures, total.

14 THE COURT: Perfect. Thank you.

15 MS. MACHNICH: So.

16 THE COURT: All right. Marshal, bring them in, please.

17 [Jury reconvened at 1:24 p.m.]

18 THE COURT: All right. Please be seated, everybody. All right.

19 We are back on the record, *State vs. Valentine*, C-316081.

20 The State may call its first witness.

21 MR. DICKERSON: Thank you, Your Honor.

22 The State calls Marvin Bass.

23 THE COURT: Hello, Mr. Bass. Just remain standing and the court  
24 clerk will administer your oath.

25 **MARVIN BASS**

42

1 [having been called as a witness and being first duly sworn, testified as follows.]

2 THE CLERK: Please be seated and please state and spell the first  
3 and last name for the record.

4 THE WITNESS: It's Bass, B-A-S-S.

5 THE CLERK: Please spell your first name.

6 THE WITNESS: Marvin, M-A-R-V-I-N.

7 THE CLERK: Thank you.

8 THE COURT: All right. Thank you, sir.

9 You may proceed, Mr. Dickerson.

10 MR. DICKERSON: Thank you, Your Honor.

11 **DIRECT EXAMINATION**

12 BY MR. DICKERSON:

13 Q Good afternoon, sir.

14 A How you doing?

15 Q Very well. I want to draw your attention here to May 26th, 2016, at  
16 approximately 12:58 p.m.

17 A Uh-huh.

18 Q All right. Sometime just after noon there. Were you at the Rancho  
19 Discount Mall?

20 A Yes.

21 Q And, specifically, that's located at 2901 West Washington?

22 A Yes.

23 Q That's at the corner of Washington and Rancho?

24 A Yes.

25 Q It's kind of like a -- a swap meet?

1 A Yes.

2 Q Now, specifically, that location is here in Las Vegas, Clark County,  
3 Nevada?

4 A Yes.

5 Q What was it that you were doing there that day?

6 A Shopping.

7 Q What were you shopping for?

8 A An outfit to -- to wear to a concert.

9 Q And had you gone in and -- and purchased this outfit?

10 A Yeah.

11 Q And so you were leaving the Rancho Discount Mall at this time?

12 A Yes.

13 Q And so where were you going? Where -- where, from the Rancho  
14 Discount Mall? Into the parking lot?

15 A Yes.

16 Q Did you have a vehicle?

17 A Yeah.

18 Q And what was your vehicle, sir?

19 A What kind was it?

20 Q Yeah.

21 A A BMW.

22 Q Where were you parked?

23 A In the parking lot.

24 Q What happened after you exit this mall?

25 A Okay. Well, when I got in my car and getting ready to leave, there was

1 a -- a white car pulled behind me and, like, in front of me --

2 Q Okay.

3 A -- on the side. And it looked like a -- like a four-door white Kia. To me  
4 that's what it looked like.

5 Q I have a map here, what's been admitted by stipulation as State's  
6 opposed exhibit -- State's Exhibit 6.

7 MR. DICKERSON: May I publish this, Your Honor?

8 THE COURT: Has it been admitted by stip?

9 MS. LEXIS: Yes.

10 MS. MACHNICH: Yes, Your Honor. The defense would stipulation to  
11 the admission of that exhibit.

12 THE COURT: All right. Exhibit 1 is admitted, and it may be published.

13 [State's Exhibit No. 1 admitted.]

14 MR. DICKERSON: Thank you, Your Honor.

15 BY MR. DICKERSON:

16 Q State's -- what's marked here as State's Exhibit 6, I'm showing you this;  
17 does this appear to be a map of that area of the Rancho Discount Mall?

18 A I'm not for sure, really.

19 Q You see 2901 West Washington on there, sir, written on the top of the  
20 building?

21 A The top of the building?

22 Q Are you having a hard time seeing it?

23 A Yes, really.

24 Q Would -- would you like to take a look at that right behind you? Does  
25 that appear to be the Rancho Discount Mall that you were at on May 26th?

1 A Like right up in here?

2 Q Yes, sir. Is that the -- a fair and accurate depiction of that Rancho

3 Discount Mall from above?

4 A Yes.

5 Q And is that the parking lot where your vehicle was parked?

6 A Yes. Right up in here.

7 Q Okay. Go ahead and take your seat.

8 A Okay.

9 Q And so you indicated that your vehicle was parked somewhere right in

10 here?

11 A Yeah.

12 Q And as you get in the vehicle, you see a white vehicle pull up behind

13 you?

14 A Uh-huh.

15 Q How far away is this white vehicle?

16 A I would say around about 20 -- 25 feet.

17 Q Okay. And what happens when they --

18 A But he was parked, like -- he wasn't parked like I was parked. He was

19 parked, like, in the -- in the aisle.

20 Q Okay. So are you indicating that you were parked in one of these

21 parking spots?

22 A Yes.

23 Q And the -- the white vehicle pulls up in the aisle?

24 A Yeah.

25 Q And just stops behind you?

1 A Uh-huh.

2 Q And then what happens?

3 A Well, I seen a -- an individual get out, and he start walking toward me.

4 And -- and the same --

5 Q What did that individual look like?

6 A Black male.

7 Q About how old?

8 A Black -- I'd say around about mid 20s.

9 Q Okay. And as this individual is walking towards you, what are you

10 thinking?

11 A I -- well, it seemed like I -- I knew him. But when he got closer, I didn't.

12 Q Okay.

13 A You know, and I had rolled down the window before.

14 Q Okay.

15 A And when we approached the car, the first thing he said was this is a

16 robbery. And with his right hand, he reached -- reached through my window,

17 grabbed my two gold chains, and then at the same time he came out of this -- with

18 his left, he came out of his pocket with a -- with a gun, like a 9mm Glock.

19 Q Okay.

20 A Uh-huh.

21 Q So a -- like, a semiautomatic Glock?

22 A Yeah.

23 Q And you said he was holding that gun in his left hand?

24 A Yes.

25 Q And he'd already grabbed your necklaces off your neck?

1 A Right. He had -- he had pulled them off.

2 Q Okay. Did you have charms on those necklaces?

3 A Yes.

4 Q And what did he do after he pulled off your necklaces?

5 A Well, I -- I think he put them in his pocket.

6 Q So at this point in time, are you seated inside you vehicle?

7 A Yes.

8 Q And did he actually have to reach in through your window --

9 A Yes.

10 Q -- to grab those necklaces?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yeah.

14 Q And then what happens?

15 A Okay. After he took the -- my chains, when he's still holding the gun,

16 pointing at me, then he asked me for my wallet. So I gave it to him. And --

17 Q Where'd you have your wallet?

18 A It was, like, in my seat, on my console.

19 Q So you hand that to him?

20 A Yeah.

21 Q And he grabs it from you?

22 A Yeah. He took that. Yep.

23 Q And then what happened?

24 A And then he asked me for my cell phone. And I told him that I didn't

25 have one.



1 Q Did you, in fact, have a cell phone?

2 A I had -- I had a cell phone, but he -- and then he started patting me

3 down to look for the cell phone, but he couldn't find it.

4 Q So at this point in time, you're still seated in the vehicle?

5 A Yes.

6 Q Is this robber reaching in through the window?

7 A Well, he still had the gun pointed at me at the time, but I -- I handed

8 him the wallet.

9 Q Okay. So the gun's still in his left hand?

10 A Yes.

11 Q And he's reached in through the window of the vehicle?

12 A Uh-huh.

13 Q And that's where he's patting you down?

14 A Yes.

15 Q His hands are actually touching your legs inside the vehicle?

16 A Yes. Pat -- yeah, patting me down.

17 Q And then what happens?

18 A And he asked me to open up in my glove compartment. I did that. So

19 and then after that, he asked me, hold your head down, you know, and I'm -- I'm

20 putting my head down.

21 Q At any point in time, did he say, give me your gold, give me your wallet,

22 or I'll shoot your fat ass?

23 A That's what he said.

24 Q And when this is going on, how are you feeling?

25 A Well, I'm thinking this guy is fixing to shoot me.

1 Q So --

2 A Especially when -- after he said put your head down.

3 Q Ultimately he -- he takes you -- your chains off your neck?

4 A Yeah.

5 Q And he takes your wallet right out of your hand?

6 A Uh-huh.

7 MS. MACHNICH: I'm going to object as to asked and answered.  
8 We've gone over this a few times.

9 THE COURT: Overruled.

10 Go ahead.

11 BY MR. DICKERSON:

12 Q And does he take those items with him?

13 A Yeah.

14 Q And then what happens?

15 A Well, after he had told me that I'll shoot your -- your big ass, then he --  
16 he told me to put my head down, you know, so -- and I did. And then he -- and  
17 then after that he -- he just walked away from the car.

18 Q And did you see where he went?

19 A Yeah. He went to his car.

20 Q Okay. And was that that white vehicle?

21 A Right.

22 Q So what do you do?

23 A After he left, I followed up behind him. And he came -- went out on  
24 Rancho -- I mean, on Washington, going up toward Rancho, then he made a left  
25 turn -- a right turn on Rancho, going up -- speeding. And up to -- the street is

1 Ernest Way. Then he caught the light, so he made that left turn on Ernest Way.

2 Q At any point in time did you call the police?

3 A Yeah. I had got -- I had got my cell phone and called 911.

4 Q Okay.

5 A Talked to the operator.

6 Q So you -- you were on the phone with 911?

7 A Yeah. As I was following up behind him.

8 Q Okay. Had you previously listened to that 911 call?

9 A Yes.

10 Q And, in fact, did you mark the CD --

11 A Yes.

12 Q -- with your initials?

13 A Yes.

14 MR. DICKERSON: May I approach, Your Honor?

15 THE COURT: Yes.

16 BY MR. DICKERSON:

17 Q Showing you hear what's been marked as State's Proposed Exhibit 4;  
18 do you recognize this CD, sir?

19 A Yes.

20 Q And what do you recognize it to be?

21 A That's my initials and the date.

22 Q And is this the CD that contains your 911 call?

23 A Yeah.

24 Q And the 911 call that's on here, is that a fair and accurate depiction of  
25 the 911 call that you made on --

1 A Yes.

2 Q -- May 26?

3 A Yes.

4 Q 2016?

5 A Uh-huh.

6 Q In response to this robbery?

7 A Yes.

8 MR. DICKERSON: Permission to publish, Your Honor.

9 Or I move for the admission of State's Proposed Exhibit 4 and ask for

10 permission to publish.

11 THE COURT: Ms. Machnich?

12 MS. MACHNICH: No objection, Your Honor.

13 THE COURT: All right. Then the CD of the 911 call is admitted. And

14 you may publish.

15 [State's Exhibit No. 4 admitted.]

16 [Audio played.]

17 BY MR. DICKERSON:

18 Q Mr. Bass, that was you in that 911 call?

19 A Yes.

20 Q How close were you to this robber?

21 A When he robbed me? About, right -- about like this, that -- that close.

22 Q You're indicating with your hand about a foot and a half away from your

23 face?

24 A Yeah, uh-huh.

25 Q What was in your wallet that was stolen?

1 A Driver -- everything, driver license, social security card, my debit card.  
2 Q Did you have any cash in there?  
3 A No.  
4 Q Now, that vehicle that you began following that the robber was in, what  
5 did that look like?  
6 A It looked like a -- it was white, four-door. To me it looks like a Kia.  
7 Q Okay.  
8 A But it didn't have no plates on it.  
9 Q Okay. And when you say it looked like a Kia --  
10 A Uh-huh.  
11 Q -- just that small body style?  
12 A Yeah.  
13 Q Okay. Did -- did you say that it was a two-door in the -- to the 911  
14 operator?  
15 A Yeah. But -- yeah, that was a mistake. But it was a four-door.  
16 Q Okay. And, ultimately, it sounds like you followed this guy and you  
17 stop at a Burger King?  
18 A Well, I went past the Burger King, because I lost him.  
19 Q Okay.  
20 A On Ernest Way.  
21 Q And that's --  
22 A Because he --  
23 Q That's actually --  
24 A Because he caught the --  
25 Q That's actually fairly close to where this all occurred, isn't it?

1 A Right. Because he caught the light and I didn't. So I had to wait.

2 Q And on this map that we were looking at here, State's Exhibit 6, the  
3 that Ernest Way located here on the --

4 A Ernest, Ernest way?

5 Q Ernest May Lane, actually, on the right-hand side?

6 A Well, I can't really see it because it's so small.

7 Q Okay. If you --

8 A Yeah. Okay. Well, I can see the words, yeah.

9 Q Okay. And so it was in that area where you ended up following the  
10 robber?

11 A Yeah.

12 Q And was it also in that area where you ended up stopping and waiting  
13 for the police?

14 A Right. At the Burger King.

15 Q At some point in time did the police respond?

16 A Yeah.

17 Q Fairly quickly?

18 A Yeah.

19 Q And as they respond, did they talk to you, ask you what happened?

20 A Uh-huh.

21 Q You gave them your rendition of what happened?

22 A Uh-huh.

23 Q At some point in time, do they take you to go see somebody -- or I'm  
24 sorry.

25 At some point in time do they come back and make contact with you at

1 a later date?

2 A Yes.

3 Q And before we -- before they even did that, though, I'm sorry, they --  
4 they took a reported statement with you that day?

5 A Right.

6 Q And that was actually Detective Majors who did that?

7 A Right.

8 Q So that was right there --

9 A Uh-huh.

10 Q -- at that Burger King that you ended up going to?

11 A Right. Uh-huh.

12 Q And when you gave that recorded statement to Detective Majors on  
13 May 26, 2016, you actually told him that if you see this guy again, you could  
14 recognize him?

15 A Yeah.

16 Q So Detective Majors ends up coming back to you on June 1st, 2016?

17 A Uh-huh.

18 Q Is that yes?

19 A Yes.

20 Q And when he comes back to you on that date, what's the purpose of  
21 you guys meeting?

22 A He showed me a lineup.

23 Q And did you identify somebody in that lineup?

24 A Yeah.

25 Q And who was the person to you that you identified in that lineup?

1 A His -- his name was Valentine.

2 Q Was it the individual that robbed you?

3 A Yes.

4 Q At the time that that lineup occurred, did you know his name was  
5 Valentine?

6 A No.

7 Q I'm going to show you what's been marked State's Proposed  
8 Exhibit 13.

9 MR. DICKERSON: Showing defense counsel.

10 May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. DICKERSON:

13 Q State's Proposed Exhibit 16 -- 13 is two pages. Please take a look at  
14 both.

15 A Uh-huh.

16 Q Tell me if you recognize those.

17 A Yeah.

18 Q And what do you recognize those two pages, State's Proposed  
19 Exhibit 13, to be?

20 A That I was 100 percent sure that --

21 Q Is that to showup -- is that the lineup form that you completed with  
22 Detective Majors?

23 A Yes.

24 Q Okay.

25 A Uh-huh.



1 Q I'll go ahead and -- this is a fair and accurate depiction of that lineup  
2 form you completed and the lineup you were shown?

3 A Uh-huh.

4 Q Yes?

5 A Yes.

6 MR. DICKERSON: State moves for the admission of State's Proposed  
7 Exhibit 13, Your Honor.

8 MS. MACHNICH: Your Honor, may we approach?

9 THE COURT: Yes.

10 MS. MACHNICH: Thank you.

11 [Bench conference transcribed as follows.]

12 THE COURT: All right. What's --

13 MS. MACHNICH: I'm not sure under what grounds he's trying to get in  
14 the written part of the statement. I agree that they might not --

15 MR. DICKERSON: It's not hearsay.

16 MS. MACHNICH: So it's not under the truth of the matter asserted?

17 THE COURT: You --

18 MR. DICKERSON: [Indiscernible] say it's under --

19 MR. GASTON: Court's indulgence one second -- one second.

20 THE COURT: Okay. Sure.

21 MR. DICKERSON: Prior -- prior identification is met [indiscernible].

22 MS. LEXIS: And I just gave you the statute, Your Honor. NRS 51.03  
23 point --

24 RECORDING: You are the only party in the conference. Press star  
25 now to continue waiting.

1 THE COURT: Not your fault.  
2 All right. Take a look at that. I mean, I'm familiar with that, but I just --  
3 MS. MACHNICH: This specifically says soon after proceeding the  
4 person. This was --  
5 THE COURT: This comes in as subset of evidence --  
6 MS. MACHNICH: -- four or five days.  
7 THE COURT: Just as evidence of prior identification that was made.  
8 MS. MACHNICH: But it says soon thereafter. We're talking five days.  
9 RECORDING: No other participants. You are being disconnected.  
10 MS. MACHNICH: I mean, this is not, like, soon.  
11 THE COURT: Sorry. I'm having trouble hearing. I'm sorry.  
12 MS. MACHNICH: Sorry. I mean, the exception that they're using here  
13 is for soon thereafter of an ID. And --  
14 MR. DICKERSON: He made identification sooner [indiscernible].  
15 MS. MACHNICH: I mean, I -- I agree that the lineup comes in.  
16 THE COURT: That's -- but --  
17 MS. MACHNICH: I agree that where he circled come in. But I -- his  
18 written statement, I don't believe it's appropriate.  
19 THE COURT: I think it qualifies as soon after, because it's --  
20 MR. DICKERSON: Absolutely.  
21 THE COURT: -- it's within -- well, it was one day.  
22 MS. MACHNICH: No, five days.  
23 THE COURT: Five days? Oh, I'm sorry.  
24 MS. LEXIS: But he was taken out of custody on the 28th, so --  
25 THE COURT: It was on --

1 MS. MACHNICH: It's the 26th, and the lineup was done, I believe, on  
2 the 1st.

3 THE COURT: 26th to the 31st is --

4 MS. MACHNICH: And the first -- the first of the month, so 6/1.

5 THE COURT: Okay. And there's no 31 days, 30 -- so, okay, so --

6 MS. LEXIS: It's five days after one of the most terrifying events that  
7 he's ever said -- that he's ever seen.

8 MR. GASTON: On the stand he doesn't talk about terrifying event he's  
9 ever seen.

10 MR. DICKERSON: And, actually, Your Honor, if --

11 THE COURT: Yeah. I think it's -- it's within the court's discretion. I  
12 think -- I think the purpose behind this statute is to allow this type of evidence to  
13 come in. I think it's close enough to the time of perception that relates to the  
14 event. So I'm -- I'm going to let it come in.

15 MS. MACHNICH: Okay.

16 THE COURT: I think it's close enough. But --

17 MS. MACHNICH: Okay.

18 THE COURT: -- I appreciate the -- the objection.

19 MS. MACHNICH: Thank you.

20 MR. DICKERSON: Thank you, Your Honor.

21 [End of bench conference.]

22 MR. DICKERSON: State's proposed admitted, Your Honor?

23 THE COURT: Yeah. The court will go ahead and admit Exhibit 13.  
24 And you may publish.

25 [State's Exhibit No. 13 admitted.]

1 MR. DICKERSON: Thank you very much.

2 THE COURT: All right.

3 BY MR. DICKERSON:

4 Q So Mr. Bass, on June 1st, 2016, you met with Detective Majors. And  
5 when you met with him, he showed you this form; isn't that correct?

6 A Yes.

7 Q Up here at the top, it appears there's a large paragraph, it starts out:  
8 In a moment I'm going to show you a group of photographs.

9 A Uh-huh.

10 Q This group of photographs may or may not be -- contain a picture of  
11 the person who committed the crime.

12 And so on and so forth. That paragraph was read to you by Detective  
13 Majors?

14 A Yes.

15 Q And, in fact, you then signed, acknowledging that you understood that  
16 paragraph?

17 A Yes.

18 Q And dated as June 1st, 2016, at 10:00 a.m.?

19 A Uh-huh. Yes.

20 Q It was after seeing that that Detective Majors then showed you what is  
21 the second page?

22 A Yes.

23 Q Showing you the second page of State's Exhibit 13; is this the photo  
24 lineup that Detective Majors showed you that day?

25 A Yes.

1 Q And the individual depicted in No. 3 it appears is circled and has the  
2 initials MB under it; is that correct?

3 A Yes.

4 Q Is that what you did?

5 A Yes.

6 Q Did you circle that photo?

7 A Yes.

8 Q Are those your initials?

9 A Those are my initials.

10 Q And you wrote those initials underneath?

11 A Uh-huh.

12 Q And then after that, did you write a statement about this?

13 A Yes.

14 Q A statement about who you were identifying here?

15 A Yes.

16 Q Here on the second portion of the first page of State's -- State's  
17 Exhibit 13, is that your statement?

18 A That's my statement.

19 Q Are you able to see it right there where you are?

20 A Barely, but I -- I can see it.

21 Q If you could, with this court's permission, stand up and read that to the  
22 members of the jury.

23 A Okay. Let's see. I said:

24 I am very sure the suspect I identified in the -- in the photo lineup is --  
25 is him, 100 percent. He was very close to me when -- when he robbed me at

1 gunpoint.

2 Q After writing that statement, did you then sign it?

3 A Yes.

4 Q Date it and -- and put the time?

5 A Yes.

6 Q This the individual who robbed you?

7 A Pardon.

8 Q This is the individual who robbed you?

9 A Yes. Yeah.

10 Q Now, Mr. Bass, looking around the courtroom here today, do you see

11 that individual --

12 A Yes.

13 Q -- who robbed you on May 26, 2016?

14 A Yes.

15 Q If you could please point to that individual and identify a piece of

16 clothing that they're wearing here today?

17 A The individual right here. And the guy with the teal shirt, black pants.

18 MR. DICKERSON: Your Honor, if the record could reflect that the

19 witness has identified the defendant.

20 THE COURT: It does.

21 MR. DICKERSON: Thank you very much.

22 BY MR. DICKERSON:

23 Q So on the showup -- or on the photo lineup form, you specifically said

24 he was very close --

25 A Uh-huh.

1 Q -- when he was robbing you?

2 A Uh-huh. Yes.

3 MR. DICKERSON: May I approach, Your Honor?

4 THE COURT: Yes.

5 BY MR. DICKERSON:

6 Q Was he this close?

7 A Closer. Like, I'm sitting in my car.

8 Q Was he this close?

9 A About -- about right there.

10 Q Okay.

11 A Uh-huh.

12 MR. DICKERSON: The State will pass the witness.

13 THE COURT: All right. Cross-examination, Ms. Machnich.

14 MS. MACHNICH: Yes, thank you, Your Honor.

15 **CROSS-EXAMINATION**

16 BY MS. MACHNICH:

17 Q Good afternoon, Mr. Bass.

18 A All right. How you doing?

19 Q Doing well, how are you?

20 A Uh-huh.

21 Q Excellent. Okay. So let's go through a few things that you testified to.

22 A Uh-huh.

23 Q First -- just so we're all clear, you were robbed on May 26, 2016?

24 A Yes.

25 Q So that was now 14 months ago?

63

1 A Yeah.

2 Q Give or take?

3 A Yeah.

4 Q All right. And when you were robbed, you then followed the man in  
5 your car?

6 A Yes. I did.

7 Q All right. So let's talk about the car situation for a second. Because  
8 the State just did a little example with you of how -- how close the man was,  
9 correct?

