

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2                                   \_\_\_\_\_

3   VERNON NEWSON JR.,                                   )       No. 75932

4   Appellant,                                   )

5   v.   )

6   )

7   THE STATE OF NEVADA,                                   )

8   Respondent.                                   )

Electronically Filed  
Oct 25 2018 09:47 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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10                                   **APPELLANT'S APPENDIX VOLUME II PAGES 238-416**

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**VERNON NEWSON JR.,**  
**Case No. 75932**

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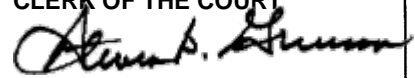
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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-16-313919-1
	)	
v.	)	DEPT. NO. III
	)	
VERNON NEWSON, JR.	)	DATE: February 26, 2018
	)	TIME: 10:30 a.m.
Defendant.	)	

**DEFENSE PROPOSED JURY INSTRUCTIONS**

COMES NOW, the Defendant, VERNON NEWSON, JR., by and through RYAN J. BASHOR, Chief Deputy Public Defender and hereby request that the following jury instructions be provided to the jury in the above entitled case.

DATED this 26<sup>th</sup> day of February, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: 

RYAN J. BASHOR, #11914  
Chief Deputy Public Defender

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. \_\_\_\_

In this case the defendant is accused in an Amended Information alleging an open charge of murder. This charge may include Murder of the First Degree or Murder of the Second Degree or Voluntary Manslaughter.

The jury must decide if the defendant is guilty of any offense and, if so, of which offense.

INSTRUCTION NO. \_\_\_\_

Murder of the first degree is murder which is perpetrated by means of any kind of willful, deliberate, and premeditated killing. All three elements – willfulness, deliberation, and premeditation – must be proven beyond a reasonable doubt before an accused can be convicted of first-degree murder.



INSTRUCTION NO. \_\_\_\_

Willfulness is the intent to kill. There need be no appreciable space of time between formation of the intent to kill and the act of killing.

INSTRUCTION NO. \_\_\_\_

Deliberation is the process of determining upon a course of action to kill as a result of thought, including weighing the reasons for and against the action and considering the consequences of the actions.

INSTRUCTION NO. \_\_\_\_

A deliberate determination may be arrived at in a short period of time. But in all cases the determination must not be formed in passion, or if formed in passion, it must be carried out after there has been time for the passion to subside and deliberation to occur. A mere unconsidered and rash impulse is not deliberate, even though it includes the intent to kill.

INSTRUCTION NO. \_\_\_\_

Premeditation is a design, a determination to kill, distinctly formed in the mind by the time of the killing.

INSTRUCTION NO. \_\_\_\_

Premeditation need not be for a day, an hour, or even a minute. It may be as instantaneous as successive thoughts of the mind. For if the jury believes from the evidence that the act constituting the killing has been preceded by and has been the result of premeditation, no matter how rapidly the act follows the premeditation, it is premeditated.

The law does not undertake to measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different individuals and under varying circumstances.

The true test is not the duration of time, but rather the extent of reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it includes the intent to kill, is not the deliberation and premeditation as will fix an unlawful killing as murder in the first degree.

INSTRUCTION NO. \_\_\_\_

Manslaughter is the unlawful killing of a human being without malice express or implied and without any mixture of deliberation.

Voluntary Manslaughter is the unlawful killing of a human being, without malice aforethought and without deliberation or premeditation. It is a killing upon a sudden quarrel or heat of passion, caused by a provocation sufficient to make the passion irresistible.

The provocation required for Voluntary Manslaughter must either consist of a serious and highly provoking injury inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing. The serious and highly provoking injury which causes the sudden heat of passion for purposes of voluntary manslaughter can occur without physical contact.

For the sudden, violent impulse of passion to be irresistible resulting in a killing, which is Voluntary Manslaughter, there must not have been an interval between the assault or provocation and killing sufficient for the voice of reason and humanity to be heard; for, if there should appear to have been sufficient time for a cool head to prevail and the voice of reason to be heard, the killing shall be attributed to deliberate revenge and determined by you to be murder. The law assigns no fixed period of time for such an interval but leaves its determination to the jury under the facts and circumstances of the case.



1  
2 The heat of passion which will reduce a homicide to Voluntary Manslaughter must be  
3 such an irresistible passion as naturally would be aroused in the mind of an ordinarily  
4 reasonable person in the same circumstances. A defendant is not permitted to set up his own  
5 standard of conduct and to justify or excuse himself because his passions were aroused unless  
6 the circumstances in which he was placed and the facts that confronted him were such as also  
7 would have aroused the irresistible passion of the ordinarily reasonable man if likewise  
8 situated. The basic inquiry is whether or not, at the time of the killing, the reason of the  
9 accused was obscured or disturbed by passion to such an extent as would cause the ordinarily  
10 reasonable person of average disposition to act rashly and without deliberation and reflection  
11 and from such passion rather than from judgment.  
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With regard to Voluntary Manslaughter, whether the interval between the provocation and the killing is sufficient for the passions of a reasonable person to cool is not measured exclusively by any precise time. What constitutes a sufficient cooling off period also depends upon the magnitude of the provocation and the degree to which passions are aroused.

When it is impossible to commit a particular crime without committing, at the same time and by the same conduct, another offense of lesser grade or degree, the latter is, with respect to the former, a "lesser included offense."

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the offense charged, he may, however, be found guilty of any lesser included offense, if the evidence is sufficient to establish his guilt of such lesser offense beyond a reasonable doubt.

The offense of Murder which actually charges the defendant with First Degree Murder necessarily includes the lesser offense of Second Degree Murder.

Voluntary Manslaughter is a lesser included offense of both First and Second Degree Murder. Thus, you may return a verdict of Voluntary Manslaughter if you first rule out both First and Second Degree Murder.

1  
2 You are instructed that if you find that the State has established that the defendant has  
3 committed Second Degree Murder you shall select Second Degree Murder as your verdict.  
4 The crime of Second Degree Murder can include the crime of Voluntary Manslaughter. You  
5 may find the defendant guilty of Voluntary Manslaughter if:

- 6 1. You have not found, beyond a reasonable doubt, that the defendant is guilty of  
7 murder of the first degree or second degree, and  
8
- 9 2. All twelve of you are convinced beyond a reasonable doubt that the defendant is  
10 guilty of the crime of Voluntary Manslaughter.

11 If you convinced beyond a reasonable doubt that the crime of murder has been  
12 committed by the defendant, but you have a reasonable doubt whether such murder was of the  
13 second degree or Voluntary Manslaughter, you must give the defendant the benefit of that  
14 doubt and return a verdict of Voluntary Manslaughter.

INSTRUCTION NO. \_\_\_\_

If you do not find beyond a reasonable doubt that Defendant committed First Degree Murder or Second Degree Murder, and after consideration of all the evidence, you have a reasonable doubt as to whether the Defendant acted in the heat of passion caused by adequate legal provocation, you must return a verdict of either voluntary manslaughter or not guilty. This is because the State has the burden of proving beyond a reasonable doubt the Defendant did not act in a heat of passion caused by adequate legal provocation.

INSTRUCTION NO. \_\_\_\_

The term "passion" as used in the definition of "deliberation" for first degree murder is different than the term "passion" used when defining Manslaughter. As applied to first degree murder, a deliberate determination must not be formed in passion and a mere unconsidered and rash impulse is not deliberate, even though it includes the intent to kill. As applied to manslaughter, a killing in the heat of passion must be based upon adequate legal provocation.

Before you may rely on circumstantial evidence of conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the State has proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to a lesser degree of culpability and another to a greater degree of culpability, you must accept the one that points to a lesser degree of culpability. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

1 The defense obviously reserves the right to offer additional instructions and/or  
2 supplement these instructions at the close of the evidence.

3 DATED this 26<sup>th</sup> day of February, 2018.  
4

5 PHILIP J. KOHN  
6 CLARK COUNTY PUBLIC DEFENDER

7 By:   
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9 Ryan J. Bashor, #11914  
10 Chief Deputy Public Defender  
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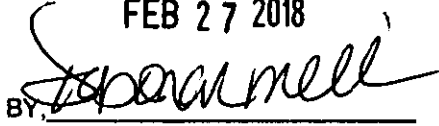
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FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 27 2018

BY:   
DEBORAH MILLER, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

CASE NO: C-16-313919-1

-vs-

DEPT NO: III

VERNON NEWSON, JR.,  
#1946426  
Defendant.

SECOND AMENDED  
INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That VERNON NEWSON, JR., the Defendant above named, having committed the crimes of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), on or about the 13th day of December, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought, kill ANSHANETTE MCNEIL, a human being, with use of a deadly weapon, to-wit: a firearm, by



1 the Defendant shooting at and into the body of the said ANSHANETTE MCNEIL, the said  
2 killing having been willful, deliberate and premeditated.

3 COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT

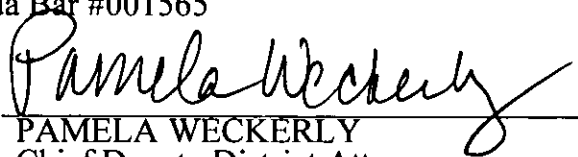
4 did willfully cause a child who is less than 18 years of age to be placed in a situation  
5 where the child may suffer physical pain or mental suffering as a result of abuse or neglect, by  
6 shooting at or into the body of ANSHANETTE MCNEIL, the mother of MAJOR NEWSON,  
7 a child under the age of 18, while the said MAJOR NEWSON was seated next to and in close  
8 proximity to ANSHANETTE MCNEIL.

9 COUNT 3 – CHILD ABUSE, NEGLECT OR ENDANGERMENT

10 did willfully cause a child who is less than 18 years of age to be placed in a situation  
11 where the child may suffer physical pain or mental suffering as a result of abuse or neglect, by  
12 shooting at or into the body of ANSHANETTE MCNEIL, the mother of BRANDON  
13 BERGER-MCNEIL JR., a child under the age of 18, while the said BRANDON BERGER-  
14 MCNEIL JR. was seated next to and in close proximity to ANSHANETTE MCNEIL.

15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
17 Nevada Bar #001565

18 BY

  
19 PAMELA WECKERLY  
20 Chief Deputy District Attorney  
21 Nevada Bar #006163

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27 15FN2243X /knp  
28 NLVPD EV#1520532  
(TK)

1 INST

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

FEB 27 2018

BY Deborah Miller  
DEBORAH MILLER, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA, )

9 Plaintiff, )

10 -vs- )

11 VERNON NEWSON, JR., )

12 Defendant. )

CASE NO: C-16-313919-1

DEPT NO: III

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is  
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as  
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these  
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
20 would be a violation of your oath to base a verdict upon any other view of the law than that  
21 given in the instructions of the Court.

C-16-313919-1  
INST  
Instructions to the Jury  
4724957



If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Amended Information that the Defendant on or about the 13th day of December, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada:

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

Did willfully, unlawfully, feloniously and with malice aforethought, kill ANSHANETTE MCNEIL, a human being, with use of a deadly weapon, to-wit: a firearm, by the Defendant shooting at and into the body of the said ANSHANETTE MCNEIL, the said killing having been willful, deliberate and premeditated.

COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT

did willfully cause a child who is less than 18 years of age to be placed in a situation where the child may suffer physical pain or mental suffering as a result of abuse or neglect, by shooting at or into the body of ANSHANETTE MCNEIL, the mother of MAJOR NEWSON, a child under the age of 18, while the said MAJOR NEWSON was seated next to and in close proximity to ANSHANETTE MCNEIL.

COUNT 3 – CHILD ABUSE, NEGLECT OR ENDANGERMENT

did willfully cause a child who is less than 18 years of age to be placed in a situation where the child may suffer physical pain or mental suffering as a result of abuse or neglect, by shooting at or into the body of ANSHANETTE MCNEIL, the mother of BRANDON BERGER-MCNEIL JR., a child under the age of 18, while the said BRANDON BERGER-MCNEIL JR. was seated next to and in close proximity to ANSHANETTE MCNEIL.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the defendant is guilty of the offense charged.

//

//

1        Each charge and the evidence pertaining to it should be considered separately. The  
2 fact that you may find a defendant guilty or not guilty as to one of the offenses charged  
3 should not control your verdict as to any other defendant or offense charged.  
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INSTRUCTION NO. 4

In this case the defendant is accused in an Amended Information alleging an open charge of murder. This charge may include Murder of the First Degree or Murder of the Second Degree.

The jury must decide if the defendant is guilty of any offense and, if so, of which offense.



Murder is the unlawful killing of a human being with malice aforethought, either express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

Malice aforethought means the intentional doing of a wrongful act without legal cause or excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may arise, from anger, hatred, revenge, or from particular ill will, spite or grudge toward the person killed. It may also arise from any unjustifiable or unlawful motive or purpose to injure another, proceeding from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention to injure another and the actual execution of the intent but denotes an unlawful purpose and design as opposed to accident and mischance.

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

Murder of the First Degree is murder which is perpetrated by means of any kind of willful, deliberate, and premeditated killing. All three elements -- willfulness, deliberation, and premeditation -- must be proven beyond a reasonable doubt before an accused can be convicted of first-degree murder.

Willfulness is the intent to kill. There need be no appreciable space of time between formation of the intent to kill and the act of killing.

Deliberation is the process of determining upon a course of action to kill as a result of thought, including weighing the reasons for and against the action and considering the consequences of the actions.

A deliberate determination may be arrived at in a short period of time. But in all cases the determination must not be formed in passion, or if formed in passion, it must be carried out after there has been time for the passion to subside and deliberation to occur. A mere unconsidered and rash impulse is not deliberate, even though it includes the intent to kill.

Premeditation is a design, a determination to kill, distinctly formed in the mind by the time of the killing.

Premeditation need not be for a day, an hour, or even a minute. It may be as instantaneous as successive thoughts of the mind. For if the jury believes from the evidence that the act constituting the killing has been preceded by and has been the result of premeditation, no matter how rapidly the act follows the premeditation, it is premeditated.