10 A Yes.

11 Q Okay. But you -- you were in your car --

12 A Yes.

13 Q -- correct? And you said that you rolled down your window?

14 A Yes.

15 Q How far down did you roll the window?

16 A About halfway down. About -- say, about like this, about -- it was about  
17 like that. About 12 or 13 inches.

18 Q Okay.

19 A Uh-huh.

20 MS. MACHNICH: And may I approach the witness?

21 THE COURT: Yes.

22 BY MS. MACHNICH:

23 Q Okay. So you just testified that he was standing about this far?

24 A A little closer, right.

25 Q Okay. But he was --



1 A Because he -- because he had to reach through the window --  
2 Q Right.  
3 A -- right.  
4 Q But he was otherwise outside the car?  
5 A Yes.  
6 Q So -- okay. And the car ended about here? How -- I mean --  
7 A It was about --  
8 Q You're a tall man, so you're --  
9 A Right.  
10 Q You don't have a lot of clearance, right?  
11 A Right.  
12 Q Okay. So the car kind of ended here?  
13 A Well, yeah, okay.  
14 Q Okay. And then the window was rolled down about halfway?  
15 A Right.  
16 Q Okay. So about that much?  
17 A Okay. Yes.  
18 Q All right. Just clarifying. Thank you.  
19 A Okay.  
20 Q All right. So let's go back. After you've been robbed, you see the man  
21 go back to a car?  
22 A Uh-huh.  
23 Q And you get in your car and you follow that car?  
24 A I was already in my car.  
25 Q Well -- right. I'm sorry. I misspoke.

65

1           You -- you stayed in your car and then you pulled out after that car?

2       A     Right. After he pulled out.

3       Q     Absolutely. And then while you were on the phone with 911, you were

4 still following that car?

5       A     Yes.

6       Q     So you had quite a bit of time to view the car, correct?

7       A     Well, he left way before I did. And -- and, like, when he pulled out on --

8 on Washington, there was a car in front of me, but behind him.

9       Q     Okay. So it was a couple cars back?

10      A     Right.

11      Q     All right. But you've given a description of the car. On 911 you

12 described the car as new?

13      A     Yeah.

14      Q     New-looking?

15      A     Right.

16      Q     Right. White?

17      A     Right.

18      Q     All right. And two-door?

19      A     It was a four-door.

20      Q     Okay. But you'll agree with --

21      A     But -- okay. Go ahead, go ahead.

22      Q     You'll agree with me that on 911 you described the car that you were

23 viewing --

24      A     Right.

25      Q     -- as a two-door?

1 A Yes.

2 Q Okay. Just to be clear.

3 Now, let me see here. You then gave a statement to Officer Henson,  
4 who said -- and at that point, you told Officer Henson that it was -- it was like a  
5 Kia -- Kia type?

6 A Yeah. Yes.

7 Q Okay. And you also told Officer Henson that it was a two-door?

8 A Yes.

9 Q Okay. That's fair. All righty here.

10 Now, later that afternoon, you did a recorded statement with Detective  
11 Majors?

12 A Uh-huh.

13 Q Is that a yes?

14 A Yes.

15 Q Okay. And during that time, Detective Majors asked you a bunch of  
16 questions again about the robbery?

17 A Right.

18 Q All right. And at that time you said, when asked, that the car was either  
19 a Kia or a Fiat, right?

20 A Right. Yes.

21 Q All right. You also described during that statement and -- and  
22 during 911 that the car had no plates?

23 A Right.

24 Q Okay. So it didn't have a Nevada license plate that you could read to  
25 someone?

1 A Right.

2 Q Okay. But you described during your conversation with Detective  
3 Majors that in lieu of the plates there was, like, a white cover?

4 A Yes.

5 Q And --

6 A It was, like, red and white.

7 Q Okay. So -- and then that's what I was going to get onto further.  
8 You -- you also addressed it during grand -- during the grand -- grand jury  
9 testimony, yes?

10 A Yes.

11 Q And then you clarified further, it was like a red-and-white dealer plate?

12 A Right.

13 Q In place of the plate?

14 A Right.

15 Q All right. And you got a good look at it?

16 A Well, I -- I didn't see the words or anything on it.

17 Q But --

18 A But it was just, like, red and white, like -- like, it was something he had  
19 made up and just put on there to cover up the plates or something.

20 Q Oh, okay. Okay. That clarifies. Thank you. All right.

21 Now, let me see. We did that. And are you familiar with the  
22 dealerships in Las Vegas?

23 A Yeah. Some of them.

24 Q Okay. So are you aware that there is a Kia -- a Kia dealership with red  
25 and white dealer tags?

1 A No.

2 Q Okay. It wouldn't surprise you to learn that?

3 A No.

4 Q No. Okay. All right. Now, let's turn your attention to the robber

5 himself.

6 A Uh-huh.

7 Q We just heard your 911 call. You described the man as a black man?

8 A Yes.

9 Q In his 20s?

10 A Yes.

11 Q Yes? With a medium, small afro?

12 A Yes.

13 Q Yes? And also you said he was about 6 feet tall?

14 A Yes.

15 Q So let's talk about a height a little bit more.

16 A Uh-huh.

17 Q You also gave that statement to Detective Majors?

18 A Right.

19 Q And at that point, you were -- you were trying to give all of the

20 information you possibly could?

21 A Right. Exactly.

22 Q And be as thorough as possible?

23 A Uh-huh.

24 Q Yes?

25 A Yes.

1 Q So we were trying to flush out, just like Kia or Fiat, we were trying to  
2 flush out more --  
3 A Uh-huh.  
4 Q -- what could be the description, yes?  
5 A Yes.  
6 Q Okay. And at that time you said that he was 5-11, 6 feet, maybe 5-10?  
7 A Yes.  
8 Q And that was you trying to be as overly helpful as possible with his  
9 height?  
10 A Trying to be, yes.  
11 Q Absolutely. Okay. You also said that he had a small-frame Glock in  
12 his left hand?  
13 A Yes.  
14 Q And you thought it was a 9mm?  
15 A No. It wasn't -- at first it looked like a 9mm, but it was small, so it had  
16 to have been, like, a Glock, dark -- dark color.  
17 Q Okay. Dark in color. And you looked at that gun --  
18 A Yeah.  
19 Q -- really good, didn't you?  
20 A Yeah.  
21 Q Because it was pointing at you?  
22 A Right.  
23 Q And that's extremely frightening?  
24 A Yes.  
25 Q Yes. In fact, probably one of the most frightening experiences you've

1 ever been through?

2 A Exactly.

3 Q And that gun was -- was pointing right at you through the window?

4 A Right.

5 Q All right. All right. Let me see here. So back to your conversation and  
6 statement with Detective Majors, you didn't go down to the police station with  
7 them, did you?

8 A No.

9 Q No. You actually just met up with him in, I believe, the Burger King  
10 parking lot?

11 A Yes.

12 Q So he was able to come to you to do that statement?

13 A Yes.

14 Q Great. All right. So you're aware that he was tape recording that  
15 statement?

16 A Yeah. He -- yeah, he had told that he -- that he was going to record it.

17 Q Okay.

18 A Yeah.

19 Q And did he -- did he have his phone out? Is that -- is that what he was  
20 using?

21 A Yes.

22 Q All right. And so he was able to use his phone to tape record the  
23 whole conversation you had with him?

24 A Uh-huh. Right.

25 Q And it was a phone he -- he obviously had with him?

1 A Right.

2 Q All right. So let's look at this.

3 You also got to speak with Detective Majors again, correct?

4 A Yes.

5 Q Because he was the man who came out and did the lineup that you

6 just looked at?

7 A Right.

8 Q Okay. And it -- that was the lineup that was given to you on June 1st

9 of that year?

10 A Right.

11 Q All right. And at that time, you also didn't come into the station or

12 anything, right?

13 A No.

14 Q Okay. He went to you?

15 A Right. We met.

16 Q You met up?

17 A Yeah.

18 Q Do you remember where you met up?

19 A It was out on Camino El Norte at -- like, in front of a Starbucks.

20 Q Okay.

21 A Yeah.

22 Q So he came to you and he -- he wasn't recording that conversation,

23 though, was he?

24 A No.

25 Q And you -- you didn't see him take out his phone or anything?



1           A     No.  
2           Q     Now, let's look at the lineup. Okay. We will look at this page. There  
3 we go.

4                     Okay. All right. So this is the copy of the lineup. And I am showing  
5 you for the record what's been marked and admitted as Plaintiff's Exhibit -- or  
6 State's Exhibit 13. Okay.

7           A     Uh-huh.

8           Q     So here is the exhibit that you just discussed with the State of  
9 Nevada --

10          A     Uh-huh.

11          Q     -- yes?

12          A     Yes.

13          Q     Okay. And it was given to you in just this form, absent the circle and  
14 your initials?

15          A     Uh-huh.

16          Q     Fair to say?

17          A     Yes.

18          Q     All right. Now, looking at these men, going back to your -- well, let's go  
19 back to your description for a second.

20                     You described a black man --

21          A     Right.

22          Q     -- right? All of these are black men.

23          A     Right.

24          Q     Great. You described -- and I can't really tell height in this picture,  
25 right? There's no way to --

1 A No.

2 Q -- tell height. And I -- in the instructions, you are instructed not to

3 consider clothing and stuff like that, right?

4 A Right.

5 Q All right. So what you're looking at in this photo is -- is you gave a

6 description of a black man. And you said a black man with a medium or small

7 afro?

8 A Uh-huh.

9 Q Yes. That's correct?

10 A Yes.

11 Q Okay. So looking at these gentlemen here, I see that you've circled --

12 and -- and you have, you've circled Mr. Valentine.

13 A Uh-huh.

14 Q We're not -- we're not trying to dispute that.

15 A Uh-huh.

16 Q And -- and you can see in the picture, he clearly has a

17 medium-to-small afro.

18 A Yes.

19 Q Yes. Okay. But let's look at the other men. This man in Position No. 1

20 does not have a medium-to-small afro?

21 A No.

22 Q No. Two, no -- no mediums-to-small afro here?

23 A That's about medium.

24 Q Is that an afro?

25 A Yeah.

1 Q Okay. So that's an afro to you. But the -- you also described the man  
2 being in his mid 20 -- his 20s?

3 A Yes.

4 Q This man looks apparently a little bit older, doesn't he?

5 A Yeah.

6 Q With the -- with the facial hair and stuff.

7 A Yeah.

8 Q All right. So we've -- we've already talked about Mr. Valentine. We  
9 notice that you circled him. Going on to 4, this man does not have an afro at all?

10 A Short.

11 Q Right. And this man right here also does not have a medium-to-small  
12 afro?

13 A It's about medium, too.

14 Q You'd say that this was a medium afro?

15 A Yeah.

16 Q Oh, okay. All right. And then this one right here in Position No. 6, this  
17 man does not have a medium-to-small afro?

18 A No. That's short.

19 Q Yeah. Okay. All right. And these were the only photos that you were  
20 shown at that time?

21 A Yes.

22 Q All right. Let me just flip this over for right now.

23 And is it, again, and also fair to say during that interaction with  
24 Detective Majors, you -- you spoke with him when he arrived there, correct?

25 A Yes.

1 Q And during the course of the lineup, because, you know, you were  
2 going through the instructions and --

3 A Uh-huh.

4 Q -- speaking then, yes?

5 A Yes.

6 Q And then you spoke with him after?

7 A Yes.

8 Q Yes. You haven't gotten any of your property back, have you?

9 A No.

10 Q No. So not your --

11 A Well, my -- well, my ID and all of that stuff, yes, but not the gold.

12 Q Okay.

13 MS. MACHNICH: Court's brief indulgence.

14 Can we approach?

15 [Bench conference transcribed as follows.]

16 MS. MACHNICH: Where does he have -- how did he get his ID back?

17 MS. LEXIS: Yeah. I have no idea. That's the first --

18 MS. MACHNICH: Because that was not --

19 MS. LEXIS: -- that we've heard of it.

20 MS. MACHNICH: -- discovered. That was not provided to us at all,  
21 like --

22 MS. LEXIS: This is the first we've heard of that.

23 MS. MACHNICH: That he got his ID back. Like, in what  
24 circumstance?

25 THE COURT: Yeah. I understand. [Indiscernible.]

1 MS. MACHNICH: Because of where it may have been recovered and  
2 when it was recovered, I mean, none of that information --

3 MR. GASTON: He can't -- he can't --

4 MS. LEXIS: Why don't you ask him?

5 MR. GASTON: -- [indiscernible].

6 MS. MACHNICH: I can't ask him on the stand.

7 MR. GASTON: Our entire theory is that [indiscernible] stolen stuff. If  
8 ID had still been in the possession of the State or whatever, obviously, we can't do  
9 that now. We could theoretically [indiscernible] prints recovered from a driver's  
10 license, ID, all that stuff we've not been able to do. And that stuff was provided  
11 back to the defendant or back to the witness and it was never disclosed to us that  
12 that's what happened.

13 MS. MACHNICH: Yeah. We've never received anything. No pictures  
14 with it. I mean, it's -- could be perhaps -- take a very brief break and voir dire the  
15 witness on this topic? I mean, this is a surprise, and -- and I understand that the  
16 district attorneys here in court don't have that information. But I believe that  
17 someone in the State -- someone who is an agent of the State gave that back to  
18 him.

19 MR. GASTON: [Indiscernible] due diligence, which is also the  
20 requirements, not just do they know [indiscernible] due diligence is talking --  
21 pretrialing the witness, figuring out where your discovery is, where -- where the  
22 stolen items are.

23 THE COURT: What's your response?

24 MS. LEXIS: He did not -- he absolutely did not tell us. And we have  
25 no knowledge from the police officers or Mr. Bass that any of his items have been

1 recovered.

2 THE COURT: Let's just voir dire him on the stand.

3 MS. MACHNICH: Yeah. I'd appreciate that. Yeah.

4 THE COURT: Well --

5 MS. LEXIS: Yeah. I'd be interested to know how he got it, too.

6 THE COURT: Let's just find out from him.

7 MS. MACHNICH: When -- when he got it and stuff like that.

8 MR. GASTON: Outside -- outside the presence?

9 THE COURT: Yeah.

10 MS. MACHNICH: Yeah.

11 THE COURT: I guess we got to do it now.

12 MR. GASTON: Thank you.

13 MS. MACHNICH: Sorry.

14 THE COURT: Okay.

15 [End of bench conference.]

16 THE COURT: All right. So I need to briefly excuse the jurors, so we  
17 can get some information from this witness outside of your presence. All right.  
18 Just a -- an issue which probably won't take too long.

19 The prior admonishment applies. Don't form any opinions; don't do  
20 any research or investigations; don't talk about the case; and don't seek or obtain  
21 any information about the case. All the prior admonishment applies.

22 Please leave your notepads. Go take your break. We'll -- again, this is  
23 going to take just -- let's take six minutes, just six minutes. All right. Well, 10  
24 minutes, because I'm going to -- we're all going to use the restroom break, too. 10  
25 minutes.

1 [Jury recessed at 2:07 p.m.]

2 THE COURT: All right. We're outside the presence. Please be  
3 seated.

4 So this is -- since this is the State's witness, I'm going to let the State  
5 conduct a brief voir dire first of this witness, and then allow the defense to follow  
6 up.

7 The State had some questions that they wanted to ask you, and so did  
8 the defense, outside the presence of the jury. All right. So go ahead.

9 THE WITNESS: Okay.

10 **VOIR DIRE EXAMINATION**

11 BY MR. DICKERSON:

12 Q Mr. Bass, you testified that you got your ID back?

13 A Yeah. Yeah. I had -- like, my driver's license and --

14 Q When'd you get that?

15 A At DMV.

16 Q Oh, so you went to the DMV and got a new ID?

17 A I had to.

18 Q Yeah. So you didn't get your old ID back, did you?

19 A No.

20 Q And you didn't get your old credit cards back, did you?

21 A No, no.

22 MS. MACHNICH: Okay.

23 THE WITNESS: I -- I had to get all of that.

24 MS. MACHNICH: Okay.

25 MR. DICKERSON: Okay.

1 THE WITNESS: Yeah.  
2 MR. DICKERSON: Thank you, sir.  
3 THE COURT: Well, that simplifies it.  
4 MS. MACHNICH: All right. That's all. I just --  
5 THE WITNESS: No, not because of -- no, I didn't -- I didn't get none of  
6 that stuff back.  
7 THE COURT: All right.  
8 MR. DICKERSON: There you go.  
9 MS. MACHNICH: All right. Yeah, that --  
10 MS. LEXIS: Well, clarified.  
11 THE WITNESS: All right.  
12 MS. MACHNICH: We were a little unclear for a second, we didn't want  
13 to --  
14 THE WITNESS: Oh, okay.  
15 MS. MACHNICH: -- ask a question --  
16 THE WITNESS: I understand. I understand.  
17 THE COURT: Well, let's all -- let's go off the record, take a restroom  
18 break, then bring the jurors back in. All right.  
19 You -- you feel free to -- sir -- to use the restroom if you want. Or you  
20 can just sit here and stretch.  
21 THE WITNESS: All right.  
22 THE COURT: We'll -- we'll be back in about six minutes. All right.  
23 THE WITNESS: Okay.  
24 THE COURT: If you do go --  
25 THE WITNESS: Yeah.



1 THE COURT: If you do leave the witness stand --  
2 THE WITNESS: I hear you.  
3 THE COURT: -- remember you're still under oath and you're directed  
4 not to talk to the jurors.  
5 THE WITNESS: Right. Okay.  
6 THE COURT: Or don't discuss your testimony with anybody.  
7 THE WITNESS: Right.  
8 THE COURT: All right.  
9 THE WITNESS: All right.  
10 THE COURT: Let's take a short recess and then --  
11 [Court recessed from 2:09 p.m., until 2:20 p.m.]  
12 [Outside the presence of the jury.]  
13 THE COURT: All right. Let's bring the jury in.  
14 MS. LEXIS: Oh, Your Honor, can we do one thing outside the  
15 presence?  
16 THE COURT: Sure.  
17 MS. LEXIS: Just so, in case we --  
18 THE COURT: I guess, if you have to.  
19 MS. LEXIS: -- if we don't have to break.  
20 Your Honor, pursuant to when Mr. Dickerson does his redirect, we are  
21 going to be moving to admit the filed transcript of Mr. Bass's testimony, pursuant --  
22 at the grand jury, pursuant to NRS 51.035(2)(d), like David. And I do have the  
23 statute printed out, if the court would like to take a look.  
24 THE COURT: (2)(d), what are we talking about here? Hold on.  
25 I'm reading. One second.

1 MS. MACHNICH: And, Your Honor, we'd be then moving a --  
2 THE COURT: Did you want to -- are you offering -- are you requesting  
3 that all of it or part of it come in?  
4 MS. LEXIS: All of it, Your Honor. I believe the statute allows for the  
5 transcript of testimony given. It doesn't say --  
6 THE COURT: Was it given at a grand jury?  
7 MS. LEXIS: Yes, Your Honor.  
8 THE COURT: That comes in under 51.035. It's pretty clear.  
9 MR. GASTON: Well, Your Honor -- Your Honor, one -- one second for  
10 Tegan and I to --  
11 THE COURT: Yeah.  
12 MR. GASTON: -- talk just one second.  
13 THE COURT: Yeah. Go ahead. All right.  
14 They can ask all about it, you know.  
15 MS. LEXIS: Absolutely.  
16 MR. GASTON: Your Honor --  
17 MS. MACHNICH: Yeah. Go ahead.  
18 MR. GASTON: Your Honor --  
19 THE COURT: Uh-huh? Sure.  
20 MR. GASTON: -- as -- so under these -- under this logic, then, the  
21 position would be that the grand jury transcript for every witness's testimony  
22 should come in.  
23 THE COURT: I -- I think that's --  
24 MR. GASTON: And be that it's substantive evidence --  
25 THE COURT: I -- I think so.

1 MR. GASTON: Okay. And then also the position of the recorded  
2 statement by the detective should also be admitted as substantive evidence. I  
3 don't know if the State's actually disagreeing with us, that probably is making their  
4 cake. But, basically --

5 THE COURT: A recorded statement?

6 MS. LEXIS: I don't --

7 MR. GASTON: Basically, the statement's made --

8 THE COURT: No. Well, not under that rule. Which -- which rule are  
9 you -- are you --

10 MS. MACHNICH: That one would be under the --

11 THE COURT: Are you making a -- well, can you -- can we deal with  
12 that in your -- your --

13 MR. GASTON: I'm -- I'm proposing a compromise before addressing  
14 the evidentiary issue. If the State agrees --

15 THE COURT: Well, if it's a compromise --

16 MR. GASTON: -- with our proposition --

17 THE COURT: -- that -- you deal with that with her, not me.

18 MR. GASTON: All right. Of course.

19 THE COURT: I don't make compromise. I just rule on the law.

20 MR. GASTON: Court's indulgence.

21 THE COURT: All right. Okay.

22 [Pause in proceedings.]

23 MS. LEXIS: I don't think that the actual recorded statements or the  
24 transcripts are admissible under this particular hearsay statute. So I would just ask  
25 the basis upon which they would -- we're not at a compromise. I would ask for the

1 basis upon which they believe that --

2 THE COURT: All right.

3 MS. LEXIS: -- it's admissible.

4 THE COURT: Well, let's deal with one thing at a time. I -- I mean, if  
5 you don't compromise, it's just -- just deal with the grand jury transcript first.

6 MS. LEXIS: Yes, Your Honor.

7 MS. MACHNICH: And assuming I'm going to try to do this, the copy I  
8 have has markings on it. Do you have a clean copy? Because I'm guessing you  
9 don't want the one with my copy.

10 [Pause in proceedings.]