The law does not undertake to measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different individuals and under varying circumstances.

The true test is not the duration of time, but rather the extent of the reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it includes an intent to kill, is not deliberation and premeditation as will fix an unlawful killing as Murder of the First Degree.



All murder which is not Murder of the First Degree is Murder of the Second Degree.  
Murder of the Second Degree is murder with malice aforethought, but without the admixture  
of premeditation and deliberation.

You are instructed that if you find that the State has established that the Defendant has committed First Degree Murder you shall select First Degree Murder as your verdict. The crime of First Degree Murder includes the crime of Second Degree Murder. You may find the defendant guilty of Second Degree Murder if:

1. You have not found, beyond a reasonable doubt, that the defendant is Guilty of Murder of the First Degree, and

2. All twelve of you are convinced beyond a reasonable doubt the defendant is Guilty of the crime of Second Degree Murder.

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by the defendant, but you have a reasonable doubt whether such murder was of the first or of the second degree, you must give the defendant the benefit of that doubt and return a verdict of Murder of the Second Degree.

You are instructed that if you find the defendant guilty of First or Second Degree Murder, you must also determine whether or not a deadly weapon was used in the commission of the crime.

If you find beyond a reasonable doubt that a deadly weapon was used in the commission of such an offense, then you shall return the appropriate guilty verdict reflecting "With Use of a Deadly Weapon".

If, however, you find that a deadly weapon was not used in the commission of such an offense, but you find that it was committed, then you shall return the appropriate guilty verdict reflecting that a deadly weapon was not used.

"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or, any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

A firearm is a deadly weapon.

INSTRUCTION NO. \_\_17\_\_

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect is guilty of Child Abuse, Neglect, or Endangerment.

“Abuse or neglect” means physical or mental injury of a nonaccidental nature or negligent treatment or maltreatment of a child under the age of 18 years, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

“Physical injury” means:

- (1) Permanent or temporary disfigurement; or
- (2) Impairment of any bodily function or organ of the body.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.



1  
2 The Defendant is presumed innocent unless the contrary is proven beyond a  
3 reasonable doubt. This presumption places upon the State the burden of proving beyond a  
4 reasonable doubt every element of the crime charged and that the Defendant is the person  
5 who committed the offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a  
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of  
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a  
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is  
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or  
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a  
13 verdict of not guilty.  
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The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

Witnesses who have special knowledge, skill, experience, training or education in a particular subject have testified to certain opinions. This type of witness is referred to as an expert witness. In determining what weight to give to any opinion expressed by an expert witness, you should consider the qualifications and believability of the witness, the facts or materials upon which each opinion is based, and the reasons for each opinion.

An opinion is only as good as the facts and reasons on which it is based. If you find that any fact has not been proven, or has been disproved, you may consider that in determining the value of the opinion. Likewise, you must consider the strengths and weaknesses of the reasons on which it is based.

You are not bound by an opinion. Give each opinion the weight you find it deserves. You may disregard any opinion if you find it to be unreasonable.

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

The flight of a person after the commission of a crime is not sufficient in itself to establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt or innocence.

The essence of flight embodies the idea of deliberately going away with consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The weight to which such circumstance is entitled is a matter for the jury to determine.

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of whether the Defendant is guilty or not guilty.



INSTRUCTION NO. 28

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1  
2 If, during your deliberation, you should desire to be further informed on any point of  
3 law or hear again portions of the testimony, you must reduce your request to writing signed  
4 by the foreperson. The officer will then return you to court where the information sought  
5 will be given you in the presence of, and after notice to, the district attorney and the  
6 Defendant and his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem  
8 it a necessity. Should you require a playback, you must carefully describe the testimony to  
9 be read back so that the court recorder can arrange his/her notes. Remember, the court is not  
10 at liberty to supplement the evidence.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits – either by phone, text, Internet or other means;
- (2) read, watch, or listen to any new or media accounts of commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

  
DISTRICT JUDGE

FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

FEB 28 2018 11:48AM

BY

*Deborah Miller*  
DEBORAH MILLER, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VERNON NEWSON, JR.,

Defendant.

CASE NO: C-16-313919-1

DEPT NO: III

VERDICT

We, the jury in the above entitled case, find the Defendant VERNON NEWSON, JR.,  
as follows:

COUNT 4 - POSSESSION FIREARM BY EXFELON

*(please check the appropriate box, select only one)*

☒ Guilty of Possession of Firearm by Exfelon

☐ Not Guilty

DATED this 28 day of February, 2018

*Karen M. Duns*  
FOREPERSON

*K M Duns*

C-16-313919-1

VER

Verdict

4724852



ORIGINAL

INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

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

FEB 28 2018

BY: *Deborah Miller*  
DEBORAH MILLER, DEPUTY

C-16-313919-1  
AINF  
Amended Information  
4724955



DISTRICT COURT  
CLARK COUNTY, NEVADA

I.A. 4/11/16  
10:00 AM  
PD

THE STATE OF NEVADA,  
Plaintiff,

-vs-

VERNON NEWSON, JR.,  
#1946426  
Defendant.

CASE NO: C-16-313919-1

DEPT NO: III

THIRD AMENDED  
I N F O R M A T I O N

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:


That VERNON NEWSON, JR., the Defendant(s) above named, having committed the crime OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460); on or about the 13th day of December, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNTY <sup>4</sup> - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, the defendant being a convicted felon, having in 2009, been

1 convicted of Forgery, in Case No. C258156, in the Eighth Judicial District Court, Clark  
2 County, a felony under the laws of the State of Nevada.

3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
5 Nevada Bar #001565

6 BY  #12473 For  
7 PAMELA WECKERLY  
8 Chief Deputy District Attorney  
9 Nevada Bar #006163  
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1 INST

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

FEB 28 2018

BY, Deborah Miller  
DEBORAH MILLER, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA, )

9 Plaintiff, )

10 -vs- )

11 VERNON NEWSON, JR., )

12 Defendant. )

CASE NO: C-16-313919-1

DEPT NO: III

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is  
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as  
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these  
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
20 would be a violation of your oath to base a verdict upon any other view of the law than that  
21 given in the instructions of the Court.

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26 C-16-313919-1  
INST  
Instructions to the Jury  
4724958





If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in Third Amended Information that on or about the 13<sup>th</sup> day of December, 2015, within the County of Clark, State of Nevada, the Defendant committed the offense of POSSESSION OF FIREARM BY EXFELON (NRS 202.360), contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, as follows:

COUNT 1 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, the defendant being a convicted felon, having in 2009, been convicted of Forgery, in Case No. C258156, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of Nevada.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the defendant is guilty of the offense charged.

Each charge and the evidence pertaining to it should be considered separately. The fact that you may find a defendant guilty or not guilty as to one of the offenses charged should not control your verdict as to any other defendant or offense charged.

1  
2 A person who has been convicted of a felony in this or any other state, or in any  
3 political subdivision thereof, or of a felony in violation of the laws of the United States of  
4 America, unless he has received a pardon and the pardon does not restrict his right to bear  
5 arms, shall not own or have in his possession or under his custody or control any firearm.  
6 Neither the concealment of the firearm nor the carrying of the weapon are necessary  
7 elements of the offense.

8 "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.  
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You are instructed that a firearm, whether loaded or unloaded, operable or inoperable, is a deadly weapon. "Firearm" includes:

1. Any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.
2. Any device used to mark the clothing of a person with paint or any other substance; and
3. Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

The law recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

An act or a failure to act is "knowingly" done, if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.

Evidence that the defendant committed or may have committed offenses other than that for which he is being charged with in this case, if believed, was not received and may not be considered by you to prove that he is a person of bad character or to prove that he has a disposition to commit crimes. Such evidence was received and may be considered by you only for the limited purpose of proving or disproving the defendant's ability to legally possess a firearm.

You must weigh this evidence in the same manner as you do all other evidence in the case.

All legal instructions by the Court in this case, including these current instructions and those previously given, constitute the law in this case and apply to your deliberations regarding the instant charge.

The Defendant is presumed innocent unless the contrary is proven beyond a reasonable doubt. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.



In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits – either by phone, text, Internet or other means;
- (2) read, watch, or listen to any new or media accounts of commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be read back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE

FEB 28 2018 11:07 AM

BY: Deborah Miller  
DEBORAH MILLER, DEPUTY

1 VER

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA, )  
8 Plaintiff, )  
9 -vs- )  
10 VERNON NEWSON, JR., )  
11 Defendant. )

CASE NO: C-16-313919-1  
DEPT NO: III

12  
13 VERDICT

14 We, the jury in the above entitled case, find the Defendant VERNON NEWSON, JR.,  
15 as follows:

16 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

17 *(please check the appropriate box, select only one)*

- 18 ☒ Guilty of First Degree Murder with Use of a Deadly Weapon  
19 ☐ Guilty of First Degree Murder  
20 ☐ Guilty of Second Degree Murder with Use of a Deadly Weapon  
21 ☐ Guilty of Second Degree Murder  
22 ☐ Not Guilty

23  
24 COUNT 2-CHILD ABUSE, NEGLECT OR ENDANGERMENT (Major Newson)

25 *(please check the appropriate box, select only one)*

- 26 ☒ Guilty of Child Abuse, Neglect or Endangerment  
27 ☐ Not Guilty  
28

C-16-313919-1  
VER  
Verdict  
4724853



1 COUNT 3-CHILD ABUSE, NEGLECT OR ENDANGERMENT (Brandon Berger)

2 *(please check the appropriate box, select only one)*

3 ☒ Guilty of Child Abuse, Neglect or Endangerment

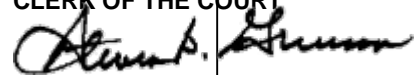
4 ☐ Not Guilty

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7 DATED this 28 day of February, 2018

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9 Karen M. Duus

10 FOREPERSON

11 *Km M. Duus*



DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VERNON NEWSON, JR.,  
#1946426

Defendant.

CASE NO. C-16-313919-1

DEPT. NO. III

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165); COUNTS 2 & 3 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony – NRS 200.508(1), and COUNT 4 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony – NRS 202.360); and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165); COUNTS 2 & 3 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony – NRS 200.508(1), and COUNT 4 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony – NRS 202.360); thereafter, on the 19<sup>th</sup> day of April, 2018, the Defendant was present in court for sentencing with his counsel RYAN BASHOR, Deputy Public Defender, and KAMBIZ SHAYGAN-FATEMI, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee,

Jury Trial  
☐ Dismissed (during trial)  
☐ Acquittal  
☐ Guilty Plea with Sent. (during trial)  
☒ Conviction

Case Number: C-16-313919-1



1 \$150.00 DNA Analysis fee, including testing to determine genetic markers, waived if  
2 previously ordered or taken, \$750.00 Indigent Defense Civil Assessment Fee, \$3.00  
3 DNA Collection Fee, \$300.00 Extradition fee, and \$4,467.61 payable to Victims of  
4 Crime, the Defendant is SENTENCED as follows:

5 COUNT 1 - TO LIFE in the Nevada Department of Corrections with eligibility for  
6 parole after a MINIMUM of TWENTY (20) YEARS has been served; plus a  
7 CONSECUTIVE SENTENCE of a MINIMUM NINETY-SIX (96) MONTHS and a  
8 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for the Deadly Weapon  
9 enhancement, with an AGGREGATE sentence of LIFE in the Nevada Department of  
10 Corrections with eligibility for parole after a MINIMUM of THREE HUNDRED THIRTY-  
11 SIX (336) MONTHS has been served;

12 COUNT 2 - A MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of  
13 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC);  
14 CONSECUTIVE to COUNT 1;

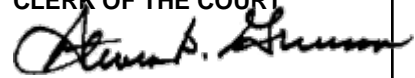
15 COUNT 3 - A MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of  
16 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC);  
17 CONCURRENT to COUNT 2;

18 COUNT 4 - A MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of  
19 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC);  
20 CONSECUTIVE to COUNT 2; with a TOTAL AGGREGATE sentence of LIFE in the  
21 Nevada Department of Corrections (NDC) with eligibility for parole beginning after a  
22 MINIMUM of THREE HUNDRED EIGHTY-FOUR (384) MONTHS has been served,  
23 with EIGHT HUNDRED TWENTY-SIX (826) DAYS credit for time served.

24  
25 DATED this 23<sup>rd</sup> day of April, 2018.

26  
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28   
DOUGLAS W. HERNDON  
DISTRICT JUDGE

msf



1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

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DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-16-313919-1
	)	
v.	)	DEPT. NO. III
	)	
VERNON NEWSON JR.,	)	
	)	
Defendant.	)	
_____	)	

**NOTICE OF APPEAL**

TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
NEVADA and DEPARTMENT NO. III OF THE EIGHTH JUDICIAL  
DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Vernon Newson Jr., presently incarcerated in the Nevada State Prison, appeals to the Supreme Court of the State of Nevada from the judgment entered against said Defendant on the 26 day of April, 2018 whereby he was convicted of Ct. 1 - First Degree Murder With Use of a Deadly Weapon; Cts. 2 & 3 - Child Abuse, Neglect or Endangerment; Ct. 4. - Ownership or Possession of a Firearm by a Prohibited Person and sentenced to \$25 Admin. Fee; \$150 DNA analysis fee; genetic testing, waived if previously ordered or taken; \$750 Indigent Defense Civil Assessment fee; \$3 DNA Collection Fee; \$300 Extradition fee; \$4,467.61 payable to Victims of Crime; Ct. 1 - 20 years to Life in prison plus a consecutive sentence of 96-240

1 months in prison for the deadly weapon enhancement, with an  
2 aggregate sentence of 336 months to Life in prison; Ct. 2 - 24-72  
3 months in prison consecutive to Ct. 1; Ct. 3 - 24-72 months in  
4 prison concurrent to Ct. 2; Ct. 4 - 24-72 months consecutive to  
5 Ct. 2; total aggregate sentence of 384 months to Life in prison  
6 with 826 days credit for time served.

7 DATED this 21 day of May, 2018.

8 PHILIP J. KOHN  
9 CLARK COUNTY PUBLIC DEFENDER

10  
11 By: /s/ Howard S. Brooks  
12 HOWARD S. BROOKS, #3374  
13 Deputy Public Defender  
14 309 S. Third Street, Ste. 226  
15 Las Vegas, Nevada 89155  
16 (702) 455-4685  
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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that service of the above and foregoing  
was made this 21 day of May, 2018, by Electronic Filing to:

District Attorneys Office  
E-Mail Address:

[PDMotions@clarkcountyda.com](mailto:PDMotions@clarkcountyda.com)

[Jennifer.Garcia@clarkcountyda.com](mailto:Jennifer.Garcia@clarkcountyda.com)

[Eileen.Davis@clarkcountyda.com](mailto:Eileen.Davis@clarkcountyda.com)

/s/ Carrie M. Connolly  
Secretary for the  
Public Defender's Office

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 11, 2016**

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

**April 11, 2016      10:00 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Bashor, Ryan      Attorney for the Defendant  
                         Newson Jr, Vernon      Defendant  
                         Weckerly, Pamela      Attorney for the State

**JOURNAL ENTRIES**

DEFT. NEWSON JR., ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs.

**CUSTODY**

8/18/16 9:30 A.M. CALENDAR CALL (DEPT. 21)

8/22/16 9:30 A.M. JURY TRIAL (DEPT. 21)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 18, 2016**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**August 18, 2016      9:30 AM      All Pending Motions**

**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Jill Chambers

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Deft
	Graham, Elana L.	Attorney for State
	Newson Jr, Vernon	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFT'S MOTION TO CONTINUE TRIAL DATE

COURT ORDERED, MOTION GRANTED and RESET TRIAL DATES.

CUSTODY

3/23/17 9:30 AM CALENDAR CALL

3/27/17 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 09, 2017**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**March 09, 2017      9:30 AM      Motion to Continue Trial**

**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Jill Chambers

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Newson Jr, Vernon	Defendant
	Shaygan-Fatemi, Kambiz	Attorney for the Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for the State

**JOURNAL ENTRIES**

- Mr. Shaygan-Fatemi requested a continuance to October. Ms. Weckerly made no objection with continuance. COURT SO ORDERED.

**CUSTODY**

10/19/17 9:30 AM CALENDAR CALL

10/23/17 9:30 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 12, 2017**

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

**October 12, 2017      9:30 AM      Motion to Continue Trial**

**HEARD BY:** Adair, Valerie      **COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Jill Chambers

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for the Defendant
	Newson Jr, Vernon	Defendant
	Shaygan-Fatemi, Kambiz	Attorney for the Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for the State

**JOURNAL ENTRIES**

- Mr. Bashor stated he was still wrapping up his investigation and was waiting on an offer. Colloquy regarding trial readiness and scheduling. Court SET trial date and CONTINUED MATTER to further discuss offers and reports from experts.

**CUSTODY**

CONTINUED TO 11/9/17 9:30 AM

2/8/18 9:30 AM CALENDAR CALL

2/12/18 9:30 AM JURY TRIAL

PRINT DATE: 11/02/2017

Page 1 of 1

Minutes Date: October 12, 2017

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 09, 2017**

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

**November 09, 2017      9:30 AM**

**Status Check: Trial  
Readiness**

**HEARD BY:**    Adair, Valerie

**COURTROOM:**    RJC Courtroom 11C

**COURT CLERK:**    Jill Chambers

**RECORDER:**    Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**

Bashor, Ryan  
Newson Jr, Vernon  
PORTZ, KENNETH  
State of Nevada

Attorney for the Defendant  
Defendant  
Attorney for the State  
Plaintiff

**JOURNAL ENTRIES**

- Upon inquiry of the Court, the Deft. stated he understood the offer extended by the State and rejected it. Mr. Portz stated that he provided all discovery and there was nothing else outstanding at the time. Court CONTINUED STATUS CHECK.

CUSTODY

CONTINUED TO: 1/11/18 9:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2018

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

January 11, 2018      09:30 AM      Status Check: Trial Readiness

HEARD BY:      Adair, Valerie      COURTROOM: RJC Courtroom 11C

COURT CLERK: Chambers, Jill

RECORDER:      Schofield, Susan

REPORTER:

PARTIES PRESENT:

KENNETH PORTZ	Attorney for Plaintiff
Ryan Bashor	Attorney for Defendant
State of Nevada	Plaintiff
Vernon Newson Jr	Defendant

#### JOURNAL ENTRIES

Mr. Bashor stated there was a file review scheduled for 1/12/18 but everything else was completed. Upon the Court's inquiry, Mr. Bashor stated that the filing of any further reports would depend on the file review. Court directed counsel to place the matter back on calendar if any issues arise.

CUSTODY

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2018

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

February 08, 2018      09:30 AM      All Pending Motions

HEARD BY:      Adair, Valerie      COURTROOM: RJC Courtroom 11C

COURT CLERK: Chambers, Jill

RECORDER:      Schofield, Susan

REPORTER:

PARTIES PRESENT:

Pamela C. Weckerly	Attorney for Plaintiff
Ryan Bashor	Attorney for Defendant
State of Nevada	Plaintiff
Vernon Newson Jr	Defendant

#### JOURNAL ENTRIES

CALENDAR CALL....DEFT'S MOTION TO BIFURCATE COUNT 2....DEFT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY AND BRADY MATERIAL...DEFT'S MOTION IN LIMINE

Court made the following rulings:

Calendar Call CONTINUED to the following day to determine when and where trial will be heard;

Motion to Bifurcate, GRANTED;

Deft's Discovery Motion, GRANTED as to Brady and statutory material;

Deft's Motion in Limine, GRANTED in its entirety as UNOPPOSED.

CUSTODY

CONTINUED TO: 2/9/18 9:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2018

---

C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

February 09, 2018      09:00 AM      Calendar Call

HEARD BY:      Adair, Valerie      COURTROOM: RJC Courtroom 11C

COURT CLERK: Ortega, Natalie

RECORDER:      Schofield, Susan

REPORTER:

PARTIES PRESENT:

KENNETH PORTZ	Attorney for Plaintiff
Pamela C. Weckerly	Attorney for Plaintiff
Ryan Bashor	Attorney for Defendant
State of Nevada	Plaintiff
Vernon Newson Jr	Defendant

#### JOURNAL ENTRIES

Court informed counsel the trial would be on Thursday or Friday in Department 3, Judge Herndon. Ms. Weckerly indicated there would be 15 witnesses and including the penalty phase the trial would conclude by Friday the following week. CONFERENCE AT THE BENCH. Court directed the attorneys to coordinate with Judge Herndon's Judicial Executive Assistant regarding the start time for trial on Thursday. COURT ORDERED, trial SET to begin Thursday, February 15th in Department 3; time to be determined by Department 3.

CUSTODY

2/15/18 TIME: TBD - JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 16, 2018**

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

**February 16, 2018      3:00 AM      Minute Order**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**JOURNAL ENTRIES**

- The instant case is a Homicide Team case currently assigned to District Court Department 21. The parties in the instant case are ready for trial. DC 21 is unfortunately unable to hear the trial due to its involvement in a separate ongoing lengthy trial.

EDCR 1.30 (15) gives the Chief Judge of the Eighth Judicial District Court the authority to reassign cases between departments as convenience or necessity requires. EDCR 1.30 (11) also states that the Chief Judge must appoint a Judge to preside over the Criminal Division of the Court. EDCR 1.31 gives the Criminal Presiding Judge the authority to reassign pending criminal cases from one department to another. As with EDCR 1.30(15), the Presiding Criminal Judge's decision on reassigning pending criminal cases should be done as convenience and necessity require.

DC 3 is available to hear the trial. This court finds that convenience and necessity justify the reassignment of the instant matter to DC 3. Therefore, based on the totality of circumstances present, this Court, as Criminal Presiding Judge, ORDERS, pursuant to EDCR 1.31, the reassignment of the instant case to DC 3. The matter was scheduled to proceed to trial on February 15, 2018, however due to a family emergency involving one of the attorneys; it was agreed by all to delay the start date with an eye toward proceeding to trial on February 22, 2018. The matter will be placed on calendar in DC 3 for status check on trial on February 20, 2018.

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2018

---

C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

February 20, 2018      09:00 AM      Status Check: Trial Setting

HEARD BY:      Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Miller, Deborah

RECORDER:      Richardson, Sara

REPORTER:

PARTIES PRESENT:

KENNETH PORTZ	Attorney for Plaintiff
Pamela C. Weckerly	Attorney for Plaintiff
Ryan Bashor	Attorney for Defendant
State of Nevada	Plaintiff
Vernon Newson Jr	Defendant

#### JOURNAL ENTRIES

Court stated parties had discussions in chambers where they indicated they are ready to proceed to trial. Parties further requested video testimony be done tomorrow with a witness to preserve testimony should she not be available for trial. Ms. Weckerly concurred, noting witness is Zaharia Marshall. COURT ORDERED, hearing and trial SET.

CUSTODY

2/21/18 3:00 PM DEPOSITION

2/22/18 10:30 AM JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2018

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C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

February 21, 2018      02:00 PM      Hearing: Deposition

HEARD BY:      Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Miller, Deborah

RECORDER:      Richardson, Sara

REPORTER:

PARTIES PRESENT:

Kambiz Shaygan-Fatemi      Attorney for Defendant

KENNETH PORTZ      Attorney for Plaintiff

Pamela C. Weckerly      Attorney for Plaintiff

Ryan Bashor      Attorney for Defendant

State of Nevada      Plaintiff

Vernon Newson Jr      Defendant

#### JOURNAL ENTRIES

Court stated matter is on calendar to preserve testimony of a witness. Conference at the Bench. Exclusionary Rule INVOKED. Testimony and Exhibits presented. (See worksheets). Discussion regarding testimony. Ms. Bashor advised the State is willing to waive the penalty hearing. Ms. Weckerly concurred.

CUSTODY

2/22/18 10:30 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 22, 2018**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**February 22, 2018      10:30 AM      Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Defendant
	Newson Jr, Vernon	Defendant
	PORTZ, KENNETH	Attorney for State
	Shaygan-Fatemi, Kambiz	Attorney for Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for State

**JOURNAL ENTRIES**

Amended Information and Stipulation and Order FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Ms. Weckerly advised Amended Information removed the ex-felon in possession of firearm charge. Defense had no opposition. Mr. Hendricks advised defendant has stipulated to waive the penalty hearing and provided copy of stipulation and order. Court reviewed stipulation and order with the defendant and SIGNED IN OPEN COURT.

PROSPECTIVE JURORS PRESENT: Introductions by Court and counsel. Clerk called roll. Voir dire commenced.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Challenges for cause noted for the record.

PRINT DATE: 04/10/2018

Page 1 of 2

Minutes Date: February 22, 2018

PROSPECTIVE JURORS PRESENT: Voir dire continues. Evening recess.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Discussion regarding challenges for cause.

CUSTODY

CONTINUED TO: 2/23/18 10:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2018

C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

February 23, 2018      10:30 AM      Jury Trial

HEARD BY:      Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Schlitz, Kory

RECORDER:      Richardson, Sara

REPORTER:

PARTIES PRESENT:

Kambiz Shaygan-Fatemi      Attorney for Defendant

KENNETH PORTZ      Attorney for Plaintiff

Pamela C. Weckerly      Attorney for Plaintiff

Ryan Bashor      Attorney for Defendant

State of Nevada      Plaintiff

Vernon Newson Jr      Defendant

#### JOURNAL ENTRIES

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS  
Challenges for cause expressed.

PROSPECTIVE JURORS PRESENT  
Voir Dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS  
Counsel completed their peremptory challenges.

JURORS PRESENT  
Jury selected and sworn. Clerk read the Amended Information. Opening statements by Mr. Portz and Mr. Shaygan-Fatemi. Testimony and Exhibits presented. (See Worksheets.)

Court recessed for the evening and directed Jurors to return Monday.

OUTSIDE THE PRESENCE OF THE JURORS  
Colloquy regarding trial scheduling and Jury Instructions. Court advised Jury Instructions will be reviewed on Monday after the end of trial.

CUSTODY

CONTINUED TO: 2/26/18 10:30 A.M.

**keDISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 26, 2018**

---

C-16-313919-1      State of Nevada  
                                 vs  
                                 Vernon Newson Jr

---

**February 26, 2018      10:30 AM      Jury Trial**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Defendant
	Newson Jr, Vernon	Defendant
	PORTZ, KENNETH	Attorney for State
	Shaygan-Fatemi, Kambiz	Attorney for Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for State

**JOURNAL ENTRIES**

**JURY PRESENT:** Testimony and Exhibits presented. (See worksheets).

**OUTSIDE THE PRESENCE OF THE JURY:** Court advised defendant his right to not testify.

**JURY PRESENT:** Testimony and Exhibits presented. (See worksheets).

**OUTSIDE THE PRESENCE OF THE JURY:** Arguments by Mr. Bashor as to Voluntary Manslaughter instruction. Ms. Weckerly argued in opposition. Court stated there is not enough evidence right now that meets the standard, therefore, instruction is denied.

**JURY PRESENT:** Testimony and Exhibits presented. (See worksheets). State rested. Defense rested. Evening recess.

**OUTSIDE THE PRESENCE OF THE JURY:** Jury Instructions settled on the record. Defense proposed

**PRINT DATE:** 04/10/2018

**Page 1 of 2**

**Minutes Date:** February 26, 2018

jury instructions marked as a court exhibit.