11 MS. LEXIS: If it were admitted --

12 MS. MACHNICH: If we're admitting it, we would admit that.

13 MS. LEXIS: -- we can probably take this copy from me.

14 MS. MACHNICH: And Your Honor, may I bring that up now for  
15 discussion? Or do you want me to handle it during --

16 MR. GASTON: So are we admitting the transcripts of everybody else?  
17 The grand jury transcripts of everybody?

18 MS. LEXIS: If we move for it.

19 MR. GASTON: Well, I'm asking, are you objecting to us moving for it  
20 now or just agreeing to everything?

21 MR. DICKERSON: Well, you can't move for it, because it's offered to  
22 rebut.

23 MR. GASTON: Oh, my God. You guys are killing me. Okay. Well,  
24 my proposal is we just agree, amongst ourselves to admit the grand jury transcript  
25 of all the witnesses.

1 MS. LEXIS: I'm going to go one by one on that one, Your Honor, after  
2 conferring with Mr. Dickerson.

3 MR. GASTON: I will -- okay.

4 MS. MACHNICH: Then, specifically, with this witness -- all right. No.  
5 I -- I mean, I know. But I'm -- I'm going to -- would it be okay if I address our issue,  
6 as well, now? Or do you want me to do it at the bench when we try to admit it?

7 THE COURT: Let's do whatever we can do outside the presence now.

8 MS. MACHNICH: Okay.

9 THE COURT: But -- so the first issue I'm -- I'm going to overrule any --  
10 I'm -- I'm going to overrule your objection --

11 MS. MACHNICH: Okay.

12 THE COURT: -- to the admissibility of the grand jury transcript. I  
13 believe it's admissible under 51.035 subpart (2)(d), and I haven't heard any  
14 argument as to why any part of that transcript would be unduly prejudicial or  
15 confusing or misleading to the jury.

16 If there's some -- something particular in there that you think would be  
17 misleading or confusing to the jury or unduly prejudicial, other than the substantive  
18 nature of the testimony, you can bring it up.

19 MS. MACHNICH: Your Honor, our -- our issue with it --

20 THE COURT: Now, what's your issue with respect to you wanting to  
21 admit the -- the audio recording --

22 MS. MACHNICH: Yes.

23 THE COURT: -- that Mr. -- what's his name?

24 MS. MACHNICH: It was Detective Majors and Mr. Bass. I might --

25 THE COURT: That Detective Majors took of --

1 MS. MACHNICH: Yes.

2 THE COURT: -- of the witness --

3 MS. MACHNICH: And --

4 THE COURT: -- Mr. Bass.

5 MS. MACHNICH: And I would ask to admit that, I guess at this point  
6 under the prior identification statute that we allowed in the lineup text in. This was  
7 done -- it talks about the incident. I mean, I'm happy to have redacted the sections  
8 that talk about the incident instead of -- instead of talk about the identification. But  
9 the large amount of it is about the identification and it's a statement that's taken  
10 considerably closer to the time than the one that the State was able to admit.

11 MR. GASTON: And alternatively, as a second -- as a second basis, as  
12 well, it would be a prior inconsistent statement. In Nevada a prior inconsistent  
13 statement is offered not just as impeachment evidence, but also as substantive  
14 hearsay. And --

15 THE COURT: Well, he hasn't --

16 MR. GASTON: -- and parts are inconsistent with his --

17 THE COURT: But you have to -- it's your burden to show what he said  
18 that's inconsistent with what's in there.

19 MR. GASTON: Well, with the grand jury transcript. So we just  
20 agreed -- we've just basically understood the court ruled that the State is going to  
21 introduce the grand jury transcript. Well, in the grand jury transcript, he says  
22 certain things that are inconsistent with his recorded statement.

23 So during her cross-examination, she can go through that -- if she  
24 hasn't already, she can go through that.

25 THE COURT: Yeah. Well, of course.

1 MR. GASTON: And then --  
2 THE COURT: To the extent --  
3 MR. GASTON: I don't really see what --  
4 THE COURT: To the extent that there's something inconsistent in the  
5 detective's statement, you can use that for impeachment purposes of this witness.  
6 MR. GASTON: Well, that's --  
7 THE COURT: They can impeach his testimony on the stand or use it  
8 to impeach his grand jury testimony.  
9 MS. MACHNICH: Right.  
10 MR. GASTON: Well, our -- our position is we're not just impeaching.  
11 We're also offering it as substantive evidence. And in Nevada, unlike the federal  
12 rules --  
13 THE COURT: I -- I know all that. But --  
14 MR. GASTON: All right. That's what -- that's what we're trying to do,  
15 outside the presence --  
16 THE COURT: But it doesn't come in as even substantive evidence,  
17 unless it's being used -- unless it's a prior inconsistent statement.  
18 So you can use it if -- to the extent it's inconsistent and you can use it  
19 to the extent it's -- and it's identification evidence. All right.  
20 MR. GASTON: Thank you.  
21 THE COURT: Now, so let me turn back to the State.  
22 MS. MACHNICH: Okay. Well --  
23 THE COURT: The whole frickin' thing doesn't come in. All right?  
24 MS. MACHNICH: Okay. But Your Honor --  
25 THE COURT: Unless we can -- unless we can't parse it out.

1 MS. MACHNICH: Well, Your Honor, I -- I guess I would say then that  
2 we would ask to admit all of the identification questions of him and --

3 THE COURT: Isn't that what I was just trying to say?

4 MS. MACHNICH: Like, I can redact it and we can have this piece of  
5 paper in. I'm just trying to clarify, I'm sorry.

6 THE COURT: All right. To the -- I do -- okay. I heard your point of  
7 view. Let me hear their point of view.

8 MS. LEXIS: Your Honor, actually, having reviewed -- and I know you  
9 didn't have the benefit of being able to review this --

10 THE COURT: I haven't seen it, no.

11 MS. LEXIS: I know.

12 THE COURT: I'm just learning about it now.

13 MS. LEXIS: I know. And -- and -- and so the reason --

14 THE COURT: It sounds like identification stuff should come in.

15 MS. LEXIS: But the thing is what's in here isn't -- he's not identifying  
16 anyone. He's giving a description.

17 THE COURT: How am I supposed to know he is raising -- well, he's  
18 giving a description.

19 MS. LEXIS: He's giving a description. It's not a statement of  
20 identification. He's not saying that's the person. That's identification.

21 MR. GASTON: The description is an inconsistent statement with the  
22 description he gives the grand jury.

23 THE COURT: Okay. Well, I have a case here discussing that  
24 exception. Let me take a look. All right. All right. Well, I think to the extent the  
25 statement is describing the -- the defendant, that is going towards identification. I



1 mean, how else do you identify somebody other than to describe their height and  
2 weight and skin color and what they look like, what they're wearing? Isn't that all a  
3 matter of identification?

4 MS. LEXIS: I don't believe so, Your Honor. Not upon the reading of  
5 this particular statute. It's very specific. It is one of identification of a person made  
6 soon after perceiving the person.

7 So unlike the showup, where he's saying I'm shown -- I'm shown this  
8 person, that is the person, I identify him as the person who robbed me, these  
9 descriptions are not statements of identification.

10 I wholeheartedly agree with the court's analysis in that if the statement  
11 is an inconsistent -- or is an inconsistent statement, definitely the statements  
12 contained within the voluntary statement are ripe for cross-examination,  
13 impeachment, to show the prior inconsistent statement. But I don't think the whole  
14 thing comes in. I think just the portions. And I think it's not even that the  
15 document has to be admitted, it's just it needs to be brought out on  
16 cross-examination that what he said in the voluntary statement -- voluntary  
17 statement differs from his testimony at the grand jury or hear in court today.

18 THE COURT: I -- I disagree. It's -- to me it's identification. I'm going  
19 to let it in.

20 MR. GASTON: Thank you, Your Honor.

21 THE COURT: All right. If there's anything that going describing the  
22 person, it's identification. End of story. All right, it's coming in. All right.

23 So do you guys want to -- do you want to redact some of it or yes or  
24 no?

25 MS. MACHNICH: I would assume, yes, although we'll take the State's

1 position on that, because under Doctrine of Completeness, I don't know if they  
2 want the rest of it. It's up to you.

3 MR. GASTON: There's just -- the only thing that would be redacted is  
4 the first part where he describes the crime. The guy walked up to him, pulled a  
5 gun, and took his stuff.

6 THE COURT: All right. That's -- the jury's already heard that. I've got  
7 no problem with that. I'm going to let the whole thing in.

8 MR. GASTON: Thank you, Your Honor.

9 THE COURT: All right.

10 MS. LEXIS: Okay.

11 THE COURT: Bring the jury in, marshal.

12 MR. DICKERSON: So Your Honor, the --

13 MS. LEXIS: Your Honor --

14 MR. DICKERSON: -- you want to -- you want -- you're allowing them  
15 to admit the entire transcript, based --

16 THE COURT: Yeah. Because I offered to -- to redact it, and you  
17 didn't -- you didn't say you wanted to redact it.

18 MR. DICKERSON: We didn't even have an opportunity --

19 MS. LEXIS: Your Honor, it wasn't --

20 MR. DICKERSON: -- to respond, Your Honor.

21 MS. LEXIS: -- it -- yeah, we --

22 THE COURT: Well, then respond. Do you want to redact it?

23 MR. DICKERSON: Yes, we do. We want to take a look at it.

24 MS. LEXIS: We -- it actually --

25 THE COURT: I -- I said do you --

1 MS. LEXIS: -- if the burden --

2 THE COURT: -- want to redact it, you didn't say anything.

3 MS. LEXIS: Your Honor, I thought you were talking to them. If --  
4 they're the ones who are proffering it. They need to redact it and offer it to us. I  
5 don't understand why we have to redact it.

6 THE COURT: All right. Tell you what, I'm going to redact it. Give it to  
7 me.

8 MS. MACHNICH: Oh, okay. I'm just --

9 THE COURT: Give me -- go get me a thick black marker right now.  
10 Can -- can I write on this one?

11 MS. MACHNICH: Of course.

12 THE COURT: All right.

13 MS. MACHNICH: I was just doing the identifiers.

14 THE COURT: All right. I'll mark -- I'm going to mark -- since you guys  
15 can't get together on this, I'm going to mark what's -- what's going to not come in.  
16 All right. Let's see here.

17 I don't see anything bad about any of this. This all sounds fine.

18 MR. DICKERSON: Yeah. It's -- it's still hearsay, Your Honor. That's  
19 the thing.

20 THE COURT: I don't care. It's coming in under 51.035. Various  
21 exceptions apply.

22 It starts right here:

23 Have you seen this guy before?

24 This is all going to identification. All -- all of this goes to identification.

25 MR. DICKERSON: It -- under that reasoning, Your Honor, then all

1 witness statements would go to identification always. And then we'd always admit  
2 them.

3 THE COURT: Well, you -- you wanted to get in whole lineup stuff with  
4 that whole long description of everything that -- that happened.

5 MR. DICKERSON: Because that does specifically go to identification.  
6 When we talk about identification of an element of the crime, Your Honor, we talk  
7 about identifying the defendant. In this particular --

8 THE COURT: This is all about identifying the defendant.

9 MS. LEXIS: It doesn't, Your Honor, because it doesn't say Keandre  
10 Valentine is identified as the perpetrator. It just says there was a black male adult  
11 wearing black --

12 THE COURT: But it all -- does -- it all goes to identifying him.

13 MR. DICKERSON: It does --

14 THE COURT: It was all talking about --

15 MR. DICKERSON: Not the element of identification that we talk about  
16 in criminal law, Your Honor.

17 THE COURT: It doesn't say is this Mr. Valentine.

18 MR. DICKERSON: Right. Exactly. And it doesn't have a picture of  
19 him and it's not the -- it's not the witness saying -- pointing at him saying, that's the  
20 guy. That is what that statute is intended for. It's intended for persons perceiving  
21 the actual person and saying that's them.

22 Here we have no perception. When you look at that photo lineup,  
23 there is a perception, because the witness is identified. He's perceiving the person  
24 in No. 3 as the individual. That's who he's identifying. Here we have no  
25 perception at all. It doesn't come in under that statute.

1 THE COURT: Well, no. He perceived the -- he perceived the -- he  
2 perceived the defendant during the commission of the crime. There's -- there's  
3 absolutely perception.

4 MR. DICKERSON: But it's not one of identification from that  
5 perception.

6 THE COURT: I just don't under -- I mean -- I --

7 MR. DICKERSON: Because it would have to say --

8 THE COURT: I don't understand why -- why you're saying his -- his  
9 identification at the showup or the lineup comes in, but his identification to the  
10 officer doesn't come in. It just doesn't make sense to me.

11 MR. DICKERSON: Because he's not identifying a person. He's simply  
12 describing a person. There's no identification. As we talk about identification as  
13 an element --

14 THE COURT: Do you have --

15 MR. DICKERSON: -- of a crime --

16 THE COURT: I mean, if you want to take -- if you want to call the  
17 office and find -- your office and find some -- you have some authority that  
18 identification includes the -- you know, the person's name, not the description of  
19 the person. I think you're cutting a fine line there, but do you have any authority  
20 that that's the case?

21 There's only one case -- one reported case in Nevada on 51.035  
22 subpart (2)(d). And -- and that case -- it's this case right here, I just read it. It  
23 doesn't make that distinction.

24 MS. LEXIS: Let's use the analogy of the -- the victim identifying  
25 someone in court. An in-court identification, all right.

1 THE COURT: Okay. What about it?

2 MS. LEXIS: So the defendant points to the person, someone they  
3 are -- the person that they believe to have committed the crime, and they identify  
4 them. Mr. Bass pointed at Mr. Valentine and said, that's the man who robbed me.  
5 You -- and what do we say to the court? Your Honor, please let the record reflect  
6 identification of the defendant.

7 We're not -- he's not describing. He is pointing out and identifying. I  
8 think it's -- at the very heart of it is the definition of identifying. You are calling --  
9 you are looking at something and saying that's the -- that's the -- that's the person.  
10 I just -- the reason that we're objecting is because it does not fall under that  
11 exception. I don't think that was the purpose of -- of that 51.035(2)(c) [sic].

12 THE COURT: I just -- I just don't know. I've got a couple big evidence  
13 books back in my chambers. I'm going to -- let's take a -- a short recess. I'm  
14 going to go see if -- I've got *Wigmore*. I've got a couple of big evidence books. I'm  
15 going to take a quick look for this exception. All right.

16 MR. GASTON: Yes, sir.

17 MS. MACHNICH: Okay. Thank you.

18 MR. GASTON: Thank you.

19 THE COURT: The legal -- let me go -- let me go take a look, because  
20 I -- I've got to find out what the term identification means in this context.

21 MR. GASTON: May -- may I approach and retrieve that?

22 THE COURT: Sure. Yeah. Give me a few minutes. I'm going to go  
23 and --

24 [Court recessed from 2:36 p.m., until 2:42 p.m.]

25 [Outside the presence of the jury.]

1 THE COURT: All right. Where's --  
2 MR. GASTON: She was making a copy in back. She's right there.  
3 THE COURT: Does she need the --  
4 MR. GASTON: Two, one.  
5 THE COURT: Okay. All right. Is there anything else anybody wanted  
6 to say?  
7 MR. GASTON: I would just --  
8 MS. MACHNICH: No.  
9 MR. GASTON: Oh, sorry. Defense has one line. I would just restate,  
10 I think that the analysis previously is correct about the identification, et cetera, that  
11 we're talking about. Independently, it's a -- it's admitted under the inconsistency.  
12 The grand jury transcript and what he testified to, the description changed. Things  
13 about the descriptors changed. They're -- there's blatantly just different. So  
14 independently, I think it would be admissible under that basis, as well.  
15 That's it for the defense position.  
16 MR. DICKERSON: It appears that Federal Rule 081 is the  
17 counterpart, Your Honor.  
18 THE COURT: Yeah. 801(d)(1)(c). So it discusses some extent  
19 *United States vs. Owen*, 108 Supreme Court 838. The Supreme Court is drawing  
20 an analogy between out-of-court identifications and comparing it to in-court  
21 identifications, and suggesting that the term identification refers to the -- the  
22 discovering of the identity of the exact person who is responsible for a -- for a  
23 particular crime. And -- and the purpose behind the rule, the advisory committee  
24 notes here, they are discussing the Supreme Court opinion saying that the  
25 purpose behind the rule is that -- that an out-of-court identification of an individual

1 is not unduly suggestive as -- as -- not as suggestive as an in-court identification.

2 The whole context in which the -- both the Supreme Court and the  
3 advisory committee notes discuss this topic lead me to believe that the State's  
4 interpretation is -- is more accurate here, after I read the advisory committee notes,  
5 that it's referring to identification in the more narrow, strict sense. Not in the sense  
6 of -- of descriptiveness that could lead to and -- an identification.

7 And so -- so I'm not going to allow that statement. I'm changing --  
8 correcting myself and saying the statement to the detectives does not come in  
9 under 51.035(2)(d), but it may still come in as a prior inconsistent statement.

10 Let's just deal with that as it comes up. If there's an inconsistency that  
11 you perceive during your cross-examination, then we can deal with that as it  
12 arises. Okay.

13 MR. GASTON: With respect to the grand -- thank you on that issue.

14 THE COURT: Yes, sir.

15 MR. GASTON: With respect to the grand jury transcript being  
16 proposed by the State, the -- my understanding is they're proposing the entire  
17 testimony of Marvin Bass at the grand jury, under the idea that, because he  
18 testified at the grand jury under oath and he was subject to cross-examination  
19 about his testimony here, that the entire thing is admissible, if I understand the  
20 State's position correctly.

21 MS. LEXIS: Exactly as the statute has -- indicates.

22 THE COURT: I believe that's their position.

23 MR. GASTON: So, I mean, doesn't -- isn't -- doesn't that basically  
24 allow them to get grand jury testimony in whenever they want?

25 MS. LEXIS: Yes.



1 MR. DICKERSON: Yeah.

2 MR. GASTON: Okay. Well, that seems wrong.

3 THE COURT: Well, the same with the defense.

4 MR. GASTON: Well, we can get it in if it's inconsistent with something  
5 it says here. We can't introduce it as substantive evidence unless it's inconsistent,  
6 because it's subject to cross-examination.

7 The issue -- I guess the issue is essentially if we're only introducing the  
8 grand jury testimony of one witness --

9 THE COURT: Well, you can --

10 MR. GASTON: -- Marvin Bass --

11 THE COURT: Yeah.

12 MR. GASTON: -- we're unduly highlighting that for no real purpose to  
13 the grand jury -- to the -- to the actual jury. And if it's only the descriptions that are  
14 relevant, because that was the subject of cross-examination was the different  
15 descriptions that he gave, and in actuality, I don't -- if I remember right, I don't even  
16 think Tegan cross-examined on a description that he gave at grand jury.

17 MS. LEXIS: She did.

18 MR. GASTON: Okay. Maybe she -- okay. Well, I stand corrected. I  
19 don't -- I don't remember if that was a big part or not. But regardless, it was a very  
20 limited portion of his grand jury testimony that was cross -- the subject of  
21 cross-examination.

22 My main worry is that if we're only giving the jury the one statement  
23 from Marvin Bass and nothing else, we're unduly highlighting how special this is.  
24 And I don't -- I don't really see the -- the difference between Marvin Bass's grand  
25 jury testimony, Darrell Faulkner's, Jordan Alexander's. I think if one's coming in,

1 they all should come in, since they're all going to be subject to cross-examination  
2 on the descriptors and identifications they gave.

3 MR. DICKERSON: And, Your Honor --

4 MR. GASTON: And it seems like the State is disagreeing with me and  
5 wants to cherry pick that Marvin Bass's grand jury testimony comes in, but not  
6 Jordan Alexander's. That was the purpose of my proposal earlier, is, like, are we  
7 all on the same page? Apparently they want to take it case by case, and I don't  
8 see the difference between the -- the various witnesses.

9 MR. DICKERSON: Right. And I don't think we need any proposal. I  
10 think we can deal with them on each witness by the law, dealing with the statute.  
11 In this case, they're offered to rebut. And that's the specific language of the  
12 statute.

13 So unless they're offered to rebut for later witnesses and they wouldn't  
14 be admissible. But if they are offered to rebut, express or implied, then they would.

15 MR. GASTON: I guess, rebut what? I'm curious. Is this -- is this a --  
16 is the State offering this as a prior consistent statement?

17 THE COURT: No, no, no, no. They're -- they're offering it as  
18 subpart (2)(d). It just comes in for all purposes, it doesn't --

19 MR. GASTON: That's what I thought.

20 THE COURT: -- rebut it. And -- and it comes in based on for each --  
21 when a -- as soon as a witness takes the stand, then their grand jury testimony is  
22 admissible.

23 MR. GASTON: That's what --

24 THE COURT: That's the way the statute reads.

25 MR. GASTON: Okay.

1 THE COURT: So you could call -- you can call the other grand jury  
2 witnesses, and as soon as they hit that stand, you can bring in their whole grand  
3 jury transcript. That's your right.

4 MR. GASTON: Thank you. That was my -- that was my whole point.

5 MS. MACHNICH: Okay.

6 MR. GASTON: Thank you.

7 THE COURT: Yeah.

8 MS. MACHNICH: Okay.

9 THE COURT: Yeah.

10 MS. LEXIS: Yeah. Any party can move to admit it.

11 THE COURT: So you can -- you have a mechanism to bring in the  
12 others, if you want.

13 MR. GASTON: Okay. Thank you. That was my --

14 THE COURT: Because -- because as soon as it's your case, as soon  
15 as you put them on the stand, they're subject to cross-examination by the State.

16 MR. GASTON: Well, the only other witness is worth -- well, the  
17 defense witnesses didn't testify at grand jury. It's just their witnesses, so they're  
18 subject to our cross-examination. But our position is it should -- the grand jury still  
19 comes in.

20 THE COURT: It's -- seems to me --

21 MR. GASTON: Of Darrell Faulkner and Jordan Valentine [sic].

22 THE COURT: -- it's an aspect of the law that would not be too  
23 favorable to -- to the defense bar. But I'm just following the law.

24 MR. GASTON: Thank you.

25 THE COURT: All right.

1 Let's bring the jury in, marshal.

2 MS. MACHNICH: Your Honor, I also have an issue with --

3 THE COURT: Okay.

4 MS. MACHNICH: Sorry. I'm just looking --

5 THE COURT: One more issue.

6 MS. MACHNICH: I'm looking at the grand jury transcript and on there

7 it says the -- if there's a discussion between the foreperson and the witness as

8 they're swearing in the witness, you are advised that you are here today to give

9 testimony in an investigation pertaining to the offenses, and it lists the offenses.