CUSTODY

CONTINUED TO: 2/27/18 11:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 27, 2018**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**February 27, 2018      10:30 AM      Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Defendant
	Newson Jr, Vernon	Defendant
	PORTZ, KENNETH	Attorney for State
	Shaygan-Fatemi, Kambiz	Attorney for Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for State

**JOURNAL ENTRIES**

- Second Amended Information FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled on the record.

JURY PRESENT: Jury Instructions read. Closing arguments by counsel. Jury retired to begin deliberations at the hour of 1:00 p.m.

CONTINUED TO: 2/28/18 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 28, 2018**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**February 28, 2018      10:00 AM      Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Defendant
	Newson Jr, Vernon	Defendant
	PORTZ, KENNETH	Attorney for State
	Shaygan-Fatemi, Kambiz	Attorney for Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for State

**JOURNAL ENTRIES**

**THIRD AMENDED INFORMATION FILED IN OPEN COURT**

**OUTSIDE THE PRESENCE OF THE JURY:** Court noted for the record question asked by the jury during deliberations. Jury Instructions settled on the record. State filed Third Amended Information including the Ownership or Possession of Firearm by Prohibited Person. Parties agreed to only admit the Judgment of Conviction and exclude other Court documents.

**JURY PRESENT:** Jury returned with the following verdicts at the hour of 11:07 a.m.

**COUNT 1 - GUILTY of FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON**

**COUNT 2- GUILTY of CHILD ABUSE, NEGLECT OR ENDANGERMENT (MAJOR NEWSON)**

**COUNT 3- GUILTY of CHILD ABUSE, NEGLECT, OR ENDANGERMENT (BRANDON BERGER)**

Jury polled. Court read Third Amended Information. Jury Instructions read. Closing arguments by counsel. Exhibit presented and admitted. State and defense rested. Jury retired to begin deliberations at 11:23 a.m. Jury returned with the following verdict at 11:48 a.m.

COUNT 4 - GUILTY of OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

OUTSIDE THE PRESENCE OF THE JURY: Defense moved for a directed verdict due to lack of evidence. Court DENIED request, noting there was sufficient evidence. Verdicts will stand. COURT FURTHER ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for Sentencing. COURT FURTHER ORDERED, bail STANDS.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 19, 2018**

C-16-313919-1      State of Nevada  
vs  
Vernon Newson Jr

**April 19, 2018      9:00 AM      Sentencing**

**HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**PARTIES**

<b>PRESENT:</b>	Bashor, Ryan	Attorney for Defendant
	Newson Jr, Vernon	Defendant
	PORTZ, KENNETH	Attorney for State
	Shaygan-Fatemi, Kambiz	Attorney for Defendant
	State of Nevada	Plaintiff
	Weckerly, Pamela C.	Attorney for State

**JOURNAL ENTRIES**

Mr. Bashor stated there was not a danger evaluation done, however, the defense is prepared to waive it. Discussion regarding charge on Pre-Sentence Investigation Report (PSI). State had no opposition to striking language. COURT ORDERED, last line on page 4 that states the following: WA: Murder: Second Degree On Peace Officer, Fugitive From Justice: Arrest Without Warrant STRICKEN. Court stated defense may prepare an order. Court stated danger evaluation is WAIVED. DEFT NEWSON ADJUDGED GUILTY of COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT (F), COUNT 3 - CHILD ABUSE, NEGLECT OR ENDANGERMENT (F), and COUNT 4 - OWNERSHIP OR POSSESSION OF A FIREARM BY PROHIBITED PERSON (F). Mr. Portz advised there will be one victim speaker today; however, there are several family members present. Arguments by Mr. Portz. Statement by Defendant. Arguments by Mr. Bashor. Victim Speaker sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to determine genetic markers, waived if previously ordered and/or taken, \$750.00 Indigent Defense Civil Assessment Fee, \$3.00 DNA Collection Fee, \$4,467.61 Restitution payable to Victims of Crime, and a \$300.00

PRINT DATE: 04/23/2018

Page 1 of 2

Minutes Date: April 19, 2018

Extradition Fees, Deft. SENTENCED on COUNT 1 to a term of LIFE in the Nevada Department of Corrections (NDC) with eligibility for parole beginning after a minimum of TWENTY (20) YEARS has been served, plus a CONSECUTIVE sentence of a MINIMUM of NINETY-SIX (96) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for the Deadly Weapon Enhancement, with a total AGGREGATE sentence of LIFE with eligibility of parole after a MINIMUM of THREE HUNDRED THIRTY-SIX (336) MONTHS has been served. As to COUNT 2 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to COUNT 1, As to COUNT 3 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 2, As to COUNT 4 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to Count 2, with a TOTAL AGGREGATE sentence of a term of LIFE in the Nevada Department of Corrections (NDC), with eligibility of parole beginning after a minimum of THREE HUNDRED EIGHTY-FOUR (384) MONTHS has been served, with EIGHT HUNDRED TWENTY-SIX (826) DAYS credit for time served. BOND, if any, EXONERATED.

NDC



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-16-313919-1
	)	
Plaintiff,	)	DEPT. III
vs.	)	(ARRAIGNMENT HELD IN DEPT. LLA)
	)	
VERNON NEWSON, JR.,	)	
	)	
Defendant.	)	

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER  
MONDAY, APRIL 11, 2016

**RECORDER'S TRANSCRIPT OF HEARING RE:  
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State: PAMELA WECKERLY, ESQ.,  
Chief Deputy District Attorney

For the Defendant: RYAN BASHOR, ESQ.,  
Deputy Public Defender

RECORDED BY: DEBRA WINN, RELIEF COURT RECORDER

1 LAS VEGAS, NEVADA, MONDAY, APRIL 11, 2016

2 \* \* \* \* \*

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

4  
5 THE COURT: State of Nevada v. Vernon Newson, C313919. He is  
6 present in custody. Mr. Bashor is here on his behalf. Counsel?

7 MR. BASHOR: Good morning, your Honor. Ryan Bashor on his  
8 behalf. Judge, we acknowledge receipt of the Information, waive formal reading,  
9 enter a plea of not guilty. I've spoken with Mr. Newson about his right to a trial  
10 within 60 days. He wishes to waive that right. I'd also ask to preserve my writ  
11 rights under the statute.

12 THE COURT: All right. Are you here for this one, counsel?

13 MS. WECKERLY: Yes, your Honor.

14 THE COURT: All right.

15 MS. WECKERLY: Pam Weckerly on behalf of the State.

16 THE COURT: Thank you.

17 Sir, you received a copy of the Information stating the charges  
18 against you?

19 THE DEFENDANT: Yes.

20 THE COURT: You read through it and understood it?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you want to waive a formal reading of the  
23 charges?

24 THE DEFENDANT: Yes.

25 THE COURT: How do you plead?

1 THE DEFENDANT: Not guilty.

2 THE COURT: You do have a right to a trial within 60 days. It's my  
3 understanding you want to waive that right. Is that correct?

4 THE DEFENDANT: Yes.

5 THE COURT: Ordinary course.

6 THE CLERK: Calendar call, August 18<sup>th</sup>, 2016, 9:30 a.m. Jury trial  
7 date, August 22<sup>nd</sup>, 2016, 9:30 a.m., Department 21.

8 MS. WECKERLY: Thank you.

9 THE COURT: Counsel, pursuant to statute you have 21 days from  
10 today for the filing of any writs. If the transcript has not been filed as of today, you  
11 have 21 days from the filing.

12 MR. BASHOR: Thank you, your Honor.

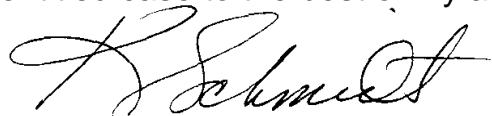
13 THE COURT: Thank you.

14 (Whereupon, the proceedings concluded.)

15 \* \* \* \* \*

16 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
17 audio/video proceedings in the above-entitled case to the best of my ability.

18



19

Kiara Schmidt, Court Recorder/Transcriber

20

21

22

23

24

25



1 RTRAN

2  
3  
4 DISTRICT COURT  
CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

}  
CASE NO. C-16-313919-1

}  
DEPT. NO. XXI

11  
12 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 THURSDAY, AUGUST 18, 2016

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **CALENDAR CALL; DEFENDANT'S MOTION TO CONTINUE TRIAL DATE**

16  
17 APPEARANCES:

18 For the Plaintiff:

PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorney

19  
20 For the Defendant:

RYAN J. BASHOR, ESQ.  
KAMBIZ SHAYGAN-FATEMI, ESQ.  
Deputies Public Defender

21  
22  
23  
24  
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, AUGUST 18, 2016

2  
3 [Hearing Began at 10:21 A.M.]

4 THE COURT: All right, other matters to be called out of order. Does  
5 anyone have a matter that they would like called out of order?

6 MS. WECKERLY: Yes, please, Your Honor, could you call Newson on  
7 page 4?

8 THE COURT: All right. State versus Vernon Newson, and he is  
9 present in custody with Mr. –

10 MR. BASHOR: Bashor.

11 THE COURT: -- and –

12 MR. BASHOR: Kambiz Shaygan, Your Honor.

13 THE COURT: All right. This is the time set for calendar call. The  
14 defense has filed a motion to continue the trial date. Any opposition, State?

15 MS. WECKERLY: There's no opposition, Your Honor.

16 THE COURT: All right. We'll go ahead and grant the motion to  
17 continue. And how long do you need?

18 MR. BASHOR: Judge, we would – sometime in 2017 is what we're  
19 looking at.

20 THE COURT: All right.

21 MS. WECKERLY: If we could just go past February, any time after that  
22 is fine with the State.

23 THE COURT: Okay, we'll see what's available.

24 THE JEA: March 27<sup>th</sup>?

25 MS. WECKERLY: That's fine.

1 MR. BASHOR: That'll work.

2 THE JEA: Okay, at 9:00 A.M. with a calendar call of March 23<sup>rd</sup>, at  
3 9:30.


4 MS. WECKERLY: Thank you.

5 MR. BASHOR: Thank you.

6 THE COURT: All right, thank you.

7  
8 [Hearing concluded at 10:23 A.M.]  
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14 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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17 SUSAN SCHOFIELD  
18 Court Recorder/Transcriber  
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1 RTRAN

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

)  
)  
) CASE NO. C-16-313919-1

)  
) DEPT. NO. XXI  
)  
)

11  
12 THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 HEARD BY THE HONORABLE DOUGLAS E. SMITH

14 THURSDAY, MARCH 9, 2017

15 **RECORDER'S TRANSCRIPT OF HEARING:**  
16 **DEFENDANT'S MOTION TO CONTINUE TRIAL DATE**

17  
18 APPEARANCES:

19 For the Plaintiff:

PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorney

20  
21 For the Defendant:

KAMBIZ SHAYGAN-FATEMI, ESQ.  
Deputy Public Defender

22  
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24  
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, MARCH 9, 2017

2  
3 [Hearing Began at 9:36 A.M.]

4 THE COURT: C313919, Vernon Newsom.

5 MR. PORTZ: Good morning, Your Honor.

6 MS. WECKERLY: Good morning, Your Honor. Pam Weckerly and  
7 Nick Portz on behalf of the State.

8 MR. SHAYGAN: Kambiz Shaygan with the Public Defender's Office on  
9 behalf of Mr. Newsom, always my pleasure. My co-counsel, Mr. Bashor, is currently  
10 in a homicide trial.

11 Your Honor, I'm going to, with your permission, ask to continue this  
12 case to October. It could be a firm setting. We're not trying to play the continuance  
13 game, Your Honor.

14 MS. WECKERLY: This –

15 THE COURT: Read all the pressure from powers to be to start trying  
16 these cases and not continue them so often.

17 MR. SHAYGAN: I do appreciate that, Your Honor, and I would, if it's  
18 okay with Your Honor, to let the minutes reflect it could be a firm setting.

19 THE COURT: Is this a death penalty case?

20 MS. WECKERLY: This is not. But co-counsel for the defense is  
21 actually in a capital trial right now so I agreed to the continuance.

22 THE COURT: All right. October.

23 MR. SHAYGAN: Late October would be lovely, Your Honor.

24 THE JEA: Is October 23<sup>rd</sup>?

25 MS. WECKERLY: That's great.

1 MR. SHAYGAN: Thank you.

2 THE JEA: Okay, October 23<sup>rd</sup> at 9:30 for the jury trial. October 19<sup>th</sup> for  
3 the calendar call at 9:30.

4 MS. WECKERLY: Thank you.

5 MR. SHAYGAN: Thank you.

6 THE COURT: Thanks.

7 MR. PORTZ: Thank you, Your Honor.

8

9 [Hearing concluded at 9:38 A.M.]

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audio/video proceedings in the above-entitled case to the best of my ability.

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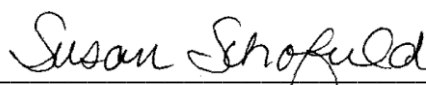
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



1 RTRAN

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

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)  
) CASE NO. C-16-313919-1

)  
) DEPT. NO. XXI  
)  
)

11  
12 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 THURSDAY, OCTOBER 12, 2017

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **DEFENDANT'S MOTION TO CONTINUE TRIAL DATE**

16  
17 APPEARANCES:

18 For the Plaintiff:

PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorney

19  
20 For the Defendant:

RYAN J. BASHOR, ESQ.  
Deputy Public Defender

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25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 12, 2017

2  
3 [Hearing Began at 10:13 A.M.]

4  
5 THE COURT: It looks like Ms. Weckerly and Mr. Bashor are next.

6 MS. WECKERLY: It's on Vernon Newson, Your Honor, on Page 8.

7 THE COURT: State versus Vernon Newson. And Mr. Newson is  
8 present in custody with Mr. Bashor and Mr. --

9 MR. SHAYGAN: Shaygan.

10 THE COURT: All right. This is on the defendant's motion to continue  
11 saying that you're in trial in another department instead of --

12 MR. BASHOR: That did actually resolve during the last week but my  
13 attention obviously was very much focused on that case. That's why I filed this  
14 particular motion.

15 THE COURT: Right. So are you saying that you're not going to be  
16 able to be ready --

17 MR. BASHOR: Correct.

18 THE COURT: -- in a week for this?

19 MR. BASHOR: No.

20 THE COURT: How long, I mean, everything's ready, you just didn't do  
21 your trial preparation, is that correct?

22 MR. BASHOR: Well, I mean, we're wrapping up mitigation  
23 investigation, yes. I mean, it's definitely a case where we've been doing that for  
24 quite some time. I would anticipate the next trial setting being -- it is going.

25 THE COURT: Right. What else -- I mean, I guess what I'm asking you

1 is what else do you need to do?

2 MR. BASHOR: Well we were waiting on an offer. One was discussed  
3 very briefly this morning. I prefer not to yet put it on the record as I have not had an  
4 opportunity to talk to Mr. Newson about it.

5 THE COURT: Okay.

6 MR. BASHOR: So that progress has been made. But that's where  
7 we're at. I'm wrapping up investigation mitigation. We started that quite some time  
8 ago, like I said, on this case.

9 THE COURT: So do you have – I guess what I'm asking is do you  
10 have any additional? Because the way I read your motion was that you would have  
11 been ready except you're going to be in another department and so that's why you  
12 weren't ready.

13 MR. BASHOR: Yes.

14 THE COURT: And what I'm hearing is obviously you didn't, you know,  
15 review all the witness statements and do everything that you would do prior to trial.

16 MR. BASHOR: Correct.

17 THE COURT: So I get that. So what else do you need to do is my  
18 question. That's – okay –

19 MR. BASHOR: No, that was the bulk of it. I mean, I'm going to need  
20 like the three weeks I dedicated to prepping what I thought was certainly going, I  
21 would need to do the same dedication to Mr. Newson and that's why I filed the  
22 motion.

23 THE COURT: Okay, so you could probably be ready for this in about a  
24 month.

25 MR. BASHOR: I could be ready –

1 THE COURT: In two weeks, three weeks?

2 MR. BASHOR: Well I'd like at least – I'd like at least 21 days for  
3 purposes of potential expert disclosures, obviously.

4 THE COURT: Okay.

5 MR. BASHOR: I – if I – I have a 17-year-old sexual assault case in  
6 front of Judge Cadish in November.

7 THE COURT: Okay.

8 MR. BASHOR: I have one case scheduled in December. That's my  
9 trial schedule for the remainder of the year.

10 THE COURT: Ms. Weckerly?

11 MS. WECKERLY: I have a case set – I mean, if we're talking sort of  
12 November or December, I have a case set in front of Judge Johnson on the – that  
13 starts November 28<sup>th</sup>, so, I mean, it would -- a multi or it's sort of a multi-severed,  
14 though, defendant homicide so I think it will kind of then this most of the month.

15 THE COURT: Okay.

16 MS. WECKERLY: But I, you know, I mean, I don't know if that – he  
17 says it's going, but.

18 THE COURT: All right, we'll see what we have available. We might be  
19 going into the new year.

20 MR. BASHOR: Okay. Like I said, Your Honor, I will be ready to go if  
21 next. I understand that this case is getting up there in age.

22 THE COURT: Right. Well, what about February?

23 MR. BASHOR: Early February works for me, Your Honor.

24 THE COURT: What about you, Ms. Weckerly?

25 MS. WECKERLY: I'm set in front of Judge Herndon on a murder that's

1 older on January 29<sup>th</sup>.

2 THE JEA: How about February 12<sup>th</sup>?

3 MS. WECKERLY: We can set it then and I'll work around it.

4 MR. BASHOR: That's fine, Your Honor.

5 THE COURT: Both of you?

6 MR. SHAYGAN: Thank you, Your Honor.

7 THE JEA: So February 12<sup>th</sup> for the jury trial at 9:00 A.M, February 8<sup>th</sup>  
8 for the calendar call at 9:30.

9 THE COURT: All right. Why don't we come back in about 30 days to  
10 discuss the offer –

11 MR. BASHOR: Yes, Your Honor.

12 THE COURT: -- whether an offer's been made, then that could be  
13 stated in open court, I can inquire of Mr. Newson if he's not taking the offer, if he  
14 understands the offer, all of that, and then I'll see – you can report to us whether or  
15 not you're going to be retaining an expert –

16 MR. BASHOR: Okay.

17 THE COURT: -- and a status of the expert disclosure if it hasn't –

18 MR. BASHOR: already been done.

19 THE COURT: -- been made already. Okay?

20 MR. BASHOR: Very good.

21 THE COURT: All right. Thirty days – roughly 30 days?

22 / / / /

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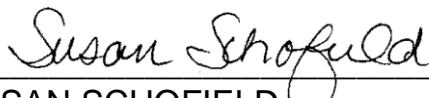
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1 THE JEA: That's November 9<sup>th</sup> at 9:30.

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3 [Hearing concluded at 10:18 A.M.]  
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8 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
9 audio/video proceedings in the above-entitled case to the best of my ability.

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11 SUSAN SCHOFIELD  
12 Court Recorder/Transcriber  
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1 RTRAN

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

)  
)  
) CASE NO. C-16-313919-1

)  
) DEPT. NO. XXI  
)  
)

11  
12 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 THURSDAY, NOVEMBER 9, 2017

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **STATUS CHECK: TRIAL READINESS**

16  
17 APPEARANCES:

18 For the Plaintiff:

KENNETH N. PORTZ, ESQ.  
Deputy District Attorney

19  
20 For the Defendant:

RYAN J. BASHOR, ESQ.  
Deputy Public Defender

21  
22  
23  
24  
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, NOVEMBER 9, 2017

2  
3 [Hearing Began at 9:37 A.M.]

4  
5 THE COURT: State versus Vernon Newson who's present in custody  
6 with Mr.—

7 MR. BASHOR: Bashor.

8 THE COURT: Bashor.

9 MR. BASHOR: Thank you.

10 THE COURT: All right. You should change that O to an E and just  
11 make it easier on us.

12 MR. BASHOR: I think it would make it easier for everyone.

13 THE COURT: It would.

14 All right. This is just on for a status check. Last time Mr. Bashor said  
15 he was wrapping up his investigation and was waiting on an offer, and there was  
16 some talk about expert reports, so, Mr. Bashor?

17 MR. BASHOR: Yes, let's see. The offer is 1<sup>st</sup> degree murder with use  
18 of a deadly weapon, full right to argue. I communicated that with —

19 THE COURT: So they'll drop these other things. That's basically the  
20 offer?

21 MR. BASHOR: Right. But life with the possibility of parole is actually  
22 still a possibility. We had a very long, and by that I mean three minute conversation  
23 about that offer. He understands it and we're not in a position currently to counter.

24 As for investigation —

25 THE COURT: And is the reason you only had a three minute

1 conversation because your client immediately rejected the offer?

2 MR. BASHOR: Correct.

3 THE COURT: It wasn't that you only had three minutes to discuss it?

4 MR. BASHOR: No, I'm sorry. Yeah, I –

5 THE COURT: I just need to make that clear that –

6 MR. BASHOR: I understand.

7 THE COURT: -- it wasn't that just you went in and ran out. Is that true,  
8 Mr. Newson, you rejected the offer right away?

9 THE DEFENDANT: Yeah, of course.

10 THE COURT: Okay.

11 MR. BASHOR: As for investigation, my client provided me with two  
12 additional phone numbers today. I'm going to follow that up. I don't anticipate it  
13 causing a problem with our trial date.

14 As for an expert, we've had voluminary discussions. If we decide to  
15 retain one, it would be related to the physical evidence in the case and disclosure  
16 would be made 60 days prior to – by the end of the year essentially.

17 THE COURT: Right. Because we're coming, I mean, it's early in  
18 February, right?

19 MR. BASHOR: February is the trial, right. And I won't wait until the 21  
20 days. The State will be well aware. I work well with Mr. Portz, so.

21 THE COURT: Mr. Portz?

22 MR. PORTZ: Yes, Your Honor.

23 THE COURT: Anything else?

24 MR. PORTZ: Nothing for the State.

25 THE COURT: So the State's provided all its discovery? You're not

1 awaiting any expert reports or anything like that? That's all – whatever is going to  
2 be done is done?

3 MR. PORTZ: Not that I'm aware of at this point in time but we don't see  
4 any reason why it won't be able to go in February.

5 THE COURT: Okay.

6 MR. BASHOR: I would – and I will reach out. We'll schedule a file  
7 review. I'm 99% sure we have everything but it's always good just to double check,  
8 and I doubt Mr. Portz would have an objection to that.

9 MR. PORTZ: Of course not.

10 THE COURT: All right. I don't know if we need to set another status  
11 check. Maybe just early January.

12 MR. BASHOR: It's fine by me, Your Honor.

13 THE COURT: Just to make sure there's no new issues. Maybe they'll  
14 make another offer.

15 All right, early January.

16 THE CLERK: January 11<sup>th</sup> at 9:30.

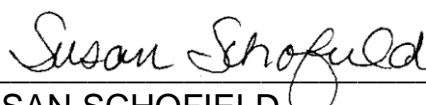
17 MR. BASHOR: Thank you.

18 THE COURT: Thank you.

19 MR. PORTZ: Thank you, Your Honor.

20  
21 [Hearing concluded at 9:40 A.M.]

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
23 audio/video proceedings in the above-entitled case to the best of my ability.

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25 SUSAN SCHOFIELD  
Court Recorder/Transcriber



1 RTRAN

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

)  
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) CASE NO. C-16-313919-1

)  
) DEPT. NO. XXI  
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)

11  
12 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 THURSDAY, January 11, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **STATUS CHECK: TRIAL READINESS**

16  
17 APPEARANCES:

18 For the Plaintiff:

KENNETH N. PORTZ, ESQ.  
Deputy District Attorney

19  
20 For the Defendant:

RYAN J. BASHOR, ESQ.  
Deputy Public Defender

21  
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23  
24  
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, JANUARY 11, 2018

2  
3 [Hearing Began at 10:23 A.M.]

4  
5 THE COURT: All right. State versus Vernon Newson, and he is  
6 present in custody with Mr. Bashor – Basher.

7 MR. BASHOR: Bashor.

8 THE COURT: This is on just for status check trial readiness.

9 MR. BASHOR: Your Honor, we scheduled a file review for tomorrow.

10 THE COURT: Okay.

11 MR. BASHOR: Mr. Portz was nice enough to agree but he was in trial  
12 and I don't know if it's done yet. He's done, so tomorrow we're – I don't expect  
13 anything of grand significance but you never know.

14 THE COURT: Okay.

15 MR. BASHOR: And so that's why we arrange for these things, but  
16 that's where we're at.

17 THE COURT: So other than that everything's been exchanged and  
18 everything's ready to go?

19 MR. BASHOR: It looks that way.

20 THE COURT: No additional investigation needed on the part of the  
21 defense.

22 MR. BASHOR: It depends on tomorrow but things are wrapping up.

23 THE COURT: Okay and, Mr. Portz, it's your belief, is that not true, that  
24 everything that's in the file has already been turned over to the defense?

25 MR. PORTZ: Yes, Your Honor.

1 THE COURT: So you're not anticipating any surprises?

2 MR. PORTZ: No, Your Honor.

3 THE COURT: All right. We'll see you back on the calendar call  
4 February 8<sup>th</sup>. Now if there's an issue I expect counsel to put this back on calendar.  
5 Don't show up on the 8<sup>th</sup> and say, oh, well, when we had our file review, blah, blah,  
6 blah, blah, blah.

7 MR. BASHOR: Fair enough, Your Honor.

8 THE COURT: All right, thank you.

9 MR. BASHOR: Thank you.

10

11 [Hearing concluded at 10:25 A.M.]

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17 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
18 audio/video proceedings in the above-entitled case to the best of my ability.

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SUSAN SCHOFIELD  
Court Recorder/Transcriber





1 LAS VEGAS, NEVADA, THURSDAY, FEBRUARY 8, 2018

2  
3 [Hearing Began at 9:34 A.M.]

4  
5 MR. BASHOR: Your Honor, I don't see Ms. Weckerly.

6 THE COURT: Right. Do you anticipate announcing ready?

7 MR. BASHOR: Yes.

8 THE COURT: How many days for trial?

9 MR. BASHOR: The State has gone back and forth on whether or not  
10 there'll be a penalty phase so I would say over a week.

11 THE COURT: Okay, because you were – your client was willing to  
12 waive?

13 MR. BASHOR: My client is willing to waive.

14 THE COURT: And the State is not willing to waive?

15 MR. BASHOR: As of the latest communication, yes.

16 THE COURT: He doesn't probably think I would give him life with the  
17 possibility of parole.

18 MR. BASHOR: I don't know their logic.

19 THE COURT: It seemed pretty apparent.

20 All right, what about your motions? In terms of the calendar call, I'm  
21 going to move the calendar call to Friday morning, meaning tomorrow at 9:00 A.M.  
22 in here.

23 MR. BASHOR: Okay.

24 THE COURT: This Court, meaning me, may or may not be available.  
25 I've already spoken. There is a possibility of another judge on the homicide team

1 who is available as well as another judge not on the homicide team who may be  
2 available or may be available.

3 So you're back in here tomorrow at 9:00 A.M. —

4 MR. BASHOR: Okay.

5 THE COURT: -- but hang around for your motions.

6 MR. BASHOR: Okay, Your Honor.

7 THE COURT: All right, thank you.

8 **[Hearing trailed. Hearing recalled at 9:37 A.M.]**

9 THE COURT: We'll recall Vernon Newson. State versus Vernon  
10 Newson who's present in custody. I told Mr. Weckerly we're passing the calendar  
11 call over.