10 And it includes first-degree kidnapping --

11 THE COURT: Oh.

12 MS. MACHNICH: -- and such --

13 THE COURT: Has that been removed?

14 MS. MACHNICH: -- because that was not --

15 MS. LEXIS: I didn't ask them to deliberate.

16 MS. MACHNICH: Right.

17 MS. LEXIS: I didn't think we had enough --

18 THE COURT: Just redact that part. Here.

19 MS. MACHNICH: Yes.

20 THE COURT: Here. If you'll line, please.

21 MS. MACHNICH: Okay. Oh --

22 THE COURT: I don't want to have to do it. But let's just redact that,

23 so --

24 MS. MACHNICH: Pertaining to the offenses. Can we just --

25 THE COURT: -- I don't want to jury to hear any charges that are -- that

100

1 are not in the indictment here.

2 MS. LEXIS: I agree.

3 MR. GASTON: We'll just redact -- redact all the --

4 MS. MACHNICH: I'll just redact the whole section. Because otherwise  
5 it's going to look weird.

6 MS. LEXIS: No. Just the kidnapping.

7 MR. GASTON: Okay. Hold on, same problem.

8 MS. MACHNICH: No. All of them. Because it's going to highlight if it's  
9 not.

10 MR. GASTON: If -- if you go -- he -- we're here to consider the  
11 offenses of A, B, C, black space, D, E, F. You're highlighting something. Why not  
12 just -- I don't understand how the relevance of you're here to consider all of these  
13 offenses --

14 MS. MACHNICH: Pertaining to the offenses --

15 MS. LEXIS: But the other --

16 MS. MACHNICH: -- involving Keandre Valentine.

17 MS. LEXIS: No. Because the other -- but because he's actually  
18 charged with those offenses.

19 MS. MACHNICH: But it highlights --

20 MS. LEXIS: And that's -- those --

21 MS. MACHNICH: -- the fact that one has been removed.

22 THE COURT: I don't think it highlights it.

23 MR. GASTON: I mean, if we're redacting one part of a paragraph  
24 about all the offenses that you're charged, there's a big black space in the middle,  
25 that means he was charged with some -- that means there's something about the

1 charges that we didn't want the jury to see.

2 MS. LEXIS: Right. But they --

3 MR. GASTON: Whereas if he just redact the whole paragraph, they  
4 don't lose anything.

5 MS. LEXIS: No.

6 MR. GASTON: He wasn't subject to cross-examination on the various  
7 charges.

8 THE COURT: Boy, you guys disagree on everything.

9 MS. MACHNICH: I can't even get --

10 THE COURT: I'm surprised --

11 MS. MACHNICH: I can't get any form of redaction here, so.

12 THE COURT: So I mean, if you guys can't agree, then I got to strictly  
13 follow the rule. And it says the party's own statement. Technically, prefatory  
14 language is not the party's statement. I don't know how else to resolve it.

15 MR. GASTON: That would be our opposition.

16 MS. MACHNICH: I mean, I just -- I would -- I would just say, if -- if  
17 anything, it should just start with Marvin Bass begins his examination.

18 MS. LEXIS: Your Honor, that's fine.

19 THE COURT: Yes, ma'am.

20 MS. LEXIS: Just do the whole paragraph. That's fine.

21 THE COURT: Okay.

22 MS. LEXIS: We just want to get our witness on --

23 THE COURT: Okay.

24 MS. LEXIS: -- on the stand.

25 THE COURT: But -- okay.

1 MS. LEXIS: Just offenses -- I guess the offenses concerning Keandre  
2 Valentine --

3 MS. MACHNICH: Yes.

4 MS. LEXIS: -- correct?

5 MS. MACHNICH: That's done.

6 MS. LEXIS: Okay. That's fine. Thank you.

7 MS. MACHNICH: The faster I try to do this, the more I fail. I'm sorry.

8 MS. LEXIS: Well, the -- it's not going to go to the jury yet, so we can  
9 work on redaction while you do your cross. Let's bring them in.

10 MS. MACHNICH: Yeah.

11 THE COURT: Bring them in. All right.

12 [Jury reconvened at 2:50 p.m.]

13 THE COURT: All right. Thank you, marshal. All right.

14 Thank you for your patience, jurors. We had several issues that came  
15 up and I think mostly resolved.

16 The State can continue with its -- oh, wait.

17 MR. GASTON: Defense.

18 MS. LEXIS: We need -- we recall Mr. Bass.

19 THE COURT: We need to recall the witness first, Mr. Bass.

20 Thank you for your patience, Mr. Bass. You can retake the stand.  
21 And then we're going to continue with the defense cross-examination.

22 You're still under oath. Do you understand that, sir?

23 THE WITNESS: Yes, yes.

24 THE COURT: All right. Thank you.

25 MS. MACHNICH: Thank you, Your Honor. May I proceed?

1 THE COURT: Yes.

2 CROSS-EXAMINATION (CONT.)

3 BY MS. MACHNICH:

4 Q All right. Welcome back, sir.

5 A Uh-huh.

6 Q Just a few more things.

7 First, we left off -- fair to say that you have not received back any of the  
8 property that was taken from you on May 26, 2016?

9 A No.

10 Q And that would include the cards in your wallet and your gold chains?

11 A Yes.

12 Q All right. Now, a quick question about, let me see, oh, a quick question  
13 about the incident itself in the aftermath, when police started arriving; did they ever  
14 come out with, like, a crime scene analyst to take photographs of your car?

15 A I -- I don't remember --

16 Q Okay.

17 A -- that, no.

18 Q Do you recall -- you had testified earlier that the robber grabbed the  
19 window of your car --

20 A No. He --

21 Q -- at one point?

22 A No. He didn't -- he --

23 Q -- with -- with you?

24 A No. He didn't grab the window.

25 Q Okay. So --



1 A He just reached -- he just reached through the window.  
2 Q So he didn't touch any part of the car?  
3 A Yeah, he did.  
4 Q He did?  
5 A I mean, his body was up against my -- you know, the outside of the  
6 car.  
7 Q Okay. So he did touch the car. And you told police that, right?  
8 A I don't remember.  
9 Q But police didn't come out with a crime scene analyst that day?  
10 A Yeah. Yes.  
11 Q They did come out with a crime scene analyst?  
12 A I think so. It's been over a year ago.  
13 Q Okay. Did someone try to lift fingerprints?  
14 A No.  
15 Q Okay. Did someone try to swab for DNA?  
16 A No.  
17 Q Okay. And you don't know if any pictures were taken?  
18 A No.  
19 Q Of -- of the crime scene?  
20 A Right. No.  
21 Q Okay. Let me see, and -- and during the robbery itself, the robber  
22 actually told you to put your head down at one point?  
23 A Yes.  
24 Q Okay. And you did actually put your head down?  
25 A Yes.

1 Q And he was holding a gun on you, so that -- that's why you put your  
2 head down?

3 A Yes.

4 Q All right. Let me see here.

5 MS. MACHNICH: Court's indulgence.

6 BY MS. MACHNICH:

7 Q All right. One final question, sir. You are 6-foot-2?

8 A Yes.

9 Q Thank you.

10 MS. MACHNICH: Pass the witness.

11 THE COURT: Redirect?

12 MR. DICKERSON: Yes, Your Honor. Thank you.

13 **REDIRECT EXAMINATION**

14 BY MR. DICKERSON:

15 Q Defense counsel had asked you about how high your car was.

16 A Uh-huh.

17 Q From where you were sitting, were you able to get a clear view of the  
18 defendant's face?

19 A Yes.

20 Q And you being 6-2?

21 A Yes.

22 Q I take it you were sitting down in your car?

23 A Yes.

24 Q So the defendant's obviously above you?

25 A Yes.

1 MS. MACHNICH: I'm going to object to leading at this point,  
2 Your Honor.

3 THE COURT: Overruled.

4 BY MR. DICKERSON:

5 Q Is that a yes?

6 A Yes.

7 Q As you're sitting there, how good of a look would you say that you got  
8 at his face?

9 A A very good look.

10 Q And as you sit here today --

11 A Uh-huh.

12 Q -- how sure are you that it was the defendant, Keandre Valentine, that  
13 robbed you?

14 A I'm sure.

15 Q Now, you said he leaned up against the car?

16 A Yes.

17 Q But you said that he did not touch the window?

18 A Well, he reached -- he reached through the window with his -- with his  
19 hands --

20 Q Okay.

21 A -- you know to --

22 Q But he never put a palm on it?

23 A No.

24 Q Okay. Nothing like that?

25 A Right. Yes.

1 Q Leaning?

2 A Uh-huh.

3 Q All right. And now, I take it that you said your vehicle was where,

4 compared to your head?

5 A You talking about the roof of the car?

6 Q Yes, sir.

7 A About right like this.

8 Q Did the defendant have to crouch down?

9 A Yes, he did. Kind of leaned -- leaned down a little bit.

10 Q Is that when he was reaching in?

11 A Yes.

12 Q And throughout the robbery?

13 A Uh-huh.

14 Q Is that a yes?

15 A Yes.

16 Q Now, you've gotten a -- a look at this vehicle?

17 A Uh-huh. Yes.

18 Q And there was some talk about how you originally said it was a

19 two-door vehicle on the phone with 911. But isn't it true that when you -- do you

20 recall whether you told the detective when you interviewed that day --

21 A Uh-huh.

22 Q -- on May 26, 2016, that it was, in fact, a four-door vehicle?

23 MS. MACHNICH: Your Honor, I'm going to object to leading again.

24 He's suggesting all the answers.

25 MR. DICKERSON: I'm asking --

1 THE COURT: Well --  
2 MR. DICKERSON: -- if he recalls your answer.  
3 THE COURT: If he recalled what kind of --  
4 MR. DICKERSON: If he recalls telling the detective this.  
5 THE COURT: Well, that is -- I think that is leading, Mr. Dickerson. Ask  
6 it in a nonsuggestive way.  
7 MR. DICKERSON: Absolutely, Your Honor.  
8 THE COURT: So it's sustained. Thank you, sir.  
9 BY MR. DICKERSON:  
10 Q Do you recall what you told the detective about the description of that  
11 vehicle?  
12 A Yes.  
13 Q And what'd you tell him?  
14 A That it was a -- a four-door, white, looked like a Kia.  
15 Q Four-door, yes?  
16 A Uh-huh. Yes.  
17 Q White?  
18 A Yes.  
19 MS. MACHNICH: Okay. We're leading again, Your Honor. Objection.  
20 THE COURT: So the rules allow counsel to ask some leading  
21 questions when necessary to help obtain the testimony in a nonsuggestive  
22 manner. So sometimes it's difficult with some witnesses giving some details in  
23 some circumstances, it's difficult to, you know, to draw out the information. I think  
24 in this case that last question, I didn't see any problem with that one. All right.  
25 MS. MACHNICH: Your Honor, then, I would ask --

1 MR. DICKERSON: Thank you.

2 MS. MACHNICH: I would object to asked and answered, because it's

3 exactly what the witness just stated.

4 THE COURT: Well --

5 MR. DICKERSON: Okay.

6 MS. MACHNICH: And he's, again, then leading him through it again.

7 THE COURT: Okay.

8 MR. DICKERSON: And if I'm --

9 THE COURT: Let's just get through it. So I'm going to -- I'm going to

10 overrule. You can still object, but I'm going to respectfully overrule.

11 BY MR. DICKERSON:

12 Q And when you say a Kia-type vehicle --

13 A Right.

14 Q -- are you saying the was a Kia?

15 A It's just -- it looked like a Kia to me.

16 Q And what do you mean when you say it looked like it? What are you

17 talking about?

18 A It looked like a Kia.

19 Q Like, the size?

20 A In -- in the model.

21 Q Okay. But you can't -- you're not saying it -- it was, 100 percent?

22 A Right. Yes.

23 Q Okay. Now, the gun that you spoke of --

24 A Uh-huh.

25 Q -- the gun's in your face?

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1 A Yes.

2 Q You looked at the gun?

3 A Yes.

4 Q According to your testimony with defense counsel, did you still have

5 the opportunity to look at the defendant's face with the gun there?

6 A Yes. Yes.

7 Q And you testified that the gun was a 9mm Glock?

8 A Yes.

9 Q Do you own any guns, sir?

10 A No.

11 Q Okay. You're familiar with Glocks, are you?

12 A Yes.

13 Q So when you say it was a 9mm, what do you mean by that?

14 A Well, it looked like a 9mm. But it -- it was smaller.

15 Q Okay.

16 A So it was -- it had to have been, like, a Glock.

17 Q Okay. So -- so what do you base the description as a 9mm on?

18 A A -- a 9mm is larger than a Glock.

19 Q Okay.

20 A But this was a small handgun.

21 Q Okay. And when you say Glock, what do you mean?

22 A A small handgun.

23 Q Are you referring to a shape or size?

24 A Size.

25 Q Okay. And what color was that gun?

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1 A Dark in color.

2 Q Now, you ultimately came in about a month later, on June 28, 2016,  
3 testified before the grand jury?

4 A Yes.

5 Q About this event?

6 A Yes.

7 MR. DICKERSON: May I approach your clerk, Your Honor?

8 THE COURT: Uh-huh.

9 MR. DICKERSON: Thank you.

10 BY MR. DICKERSON:

11 Q And during that testimony, you were sworn in to tell the truth and the  
12 whole truth?

13 A Yes.

14 Q And you testified about the robbery that you just testified to before  
15 these members of this jury?

16 A Yes.

17 MR. DICKERSON: If I may approach, Your Honor.

18 THE COURT: Yes.

19 BY MR. DICKERSON:

20 Q I'm showing you here what's been marked as State's proposed  
21 Exhibit 171; do you recognize this to be your grand jury transcript, sir?

22 A Yes.

23 Q Okay. And this is a fair and accurate depiction of your grand jury  
24 transcript?

25 A Yes.



1 MR. DICKERSON: The State moves to admit Proposed 171.

2 THE COURT: All right. And I'll go ahead and admit it, subject to the  
3 discussions that we've had outside the presence of the jury.

4 [State's Exhibit No. 171 admitted.]

5 BY MR. DICKERSON:

6 Q And, sir, when you testified at the grand jury, you also testified that it  
7 was, in fact, a four-door vehicle; isn't that correct?

8 A Four vehicles?

9 Q Four-door, sir.

10 A Oh, yes.

11 Q Mr. Bass, do you know Darrell Faulkner?

12 A No.

13 Q Do you know Deborah Faulkner?

14 A No.

15 Q Do you know Lazaro Bravo-Torres?

16 A No.

17 Q Do you know Rosa Vazkuez?

18 A No.

19 Q Do you know Jordan Alexander?

20 A No.

21 Q Do you know Santiago Garcia?

22 A No.

23 Q Do you know Juan Carlos Campos Torres?

24 A No.

25 MR. DICKERSON: The State will pass the witness.

1 THE COURT: Thank you.

2 Recross?

3 MS. MACHNICH: Yes, Your Honor.

4 **RECROSS-EXAMINATION**

5 Q Okay. Hi, sir. All right. All right.

6 So let's briefly -- you know, we've -- we've gone over the car.

7 A Uh-huh.

8 Q You saw the car?

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q You called 911?

13 A Yes.

14 Q You said the car had two doors?

15 A Yes.

16 Q You told the officer the car had two doors?

17 A I told the officer it had four doors.

18 Q The first officer, you told him it had two doors?

19 A Well, okay, well, yes.

20 Q Okay. And then Detective Majors, you said it had four doors?

21 A Right.

22 Q Okay. Now, you had a chance to observe the man as he was by his  
23 car?

24 A Uh-huh.

25 Q The robber, by his car?

1 A Uh-huh.  
2 Q Yes?  
3 A Yes.  
4 Q And you had a chance to observe him walking in your general  
5 direction?  
6 A Right. Yes.  
7 Q And then you had a chance to observe him walking away from you and  
8 by his car again?  
9 A Yes.  
10 Q And during all of these occasions he was standing at his full height,  
11 walking?  
12 A Yes.  
13 Q Okay. And, finally -- well, not finally -- additionally, you were just  
14 referenced what has been marked as --  
15 MS. MACHNICH: This has been admitted, though.  
16 THE COURT: Mr. Dickerson, what number is the transcript?  
17 MR. DICKERSON: 171.  
18 MS. MACHNICH: It has been marked as 1 -- as -- admitted as 171?  
19 THE COURT: Uh-huh.  
20 BY MS. MACHNICH:  
21 Q Okay. You were shown what has been marked and admitted at State's  
22 Exhibit 171, correct?  
23 A Yes.  
24 Q And that was your grand jury testimony?  
25 A Yes.

1 Q Yes. You had the chance to speak with the State before the grand jury  
2 testimony?

3 A Yes.

4 Q Okay. During grand jury testimony?

5 A Yes.

6 Q After the grand jury testimony?

7 A Yes.

8 Q Okay. And also before your testimony here today?

9 A Uh-huh.

10 Q Okay. And at the grand jury, there was no defense attorney, was  
11 there?

12 A No.

13 Q There's no one sitting there going, objection, right?

14 A No.

15 Q Okay. And, finally, the State had asked if you knew a -- a list of  
16 names?

17 A Uh-huh.

18 Q And your response, if I have it correct, is no, you don't know those  
19 people?

20 A Right, yes. I don't know them.

21 Q Yes. But you are familiar with Metro officers who worked on this case?  
22 Metro officers worked on this case.

23 A Yes.

24 Q Okay. And you're familiar with Detective Majors?

25 A Yes.

1 Q You've spoken to him a few times?

2 A Uh-huh.

3 Q Is that a yes?

4 A Yes.

5 Q Thank you, sir.

6 MS. MACHNICH: Pass the witness.

7 THE COURT: All right. Do I have anything from the jurors? This is  
8 your time to ask questions. All right. I just wanted to remind you that you do have  
9 that right. I'm not encouraging you to, just reminding you. All right. All right.

10 I see no hands. The procedure is you -- you raise your hand. I see no  
11 hands. I'm going to go ahead and excuse this witness.

12 Thank you very much for your time, sir.

13 THE WITNESS: Okay.

14 THE COURT: You are excused.

15 THE WITNESS: Okay. Thank you.

16 THE COURT: Please step down and watch your step.

17 THE WITNESS: Okay.

18 THE COURT: The State may call its next witness.

19 MS. LEXIS: The State calls Jeff Smith.

20 THE COURT: Jeff Smith, please.

21 THE CLERK: Please raise your right hand.

22 **JEFF SMITH**

23 [having been called as a witness and being first duly sworn, testified as follows.]

24 THE CLERK: Please be seated and state and please spell your first  
25 and last name for the record.

1 THE WITNESS: Jeff, J-E-F-F, Smith, S-M-I-T-H.

2 MS. LEXIS: May I, Your Honor?

3 THE COURT: Yes, you may.

4 MS. LEXIS: Thank you.

5 **DIRECT EXAMINATION**

6 BY MS. LEXIS:

7 Q Sir, how are you employed?

8 A I am a crime -- senior crime scene analyst with the Las Vegas  
9 Metropolitan Police Department.

10 Q How long have you been so employed?

11 A Just about 14 years now.

12 Q Okay. Can you briefly give the ladies and gentlemen of the jury a brief  
13 description of your education and also your training that would qualify you to be a  
14 senior crime scene analyst with Metro?

15 A Sure. I originally got a business degree and then started law  
16 enforcement back in 2003. And when you get hired as a crime scene analyst, we  
17 don't go through the police academy. We go through a crime scene analyst  
18 academy. They teach you everything about photography, which we use to  
19 document the scenes. They also teach you how to process for latent fingerprints,  
20 which we do on a lot of -- lot of calls. You are also taught how to recover  
21 evidence, how to impound it, how to make sure the chain of custody is maintained.  
22 And then you also have a multiple, you know, training courses throughout our  
23 career.

24 After you go through the academy, then you go through field training.  
25 And you are paired up with a senior crime scene analyst and you go out to calls.

1 And, basically, learn an -- it's about three months of on-the-job training.

2 Q And you've been doing this for 14 years?

3 A Correct. Yes.

4 Q Okay. Can you describe for the jury your duties as a crime scene  
5 analyst? What is it that you exactly? Is it like the movies? Have you seen  
6 *Las Vegas CSI*? Is it like the movies? Do you carry a gun, a Range Rover? What  
7 do you do?

8 A It's not quite like the movies, but -- or the show. But what we do is we  
9 get called out to scenes by patrol or by detectives. And like I said, what we do is  
10 we document the scene through photography. We also take notes that we turn  
11 into a crime scene investigation report. We'll look for latent fingerprint evidence.  
12 We'll also recover and preserve any evidence that we find at the scene.

13 And so that's mainly our -- our duties as a crime scene analyst.

14 Q Okay. And how is it, say, you know -- let's say a 911 call comes  
15 through, Metro becomes involved. How is it that you, as a crime scene analyst,  
16 would become involved in an investigation?

17 A Basically, what happens if the 911 call comes in, it comes in through  
18 our communications. And then they dispatch patrol or a detective out to the scene.  
19 Mainly it's usually patrol. So patrol responds to the scene. They determine what  
20 happened, talk to a victim, look for any suspects. And then they take and took and  
21 see if there's any forensic evidence that needs to be recovered. And if there is,  
22 then they'll request a crime scene analyst to come out to the scene.

23 Q Okay. And once you get out to a scene, what is it that you do?

24 A Once we get to the scene, we'll talk with the detective or patrol officer,  
25 kind of find out what's going on, you know, what they -- what they need from us,

1 what they found at the scene. And so we'll kind of put together a little, you know,  
2 game plan. We'll also look at the scene, look at what we have, and kind of, you  
3 know, decide what -- what we're going to do.

4 Q Okay. Were you employed as a crime scene analyst with the Las  
5 Vegas Metropolitan Police Department back on May 28th of 2016?

6 A Yes, I was.

7 Q Okay. Did you respond to a scene located at 1701 J Street?

8 A Yes.

9 Q Okay. And that's here in Las Vegas, Clark County, Nevada?

10 A Yes.

11 Q Okay. Were you requested by a patrol detective?

12 A Yes, I was.

13 Q Okay. And do you recall the time you arrived on scene?

14 A It was just before 9:00. I think about 8:57 in the morning.

15 Q Okay. And so upon responding to that particular scene, do you recall  
16 what types of documentation you did?

17 A Basically, what we had is we had almost two scenes. We had a  
18 vehicle that was parked outside in the parking lot. And then we also had an -- an  
19 apartment. And then we talked -- I talked with detectives and they were getting a  
20 search warrant on both of the -- both the vehicle and the apartment.

21 Q Okay. And did you wait for the search warrant to come through prior  
22 to -- did you do any photography in this case?