12 MS. WECKERLY: Mr. Bashor?

13 THE COURT: Yes -- Mr. Bashor, that we're passing the calendar over  
14 to 9:00 A.M. in here tomorrow because I may be available or there were a couple of  
15 other judges who may be available.

16 MS. WECKERLY: Okay.

17 THE COURT: And in terms of the motions, there's the motion to  
18 bifurcate, the motion in limine, and the motion to compel production of discovery.

19 On the discovery motion, that's being moved until tomorrow at 9:00. On  
20 the motion to bifurcate, I'm assuming the motion to follow the law; that's granted.

21 And the other one, the motion in limine, any objection to any of these?

22 MS. WECKERLY: No.

23 THE COURT: All right, that's granted in its entirety as unopposed.

24 If there are any legitimate discovery issues remaining, I'm assuming  
25 you've given him everything you've got.

1 MR. BASHOR: Your Honor, we had a file review. These are motions  
2 that are –

3 THE COURT: Can I just grant it then as to Brady and statutory  
4 discovery?

5 MR. BASHOR: That's fine.

6 MS. WECKERLY: So can I ask just one thing for clarification? I had  
7 been told before we were going to start a week later. Is that not?

8 THE COURT: Okay, counsel approach.

9 MS. WECKERLY: I'm not trying to be difficult.

10 **[Bench Conference Not Recorded]**

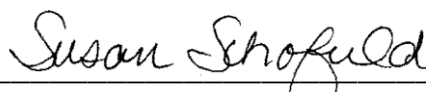
11 THE COURT: All right, so this calendar call is moved to tomorrow at  
12 9:00 A.M.

13 MS. WECKERLY: Thank you, Your Honor.

14 THE COURT: All right, thank you.

15  
16 [Hearing concluded at 9:41 A.M.]  
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23   
24 SUSAN SCHOFIELD  
25 Court Recorder/Transcriber



1 RTRAN

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

5  
6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 VERNON NEWSON, JR.,

10 Defendant.

)  
)  
) CASE NO. C-16-313919-1

)  
) DEPT. NO. XXI  
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)

11  
12 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

13 FRIDAY, FEBRUARY 9, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING:**  
15 **CALENDAR CALL**

16  
17 APPEARANCES:

18 For the Plaintiff:

PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorney

19  
20 For the Defendant:

RYAN J. BASHOR, ESQ.  
Deputy Public Defender

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25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 9, 2018

2  
3 [Hearing Began at 10:30 A.M.]

4 THE COURT: All right. We'll start with Ms. Weckerly and Mr. Bashor or  
5 which--

6 MR. BASHOR: Bashor.

7 THE COURT: Bashor. It's so easy; I just try to make it into more.

8 All right, Ms. Weckerly, if you – apparently, or maybe we talked about  
9 this, you want to start jury selection Thursday and Friday, correct?

10 MS. WECKERLY: Yes, please.

11 THE COURT: Then, as you know, the following week is a four-day  
12 week.

13 MS. WECKERLY: Correct.

14 THE COURT: And how many days, if we start the jury selection on  
15 Thursday, how many days do you think it would take to finish the guilt phase?

16 MS. WECKERLY: It's – we only have about 15 witnesses.

17 THE COURT: Okay.

18 MS. WECKERLY: So I think, I mean, assuming we got a first degree  
19 murder, I think the whole thing would be done by the end of that shorter week which  
20 is a four-day week.

21 THE COURT: Okay, so you think, including a possible penalty phase –

22 MS. WECKERLY: Yes.

23 THE COURT: It could be done by Friday, is that right?

24 MS. WECKERLY: Yes.

25 THE COURT: Okay. Counsel approach.

1 **[Bench Conference Not Recorded]**

2 THE COURT: Calling State versus Janet Solander.

3 THE COURT: And just to put on the record regarding Mr. Newsom, his  
4 trial will begin Thursday, either in this department or Department III, Judge Herndon,  
5 to begin, if it's in here at 11:00, and parties were instructed – I mean the lawyers – to  
6 coordinate with Judge Herndon if it was a start in there in terms whether it's 12:30 or  
7 whatever; probably 12:30, I think.

8 MS. WECKERLY: Thank you, Judge.

9 **[Hearing trailed and recalled at 9:42 A.M.]**

10 THE COURT: I'll just recall for – so for the other matter, Mr. Bashor,  
11 Ms. Weckerly, I'm going to let Department III know that they've got your trial and  
12 then you can coordinate with Molly in terms of the start time on Thursday.

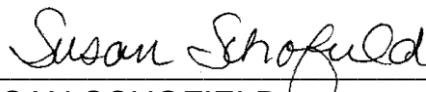
13 MS. WECKERLY: Sure.

14 MR. BASHOR: Thank you very much, Judge.

15 MS. WECKERLY: Thank you.

16  
17 **[Hearing concluded at 9:51 A.M.]**

18  
19  
20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23   
24 SUSAN SCHOFIELD  
25 Court Recorder/Transcriber



DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

VERNON NEWSON JR.,

Defendant.

CASE NO. C-16-313919-1

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, FEBRUARY 20, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS**  
**STATUS CHECK: TRIAL SETTING**

APPEARANCES:

For the State:

PAMELA WECKERLY  
Chief Deputy District Attorney

For the Defendant:

RYAN J. BASHOR  
Deputy Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER



1 LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 20, 2018, 9:29 A.M.

2 \* \* \* \* \*

3 THE COURT: Okay. On Mr. New son's matter which is --

4 THE CLERK: Page 9.

5 THE COURT: -- page 9, thank you, 313919, gentleman's present in  
6 custody. Mr. Bashor's here on his behalf. This is on for a status check. We've  
7 been trialing our trial. My understanding from talking to counsel in chambers  
8 this morning is that everybody believes they will be ready to move forward on  
9 Thursday, correct?

10 MS. WECKERLY: Yes, Your Honor.

11 MR. BASHOR: Yes, Your Honor.

12 THE COURT: All right. So we're going to set our trial for 10:30 on  
13 Thursday. We also had some discussions in chambers about taking a video or  
14 preserving some video testimony in the event that one of the witnesses is  
15 potentially unavailable during the trial, understanding that if we do that and she  
16 is available during trial, we're going to call her live, but we'll preserve the  
17 testimony.

18 And, Mr. Bashor, you-all don't have an objection to that; is that  
19 correct?

20 MR. BASHOR: That's correct, Your Honor.

21 THE COURT: Okay. And just for the record, the witness is?

22 MS. WECKERLY: Her name's Zarharia Marshall.

23 THE COURT: Okay. And we're going to try and do that tomorrow at  
24 3:00 o'clock.

25 I told them, Sara, sorry, that we could get 'em a disk as soon as the

1 hearing's over and a transcript, if we want to get a hard copy, would take  
2 about?

3 We can get you a disk as soon as the hearing's over.

4 MR. BASHOR: I appreciate that, Judge.

5 THE COURT: Okay. All right. So I will see you-all tomorrow at 3:00  
6 o'clock.

7 MS. WECKERLY: Thank you.

8 THE COURT: All right. Thank you.

9 PROCEEDING CONCLUDED AT 9:30 A.M.

10 \* \* \* \* \*

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio-video recording of this proceeding in the above-entitled case.

23 

24 SARA RICHARDSON  
25 Court Recorder/Transcriber



DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

VERNON NEWSON JR.,

Defendant.

CASE NO. C-16-313919-1

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

WEDNESDAY, FEBRUARY 21, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS**  
**HEARING: DEPOSITION**

APPEARANCES:

For the State:

PAMELA WECKERLY  
Chief Deputy District Attorney  
KENNETH N. PORTZ  
Deputy District Attorney

For the Defendant:

RYAN K. BASHOR  
KAMBIZ SHAYGAN-FATEMI  
Deputies Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 LAS VEGAS, NEVADA, WEDNESDAY, FEBRUARY 21, 2018, 2:31 P.M.

2 \* \* \* \* \*

3 THE COURT: Okay. We will be on the record in Mr. Newson's matter  
4 which is 313919. This is the time that we had arranged to preserve some  
5 testimony. All right. Mr. Newson's here with his attorneys. State's attorneys  
6 are present as well. What you got?

7 MS. WECKERLY: Our -- our witness is just in the hallway, so she's ready  
8 to go.

9 THE COURT: Okay. Did you have anything you needed to bring up  
10 beforehand?

11 MR. SHAYGAN: I did, Your Honor, may we very briefly approach?

12 THE COURT: Sure.

13 [Bench conference transcribed as follows:]

14 MR. SHAYGAN: How are you, Your Honor?

15 THE COURT: I'm good.

16 MR. SHAYGAN: We believe that -- we're going to ask Your Honor to  
17 invoke the exclusionary rule. I believe that's the mother that's in the  
18 courtroom.

19 MS. WECKERLY: We're not calling her as a trial witness. She -- she -- I  
20 guess in theory would be a penalty witness, but seeing we're going to do our  
21 stip, we won't be calling her at all. So, I mean, I don't know if you are, but --

22 MR. SHAYGAN: It's very small chance that we would, but just in of an  
23 abundance of caution, we ask --

24 THE COURT: That you would be calling her in the trial phase?

25 MR. SHAYGAN: The trial.

1 THE COURT: Okay. All right. Then I'll ask her to step outside. I mean,  
2 is that something that we'll know before we actually start the trial or is it kind  
3 of fluid?

4 MR. BASHOR: Maybe, because it might depend on today's testimony.

5 THE COURT: Okay.

6 MR. BASHOR: There's potential overlap, but if we don't get what we  
7 need today then potentially.

8 THE COURT: All right. The only reason I ask is I always hate to --  
9 because you guys both have that on both sides, defendant's families, victim's  
10 families and one side says we're only going to use them at penalty and then the  
11 other says, well, I might call them and I hate to make people sit outside and  
12 miss the trial when they're a family member and then they don't end up being  
13 called, so.

14 MR. BASHOR: I think that we can have an affirmative answer for you  
15 after today.

16 THE COURT: Okay.

17 MR. BASHOR: One more thing though, Judge, and I'm -- are these  
18 recorded?

19 THE COURT: Yeah.

20 MR. BASHOR: Okay. I'm not casting aspersions or anything like that,  
21 thankfully, we are waiving penalty. But in my investigation and in discussions  
22 with some of my penalty witnesses that would have been penalty witnesses  
23 there were concerns that there were threats being made from the victim's  
24 family. Like I said, I don't know if that's true or not true. I can tell you, and I  
25 think Ms. Weckerly can corroborate, that emotions are very hot here.

1 THE COURT: Okay.

2 MR. BASHOR: On both sides. And I just kind of wanted to bring that to  
3 the Court's attention. I'm not -- for all I know it could be nonsense, but -- or it  
4 could just be their safe excuse for saying why they didn't want to cooperate  
5 with me.

6 THE COURT: Okay.

7 MR. BASHOR: But I did want to bring to the Court's attention.

8 THE COURT: So you want me to say something on the record about it  
9 right now? Or --

10 MR. BASHOR: Maybe.

11 THE COURT: -- just leave it this conference?

12 MR. BASHOR: Maybe when there is more family members here.

13 THE COURT: Okay.

14 MR. BASHOR: I think outside the presence of the jury, obviously, it  
15 might, for sides, might affect my client's family too and I know that Pam had  
16 has had a very emotional mother here.

17 MS. WECKERLY: She, like, if you exclude her today, that's fine.

18 THE COURT: Okay.

19 MS. WECKERLY: She does really want to watch the trial.

20 THE COURT: Okay.

21 MS. WECKERLY: I think she's someone who would benefit from hearing  
22 from the Court that she cannot react emotionally.

23 THE COURT: Okay. All right.

24 MR. BASHOR: Okay. Thank you.

25 THE COURT: Well, we'll plan on doing that and, I mean, just generally, I



1 keep people out during jury selection because we fill up the courtroom with all  
2 those seats anyway.

3 MR. BASHOR: Okay.

4 THE COURT: Now, is he, you said, he -- you're waiving penalty?

5 MS. WECKERLY: Yeah. Once we get her preserved, I'm -- we will -- we  
6 talked about waiving penalty.

7 THE COURT: Okay.

8 MS. WECKERLY: So I'll get a stip.

9 THE COURT: But is that anything you're doing today?

10 MS. WECKERLY: No, we'll --

11 THE COURT: Okay.

12 MS. WECKERLY: I'll have a stip ready tomorrow.

13 THE COURT: Okay.

14 MR. BASHOR: Thank you.

15 THE COURT: Okay.

16 [End of bench conference]

17 THE COURT: Okay. All right. For today's purposes, we will have the  
18 exclusionary rule invoked. So anybody that's been subpoenaed that could  
19 potentially testify in the trial phase of this, I'm going to ask them to wait  
20 outside. Obviously, we'll revisit that before we restart our trial in terms of  
21 people's ability to be in the courtroom.

22 Okay. So the witness for today, Ms. Weckerly is?

23 MS. WECKERLY: It's Zarharia Marshall.

24 THE COURT: Okay. And could you get her please, Mike? Thank you.

25 Ms. Marshall, hi, how are you?

1 MS. MARSHALL: Fine. And you?

2 THE COURT: Good. Could you raise your right hand for me? Thank you  
3 very much.

4 **ZARHARIA MARSHALL,**

5 [having been called as a witness and being first duly sworn testified as follows:]

6 THE CLERK: Will you please state and spell your name for the record.

7 THE WITNESS: Zarharia Marshall, Z-A-R-H-A-R-I-A, Marshall,  
8 M-A-R-S-H-A-L-L.

9 THE COURT: Okay. And could you go ahead and scooch up so you're a  
10 little closer to my microphone, please?

11 THE WITNESS: Okay.

12 THE COURT: And from the standpoint of what we're videoing, can you  
13 just lock it on the witness?

14 THE RECORDER: I did.

15 THE COURT: Okay. Thank you.

16 All right, Ms. Weckerly.

17 MS. WECKERLY: Thank you.

18 **DIRECT EXAMINATION OF ZARHARIA MARSHALL**

19 BY MS. WECKERLY:

20 Q Ms. Marshall, did you know someone by the name of Anshanette  
21 McNeil?

22 A Yes.

23 Q And what was your relationship to her?

24 A That was my godsister.

25 Q Did you know Anshanette to have a boyfriend?

1 A Yes.

2 Q And back in 2015 who was her boyfriend?

3 A Vernon New son.

4 Q Vernon New son?

5 A Uh-huh.

6 Q Is that "yes"?

7 A Yes.

8 Q Okay. Did Anshanette have any children?

9 A Yes.

10 Q Do you -- do you know their names?

11 A Yes.

12 Q What were their names?

13 A Lazavia; Josh; Riedell, Junior; Brandon; Chuck; and Major.

14 Q Okay. I want to talk about the youngest two children. What were

15 the names of the youngest two?