23 A I did.

24 Q Okay. Did you wait for the search warrant to come through before the  
25 photography?



1           A     I believe so. Most of the time what the -- the detectives will call us  
2 once they're getting a warrant wrapped up. And so that way we kind of get there  
3 right when they get the warrant signed.

4           Q     Okay. And to your understanding was a search warrant obtained for,  
5 let's talk about a vehicle?

6           A     Yes, there was.

7           Q     Located at the scene, in the parking lot?

8           A     Yes.

9           Q     Okay. And so once you got word of that, did you subsequently do  
10 crime scene photography --

11          A     I --

12          Q     -- on that vehicle?

13          A     I did, yeah. I just took some pictures showing the vehicle, where it was  
14 located, and then just showing what condition it's in.

15          Q     Okay. And, sir, you already told the jury earlier, that as part of your  
16 job, you document evidence, you take notes, and you subsequently put all of that  
17 information in -- in a report; did you testify that way?

18          A     Yes, I did.

19          Q     Okay. Does that report memorialize the -- the findings and the  
20 documentation and everything that you do on a scene?

21          A     Yes.

22          Q     Okay. Did you do that in this particular case?

23          A     Yes, I did.

24          Q     Okay. Talking about the crime scene investigation report that you  
25 would complete as part of your job, is there what's called an event number on that

1 particular report?

2 A Yes, there is.

3 Q Okay. And in fact, isn't there -- is there an event number associated  
4 with a particular call or an event?

5 A Right. That's correct. That's the way it -- that's the way the event  
6 numbers come out.

7 Q Okay. Would you tell the jury what an event number is?

8 A Sure. What it is, is it's an event number. And what it is, is the -- it's  
9 the -- in this case, the event number is 16, which is the year, 2016, and then it's  
10 a 05, which is the month. And then 28 is the day. And then I believe we've got --  
11 there's a dash and then there's four digits. And I believe in this case it was 1147  
12 was the last four of our event number. And the way that works is at midnight, the  
13 event numbers change over. So at midnight the last four becomes zeroes. And --  
14 but the -- for the 28th of May in 2016, that event number was 160528, and then the  
15 first one of the day is 0000 -- 0001. And I was on Event No. 1147.

16 Q So by about 9 a.m., on that particular day, Metro had already  
17 received 1147 calls?

18 A Right. And -- and that -- that's correct. We -- that's not all calls that  
19 patrol responds to, but those are all -- all the events that come into the dispatchers.

20 Q Okay. In this particular case, do you recall the make and model of the  
21 vehicle that you photographed that was also the subject of the search warrant?

22 A I believe it was a 2016 Mazda 6 or Mazda 3.

23 Q Okay. Are you sure about the 3 or the 6 or would looking at your  
24 report refresh your memory?

25 A Yeah. Looking at my report would refresh it.

1 MS. LEXIS: Permission, Your Honor.

2 THE COURT: Yes.

3 MS. LEXIS: Thank you.

4 And counsel, it is page 1, Bates Stamp 230.

5 THE WITNESS: Yes. It's a 2016 Mazda 3.

6 BY MS. LEXIS:

7 Q Okay. And do you recall the license plate or if there was, in fact, a  
8 license plate on that vehicle?

9 A There was no license plate, but there was a temporary tag.

10 Q Okay. And we'll go over that in just a minute.

11 And do you recall the VIN number off the top of your head?

12 A I do not recall it off the top of my head.

13 Q Okay.

14 A But that -- that is something we recover.

15 Q You document?

16 A Yes.

17 Q Okay.

18 MS. LEXIS: Your Honor, permission to publish what has been  
19 stipulated as admitted into evidence, State's Exhibits 32 through 51.

20 THE COURT: Do counsel stipulate that those are admitted?

21 MS. MACHNICH: Yes, Your Honor.

22 THE COURT: All right. You may publish.

23 MS. LEXIS: Thank you.

24 BY MS. LEXIS:

25 Q We're not going to go through all of them, but State's Exhibit No. 32,

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1 sir, do you see -- do you see it on your screen?

2 A I do.

3 Q Okay. Is this the Mazda 3 that you photographed --

4 A Yes.

5 Q -- and documented?

6 A Yes, it is.

7 Q Okay. And it was located in a parking lot, correct?

8 A Right. That's correct.

9 Q State's Exhibit No. 33; did you photograph this car as it existed when

10 you arrived on scene?

11 A Right. That's correct. We -- I photograph it before I go into the car at

12 all. I want to show exactly how it was when I arrived.

13 Q Okay. So the first few photos that I showed you, and I'm going to

14 continue to show you, fair to say that these are exterior photos?

15 A Yes.

16 Q Taken from different vantage points?

17 A Yes, that's correct.

18 Q Okay. State's Exhibit No. 34, is that just, like, a further view of the

19 back of that vehicle?

20 A Yes, it is.

21 Q State's Exhibit 43; do you see that, sir?

22 A Yes.

23 Q Okay. Is that just the front of the vehicle?

24 A Yes.

25 Q State's Exhibit No. 45; is that the front of the vehicle showing the

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1 license where presumably a license plate would be?

2 A Right. That's correct. And you can see that temporary tag there in the  
3 bottom right corner of the windshield.

4 Q Okay. Okay. And you did photograph a closer version of that tag?

5 A Yes, I did.

6 Q Okay. State's Exhibit 48; what's depicted here, sir?

7 A That's just the rear of the vehicle.

8 Q Okay. And as a matter of fact, it's -- let me see here -- does this  
9 photograph, once I zoom it towards the left, does it show the make and model of  
10 the car?

11 A Yes. Yes.

12 Q Okay.

13 A Mazda 3.

14 Q Okay. And does it also say something on the right-hand side here?  
15 Let's see how good this zoom is. Can you see that? SKYACTIV?

16 A Yeah. I believe that says SKYACTIV Technology.

17 Q Okay. So you documented that?

18 A Correct. Yes.

19 Q State's Exhibit 50; what is this photograph of, sir?

20 A That's the vehicle identification number.

21 Q Okay. And just so we have a record of it for the transcript, could you  
22 read the VIN number?

23 A Sure. And I'll do it phonetically. It's JM1BM1T77G1344926.

24 Q Thank you, sir. And State's Exhibit No. 51; what is this a photograph  
25 of?

1 A That's going to be that temporary tag --  
2 Q Okay.  
3 A -- that I talked about.  
4 Q Okay. And for the record, so the transcript is clear, what is a  
5 temporary identification number, sir?  
6 A It's going to be 32691555.  
7 Q Okay. And you documented this information in your report --  
8 A I did.  
9 Q -- is that right?  
10 A Uh-huh. Correct.  
11 Q All right. So you took -- and correct me if I'm wrong, but upon getting  
12 word that the search warrant had been approved by a judge, you went ahead and  
13 photographed the outside of the 2006 Mazda 3?  
14 A Correct. Yes.  
15 Q Okay. After that, what did you do?  
16 A After that, I went ahead and opened up the car and took some photos  
17 of the inside, just showing the condition of the interior.  
18 Q Okay.  
19 MS. LEXIS: Brief indulgence.  
20 Q Showing you, sir, State's Exhibit 99. Let me zoom out.  
21 What is this photograph of?  
22 A That's the interior of the vehicle, just kind of the driver's compartment  
23 area.  
24 Q Okay. And is it your testimony that you photograph it as it exists upon  
25 arrival?

1           A     That's correct, yes.

2           Q     Okay. And when you arrived at this particular car, were there patrol  
3 officers securing this particular vehicle?

4           A     Yes.

5           Q     Okay. What does securing this particular vehicle mean to you?  
6 What -- what were the officers doing?

7           A     Usually, just the officers are in the area. They're making sure that no  
8 one's going in and out of the vehicle. They're making sure nobody hops into the  
9 vehicle and drives away.

10          Q     Okay. State's Exhibit 100; does that show the front driver's-side side  
11 of the vehicle?

12          A     Yes.

13          Q     State's Exhibit No. 101; what does this picture depict, sir?

14          A     That's going to be the left front door of the vehicle.

15          Q     So the driver's side front door?

16          A     Yes.

17          Q     Okay. Calling your attention to the yellow thing on the window or on  
18 the buttons there.

19          A     Uh-huh.

20          Q     What does that say?

21          A     That says, do not roll down.

22          Q     Okay. Have you seen a sticker like that before in vehicles?

23          A     I have, yeah.

24          Q     Okay. And what does that normally indicate?

25          A     Usually it means that they just had the windows tinted and so they

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1 don't want you to roll them down, usually for the first 24 to 48 hours so that the --  
2 messes up the tinting.

3 Q Okay. And upon your visual observation of this -- of this car, did it  
4 appear as though it was -- it was, in fact, tinted?

5 A Yes, yes. Yeah, I could see that the windows were tinted.

6 Q Thank you, sir. You also photographed the trunk and all of those other  
7 areas; is that right?

8 A Yes.

9 Q So, really, the key is to document it as you find it?

10 A Correct.

11 Q State's Exhibit 107. You also photographed the back; is that right?

12 A Yes.

13 Q State's Exhibit No. 110; what vantage point is this taken from?

14 A That's going to be from the right front side, from the passenger's side  
15 of the vehicle.

16 Q Okay. Did you search this particular vehicle?

17 A I did. I went -- once I took photos and documented its condition, I just  
18 looked, you know, through it, making sure there was no firearms or anything like  
19 that in the vehicle.

20 Q Okay. And did you find anything that would show ownership of this  
21 vehicle?

22 A I don't recall if I did find anything. Usually that is something that we  
23 look -- that we look for. But I don't recall anything. It's not something that I  
24 documented in my -- in my report, so I don't recall seeing anything.

25 Q Okay. After you photographed this particular vehicle, did you perform



1 any sort of forensic testing?

2 A I did look for some latent fingerprints. The -- the detectives at the  
3 scene asked that I go ahead and process the prints -- or process the car for prints.

4 Q And can you tell the ladies and gentlemen of the jury what -- what you  
5 do to process for prints?

6 A Basically, what we do is we just use a powder. And we use a brush or  
7 usually sometimes a magnetic wand. And we put that on whatever surface we're  
8 looking for prints on. And then we'll kind of like at the -- look and, you know, see if  
9 we've developed any. And then if we can, we'll go back and maybe put a little  
10 more powder on there, try and bring them up a little bit better. And then once  
11 we're happy with the print that we've recovered or that we've developed, we'll use  
12 some -- some plastic tape, lay that down over the print, and then photograph that  
13 tape in -- in place, lift it. And then it goes on what's called a latent print card,  
14 where we put all the information from where we recovered the print and the event  
15 number and the date, things like that.

16 Q Now, you just told the -- the jury that you -- when you're happy with a  
17 print that's been lifted or recovered.

18 A Right.

19 Q What do you mean by that?

20 A Usually, what -- we look for a print that has -- has detail. We've gone  
21 through classes with our latent print examiners and they've sort of told us sort of  
22 what we want or what they would like to see from what -- what type of prints we  
23 recover. And they said that we'd like, you know, to see on a print, you know, just  
24 basically the size of the a dime. So if we're looking -- we're looking for something  
25 that -- that, you know, like I said is roughly the size of a dime, and then just has

1 enough latent print detail in there, so -- and if it's -- if we find something about that  
2 size, that's what we recover.

3 Q Okay. So fair to say that sometimes you do see indicators of a print,  
4 but it's not sufficient for you to lift and subsequently submit for testing?

5 A Correct. Yeah. A lot of times we'll -- I'll see a swipe or something like  
6 that, or you could see some fingerprints went over the surface, but there's just no  
7 detail there. And so I don't recover that.

8 Q Okay. In this particular case, what areas of the vehicle did you test for  
9 prints -- or -- is that the word? Test? Or process?

10 A Process for prints. I did mainly the inside and outside of the windows,  
11 like the door handles, also. I also did some of the -- some areas on the interior,  
12 like the rear view mirror, some areas around the gear shifter. I'm looking for areas  
13 that are good -- good places to recover prints from, usually nonporous surfaces.

14 Q Okay. So I -- I notice that you didn't name, you know, like, the steering  
15 wheel or certain other parts of the car; why is that?

16 A Just because of the way the car is built. There's so much plastic and  
17 fiberglass and leather and things like that, that you just can't recover a print off of.

18 Q Okay. And so at -- after the processing was completed of this  
19 particular vehicle, were you able to recover some partial latent prints?

20 A Yes.

21 Q Okay. And in which areas, sir?

22 A I got one from the interior of the left front door, left front door window,  
23 so that's going to be the driver's side door window.

24 Can I look at my report just to make sure I tell you the exact --

25 MS. LEXIS: Permission, Your Honor.

1 THE COURT: Yes.

2 BY MS. LEXIS:

3 Q And before you move on to that next area, sir, I'm going to publish  
4 State's Exhibit 145; what does this photograph depict?

5 A That's going to be the print from that left front door window, from the  
6 inside there.

7 Q Okay. And so that's the driver's side?

8 A Yes, correct.

9 Q Okay. And on the interior?

10 A Yes.

11 Q And what other areas were you able to recover prints from, sir?

12 A I recovered one from the exterior right front door, below the handle. So  
13 that's on the outside of the right front door, just below the -- the door handle.

14 Q State's Exhibit 146; what does this depict?

15 A That's going to be the print where I covered -- recovered that print  
16 from.

17 Q Okay. And this is on the passenger side?

18 A Yes, correct.

19 Q Okay. On the outside, obviously?

20 A Yes.

21 Q Okay. State's Exhibit 147; what does this depict?

22 A That's going to be the two prints from the -- actually, it's going to be  
23 three prints from the right rear door, from the exterior. You can see that there's  
24 two along the back edge here, and then one from the door handle.

25 Q So the right rear door?

1 A Yes.

2 Q Of the passenger side?

3 A Yes.

4 Q Okay. And where else, sir?

5 A Those were the only prints that I recovered.

6 Q So only one print was located on the interior?

7 A Yes.

8 Q And that was on the driver's side front door, window, interior?

9 A Yes.

10 Q And as you indicated, you also processed the rear view mirror, some

11 plastic. How did -- what were the results of that?

12 A Those all did not have any prints that I was able to recover.

13 Q So you indicated that you processed a vehicle, but you also processed

14 or photographed or documented evidence concerning an apartment; is that right?

15 A Yes.

16 Q And that apartment was at 1701 J Street, Building No. 3,

17 Apartment 218?

18 A Yes.

19 Q Did you take digital images of that particular apartment?

20 A I did.

21 Q Okay. And did you kind of work the same way that you did with the

22 vehicle? Did you take overview photos first? Or what did you do?

23 A With the apartments, I knew that the patrol detectives and patrol were

24 also going to go in and do some searching, so I wanted to go in and take

25 photographs of the apartment before they got in and did their searching, so I could

1 show its condition, like when -- right when we arrived.

2 Q Okay. And once you took the overall photos, what did you do next?

3 A I was kind of going back and forth between the car and the apartment.  
4 So I took the photos of the interior of the apartment and then went and did a little  
5 bit more on the car while detectives then did their search in the apartments.

6 Q And just as an example, State's Exhibit Number, for instance, 62; what  
7 is this a photograph of?

8 A That's going to be the -- the living room from the apartment, and just  
9 showing its condition, what -- what it was like right when -- right when we arrived.

10 Q Okay.

11 MS. LEXIS: And I'm sorry, I didn't put on the record, Your Honor, but  
12 all of the photos that we've been going through, I mean, I -- I can get the numbers  
13 from the clerk, have been stipulated into evidence by both parties.

14 MS. MACHNICH: And that is accurate, Your Honor.

15 THE COURT: Well, all right. Just make sure that your stipulation is on  
16 the record sometime before the evidence portion is closed.

17 MS. LEXIS: Yes, sir.

18 BY MS. LEXIS:

19 Q How many bedrooms were in this apartment?

20 A Two.

21 Q Okay. I'm going to show you what's already been admitted as State's  
22 Exhibit 74; what is this a photograph of, sir?

23 A That's going to be the northeast bedroom.

24 Q Okay. Is this what would be considered the master bedroom?

25 A Pretty much, yes.

1 Q Okay. And this was taken as an overall condition photo; is that right?

2 A Yes.

3 Q State's Exhibit 77, is that still of the -- the same bedroom?

4 A Yes, it is.

5 Q Okay. Fair to say that you kind of go around the room and try to  
6 document kind of in a 360-degree angle?

7 A Right. We'll try and get photos from each of the four corners. That  
8 way you can see the entire room.

9 Q Was there another bedroom in this particular home, sir?

10 A There was. And I called that the southeast bedroom in my report.

11 Q And did you take overalls of that particular room, as well?

12 A Yes, I did.

13 Q State's Exhibit 86; what is this a photo of?

14 A That's going to be that southeast bedroom.

15 Q Okay. Okay. So once you take overalls, did you subsequently -- after  
16 you received word from the detectives that they had conducted their search, did  
17 you return to the apartment?

18 A Yes, I did. Yeah. At that point, the detectives went and did their -- did  
19 their search. And then they would come and let me know that they had some  
20 things that they needed photographs.

21 Q Okay. So they pointed some things out to you?

22 A Correct.

23 Q And as they were pointed out to you, did you make note of it in your  
24 report?

25 A Yes, I did.

1 Q Okay. Sorry. One of my stickers is, like, stuck to the photo here.  
2 And so they pointed you in that direction; did you first photograph it?  
3 A Yes, I did.  
4 Q Okay. And so --  
5 MS. LEXIS: Court's brief indulgence. May I approach your clerk,  
6 Your Honor?  
7 THE COURT: Yes.  
8 MS. LEXIS: Okay.  
9 BY MS. LEXIS:  
10 Q Sir, were one of the items pointed out to you a firearm?  
11 A Yes.  
12 Q Okay. We'll go through the photographs first.  
13 Where was this particular firearm -- or what firearm did you impound?  
14 A I impounded a Glock Model 27 handgun.  
15 Q Okay. And what was the serial number on that particular firearm?  
16 A Is it okay if I look, just so I make sure I get --  
17 MS. LEXIS: Permission --  
18 THE WITNESS: -- get it correctly?  
19 MS. LEXIS: -- Your Honor?  
20 THE COURT: Yes.  
21 THE WITNESS: Okay. The serial number was -- and I'll spell it  
22 phonetically, William --  
23 THE COURT: So you're reading it rather than just testifying from  
24 memory. So that's past recollection you recorded.  
25 Go ahead.

1 MS. LEXIS: Thank you.

2 THE WITNESS: Okay. Serial number was WKY209.

3 BY MS. LEXIS:

4 Q Thank you. And as you indicated, it was a black model 27?

5 A Yes.

6 Q What caliber?

7 A .40 caliber.

8 Q Thank you. Was the firearm found in one piece?

9 A It was actually in two pieces.

10 Q Okay. Where were the two pieces located, sir?

11 A The top part, the slide, is going to be in that northeast bedroom, and  
12 then the bottom part, the frame, is going to be in the southeast bedroom.

13 Q Okay. So let me show you what I already have out here. State's  
14 Exhibit 136; what does this depict?

15 A That's going to be the closet on the south wall of that southeast  
16 bedroom. And in this box right here in the middle of the picture is -- that's where  
17 the -- the lower portion of the handgun.

18 Q Okay. State's Exhibit 137.

19 MS. LEXIS: Mr. Dickerson, could you clear that, please.

20 BY MS. LEXIS:

21 Q State's Exhibit 137; what is this a photo of?

22 A That's a closer-up view of the -- the frame, the lower portion of the  
23 firearm.

24 Q Okay. Was this -- which bedroom, sir?

25 A That's going to be the southeast bedroom.



1 Q Okay. And where did you find the other piece?

2 A The other piece was in the northeast bedroom.

3 Q State's Exhibit 117; direct our attention to -- is -- is the area where you

4 found the other part of the gun depicted in this photo?

5 A Yes, it is.

6 Q Okay. Would you point it out to us by circling?

7 A It's going to be in this gray storage tote right here.

8 Q Okay. State's Exhibit 118; is that kind of an overview of -- of what was

9 in the storage tote?

10 A Yes.

11 Q And, sir, State's Exhibit 119, is that a different photo of -- of the same

12 item?

13 A Yes. Yes. That's the slide from the -- the handgun.

14 Q So after you documented that particular piece of evidence, the firearm,

15 you documented it in your report and you also photographed it; is that right?

16 A Correct. Yes.

17 Q Okay. Did you impound that particular item?

18 A I did.

19 Q Okay. Can you just briefly give the ladies and gentlemen of the jury

20 indication of what it is to impound an item?

21 A What we do is we recover the -- whatever the piece of evidence is from

22 a scene, and it remains in our sole care and custody. I take it back to the lab, and

23 like in this case, I went ahead and swabbed the gun for DNA the same day, and

24 processed it for fingerprints the same day.

25 It doesn't happen that way all the time. Sometimes we don't get to it

137

1 until a couple days later, because we're busy. But we have locked lockers and a  
2 portion of our lab where we can place that piece of evidence.

3 And then what we do with the evidence is we package it in a box or a  
4 bag, you know, just whatever is appropriate for the -- for the item. And then we --  
5 we turn it over to our evidence vault. And that's how we keep track of the chain of  
6 custody, who had possession of that piece of evidence, on -- you know, throughout  
7 the -- the course of the event.

8 Q So prior to bringing it to the evidence locker, was this particular firearm  
9 in your sole care, custody, and control?

10 A It was.

11 Q Okay.

12 MS. LEXIS: Your Honor, may I approach with what's been previously  
13 marked as State's Proposed Exhibits 41 and 41A. I believe the box is 41, and the  
14 contents therein would be 41A.

15 THE COURT: All right. You may approach.

16 MS. LEXIS: Thank you.

17 BY MS. LEXIS:

18 Q Sir, I'm showing you what has been marked as State's Proposed  
19 Exhibit 41, being the outer box, and State's Exhibit -- Proposed Exhibit 41A; do  
20 you recognize what's depicted in this particular -- what this is?

21 A I do.

22 Q Okay. What is it?

23 A That's going to be the Glock Model 27, the -- the slide and the frame.

24 Q Okay. How do you know?

25 A I've got the description on there, which indicates what it is. It's got the

1 serial number, and then it's also got my initials and P number, and it's also got  
2 my -- my signature, and it's also got the same event number.

3 Q Okay. Is the P number like a personnel number?

4 A Correct. Yes.

5 Q Is that unique to you?

6 A Yes, it is.

7 Q Okay. And you said there was your signature as well; is that right?

8 A Yes.

9 Q Now, we talked about an event number earlier; is that same event  
10 number located on this particular evidence tag?

11 A Yes, it is.

12 Q Okay. And it was the 160528-1147?

13 A Yes.

14 Q And as -- as indicated, there was a description of the impounded item;  
15 is that correct?

16 A Right, correct.

17 Q Thank you. I'll open the box here.

18 Sir, showing you what's located within the box, State's Proposed  
19 Exhibit 41A, do you recognize what's shown here?

20 A I do.

21 Q What is it?

22 A That's going to be the Glock Model 27 that I impounded on May 28th of  
23 last year.

24 Q Okay. Is -- does it fairly and accurately depict the firearm found in two  
25 different pieces as you photographed and observed on May 26, 2016?

1           A     Yes.

2           Q     Thank you.

3                   MS. LEXIS: Your Honor, at this point I move to admit State's  
4 Proposed Exhibit 41 and 41A into evidence.

5                   MS. MACHNICH: Might we just see the contents? We're not objecting  
6 to its admission. We just haven't seen the contents yet. All right. Thank you. No  
7 objection.

8                   THE COURT: All right. So admitted, 41 and 41A.

9                               [State's Exhibit Nos. 41 and 41A admitted.]

10                  MS. LEXIS: Permission to show the jury the contents, Your Honor.

11                  THE COURT: You may.

12                  MS. LEXIS: Thank you.

13                       Permission to publish the outer portion of 41, which has been marked  
14 as 41, Your Honor.

15                  THE COURT: Granted.

16                  MS. LEXIS: Thank you.

17 BY MS. LEXIS:

18           Q     And, sir, just so the ladies and gentlemen of the jury -- I -- I kind of  
19 went through it quickly, but this is the evidence tag that we were referring to; is that  
20 right?

21           A     Yes, it is.

22           Q     Okay. Sir, there were other items that your attention was drawn to and  
23 that you photographed; is that right?

24           A     Yes.

25           Q     Various phones located throughout the -- throughout the home; is that

1 right?

2 A Yes, that's correct.

3 Q Okay. Could you just please tell us where these particular cell phones  
4 were located?

5 A There was one in the northeast bedroom at the -- on the head of the  
6 bed that we saw. There was also one in -- I believe in that same bedroom, that's  
7 going to be on the -- the windowsill. There was one amongst kind of some  
8 clothing. And then there was also one in the -- the living room, also.

9 Q Okay. And you photographed them and the areas that they appeared  
10 in; is that right?

11 A Yes, that's correct.

12 Q Thank you, sir.

13 State's Exhibit -- State Exhibit 74; you indicated that there was a  
14 phone found in, like, the headboard or the top of the headboard. Do you see it  
15 there?

16 A I believe it's going to be over here on the -- the left side of the  
17 headboard.

18 Q Okay. And you circled, for the record, if you're facing the photograph,  
19 it's the second row, on the shelf on the left; is that right?

20 A Yes.

21 Q And did you take close-up photos?

22 A Yes, I did.

23 Q State's Exhibit 120; is that a better photo?

24 A Yes, it is.

25 Q Okay. And that's the phone --

141

1 A Yes.

2 Q -- that you photographed?

3 A Correct, yes.

4 Q State's 121; is that also a phone that you photographed as being in the  
5 apartment?

6 A Yes.

7 Q State's Exhibit 126; what's this photograph of, sir?

8 A That's going to be the phone that I said that was in the -- kind of  
9 amongst some of the clothing.

10 Q All right. Did you also photograph and document some ID -- an ID --

11 A Yes, I did.

12 Q -- card?

13 A Yes.

14 Q And State's Exhibit 128; is that where you found that particular -- or is  
15 that where you documented the ID card?

16 A Yes.

17 Q State's Exhibit 129; and is that a closer view of the identification card  
18 that you photographed and noted in your report?

19 A Yes, it is.

20 Q Sir, State's Exhibit 133; what's that, sir?

21 A I believe that's going to be the phone that was in the -- I'll have to  
22 see -- okay. There -- there was one on the -- the mattress in that northeast  
23 bedroom, then.

24 Q Okay.

25 A And that's going to be that one.

1 Q Okay. Speaking of ID cards, 134; did you document finding these  
2 debit cards or -- yeah, debit cards?

3 A Yes, I did.

4 Q Okay. And you photographed them?

5 A Yes.

6 Q Do you recall where the -- the red Wells Fargo debit card was located?

7 A I believe they were both with -- in the same vicinity of that Nevada ID  
8 card that we just saw.

9 Q Thank you. And that was in the bedroom that we would have  
10 considered the master bedroom?

11 A Right, correct.

12 Q Sir, State's Exhibit 143; what's shown here?

13 A That's the couch in the living room.

14 Q Okay. And State's Exhibit 144; what's shown here?

15 A Just another cell phone that we found in the house.

16 Q Okay. You indicated earlier that there was a phone kind of on a ledge,  
17 a window ledge?

18 A Yes.

19 Q State's Exhibit 122; can you see it in this photo?

20 A I can, yes.

21 Q Sir, could you please circle it. Okay. Thank you.

22 And for the record, you circled a black object towards the middle ledge  
23 of that window from the inside.

24 A Okay.

25 Q State's Exhibit 123; do you recognize what's depicted here?

143

1 A I do.

2 Q What is it, sir?

3 A And that's going to be the phone that was on that windowsill.

4 Q Okay. And State's Exhibit No. 125; what was this documenting?

5 A That's going to be just that phone that was -- that was in that clothing.

6 Q Okay. And just -- I'm zooming in towards the middle, is it a -- like a

7 silver -- it looks like a silver iPhone?

8 A Yes.

9 Q Okay. Did you do latent print processing on the firearm, as well?

10 A I did.

11 Q What were the results of that?

12 A I did not recover any latent fingerprints.

13 Q Okay. And you indicated to the ladies and gentlemen of the jury that

14 you swabbed that firearm for potential DNA?

15 A Yes, I did.

16 Q Okay. And when you say swab, is that when you take, like, a cotton

17 swab and kind of rub certain places?

18 A Right. And -- and what I do is just, like she said, it's a cotton swab.

19 And I'll -- I'll run it over several areas of the gun that are normally touched. And in

20 this case, it's going to be the grip, the trigger, and then the slide, also, kind of

21 some -- some of the serrated areas that you might be able to catch DNA from.

22 Q Okay. But you're not the person who processes that. You just swab

23 it --

24 A Right.

25 Q -- is that right?



1 A That's correct.

2 Q And then what do you do with the swab once you get it?

3 A I impound it, the same way that I did the -- the firearm. And it gets just  
4 impounded as evidence.

5 Q Okay. Sir, I forgot to ask you about State's Exhibit 139; sir, what does  
6 this depict?

7 A That is going to be -- just a box in I believe that's that southeast  
8 bedroom.

9 Q Okay. And State's Exhibit 140; does that show what was contained  
10 inside that box?

11 A It does.

12 Q Thank you, sir. And actually, what was in that State's Exhibit 140?

13 A It was two cartridges. Cartridges are bullets.

14 Q Okay. And what caliber?

15 A .40 caliber.

16 Q Thank you. Were the bullets swabbed for DNA or fingerprints?

17 A No, they were not.

18 Q Okay. Why?

19 A That was something that the detectives went ahead and impounded.  
20 And so -- but they were recovered and impounded in -- in case they needed to  
21 ever be swabbed or processed for print -- fingerprints later on, it could have been  
22 done.

23 Q Okay.

24 A So they were impounded that way, but they just weren't done --

25 Q Okay.

1 A -- in the same fashion that the gun was done.

2 Q Speaking of impounding, did you impound -- you impounded the -- the  
3 Glock 27; is that right?

4 A That's correct.

5 Q The other items that I showed you, the identification cards, the debit  
6 cards, the cell phones, did you impound those items?

7 A No. Those were impounded by detectives.

8 Q Okay. So they were found by the detectives, photographed by you,  
9 and then impounded by the detectives?

10 A Correct.

11 Q Okay.

12 MS. LEXIS: Court's brief indulgence.

13 Q Oh, I'm sorry. One more thing.

14 You indicated that the Glock Model 27 was found in two separate  
15 areas of the apartment; is that right?

16 A Yes.

17 Q Okay. So you have the top slide portion and then the bottom portion;  
18 is that right?

19 A Yes.

20 Q Okay. Do you know whether or not the serial -- would the slide have a  
21 serial number?

22 A The slide does have a serial number. It's actually the -- the side of the  
23 barrel has a serial number on it.

24 Q Okay. And would the bottom portion of the firearm also have a serial  
25 number?

1           A     Yes. Just -- there's a -- there's a small little piece under the -- the  
2 muzzle of the -- of the firearm where -- that has the serial number on it.

3           Q     Okay. And in this particular case, did you compare the serial  
4 numbers?

5           A     Yes.

6           Q     Were they the same?

7           A     They were.

8           Q     The same serial number that you read off for the jury?

9           A     Yes.

10          Q     And just so there's a record, we asked you to bring -- because as a  
11 crime scene analyst, you have access to the evidence locker; is that right?

12          A     Correct.

13          Q     Okay. We also asked you to bring to court today, though you did not  
14 impound these items, the other items that were impounded under event -- certain  
15 event numbers linked to this particular case; is that right?

16          A     Yes.

17          Q     Okay. And just so we have a record, you brought State's Proposed  
18 Exhibit No. 40 to court today?

19          A     Uh-huh. Yes.

20          Q     So you took it from the evidence locker and brought it to court, to the  
21 court clerk?

22          A     Yes.

23          Q     Thank you. And State's Proposed 39 and 39A; did you bring those to  
24 court, as well?

25          A     I did.

1 Q State's Proposed Exhibit 36; did you bring this to court?  
2 A Yes.  
3 Q State's Proposed Exhibit 38, 38A, and 38B; did you bring that to court?  
4 A Yes.  
5 Q And State's Proposed Exhibit 37; did you bring this to court?  
6 A Yes.  
7 Q Thank you. But again, you did not impound them?  
8 A That's correct.  
9 MS. LEXIS: Court's brief indulgence. Court's brief indulgence.  
10 Q Sir, without telling us the name of the individual that you documented,  
11 did you also take photographs of an individual?  
12 A I did.  
13 Q Located at 1701 J Street?  
14 A Yes.  
15 Q Okay. I'm going to show you State's Exhibit 52; were these -- is this a  
16 photograph of the individual?  
17 A Yes, it is.  
18 Q State's Exhibit 53?  
19 A Yes.  
20 Q State's 54?  
21 A That's correct. Yes.  
22 Q State's 55?  
23 A Yes.  
24 Q State's 56?  
25 A Yes.

1 Q So is it fair to say that when you photograph even an individual, you  
2 take different vantage points?

3 A Right. That's correct. We do all four sides, just so we can show their  
4 overall condition.

5 Q State's 57?

6 A That's correct, yes.

7 Q And does that depict more of the left side of -- of this individual's arm?

8 A Yes. Showing a tattoo on the lower left arm.

9 Q State's Exhibit 58?

10 A And then showing a tattoo on the upper left arm.

11 Q And State's 59?

12 A Yeah. Just showing a tattoo on the inside of that right wrist.

13 Q Okay. Sir, when we talked about the tint earlier, the tint is placed on  
14 the inside of the window of the vehicle; is that right?

15 A Yes.

16 Q Thank you. Did you also respond to another scene?

17 A I did.

18 Q And was that located at 2605 Rising Legend Way?

19 A Yes, it was.

20 Q And did you -- do you recall when you arrived at that particular  
21 location?

22 A I don't recall. I can tell you the exact time. I know it was before I  
23 responded to the one on J Street.

24 Q Do you have your report to refresh your memory?

25 A I do.

1 MS. LEXIS: Permission for him to look, Your Honor.

2 THE COURT: Yes.

3 THE WITNESS: And I was going to -- so I arrived at that residence  
4 at 8:03.

5 BY MS. LEXIS:

6 Q Thank you, sir. And we were speaking about event numbers earlier;  
7 was there a particular event number linked to that call?

8 A There was.

9 Q And what was that event number, sir?

10 A It was the same, 160528, and then the last four is 1116.

11 Q Okay. So the last four digits were different?

12 A Correct.

13 Q Okay. So that would have been the 1,116th call?

14 A Yes.

15 Q For that particular day?

16 A Yes.

17 Q And upon arrival, did you take some photos?

18 A I did.

19 MS. LEXIS: For the record, Your Honor, I'll be referring to State's  
20 Exhibit 16 through 31, which have been admitted into evidence by way of  
21 stipulation.

22 THE COURT: Okay. Thank you.

23 BY MS. LEXIS:

24 Q State's Exhibit, I believe that's 20; can you tell us what we're looking at  
25 here?

1           A     That's just going to be the garage at the -- at the residence. And you  
2 can see a little bit of the driveway just out in front of it.

3           Q     Thank you. State's Exhibit No. 19; what does this depict, sir?

4           A     Just a different view of the -- the front portion of the garage.

5           Q     Okay. Thank you. State's Exhibit 21?

6           A     Just another -- another image of the garage.

7           Q     State's Exhibit 23?

8           A     That's going to be from the back portion of the -- the garage, kind of  
9 where you walk in from the -- or walk out of the residence into the garage, looking  
10 at the driveway.

11          Q     State's Exhibit No. 26?

12          A     That's kind of looking out on the street from the -- just the front of that  
13 garage there.

14          Q     And is there a -- a vehicle there?

15          A     Yes, there is.

16          Q     Yeah. It's kind of like a teal -- is that a Nissan?

17          A     Yes.

18          Q     Okay. 1997 Nissan?

19          A     Yes.

20          Q     Drawing your attention to State's Exhibit 27; what does this depict, sir?

21          A     I did -- like I said before, like I did -- did some latent print processing,  
22 and I processed the left -- or the -- the front left quarter panel and the hood of that  
23 Nissan Altima --

24          Q     Okay.

25          A     -- and just recovered some prints from there.

1 Q Okay. And did you actually, in fact, recover prints?

2 A I did.

3 Q Okay. And where were you -- where was that recovered?

4 A Like you could see there from the -- that front left quarter panel and  
5 then the hood.

6 Q State's 27?

7 A Yes. Correct. You can see the two -- I used larger vinyl lifters, just  
8 because the print was -- was bigger.

9 Q Okay. And so prints were recovered from there?

10 A Yes.

11 Q Okay. How about on the right edge of the vehicle's hood?

12 A I don't have it -- I -- I recovered my prints from the left quarter panel  
13 and then from the left -- left edge of the hood.

14 Q Okay. But was the right edge of the vehicle -- the hood, also  
15 processed with negative results?

16 A Yes.

17 Q Okay.

18 MS. LEXIS: I have no more questions. Thank you, Your Honor.

19 THE COURT: All right. Ms. Machnich, do you want to start or do you  
20 want to take a -- a short break?

21 MR. GASTON: I'll be, like, two minutes, about three minutes.

22 THE COURT: All right. Sure. We'll going to -- thank you, then, Mr.  
23 Gaston, you may cross-examine.

24 We'll take -- we'll be taking a break shortly.

25 **CROSS-EXAMINATION**

152



1 BY MR. GASTON:

2 Q Showing you State's Exhibit 57; get started with that, I want to follow  
3 up with that a little bit.

4 A Okay.

5 Q Do you see these scratches on his arm?

6 A Yes.

7 Q Those are scratches, right?

8 A It appears that they could be, yes.

9 Q Do you have any idea where that's from?

10 A I do not.

11 Q Okay. When he was standing here and you were taking photos -- well,  
12 let me -- actually, I don't even need to ask it. I'll just show you.

13 Showing you State's Exhibit 56; the wall behind him there --

14 A Uh-huh.

15 Q -- is that where the scratches could be from?

16 A That I could not tell you.

17 MS. LEXIS: Objection. Speculation.

18 THE COURT: You know, well, sustained. He wouldn't have any way  
19 of knowing it. Save it for argument.

20 MR. GASTON: Okay.

21 BY MR. GASTON:

22 Q Again, there seems to be more scratches here along the back of his  
23 arm, correct?

24 A Yes.

25 Q Okay. All right. So just listening to you go through all the photos and

1 so forth of everything that you did on the scene of the apartment, it seems like you  
2 were very thorough.

3 A Okay.

4 Q I meant it as a compliment, but.

5 A Okay.

6 Q When you -- you did a -- you did a pretty detailed search of the  
7 apartment; fair to say?

8 A Of the apartment, all the searching was done by patrol detectives and  
9 patrol.

10 Q Okay. You came in and photographed -- okay. That's a yes?

11 A Yes, that's correct.

12 Q Okay. Do you just pick places to go photograph, or are you kind of  
13 directed by the -- the detective leading the investigation?

14 A Like I said, I'll do an overall, showing everything at the beginning. But  
15 then when patrol detectives find something, they'll say, hey, I found this, in X area  
16 of the apartment.

17 Q Okay. So were you in the apartment when the other officers and  
18 detectives, et cetera, were searching?

19 A Probably not. Like I said, I was going back and forth between the car  
20 and the apartment.

21 Q Okay. So doing multiple things?

22 A Right, correct.

23 Q Okay. Fair enough. But you are aware of which items were  
24 recovered?

25 A Yes.

1 Q And you photographed all of them?

2 A Yes.

3 Q And those were the ones that you went through with the State?

4 A Yes.

5 Q So just to summarize, various identification cards and credit cards

6 belonging to other people?

7 A Right.

8 Q And cell phones?

9 A Yes.

10 Q Okay. To your knowledge, was any cash ever recovered?

11 A I don't believe I saw any on the -- the property report.

12 Q To your knowledge, was any jewelry recovered?

13 A I don't recall seeing any on the property report.

14 Q Okay. Now, as far as surfaces for prints, what kind of surfaces make

15 for -- I mean, what kind of surfaces are ideal for getting a fingerprint off?

16 A Like I said, anything that's going to be nonporous. Anything like glass,

17 the outside of a -- a vehicle. You know, a nice smooth surface. Like I said, if it's --

18 if there's something that's plastic or leather or cloth or fabric or something like that,

19 that's definitely -- that's not going to be a good surface.

20 Q But, like, a car window is pretty ideal?

21 A Yes, correct.

22 Q Okay. What about like a --a phone? You know, a phone, like, the

23 screen of a phone?

24 A It can be good, yes.

25 Q Okay. And in this case, cell phones were recovered?

155

1 A Yes.

2 Q Did you either on your own or ever be directed from Detective Majors

3 to dust those for fingerprints?

4 A No. We didn't -- we didn't dust those at the scene or anything.

5 Q Okay. Did you ever do it later?

6 A No, uh-uh.

7 Q Okay. Did you ever swab the cell phones for DNA?

8 A No, I did not.

9 Q The identification cards, the driver's license --

10 A Uh-huh.

11 Q -- were those ever dusted for fingerprints?

12 A No, they were not.

13 Q DNA?

14 A No.

15 Q The credit cards, were they ever dusted for fingerprints?

16 A No.

17 Q Swabbed for DNA?

18 A No.

19 Q Was any of the stolen property -- or was any of the stolen property that

20 was recovered ever dusted for fingerprints?

21 A No, it was not.

22 Q Or swabbed for DNA?

23 A No.

24 Q Okay. Now, we talked about how you did swab the -- the gun for DNA.

25 A Correct.

1 Q And the State went through a little bit about the -- the shell casings --  
2 A Okay.  
3 Q -- cartridges?  
4 A Uh-huh.  
5 Q And if I understand correctly, your testimony was that they were  
6 impounded by the detectives?  
7 A Yes.  
8 Q They could have been dusted for fingerprints?  
9 A That's correct, yes.  
10 Q They could have been swabbed for DNA?  
11 A Right.  
12 Q But they weren't at that time?  
13 A At the time, no.  
14 Q The idea was impound them, and if we ever need them later, we can  
15 come back and figure that out?  
16 A That's correct.  
17 Q At any point in the last 14 months, has those shell cartridge -- shell  
18 casings or et cetera ever been dusted for fingerprints?  
19 A That would be a question for a detective.  
20 Q Were -- were you ever involved in any of that?  
21 A No. Usually, once something goes to the evidence vault, if they're  
22 going to be processed later on, they're done by the forensics lab.  
23 Q Okay. So --  
24 A They don't -- they don't come back to us to process.  
25 Q So if that -- if that was done or wasn't done, you wouldn't have been

1 involved?

2 A Right, correct.

3 Q Now, as far as fingerprints themselves, that basically tells you  
4 somebody's touched this, correct?

5 A Yes.

6 Q Okay. So you recovered a fingerprint from the inside of the driver's  
7 side window of the Mazda, correct?

8 A Yes.

9 Q That tells you that at some point that person touched the inside of the  
10 window of the Mazda, correct?

11 A Yes.

12 Q Okay. It doesn't tell you whether that person ever drove the car?

13 A Correct.

14 Q You also can't date a fingerprint, right?

15 A Right. That's correct.

16 Q So you don't know when that print was placed there?

17 A Right. Yeah. I can't tell you exactly when it was placed there.

18 Q Okay. Similarly, the prints that you recovered on the passenger-side  
19 door, all that tells you is that somebody at some point -- or the person those prints  
20 belonged to, touched the passenger-side door?

21 A Yes.

22 Q Doesn't tell you whether they ever drove the car?

23 A Right.

24 Q Didn't drive the car?

25 A Right. That's correct.

1 Q Okay.

2 MR. GASTON: Court's indulgence for a second.

3 Q Are you aware that various witnesses described specific clothing that  
4 the robber wore?

5 A I wasn't told anything about, you know, specific clothing that a suspect  
6 might have been wearing or anything like that.

7 Q Okay. Did you -- were you ever asked or did you ever impound any  
8 clothing?

9 A I did not.

10 Q Okay. Thank you.

11 MR. GASTON: No further questions.

12 THE COURT: All right. Redirect.

13 MS. LEXIS: I don't have any redirect. Thank you.

14 THE COURT: No redirect?

15 Anything from the jurors? Questions? No? All right.

16 Thank you very much for -- for your time, sir. You may step down.

17 Watch your step. And you can go ahead and step down.

18 Ladies and gentlemen, we're going to take a 10-minute recess. During  
19 this recess, don't communicate among yourselves or with anybody else about the  
20 case or the subject matter of the case; don't communicate at all with any of the  
21 parties, attorneys, or witnesses; don't seek or obtain any information or comments  
22 about the case from any source; don't read, watch, or listen to any report of or  
23 commentary about the case; don't perform any research or investigation; don't  
24 form or express any opinions about the case.

25 Please return to the hallway outside this courtroom at 4:15, and then

1 we'll take the next witness.

2 Thank you. Okay.

3 [Jury recessed at 4:02 p.m.]