16 A Brandon and Major.

17 Q And Brandon, back in 20 -- 2015, so about three years ago or two

18 and a half years ago, how old was he?

19 A Two.

20 Q Two? And what about Major?

21 A Major was eight months.

22 Q Eight months? Who is the -- the father of Major?

23 A Vernon.

24 Q Vernon New son?

25 A Yes.

1 Q Okay. Now, to your knowledge back in December of 2015, did  
2 Anshanette live with Vernon?

3 A Yeah, I think so.

4 Q Do you know what the -- the street name was where they lived?

5 A The street, oh, Pasternak.

6 Q Pasternak? Now, did you ever help Anshanette with her kids?

7 A Yes.

8 Q What did you do to help?

9 A I watched Major and sometimes Brandon.

10 Q So you were like a babysitter?

11 A Yes.

12 Q And how often did you see Major?

13 A Everyday.

14 Q Okay. And so he's eight months in about this time period of  
15 December 2015?

16 A Yes.

17 Q Okay. And you're -- you're seeing him most days as a babysitter?

18 A Yes.

19 Q And then sometimes did you see two -- two-year-old Brandon as  
20 well?

21 A Yeah, sometimes.

22 Q When you watched them was it at -- at your house or her house?

23 A My house.

24 Q And where were you living at that time?

25 A 3613 Saint Bar Court.

1 Q Okay. And is that in North Las Vegas, Clark County?

2 A Yes, ma'am.

3 Q Okay. So when you were doing the babysitting would she come  
4 and just drop the kids off or would you pick them up?

5 A She would drop them off to me.

6 Q Okay. And always those younger two generally or did you watch  
7 the other ones ever?

8 A Just the younger two.

9 Q Okay. The other ones were a little bit older?

10 A Yes. They were in school and stuff like that.

11 Q So I want to talk about December the 13th of 2015, do you recall  
12 that night?

13 A Yes.

14 Q Do you recall if you got a phone call from Anshanette on that night?

15 A Yes, I did.

16 Q And was it on to your cell phone or a landline?

17 A My cell phone.

18 Q When you got the call did you have her as, like, a contact in your  
19 phone?

20 A Yes.

21 Q When you picked it up did you actually speak with her?

22 A Yes.

23 Q Did you recognize her voice?

24 A Yes.

25 Q Just generally, what was the nature of the call? Was she asking

1 you to do something?

2 A She was asking me did I want Major back, would she be able to  
3 bring Major to me, was I busy.

4 Q So, like, she's asking you if you can watch Major for her?

5 A Yeah.

6 Q And this is about 9:00 o'clock-ish?

7 A Yes.

8 Q That was a normal thing for her to ask you to do?

9 A Yes, it was our normal routine.

10 Q And -- because you had been doing that for months?

11 A Yes.

12 Q Okay. Did she ever arrive at your house?

13 A The night of December 13th? No.

14 Q Who did arrive?

15 A Vernon.

16 Q Vernon New son? And did you -- did you actually see him arrive at  
17 the house?

18 A Yes.

19 Q How -- how did he get there?

20 A He drove.

21 Q In a car, obviously?

22 A Yeah.

23 Q What did the car look like?

24 A It was, like, kind of like a Jeep looking car. It was a dark, a dark  
25 color, like dark blue color.

1 Q Had you had seen Anshanette in that car ever?

2 A Yes, I've seen her in it before.

3 Q Okay. So he drives up to the house where you were living at that

4 time. Do you have any idea of how much time passed in between your call

5 from her where she's asking you to babysit and his arrival?

6 A Probably, like, 30 minutes to a hour.

7 Q Okay. You probably weren't checking the clock when he got there?

8 A Yeah. I was just waiting for them to come.

9 Q Were you inside or outside when he arrived?

10 A Outside.

11 Q And, like, in your driveway area?

12 A Yeah, by the garage, yeah.

13 Q So you see him drive up and it's in a car that you recognize?

14 A Uh-huh.

15 Q Is that "yes"?

16 A Yes, I'm sorry.

17 Q Okay. And Vernon Newson's driving?

18 A Yes.

19 Q Could you see if Anshanette was in the car?

20 A I didn't see her in the passenger seat.

21 Q Okay. What happens as he drives up?

22 A He just -- he pulls into the driveway and as soon as he pulls into the

23 driveway, he puts the car in park and he hops out the car and opens the back

24 door to where Major and Brandon was.

25 Q And this is Major who's eight months and Brandon's who's two?

1 A Yes.

2 Q Were both of those children in, like, car seats or baby seats?

3 A Yes.

4 Q Were they in the back of the car?

5 A Yes, in the backseat of the car.

6 Q As he did that, where were you standing?

7 A I was standing on the outside of the car by the driver's side door.

8 Q Okay. So you're -- you're so to the side of where he's getting the

9 kids out?

10 A Yes.

11 Q What happens as -- as he's opened the door to get the kids out?

12 A He opened the door and when he opened the door, he went to grab

13 Major and pull Major out, but he didn't know that Major had a seat belt on. So

14 he was trying to pull Major out and seeing that Major wasn't coming out. Then

15 he -- he noticed that the seat belt was buckled, so he unbuckled the seat belt

16 and he took Major out and gave Major to me.

17 Q Okay. And when he gives Major to you, Major's eight months, so is

18 he in one of those big, kind of, baby car seats?

19 A Yes.

20 Q Did he hand you the whole car seat?

21 A Yes, he gave me the whole car seat.

22 Q So you've got the whole thing?

23 A The whole thing.

24 Q Okay. Where is Brandon at this point?

25 A He's still in his toddler seat on the other side, on the passenger



1 side.

2 Q So is he in the backseat by the window?

3 A Yes.

4 Q Passenger side?

5 A Yes. Major was in the middle and Brandon was on passenger side  
6 in the backseat.

7 Q Okay. So Vernon Newson hands you the -- the -- Major in a baby  
8 seat?

9 A Uh-huh.

10 Q Is that "yes"?

11 A Yes.

12 Q And what happens next?

13 A After that he goes around to the back of the car, he opens the  
14 trunk, he takes out Major's swing and diaper bag, and his backpack fell out.  
15 And I told him, I said, Your backpack fell.

16 And he was like, Don't worry about it. And then after he took out  
17 the swing and the diaper bag, he sets the swing on the side of the car, he gives  
18 me the diaper bag, he goes around to the other side to let Brandon out.

19 Q Okay.

20 A And when he let Brandon out, I asked him was Brandon staying  
21 with me and he said yes.

22 Q Let me ask you a couple questions about that, okay? You're  
23 holding -- you're holding Major and he opens the trunk of the car?

24 A Yes.

25 Q And he pulls out a swing which is like a baby swing?

1 A Yes.

2 Q And at that point a backpack falls out?

3 A Yes.

4 Q Anything else come out of the car?

5 A No, just the backpack.

6 Q Okay. And then he's going around to let Brandon out because he's

7 on the passenger side?

8 A Yes.

9 Q And is Brandon buckled in his car seat?

10 A I believe he was. I didn't go around to the other side of the car.

11 Q You couldn't see for sure?

12 A Yeah.

13 Q Does Brandon get out of the car?

14 A Yes, Brandon got out of the car.

15 Q And sometimes you watch him, sometimes you don't?

16 A Yes.

17 Q Did you say anything to Brandon?

18 A I asked him was he staying with me.

19 Q Okay.

20 A And he just looked at me.

21 Q What happens after that?

22 A After that I told Brandon to go inside. Brandon ran inside the

23 house. Then I went inside to drop Major off. And I told my little brother's

24 friend Marlin to come inside outside and, you know, to go get the swing for me.

25 And after he got the swing, I closed the door and -- and Brandon came in

1 behind me.

2 Q Okay. So you go inside carrying Major, Brandon's already in gone  
3 in ahead of you?

4 A Uh-huh.

5 Q And you tell someone inside of the house, a friend of your  
6 brother's, to go get the baby swing?

7 A Yes.

8 Q So you have all the baby gear inside?

9 A Yes.

10 Q And as you shut the door, Vernon comes up behind you?

11 A Yes. He walks in the house behind me and he comes in and he  
12 kisses Major on his head and then he asked me to come outside.

13 Q Okay. And do you set Major down?

14 A Yes.

15 Q Is he still in his car seat?

16 A Yes.

17 Q Are there other people home in the house at that time?

18 A Yes.

19 Q When you go outside what do you see Vernon doing?

20 A He -- when I went outside, he bent over and he picked a bullet up  
21 off the driveway and he cleaned it off and he put it inside the clip of the gun.

22 Q Okay. So we hadn't -- we hadn't heard about a bullet before, when  
23 you say "he picked a bullet off the driveway," can you explain what you're  
24 talking about?

25 A Well, when he got out of the car he had, like, when -- he had bullets

1 on his lap, like, he was in the car, like, you know, doing it. When he got out of  
2 the car, they all fell off his lap and some of them went under the car and one of  
3 them didn't. So when he -- when he told me to come outside, he came -- when  
4 I came outside, he bent over, picked one up, cleaned it off, and put it in the clip  
5 of the gun.

6 Q The one he picked up, where was it in relation to the car?

7 A By the driver's side door.

8 Q Okay. So he picks it up off the ground?

9 A Yes.

10 Q Cleans it off and puts it in?

11 A The magazine of the gun.

12 Q Okay. And did you just see a magazine or did you see a whole  
13 gun?

14 A Just the magazine.

15 Q Was it just one bullet that he picked up?

16 A Yes.

17 Q Could you see any more at that time?

18 A No.

19 Q What did he do next?

20 A He told me to tell Major that he always loved him.

21 Q Okay. And at this point are you the only two that are out there?

22 A Yes.

23 Q What do you do after he says that?

24 A I asked him what was going on and he told me that the mother  
25 fuckers pushed him too far to where he couldn't it take no.

1 Q Okay. And then does he say anything else?

2 A No, that's all he said.

3 Q What did you do at that point?

4 A After that I went -- I went back into the house.

5 Q And you're with the kids?

6 A Yes.

7 Q Okay. When -- before you go back into the house, do you see

8 whether or not he leaves in the car?

9 A Yes.

10 Q Did he?

11 A Yes, he left in the car.

12 Q Okay. When he left in the car, did you see anything in your -- in

13 your driveway area?

14 A Yeah, some -- some bullets that was under the car.

15 Q Some bullets?

16 A Yeah, that was under the car.

17 Q And are these, like, unfired bullets?

18 A Yes.

19 Q How many do you think you saw?

20 A Three.

21 Q What did you do with those?

22 A I picked them up and I put them on the washing machine inside my

23 house.

24 Q Inside the house?

25 A Yes.

1 Q Okay. Aside from giving you the kids, like having Brandon walk  
2 in --  
3 A Uh-huh.  
4 Q -- and handing you Major, and then Major's, like, baby bag, which I  
5 assume has all his --  
6 A Yeah.  
7 Q -- baby stuff in it, did Vernon give you anything else before he left?  
8 A Yeah, Anshanette's purse.  
9 Q Where did he get that from?  
10 A The backseat of the car.  
11 Q And do you remember which side? Passenger side? Driver's side?  
12 A Behind the driver's seat.  
13 Q Okay. Could you see her purse in there before he handed it to you?  
14 A Yes.  
15 Q Where was it positioned?  
16 A On the floor.  
17 Q Did you see anything else that belonged to her?  
18 A Her shoes.  
19 Q Okay. And -- but he handed you her purse before he left?  
20 A Yes.  
21 Q And I know this is hard, but can you, just as to time, when did he  
22 hand you the purse? Was it right before he left or --  
23 A It was when he gave me Major's diaper bag.  
24 Q Okay. So at the same time?  
25 A Yeah.

1 Q And you had seen it before on the floor of the car --

2 A Yes.

3 Q -- back --

4 A Yes.

5 Q -- drivers side?

6 A Yes.

7 Q After he leaves, you go in and you have the kids?

8 A Yes.

9 Q And where did you put those bullets?

10 A On the washing machine.

11 Q Okay. Did you notice anything unusual about the baby seat or the

12 blanket?

13 A Not until after I went to take Major out to change his diaper.

14 Q Tell me about that.

15 A When I took Major out of the car seat to change his diaper, I went

16 to pull his pants off, and on the side of his pants he had some red stuff on the

17 side of his pants and I told my brother, you know, to go check and see, you

18 know, if a bottle had spilled in his car seat because whatever is on his pants is

19 in his car seat. And when I went to the car seat it was blood all inside the car

20 seat.

21 Q When you looked at his pants and you saw a red substance on it,

22 where -- where on his pants was it?

23 A On the side of his pants.

24 Q Okay. And then you said you saw the same substance on the --

25 A Inside the car seat.

1 Q Is that in, like, the cushion part?

2 A Yes.

3 Q Did you see that anywhere else?

4 A No.

5 Q Once the kids were inside and you went to change the diaper, did

6 you attempt to -- to call anyone?