4 THE COURT: All right. We're outside the presence. See you guys in  
5 about 10 minutes.

6 MS. LEXIS: Thank you.

7 [Court recessed from 4:02 p.m., until 4:15 p.m.]

8 [Outside the presence of the jury.]

9 THE COURT: All right, marshal, I'm ready if you are. Let's go bring  
10 the jurors back.

11 [Jury reconvened at 4:16 p.m.]

12 THE COURT: All right. Please be seated.

13 The State may call its next witness.

14 MR. DICKERSON: The State's next witness is Jordan Alexander.

15 THE COURT: Hello, Mr. Alexander. Thank you for your patience.  
16 The court clerk will administer your oath.

17 **JORDAN ALEXANDER**

18 [having been called as a witness and being first duly sworn, testified as follows.]

19 THE CLERK: Please be seated. And please state and spell your first  
20 and last name for the record.

21 THE WITNESS: My name is Jordan Alexander, J-O-R-D-A-N  
22 A-L-E-X-A-N-D-E-R.

23 THE COURT: Your witness.

24 MR. DICKERSON: Thank you, Your Honor.

25 **DIRECT EXAMINATION**

160



1 BY MR. DICKERSON:

2 Q Good afternoon, sir.

3 A Hello. How you doing?

4 Q Very well.

5 I want to draw your attention to Saturday, May 28th, 2016, in the  
6 morning, about 7:01 a.m. --

7 A Uh-huh.

8 Q -- approximately. Where were you?

9 A I was in the front of my house on Robin.

10 Q On Robin Street?

11 A Yes, sir.

12 Q Specifically, 1508 Robin Street?

13 A Yes, sir.

14 Q And that's the location that's here in Las Vegas, Clark County,  
15 Nevada?

16 A Yes, sir.

17 Q What's the general location of your home, the cross-streets?

18 A Vegas -- Vegas/Owens and Simmons.

19 Q And is Martin Luther King a close major cross-street?

20 A Yes, sir. It's about two streets down, if I'm not wrong.

21 Q Okay.

22 MR. DICKERSON: Your Honor, permission to publish what's been  
23 admitted by stipulation as State's Exhibit 7.

24 THE COURT: Yes, you may.

25 MR. DICKERSON: Thank you.

1 BY MR. DICKERSON:

2 Q I'm showing you a map here, Mr. Alexander; do you recognize your  
3 address there, 1508 Robin Street?

4 A Yes, sir.

5 Q And that street just above the address in the middle of the screen, is  
6 that Vegas Drive?

7 A Yes.

8 Q And below Robin Street right here?

9 A That's Tonopah.

10 Q Okay. And just outside of the screen right here?

11 A That's MLK.

12 Q Okay. Vegas turns into Owens right here at MLK?

13 A Yes, sir.

14 Q Okay. So, specifically, you're here at your house at 1508 Robin Street  
15 early in the morning on the 28th of May 2016; what are you doing?

16 A I was loading stuff into my mom's car in order to leave to a funeral in  
17 California. My aunt died in California, so we were going to a funeral there.

18 Q Okay. What were you loading into the car?

19 A I had two purses in my right hand, and I had a car seat in my left hand.

20 Q And where was the car parked?

21 A The car was parked on the side -- on -- on Robin. Where Robin is at, it  
22 was parked right on the street.

23 Q Okay. Like, in front of -- in front of your house?

24 A Yes. Not directly in front of the house, but I won't say no more  
25 than 10 feet from the house.

1 Q Okay. And did anything happen as you're putting these purses and the  
2 car seat into your car?

3 A Yes. As I was putting -- I -- I just got done putting the car seat -- I  
4 mean the -- the -- the purses into the car. And as I put them into the car, there was  
5 a Mazda that was coming up the street, that I seen, because I just got done getting  
6 out of my car. So when I seen him coming up Robin, because they just turned  
7 onto Robin from Vegas. So as I seen them, you know, come on the street, I kind  
8 of looked. Didn't pay them no mind.

9 And then as I walked around my car, I seen them kind of parking  
10 behind me. So I looked and I was, like, oh, like I don't know who that is. But I  
11 didn't think nothing of it, because it's early in the morning. So as I --

12 Q Well, this Mazda comes in. This is Vegas right here --

13 A That's Vegas right there.

14 Q -- in the middle of the screen? And this is Robin right here?

15 A Yes.

16 Q So it comes from Vegas --

17 A Yes.

18 Q -- onto Robin?

19 A Yes.

20 Q And you said it parks?

21 A Yes.

22 Q What do you notice about this Mazda?

23 A It was -- it was new. It was brand new, it looked like to me.

24 Q How could you tell?

25 A It had no license plates on it.

1 Q What'd you --  
2 A So --  
3 Q What'd you notice about that -- that area?  
4 A Just didn't have no license plates.  
5 Q Yeah. And so then do you look at the vehicle?  
6 A Oh, yeah. I'm -- I tried to make sure that I seen what type of car it was,  
7 because I wasn't familiar with it, especially after he robbed me. So.  
8 Q What happens next? Sounds like robbery.  
9 A As I was getting out of the car from putting in the car seat, because I  
10 just strapped it in, when I turned around, he was standing right behind me, and he  
11 just had the gun in his left hand, he was standing there.  
12 He's, like, Give me everything you got.  
13 So I just kind of got a little startled, and I backed up. And I'm, like,  
14 What are you talking about, man? Like, what do you want?  
15 And he's, like, Give me everything you got.  
16 And I was just, like, I don't have anything on me.  
17 And he's, like, All right, stay calm, like -- like, give me -- give me your --  
18 give me your card. And I was, like -- or no, he said, Give me your -- give me the  
19 money.  
20 I was, like, I don't have anything but my card.  
21 He's, like, Give it here.  
22 So I took out my wallet and I handed him my wallet.  
23 He's, like, Where are the purses at? He asked for the purses.  
24 I'm, like, What purses are you talking about?  
25 Q Okay.

1 A What purses? He --

2 Q This guy that you're referring to, do you see him here in the courtroom  
3 today?

4 A Yes, sir. That's him right there. He just didn't have dreads.

5 Q Okay. So you pointed over here to my left. Can you identify a piece of  
6 clothing of the individual that you're pointing to?

7 A I believe it's a gray shirt, silver shirt.

8 Q Okay.

9 A Silver, long-sleeved shirt.

10 MR. DICKERSON: If the record will reflect that the witness has  
11 identified the defendant, Keandre Valentine.

12 THE COURT: Yes, it does.

13 BY MR. DICKERSON:

14 Q The -- the defendant was the one that came up to you with the gun?

15 A Yes, sir.

16 Q And how was it that he was holding the gun?

17 A He had it in his left hand, really close to his body. But he was angled  
18 at me, but I don't feel like a car or anything, because he --

19 Q If you could please stand up and show the members of the jury how it  
20 was that that gun was being held.

21 A So --

22 Q You can stand right there.

23 A Okay. So say this is me, he was just like this, kind of turned like here,  
24 just talking to me. Because the main street is right there, so he was just talking to  
25 me face to face.

1 Q Okay. I see -- and so you're indicating that your fist where -- where the  
2 gun would be in the left hand is --

3 A Yes. It was right -- right in his stomach area.

4 Q Okay.

5 A Just holding it right there.

6 Q Kind of close to the stomach?

7 A Yes. It wasn't out here. It was right on the stomach, just sitting there,  
8 aimed at me.

9 Q It was pointed at you?

10 A Yes, sir.

11 Q And what exactly does the defendant say to you?

12 A He told me to give me -- give him everything I had.

13 Q And so what do you do?

14 A I told him I don't have anything. And --

15 Q And how does he take that for an answer?

16 A Well, he was just, like, give me everything you got.

17 Q You said that all you had was a card?

18 A Yeah. I had my wallet and my -- and my card.

19 Q And you told him that?

20 A Well, yeah, because I didn't want him to check me. So I was just, like,  
21 All I have is my wallet. Gave it to him. Because I didn't want anything to happen.

22 Q And you -- you just testified that you said that all I had is my card?

23 A Yes.

24 Q And is that what you just told him?

25 A Yes.

1 Q And after --  
2 A That's exactly what I told him.  
3 Q -- you told him that, what did he say?  
4 A He asked, Well, where's the purses at?  
5 And I was just, like, I don't have any purses.  
6 So he kind of peeked in the car, because I had my car and then my  
7 mom's car was parked in front. So he kind of peeked to see what was -- if  
8 anything was in there. He didn't see anything. Asked for what -- what the keys  
9 were that -- because I had keys in my hand. So he asked what the keys were for.  
10 And I was just, like, It's not for this car.  
11 He said, Okay. Then he just, like, Be calm.  
12 Q Did he -- did he tell you to give him the card?  
13 A Yeah. He -- he told me to give him my keys and everything. But I told  
14 him, like, the keys weren't for the car that was in front of him that was open. So he  
15 just left it as it was.  
16 Q So what exactly did you give him?  
17 A Just my wallet. My wallet had my ID in it, my social security card, and  
18 my debit card, and I believe my blood-type card.  
19 Q Okay.  
20 A I just got that.  
21 Q Inside that wallet, you said you had a debit card; what -- what kind of  
22 debit card was that?  
23 A A Wells Fargo debit card.  
24 Q That was a Visa card ending in the numbers 8220?  
25 A Yes, sir.

1 Q So you give him this stuff; what happens?

2 A After I gave it to him, like I said, he -- he asked what the keys were for  
3 in my hand. And I told him it's not for the car. So after that, he -- he's, like, all  
4 right, man, like, just stay calm. And he kind of started backing up, walking to his  
5 car.

6 And I told him, like -- like, All right, man, like, be good, because I was  
7 really scared when that happened. So I told him I'd be good. He walked -- hopped  
8 in the car and he drove off. And as he was driving off, I just -- I waited until he got  
9 far enough, but as I was looking at the car, I seen the back symbols. I believe it  
10 had a SKYACTIV symbol on the right-hand side, and then it had the type of car on  
11 the right-hand side, which was a Mazda 3. And once he got to the second house  
12 off of Robin, I ran inside of my house. Because my family was about to come  
13 outside. I was just loading up the car.

14 Q Wait. Let me stop you right there.

15 So you said that you -- you got a good look at the car as he was  
16 driving away?

17 A Yes, sir.

18 Q And you specifically are looking at the back of the car?

19 A Yes, sir. And that's the only thing I could see, because he was driving  
20 in front of me.

21 Q And so when you're looking at the back of this car, this -- what you  
22 identified as a Mazda 3, what do you see as these symbols?

23 A I seen a silver symbol on the right-hand side which said the Mazda 3,  
24 and then on the left-hand side, it was another silver symbol --

25 Q And just --



1 A On the left-hand --  
2 Q -- for the record --  
3 A Sorry.  
4 Q You're indicating with your left hand the Mazda sign and with your right  
5 hand --  
6 A The -- the SKYACTIV sign.  
7 Q Okay. So on the left side was what? The Mazda sign?  
8 A The Mazda sign was on the left side. And then the SKYACTIV sign  
9 was on the right side.  
10 Q Okay. And how -- how good of a view did you get of this vehicle?  
11 A I got a really good view, because I focused on it to make sure that I at  
12 least could know what type of car they had, or their license plate number, which  
13 they didn't have one on the car, so couldn't remember that. So I just remembered  
14 the details on the outside of it.  
15 Q So there was no license plate?  
16 A No, sir.  
17 Q And where did that car go to?  
18 A It made a right onto Vegas. And from there, I believe he went to --  
19 well, I honestly don't know where he went after that.  
20 Q Okay.  
21 A But I just know he made a right onto Vegas.  
22 Q And so, specifically, it was the defendant that was in the driver's seat of  
23 that vehicle?  
24 A Yes, sir. It was only him. There was nobody else in the car. Just him.  
25 Q You get this look at the vehicle; and then what do you do?

1           A     I ran inside. And when I was running inside, my mom, my daughter,  
2 and my fiancée, they were all standing right at the storage -- at the stairs. And I  
3 told them, like, hey, you guys, I just got robbed at gunpoint. You know, I'm going  
4 to go chase them to see where they're going.

5                     And my mom thought I was kidding, so she's, like, Jordan, like, don't  
6 play like that.

7                     And I was just, like, I'm serious. Like, I'm about to go follow them.

8                     And before I could make it outside, my mom was coming behind me.  
9 And when I made the right onto Vegas, there was a cop car coming down the  
10 street.

11           Q     So did you and your mom go together?

12           A     Yes, we did.

13           Q     Okay. And how do you go? Do you go in a car?

14           A     Yes.

15           Q     And where do you go in that vehicle?

16           A     We -- we made a right onto Vegas, like he did. And then as we were  
17 driving down the street, there was a cop in the left lane, because we were in the  
18 right lane, they were in the left lane. And they were on Tonopah. So as I seen  
19 them --

20           Q     Okay. And -- and that map's right in front of you, right?

21           A     Yes.

22           Q     That map's kind of like *Monday Night Football*, you can indicate on it  
23 where you were. So you come from your house at 1508 Robin Street?

24           A     Yes.

25           Q     And then from there, where is it that you see the police officer?

1 A The police officer was at the next main street, which was Tonopah.  
2 Q You can indicate by doing a circle.  
3 A Do you want me to look over there.  
4 Q You can do it on this one.  
5 A Okay. Right here.  
6 Q Okay.  
7 A That's Tonopah.  
8 Q And so do you see that white Mazda anymore?  
9 A No.  
10 Q Okay. When you see the police officer, what do you do?  
11 A I just hopped directly behind him, and I started honking my horn, trying  
12 to get his attention.  
13 Q Okay. Does he eventually stop?  
14 A Yes. He stopped right -- can you scoot it down, please?  
15 Q Yeah.  
16 A He stopped about right -- oh, sorry.  
17 Q My bad. My apologies.  
18 A He stopped about right -- oh, my finger. Right there.  
19 Q Okay. So on --  
20 A Like, within the circle, sorry.  
21 Q Okay. So on Vegas Drive?  
22 A Yes.  
23 Q Approaching --  
24 A The Cox --  
25 Q MLK?

1 A The Cox entrance. It wasn't even MLK yet.

2 Q Okay. And what happens when the cop stops?

3 A Well, because I was honking my horn at him, he hopped out the car,  
4 and I was just, like, sorry to bother you, but I just got robbed at gunpoint, and he  
5 came down this way.

6 And he was just, like, well, I'm heading to a -- a robbery call at the  
7 moment.

8 And I was just, like, Well, my mom's talking on the phone.

9 He was just, like, Well, this one was somewhere else.

10 So he was just, like, Give me one second so I could call someone else  
11 to, I guess, help me, or --

12 Q Okay.

13 A -- backup or something, so he could finish doing what he was doing.

14 Q Did another police officer come out there to help you?

15 A Yes, it was a lady officer. She came probably -- I want to say  
16 about 20 minutes later, at the most.

17 Q At the most?

18 A Yes. At the most.

19 Q Officer Spronk?

20 A I believe that's her name.

21 Q Okay. Once she arrives on scene, do you guys move your vehicles?

22 A Yes. She had -- had us pull into the Cox parking lot.

23 Q And, specifically, where is that Cox?

24 A The Cox is on the left-hand side of Vegas, right after the neighborhood  
25 that's on -- between Tonopah and MLK.

1 Q Okay. You're with her for a little bit talking to her about what  
2 happened?

3 A Yes, sir.

4 Q At some point in time do you become aware that she wants to take you  
5 to possibly see somebody that they have detained?

6 A Yes.

7 Q And in doing so, does she give you instructions on how this is going to  
8 happen?

9 A Yes.

10 Q Now, specifically, there was a form involved with this whole thing,  
11 wasn't there?

12 A Yes.

13 Q I have in my hands State's Proposed Exhibit 9, that's Bates  
14 stamped 191.

15 MR. DICKERSON: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. DICKERSON:

18 Q Showing you here what's been marked as State's Proposed Exhibit 9;  
19 do you recognize this?

20 A Yes, sir.

21 Q And what is it?

22 A This is the statement that he had me -- that they had me fill out to  
23 make sure that it was actually him who robbed me.

24 Q Okay. So this is the showup witness instruction form that you and  
25 Officer Spronk filled out on May 28, 2016?

1           A     Yes, sir.

2                   MR. DICKERSON: The State moves for the admission of State's  
3 Proposed Exhibit 9.

4                   MR. GASTON: Your Honor, we would just reiterate what we talked  
5 about earlier at the bench.

6                   THE COURT: Correct, yeah.

7                   MS. MACHNICH: And then submit.

8                   MR. GASTON: And submit.

9                   THE COURT: I'll go ahead and admit it, subject to the prior  
10 discussions.

11                                   [State's Exhibit No. 9 admitted.]

12                   MR. DICKERSON: Thank you, Your Honor.

13 BY MR. DICKERSON:

14           Q     I'm going to show you this State's Exhibit 9, entitled showup witness  
15 instructions.

16                   Up here, at the -- the top portion of this it, it appears there's a large  
17 statement paragraph.

18           A     Yes.

19           Q     Officer Spronk read that to you?

20           A     Yes, she did.

21           Q     And then did you sign -- is that your signature?

22           A     Yes, it is.

23           Q     And date and time right there?

24           A     Yeah.

25           Q     You're signing that, acknowledging that you understood?

1 A Yes.

2 Q Okay. Specifically, did you become aware that Officer Spronk was  
3 wearing a body cam?

4 A No. I -- I never knew that.

5 Q Did you later become aware of it?

6 A Yes.

7 Q And have you seen that body cam footage?

8 A Yes.

9 Q And the body cam footage that you've reviewed specifically has to do  
10 with your showup --

11 A Yes, sir.

12 Q -- that occurred --

13 A Uh-huh.

14 Q Right after being read those instructions, right?

15 A Uh-huh.

16 Q Is that a yes?

17 A Yes. Yes, sir.

18 Q The body cam footage that you saw, was that a fair and accurate  
19 depiction of exactly what happened that day?

20 A Yes, sir.

21 Q Okay. I have in my hand what's been marked as State's Proposed  
22 Exhibit 1 and State's Proposed Exhibit 2.

23 MR. DICKERSON: May I approach, Your Honor?

24 THE COURT: Yes.

25 BY MR. DICKERSON:

1 Q Mr. Alexander, first, I'm showing you State's Proposed Exhibit 1; do  
2 you recognize what this is?

3 A Yes, sir.

4 Q And what do you recognize it to be?

5 A The footage that I watched, the body cam footage.

6 Q Okay. So this CD here is a CD of the body cam footage from the --  
7 this event on May 28, 2016?

8 A Yes, sir, it is.

9 Q How do you know that?

10 A It says it on there and --

11 Q Did you make a mark on there, sir?

12 A Yes, I did. I signed it and dated it.

13 Q What is -- how did you sign it?

14 A With my initials.

15 Q J.A.?

16 A Yes, sir.

17 Q And you dated it July 25th, 2017?

18 A Yes, sir, I did.

19 Q Specifically, that's -- can you confirm that it's a fair and accurate  
20 depiction?

21 A Yes.

22 Q So this video that's located here on State's Proposed Exhibit 1 is, in  
23 fact, a fair and accurate depiction of what occurred after you were shown that --

24 A Yes.

25 Q -- suspect?



1 A Yes, sir.

2 Q And here, State's Proposed Exhibit 2; same thing?

3 A Yes, it is. Signed and dated.

4 Q Do you recognize this to be the -- the CD containing the body cam  
5 footage of the actual showup?

6 A Yes, sir.

7 Q And you once again put your initials on there, J.A.?

8 A Yes, sir.

9 Q And dated it?

10 A Yeah.

11 Q And once again, this State's Proposed Exhibit 2 is a fair and accurate  
12 depiction of what occurred during the showup?

13 A Yes, sir.

14 MR. DICKERSON: The State moves for the admission of State's  
15 Proposed 1 and 2.

16 MR. GASTON: No objection.

17 THE COURT: All right. They're admitted.

18 [State's Exhibit No. 2 admitted.]

19 MR. DICKERSON: For the record, Your Honor, I'm going to be  
20 publishing State's 2.

21 BY MR. DICKERSON:

22 Q Now, right before I put that on, Jordan, did you become aware of the  
23 general area where you went?

24 A Yes, sir.

25 Q Was it 1701 J Street?

1 A Yes, sir.

2 Q Okay. Showing you again that State's Exhibit 7; located here is 1508

3 Robin Street where my finger is --

4 A Yes, sir.

5 Q -- is that right?

6 A Yes, sir.

7 Q And then what you previously indicated as the interconnection of

8 Martin Luther King and Vegas right here?

9 A Yes, sir.

10 Q Is that the Cox building?

11 A Yes, it is.

12 Q That's where you were with the officer?

13 A Yes.

14 Q Lower down on the screen, 1701 J Street?

15 A Yeah.

16 Q Is that the area that you ended up going for the showup?

17 A Yes, it is.

18 Q I have in my hand what's been stipulated to for admission as State's

19 Exhibit 8.

20 MR. DICKERSON: May I publish, Your Honor?

21 THE COURT: Yes.

22 BY MR. DICKERSON:

23 Q This, sir, appear to be 1701 J Street?

24 A Yes, it is.

25 Q It's the -- the apartment complex located there?

1           A     Yes, it is.

2           Q     Is that where you ended up going for the showup?

3           A     Yes, sir. In the back right corner.

4           Q     And prior to doing that, tell me how Officer Spronk set you up to -- to

5 go to this; did she put you in a vehicle?

6           A     Yes, she did. She told me that she was going to place me in the back

7 of the vehicle so that nobody would be able to see me once I figured out if it was

8 the person who robbed me or not.

9           Q     Okay. And this was after she had read to you those instructions?

10          A     Yes.

11          Q     And then she put you in the back of the vehicle and where do you go?

12          A     We actually drove -- drove around a little bit before she could take me

13 over there, because -- I don't know why, exactly.

14          Q     Okay.

15          A     But she drove around a little bit. And then we went past Doolittle. And

16 Doolittle is right by where he was at.

17          Q     Okay.

18          A     So as we were driving by, I looked out, and I'm, like, Hey, like, I know

19 where we're at. Like, that's crazy. This is really close to my house.

20                 So we started going, and when she turned in, I was, like, I know

21 exactly where this is at. I know this place.

22                 So then she took me to the back and she was, like, there's going to be

23 two people standing out here, and then let me know if you know -- if you believe

24 that either one of them are the ones who did it.

25          Q     Okay.

1           A     I was just, like, okay.

2           Q     Okay. And --

3                 MR. DICKERSON: Madam Recorder, if we can switch over to the  
4 computer? Thank you, so much.

5                 Publishing now, with the court's permission, from State's Exhibit 2,  
6 Clip 1, the only file on the disc.

7           THE COURT: Go ahead.

8           MR. DICKERSON: Thank you, Your Honor.

9                         [Pause in proceedings.]

10           MS. LEXIS: May we have a brief indulgence. The audio does not  
11 seem to be working.

12           THE COURT: You can just put it on your computer speaker and pick it  
13 up in the microphone.

14           MS. LEXIS: But then the audio -- I mean, the video won't show on the  
15 screens.

16           THE COURT: Oh.

17                         [Pause in proceedings.]

18           MS. LEXIS: I apologize, Your Honor. We're going to try --

19           THE COURT: No problem.

20           MS. LEXIS: -- a different laptop.

21 BY MR. DICKERSON:

22           Q     So, ultimately, Jordan, you -- ultimately, Jordan, you end up going back  
23 there. She drives you around the corner, and what do you see?

24           A     I see him with the short hair. And then I seen another individual I  
25 believe with braids.

1 Q You're saying him?  
2 A Yes. As far as --  
3 Q The -- the defendant?  
4 A Yes, sir.  
5 Q And what do they look like?  
6 A Well, he was -- he didn't have no shirt on, so he looked real slim, just  
7 some shorts and I think some little flip-flops on. And the other guy was kind of  
8 heavier, real short.  
9 Q Okay. You see this immediately upon turning the corner in the back of  
10 that apartment complex?  
11 A Yes. Yes. We didn't even hit the corner completely. I was kind of  
12 trying to peek. And soon as I seen him, I was just, like, that's him. That's him.  
13 Q The defendant?  
14 A That is him.  
15 Q That's him?  
16 A Yes, sir.  
17 Q When you say that's him --  
18 A That's the guy who robbed me. That's the guy who took my wallet.  
19 Q Did the officer ask you to give a percentage?  
20 A Yes. Yes, she did.  
21 Q And what'd you tell her?  
22 A I told her, I said, 100 percent positive that that was him.  
23 Q Did you --  
24 A Especially we were face to face. He was right in my face. I remember  
25 who he was.

1 Q How close was he to you?

2 A I want to say about this far, from this corner right here, and me right

3 here.

4 Q Okay.

5 MR. DICKERSON: If I may, Your Honor?

6 Q So -- so --

7 A I -- I think that's close enough, honestly.

8 Q This is it?

9 A Yes.

10 Q Where I'm standing right now?

11 A Yes.

12 Q Here at the foot of the stairs of the witness box?

13 A Yes.

14 Q And --

15 MS. MACHNICH: For -- for the record, Your Honor, can we possibly

16 get an estimated distance, because that's -- that's not going to make it into the

17 record.

18 THE COURT: If -- if --

19 THE WITNESS: So I'm going to say --

20 THE COURT: -- what's your estimate?

21 MS. MACHNICH: Like --

22 MR. DICKERSON: Can you --

23 MS. MACHNICH: -- four feet, three feet?

24 THE WITNESS: No. That's -- that's about two and a half feet, if not

25 three.

1 MS. MACHNICH: Okay.  
2 MR. DICKERSON: Okay.  
3 MS. MACHNICH: So two and a half to three feet?  
4 THE COURT: Two and a half to three feet.  
5 MS. MACHNICH: Okay. Thank you. I just wanted to clarify.  
6 MS. LEXIS: Your Honor, might we inquire if courtroom IT -- neither  
7 one of our laptops is working in terms of audio and video.  
8 THE CLERK: May I try it on my computer?  
9 MS. LEXIS: Yes.  
10 THE COURT: It would take IT too long to get here. It's already a  
11 quarter to 5:00.  
12 MS. LEXIS: Okay.  
13 THE COURT: Let's see if she can get it working.  
14 MR. DICKERSON: Thank you, ma'am.

15 [Video played.]

16 BY MR. DICKERSON:

17 Q Jordan --

18 A Yes, sir.

19 Q I want to show you something. What's previously been admitted as  
20 State's Exhibits 127 through 128, 129, and 134.

21 First, I'll show you this.

22 MR. DICKERSON: May I approach, Your Honor?

23 THE COURT: Yes.

24 BY MR. DICKERSON:

25 Q State's Exhibit 127 here; inside this drawer, do you recognize anything,

1 sir?

2 A My ID.

3 Q Okay. Showing you here State's 128; does that appear to be your ID,  
4 sir?

5 A My ID, and it looks like my debit card.

6 Q Okay. And 129, is that a closer-up of your ID?

7 A Yes, it is.

8 Q And 134, is that your debit card?

9 A Yes, it is. On the bottom, the blue one.

10 Q The blue one? Now, you had indicated that in State's Exhibit 128, that  
11 appeared to be your -- your debit card also in there?

12 A Yeah. You could see it behind the red card.

13 Q Okay.

14 A The red card is stacked right on top of it.

15 Q Okay.

16 MR. DICKERSON: Showing the members of the jury.

17 Q And what you've identified in these other two exhibits, sir, 129 is your  
18 ID, and 134 is your card on the bottom?

19 A Yes, it is.

20 MR. DICKERSON: Showing the members of the jury.

21 Q Mr. Alexander, showing you here, sir, what's been marked as State's  
22 Proposed Exhibit 38A; do you recognize that, sir?

23 A Yes, that's my debit card.

24 Q And what's marked as State's Proposed 38B; do you recognize that,  
25 sir?



1 A Yeah. That's my ID.  
2 Q Mr. Alexander --  
3 A Yes, sir?  
4 Q Did the defendant have permission to have either this debit card, your  
5 Visa ending in 8220, or your Nevada ID?  
6 A No, sir.  
7 [Video played.]  
8 Q Who is that young lady in front of you, sir?  
9 A That's my mother.  
10 [Video played.]  
11 Q Is this pulling into the apartment complex, sir?  
12 A Yes, it is.  
13 [Video played.]  
14 Q Is that you speaking, Mr. Alexander?  
15 A Yes, it was. Me amazed.  
16 Q You said a lot of wows?  
17 A Yeah. I was amazed that they really found him and, yeah, that just  
18 really blew my mind.  
19 Q Did you say you were a hundred percent sure?  
20 A Yes, sir.  
21 Q A thousand percent sure?  
22 A A hundred percent, thousand percent.  
23 Q Showing you here what's been admitted as State's Exhibit 53; do you  
24 see that individual depicted there in the picture?  
25 A Yes, sir.

1 Q Do you recognize that individual there in the picture?  
2 A Yes, sir.  
3 Q How do you recognize that individual?  
4 A From his hair, honestly. His hair and then his thin build is how I really  
5 recognize everything.  
6 Q Who is that?  
7 A That's Keandre.  
8 Q Is that the guy that robbed you?  
9 A Yes, sir.  
10 Q Is this how he looked when you saw him?  
11 A Yes.  
12 Q For the showup?  
13 A Yes.  
14 Q He looked -- wearing different clothes?  
15 A When he robbed me, I believe he just had a shirt on. But as far as  
16 when they took me over there, yeah, that's how he looked.  
17 Q And State's Exhibit 52; same individual?  
18 A Yes, sir.  
19 Q Now, after you see that, you end up going back over to where your  
20 mother is?  
21 A Yes.  
22 Q And if I may publish what's been admitted --  
23 MR. DICKERSON: Court's brief indulgence.  
24 Q -- as State's Exhibit 1.  
25 MR. DICKERSON: Thank you, so much.

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[Video played.]

Q Is this when you got back?

A Yes.

[Video played.]

Q At this point in time, are you filling out that -- that showup form?

A Yes, I am.

[Video played.]

Q Do you hear someone else sneezing in the background?

A Yes, that's my mom. She's on the phone talking to our family that we were going to visit for the funeral, so.

[Video played.]

Q You're mom's talking about what?

A Talking about cooking.

[Video played.]

Q Were you talking to your mom there about seeing the guy?

A Yeah.

Q What'd you tell her?

A That it was really him. Like, I was really shocked that they found him. It was totally not called for. I didn't expect it to happen, honestly.

Q I'm going to show you here what's -- we've already talked about it, what's been admitted as State's Exhibit 9. This is that showup witness instruction form?

A Yes, it is.

Q This what you were filling out there on the back of the police car?

A Yes.

1 Q So you wrote a statement? Is this your statement here,  
2 Mr. Alexander?

3 A Yes, it is.

4 Q And if you could, just read for us what you wrote?

5 A It says:

6 I am 100 percent sure that this is the man because of the build of -- of  
7 his body and the hair, for sure. The face gave me goose bumps see --  
8 seeing him again. The fact that we were face to face when he took my wallet  
9 made me positive that it was him.

10 Q Did you sign that?

11 A Yes, I did. Signed and dated.

12 Q And then Officer Spronk signed under you?

13 A Yes, she did.

14 Q Now, you had referred to the defendant as Keandre.

15 A Yes.

16 Q Had you ever seen Keandre?

17 A I had never met him a day in my life, never seen him in a day in my life,  
18 other than when he robbed me.

19 Q And was there anybody else involved in this robbery?

20 A No.

21 Q Just the defendant?

22 A Just him, yes, sir.

23 Q Show you what's been admitted here as State's Exhibit 32; do you  
24 recognize what that is, sir?

25 A Yes. That's the car.

1 Q That's the car the defendant was driving?  
2 A Yes, sir.  
3 Q And State's Exhibit 43; is that the front of the vehicle?  
4 A Yes, it is.  
5 Q And, specifically, State's Exhibit 48, sir; you spoke about some badges.  
6 A The -- the stuff that I memorized on it, yes, sir.  
7 Q If you could just point out for the members of the jury what it was you  
8 were talking about.  
9 A That there is the Mazda sign, the Mazda 3 sign. And that is the  
10 SKYACTIV sign. And then the black license plates.  
11 Q You remembered all that?  
12 A Yes. Every single bit of it. I just didn't remember what it said in the  
13 middle. But I remember those -- those signs specifically. And the license plates --  
14 it wasn't the license plates, it was just something there.  
15 Q Okay. And you remembered it was black?  
16 A Yes.  
17 Q Just not sure what it said?  
18 A Yes.  
19 Q You had come in about a month later and testified before the grand  
20 jury in this building; isn't that right?  
21 A Yes.  
22 Q And when you testified to that grand jury, told them the same thing that  
23 happened?  
24 A Yes.  
25 MR. DICKERSON: May I approach, Your Honor?

1 THE COURT: Yes.

2 BY MR. DICKERSON:

3 Q Showing you here this State's Proposed Exhibit 172; do you recognize  
4 this, sir, to be your grand jury transcript?

5 A Yes.

6 Q Okay. If you want, you feel free to have a quick look through it, and tell  
7 me if it's a fair and accurate copy of that grand jury transcript from what you said  
8 that day.

9 A Yes, it is.

10 MR. DICKERSON: State moves for the admission of State  
11 Proposed 172, Your Honor.

12 MR. GASTON: I just reiterate what we talked about earlier,  
13 Your Honor.

14 THE COURT: All right. Admitted, subject to the statements on the  
15 record.

16 [State's Exhibit No. 172 admitted.]

17 MR. DICKERSON: Thank you very much.

18 BY MR. DICKERSON:

19 Q Something else that you previously mentioned about this vehicle, isn't  
20 there? The windows?

21 A Yeah. They were extremely tinted.

22 Q When did you notice that?

23 A When he was driving off, because I couldn't see inside of the car.

24 Q Okay.

25 A As he was driving by, I was trying to look inside. Couldn't see nothing.

1 That's why I just focused on the outside of the car and remembered what it was.

2 Q Now, do you know Marvin Bass?

3 A Marvin Bass, no. Not -- not by -- no.

4 Q No, you don't?

5 A No.

6 Q Do you know Darrell Faulkner?

7 A No. I don't -- no. Have -- I have no idea who that is.

8 Q Do you know Deborah Faulkner?

9 A No, sir.

10 Q Do you know Lazaro Bravo-Torres?

11 A No, sir.

12 Q Do you know Rosa Vazkuez?

13 A No, sir.

14 Q Do you know Santiago Garcia?

15 A No, sir.

16 Q Do you know Juan Carlos Campos Torres?

17 A No, sir.

18 MR. DICKERSON: The State will pass the witness.

19 MR. GASTON: Your Honor, is it the court's pleasure to break for  
20 today -- I have about a 10-minute cross. I can go or we can do it tomorrow.

21 THE COURT: I think we've got to --

22 MS. LEXIS: May we --

23 THE COURT: -- do this tomorrow.

24 MS. LEXIS: May we approach, briefly, Your Honor?

25 THE COURT: Oh, sure.

1 MS. LEXIS: Please.

2 THE COURT: Yeah.

3 [Bench conference transcribed as follows.]

4 THE COURT: What's up, guys?

5 MS. LEXIS: Your Honor, I wouldn't normally make this request, but  
6 Mr. Alexander just got a job at the union as an apprentice, and he's had to invest --  
7 we've had him here waiting yesterday and also today. And if you could just -- just  
8 with 10 minutes into going over the cross-examination, he won't have to return and  
9 miss work again. He got this job four days ago. And he's afraid --

10 THE COURT: When's his next break from work? I mean, what -- he's  
11 got what kind of a job?

12 MS. LEXIS: He's an apprentice with the union for roofing.

13 THE COURT: So what does that mean in terms of, like --

14 MS. LEXIS: He has a --

15 THE COURT: -- when's he available the rest of this week or next  
16 week?

17 MS. LEXIS: Can we inquire of him?

18 THE COURT: Yeah. Sure. We can inquire.

19 MS. LEXIS: Otherwise, 10 minutes --

20 THE COURT: Let's have him -- ask him. Because I have I have to  
21 be -- I have an appropriate at 6:00 in Ring [phonetic] Valley.

22 MS. LEXIS: Okay.

23 THE COURT: So I -- my secretary already had a meeting at 5:00 and  
24 now it's 5:15.

25 MS. LEXIS: Okay.



1 THE COURT: I'm going to be late.  
2 MS. LEXIS: I completely understand.  
3 MR. DICKERSON: Okay.  
4 MS. LEXIS: Okay.  
5 THE COURT: So let's see -- but let's see what -- where we can do for  
6 him.  
7 MS. LEXIS: Okay.  
8 MR. DICKERSON: Okay.  
9 MS. LEXIS: May we approach him, Your Honor?  
10 MS. MACHNICH: We can all go together.  
11 MS. LEXIS: If we can go --  
12 MR. GASTON: If he can't come back tomorrow, let's see if he can  
13 come on Tuesday --  
14 THE COURT: Then Friday.  
15 MR. GASTON: -- the court's just going to, like, go onto other  
16 witnesses and then come back and do the cross later?  
17 MS. LEXIS: Yeah.  
18 THE COURT: It's going to have to be --  
19 MS. LEXIS: Just take it out of order.  
20 THE COURT: -- taken it out of order.  
21 MR. GASTON: Okay.  
22 MS. LEXIS: Okay.  
23 THE COURT: All right.  
24 MS. LEXIS: May we all approach him, Your Honor?  
25 THE COURT: Well, let's just ask him.

1 MS. LEXIS: Oh, sure.

2 [End of bench conference.]

3 THE COURT: All right. So it's 5:15. It's kind of -- it's kind of late. You  
4 know, we're supposed to start -- stop at 5:00.

5 THE WITNESS: Uh-huh.

6 THE COURT: But I -- I don't want to inconvenience you in your -- your  
7 new job that I hear.

8 THE WITNESS: In my job, yes.

9 THE COURT: So when -- is there a time -- if we gave you, like, a time  
10 certain, like -- like, you know, if we told you, you know, a certain time, if you could  
11 be here, we'll be sure to start, and then we only need, like, maybe 15 more  
12 minutes of your time.

13 THE WITNESS: Are you --

14 THE COURT: What would work out? Is there some time, like  
15 tomorrow or Friday or Monday that would work best for you?

16 THE WITNESS: Are you talking in the morning? I have the afternoon.  
17 I have the afternoon. So anything after -- I would say 1:00 is okay. But before  
18 that, I'm working.

19 THE COURT: Okay. We could do it tomorrow, like -- like, at -- like,  
20 at 1:15 or something like tomorrow?

21 THE WITNESS: Yes, sir.

22 THE COURT: Would that interfere with your job?

23 THE WITNESS: No. That --

24 THE COURT: That work?

25 THE WITNESS: -- that works fine, yes.

1 THE COURT: So I'm -- I'm thinking. I -- I got a pretty busy criminal  
2 calendar, tomorrow, guys. I think we're going to go until about 11:00. So we could  
3 start here at 11:15, you know, and -- and go maybe an hour. And -- with a different  
4 witness.

5 MS. LEXIS: Yes.

6 THE COURT: And then -- then have a lunch -- or maybe go an hour  
7 and a half, you know, then have a lunch. And then -- and then call Mr. Alexander.

8 MS. LEXIS: Okay.

9 THE COURT: Does that work?

10 MS. LEXIS: Thank you, so much.

11 THE COURT: You got another witness you can call at --

12 MS. LEXIS: Yes, we do.

13 MR. DICKERSON: Absolutely, Your Honor.

14 THE COURT: -- 11:15?

15 MS. LEXIS: We do.

16 THE COURT: Okay. Think that'll work? Okay. All right.

17 Let's do that.

18 So why don't we -- let me -- just hold on here for a second. Let me go  
19 ahead and excuse the jurors.

20 I'm going to have the jurors be back here at 11:15, then. All right. All  
21 right.

22 Ladies and gentlemen of the jury, during this overnight recess, do not  
23 communicate among yourselves or with anyone else about this trial, the subject  
24 matter of the trial; do not communicate at all with any of the parties, attorneys, or  
25 witnesses involved in this trial; do not seek or obtain any information or comments

1 about the case from my source, including newspapers, television, radio, Internet,  
2 e-mail, cell phones, or any other electronic device; do not read, watch, or listen to  
3 any report of or commentary about the case. Do not perform any research or  
4 investigation; do not form or express any opinion on any subject connected with  
5 this trial until the case is finally submitted to you for deliberations.

6 Leave your notepads.

7 We'll see you out here in lined up, ready to go at 11:15 tomorrow.

8 Thank you.

9 [Jury recessed at 5:15 p.m.]

10 THE COURT: All right. We're outside the presence.

11 So suppose -- so we're supposed to start, like, 11:15, if things go as  
12 usual, we probably won't start until 11:25. Do you want to put someone on that --  
13 do you have someone that can last an hour, take us to about 12:30, and then we'll  
14 do a one-hour lunch break?

15 MS. LEXIS: Sure.

16 THE COURT: Will that work?

17 MS. LEXIS: We can do that, Your Honor.

18 THE COURT: Okay. And then so -- so we'll have Mr. Alexander here  
19 at 1:30.

20 MS. LEXIS: Thank you, so much for the accommodation.

21 THE COURT: And we'll be, like, we'll -- we'll try to take him no matter  
22 what we're doing right at that time, so we don't inconvenience him anymore. Does  
23 that -- does that work?

24 MS. LEXIS: Yes. Thank you, Your Honor.

25 MS. MACHNICH: Your Honor, might we have the witness instructed

1 not to speak with the district attorneys and -- or anyone else --

2 THE COURT: Of course, yeah.

3 MS. MACHNICH: -- on this case since he's in mid testimony. I don't  
4 want him discussing the case with them, because I know they might have redirect.  
5 And I just -- I -- I'm not trying to say they would --

6 MR. DICKERSON: We agree. We agree.

7 MS. MACHNICH: -- but I think that that would be appropriate.

8 MS. LEXIS: We agree. No.

9 THE COURT: This --

10 MR. GASTON: Notify the victim with the witness advocate too, and --

11 MS. MACHNICH: Yes, exactly.

12 MR. GASTON: Not to discuss his testimony.

13 MS. MACHNICH: Other than [indiscernible]. Yeah.

14 MR. GASTON: He's in the middle of testimony.

15 THE COURT: Yeah. That's the standard admonishment. Just --  
16 you're still on the stand --

17 THE WITNESS: Uh-huh.

18 THE COURT: -- and so you're prohibited from discussing your  
19 testimony or the subject matter of -- of your testimony with anybody --

20 THE WITNESS: Uh-huh.

21 THE COURT: -- until you're back on the stand tomorrow.

22 THE WITNESS: Okay.

23 THE COURT: Do you understand?

24 THE WITNESS: Yes, sir.

25 THE COURT: All right. Very good.

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1 MS. MACHNICH: Good.  
2 THE COURT: All right. Anything else?  
3 MR. GASTON: No, Your Honor.  
4 MS. MACHNICH: No, Your Honor.  
5 MR. DICKERSON: Just to confirm, we -- we don't intend to make  
6 contact with Mr. Alexander at all. And so for scheduling purposes, just so we  
7 know, 1:15 tomorrow, right?  
8 THE COURT: 1:30.  
9 MR. DICKERSON: 1:30. 1:30 tomorrow.  
10 THE WITNESS: 1:30.  
11 THE COURT: 1:30. Yeah. 1:30 tomorrow.  
12 MR. DICKERSON: Okay.  
13 THE COURT: And you're -- I mean, you're allowed to -- there's no  
14 prohibition on making contact to remind on scheduling issues. All right.  
15 MS. LEXIS: Okay.  
16 MR. DICKERSON: Thank you, Your Honor.  
17 THE COURT: All right. Just no -- no substantive discussions.  
18 MS. LEXIS: Of course.  
19 MR. DICKERSON: Thank you, Your Honor.  
20 MS. LEXIS: Thank you.  
21 MS. MACHNICH: Okay.  
22 THE COURT: All right. Thank you, guys. See you tomorrow.  
23 MS. LEXIS: Thank you.  
24 MS. MACHNICH: Thank you.  
25 THE COURT: You are excused, sir. Thank you.

1 THE WITNESS: Okay. Thank you.  
2 [Court recessed at 5:17 p.m., until July 27, 2017, at 1:14 p.m.]  
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12 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
13 audio/video proceedings in the above-entitled case to the best of my ability.  
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18 Shawna Ortega, CET\*562  
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KEANDRE VALENTINE, ) No. 74468  
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Appellant, )  
)  
vi. )  
)  
THE STATE OF NEVADA, )  
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)  
Respondent. )  
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2 day of August, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

SHARON G. DICKINSON  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

KEANDRE VALENTINE, #1187170  
ELY STATE PRISON  
P.O. BOX 1989  
ELY, NV 89301

BY /s/ Carrie M. Connolly  
Employee, Clark County Public Defender's Office