7 A I called Anshanette's mother.

8 Q Did you ever try to call Anshanette?

9 A Yes. I call -- I tried to call her several times, but she didn't answer.

10 And I also tried to call Vernon several times, and he didn't answer either.

11 Q Okay. Who did you, if you remember, who did you try to call first?

12 A Anshanette.

13 Q And several times, would that be like more than three times?

14 A Yes.

15 Q No answer?

16 A No answer.

17 Q Did it go straight to voice mail or --

18 A No. It rang like it was just a normal phone call and then it went to

19 voice mail.

20 Q Okay. And you said you also tried to call Vernon?

21 A Yes.

22 Q And no one answered?

23 A No one answered.

24 Q And then I think you last said that you tried to call her mom?

25 A Yes. I called her mother to let her mother know that I had Brandon.



1 Q Okay. Did you call anybody else?

2 A I called my mother to let her know what was going on.

3 Q At any point do you do you call the police or does someone, like,  
4 how do the police get in contact with you?

5 A My mother told Anshanette's mother to call the police and send the  
6 police to my house.

7 Q Okay. And -- and to your knowledge all that occurs and at some  
8 point the police come to your house?

9 A Yes.

10 Q When they get there, did you show them anything?

11 A I showed them the car seat and the blanket. Well, they had found  
12 blood on the blankets, but I showed them the car seat and they asked for her --  
13 the blanket and that's when they found more blood on the blankets.

14 Q Say that last part again, I didn't hear you.

15 A I said I gave them the car seat cover and the blanket that he had,  
16 that Major had, and they found more blood on the blanket. But I gave them the  
17 car seat cover and Anshanette's purse.

18 Q Okay. And did they take pictures and collect that stuff?

19 A Yes.

20 Q And they also interviewed you?

21 A Yes.

22 THE COURT: Can I back up for a sec?

23 MS. WECKERLY: Sure.

24 THE COURT: You said you also called your own mother?

25 THE WITNESS: Yes.

1 THE COURT: And obviously you talked to her?

2 THE WITNESS: Yes.

3 THE COURT: And did you say you also tried and called Ms. Marshall's  
4 mother.

5 THE WITNESS: McNeil's mother.

6 THE COURT: I'm sorry?

7 THE WITNESS: McNeil's mother.

8 THE COURT: McNeil's mother?

9 MS. WECKERLY: She's Ms. Marshall. I think you mean Ms. --

10 THE COURT: Okay.

11 MS. WECKERLY: -- McNeil, Anshanette's mom.

12 THE COURT: Oh, yeah, Anshanette's mom. I'm sorry.

13 THE WITNESS: Yes, I to tried to call her.

14 THE COURT: You tried to call her but did you talk to her or no?

15 THE WITNESS: Yes, I talked to her.

16 THE COURT: You talked to her too, okay. Thank you.

17 MS. WECKERLY: May I approach, Your Honor?

18 THE COURT: Yeah.

19 BY MS. WECKERLY:

20 Q Ms. Marshall, let me show you some photographs, and for the  
21 record, these are marked State's Proposed 1 through 9.

22 A Uh-huh.

23 Q And I actually asked you to look through these just probably an hour  
24 ago?

25 A Yes.

1 Q Is that right? Do you recognize these photographs?

2 A Yes, ma'am.

3 Q And do they depict parts of your house, and actually there's a  
4 picture of Major, on this date?

5 A Yes.

6 Q Are --

7 A Major's actually on my lap.

8 Q Okay. And so are they a fair and accurate depiction of how things  
9 looked on that day?

10 A Yes.

11 Q I'm going to show you the first --

12 MS. WECKERLY: Or, well, State moves to admit 1 through 9.

13 THE WITNESS: Uh-huh.

14 THE COURT: Any objection, have you guys seen 1 through 9?

15 MR. SHAYGAN: We have no objections, Your Honor.

16 THE COURT: Okay. Thank you those will be admitted.

17 **[STATE'S EXHIBITS 1 THROUGH 9 ADMITTED]**

18 BY MS. WECKERLY:

19 Q I'm going to show you the first one which is State's 1.

20 A Uh-huh.

21 Q What are we looking at in that photograph?

22 A The bag.

23 Q The bag of what?

24 A The bag of bullets.

25 Q Okay. And is that this white bag on top of the washing machine?

1 A Yes.

2 Q And are you the person that set the bag there?

3 A Yes.

4 Q Let me ask you a question, when you -- these are the bullets that  
5 you recovered from the driveway?

6 A Yes.

7 Q Were they in a bag at that time?

8 A No, they were separately.

9 Q How did -- how did they end up in a bag?

10 A Because my mother told me to put them in a bag.

11 Q Okay. Put them in a bag and then you left them there?

12 A Yeah.

13 Q Is that "yes"?

14 A Yes, I'm sorry.

15 Q Okay. And at some point you showed the police, hey, this is where  
16 I put those?

17 A Yes.

18 Q And this is State's 2, is that those same bullets out of the bag,  
19 obviously?

20 A Yes.

21 Q And now I'm going to show you State's 3, what are we looking at  
22 there?

23 A Major's car seat cover, his blanket, and his clothes.

24 Q Now, there is a couple evidence placards on these photographs.

25 A Uh-huh.

1 Q And they're numbers 2 and 3, those obviously weren't in your  
2 house before the police got there; is that fair?

3 A Yes.

4 Q The one that's number 3, is that the car seat cover or the blanket?

5 A The car seat cover.

6 Q And the that's number 2?

7 A Is his blanket.

8 Q Okay. And now I'm going to show you State's 4, that's a closer  
9 view of that car seat cover?

10 A Yes.

11 Q Does that have the red substance that you saw that night?

12 A Yes.

13 Q Okay. And now I'm showing you State's 5, what are we looking at  
14 there?

15 A His actual car seat.

16 Q And that would be Major's?

17 A Yes.

18 Q And that's the one he arrived in?

19 A Yes.

20 Q And this is State's 6, what is that?

21 A Major's diaper bag.

22 Q And all --

23 A And all the belongings that go inside the diaper bag.

24 Q Okay. When you received the -- the diaper bag, from Mr. New son,  
25 was all this baby stuff inside the bag?

1 A Yes.

2 Q So it's just been taken out, whatever the contents were --

3 A Yeah.

4 Q -- for the photograph?

5 A Yes.

6 Q And just for the record, if we didn't say it, that's 6. And this is

7 State's 7.

8 A Uh-huh.

9 Q What is in that photograph?

10 A Anshanette's purse and all her belongings.

11 Q And is that the purse that Mr. New son handed you?

12 A Yes.

13 Q Showing you now State's 8, is that a close-up view of

14 Anshanette's driver's license?

15 A Yes.

16 Q Okay. And then the last picture is State's 9, who is that?

17 A That's Major.

18 Q That's Major? And he was -- he was with you -- he had been

19 dropped off that night with his older brother?

20 A Yes.

21 Q And you said he's actually sitting on your lap in that photo?

22 A Yes.

23 Q Do you see Vernon New son in the courtroom today?

24 A Yes.

25 Q Could you -- could you just point to where he's sitting?

1 A Right there.

2 Q And how long have you known him?

3 A I've only known him for a year.

4 Q Is he on the far end, like, the furthest from me on the -- in the  
5 tables?

6 A Yeah. On the left side of the courtroom.

7 MS. WECKERLY: Okay. Your Honor, may the record reflect identification  
8 of the defendant?

9 THE COURT: Yes.

10 When you say you've known him a year, are you talking within the  
11 time frame of December of 2015.

12 THE WITNESS: Yes.

13 THE COURT: You've known him about a year up until that point?

14 THE WITNESS: Yes.

15 THE COURT: Okay. All right.

16 MS. WECKERLY: Thank you. I will pass the witness.

17 THE COURT: Mr. Bashor or Mr. Shaygan.

18 MR. SHAYGAN: Thank you, Your Honor.

19 **CROSS-EXAMINATION OF ZARHARIA MARSHALL**

20 BY MR. SHAYGAN:

21 Q Good afternoon, ma'am.

22 A Good afternoon.

23 Q You knew that Ann was in a relationship with Vernon for about  
24 three years?

25 A Yes.

1 Q And you had -- just to -- I want just to be clear, Ann and Vernon  
2 would leave their baby with you to take care of as a babysitter?

3 A Yes.

4 Q Okay. And they would do that ever since Major was one month  
5 old?

6 A Uh-huh.

7 Q Okay.

8 A Yes.

9 Q And because of your familial relationship with Ann and because you  
10 were their babysitter, it's safe to say you knew the dynamic of their  
11 relationship?

12 A Yes.

13 Q Okay. And because you knew that, you knew that Ann would  
14 sometimes start arguments with Vernon?

15 MS. WECKERLY: Objection. Relevance.

16 THE COURT: Well, overruled. You can go ahead.

17 THE WITNESS: Yeah, not really start arguments, but they would have  
18 words about certain things.

19 BY MR. SHAYGAN:

20 Q Okay. And Ann would yell at him?

21 A Not all the time.

22 Q But sometimes?

23 A Yes.

24 Q And Vernon would yell at Ann?

25 A Yes.



1 Q And it's safe to say they would fight almost everyday?

2 A Yes.

3 Q Okay. And that would include arguing in the car?

4 A Yes.

5 Q And they would even tone down their arguments in front of you?

6 A Yeah, due to me and Major and Lazavia being in the car.

7 Q All right. So there was -- what you're observing in their relationship  
8 is constant disagreements?

9 A Yes.

10 Q And constant back and forth between --

11 MS. WECKERLY: Your Honor, may we approach?

12 THE COURT: Sure.

13 THE WITNESS: Yes.

14 [Bench conference transcribed as follows:]

15 MS. WECKERLY: So my question is she is observed the victim with the  
16 black eye that is from Vernon and so, like, if there's kind of DV in the past, so if  
17 we go too much more, I think they've opened the door to --

18 THE COURT: To going into that? Okay. Well, look, I mean, the reality of  
19 this hearing is I would almost say you guys can get out whatever anybody  
20 needs to.

21 MS. WECKERLY: Okay.

22 THE COURT: And then we can talk about what is admissible at trial.

23 MS. WECKERLY: Okay. Sure.

24 THE COURT: I mean, if it's --

25 MS. WECKERLY: If you want to, that's fine.

1 THE COURT: But I get where we're you're -- where you're going. I  
2 mean, I'm assuming you guys are aware of that?

3 MR. SHAYGAN: We are and we thought we were still a little bit a ways  
4 away from the cliff, so to speak.

5 THE COURT: Well, I tell you what, go ahead and ask whatever you think  
6 you-all need to ask today and if, like I said, if there's things that ultimately  
7 shouldn't be admitted at trial, we can always redact it.

8 MR. BASHOR: Okay.

9 THE COURT: All right.

10 MR. SHAYGAN: Thank you.

11 THE COURT: Okay.

12 [End of bench conference.]

13 MR. SHAYGAN: Your Honor, may I have a moment of indulgence?

14 BY MR. SHAYGAN:

15 Q Just so clarify, Ann was your godsister?

16 A Yes.

17 Q And you would describe your relationship with her as close?

18 A Yes.

19 Q Okay. And you would see her everyday per your testimony?

20 A Yes.

21 Q Okay. And so it's safe to say that with regards to Ann you knew  
22 about her lifestyle?

23 A Yes.

24 Q Okay. You did not know her to be a drug user, correct?

25 A Right.

1 MS. WECKERLY: Objection. Relevance. Oh, well, I don't know if you  
2 want -- I object for the record.

3 THE COURT: All right. Well, what's the -- the relevance of that?

4 MR. SHAYGAN: Well, the relevance of that --

5 THE COURT: And let me just say again, what I said at the bench was the  
6 nature of this hearing obviously, that if we need to use this at trial, it can be  
7 redacted to things, but -- so I -- there's a part of me that says explore whatever  
8 you-all need to explore right now so we're preserving the testimony. But if we  
9 were sitting here at trial, I would have said what's the relevance of going into  
10 that.

11 MR. SHAYGAN: Your Honor, the relevance is there's 16 nanogram per  
12 milliliter of methamphetamine in her system that was provided to us by the  
13 State.

14 THE COURT: Okay.

15 MR. SHAYGAN: And it goes towards what transpired in this case. It  
16 goes towards our theory of defense. And we believe it's relevant in terms of  
17 understanding what truly transpired that day.

18 THE COURT: All right.

19 MS. WECKERLY: So my -- my objection is just a generalized question  
20 about if she ever used drugs wouldn't be relevant. I think it's permissible to ask  
21 if she had any observations of her maybe in the last 12 hours prior, you know,  
22 to the events of seeing it or if she sounded high or, I don't know, under the  
23 influence when she made the phone call. But used broader than that, I don't  
24 think is relevant.

25 THE COURT: Well, the question was kind of, I mean, not what I would

1 normally see because it was a you did not know her to be a drug user as  
2 opposed to --

3 MS. WECKERLY: Right.

4 THE COURT: -- you knew her to use drugs. So I understand, generally  
5 speaking, we wouldn't be admitting that, yeah, I know somebody used to use  
6 drugs a year ago or two years ago. It needs to be confined more to the time  
7 frame. But I'll go ahead and overrule the objection because it was really in the  
8 negative than anything else. Go ahead.

9 MR. SHAYGAN: And just, Your Honor, if I may reask the question just to  
10 get the answer.

11 THE COURT: Sure.

12 BY MR. SHAYGAN:

13 Q So did you not know her to be a drug user, correct?

14 A I only known her to take her prescribed drugs.

15 Q Okay. So the answer would be "no"?

16 A Yes.

17 Q Thank you. Let's move on from that.

18 Let's start from where Vernon arrived to drop off the kids with you,  
19 and I only have a few more questions for you.

20 A Okay.

21 Q You would agree that it was unusual for Vernon to be there by  
22 himself, correct?

23 A Yes.

24 Q And that's because Vernon and Ann would always come together?

25 A Yes.

1 Q And it's safe to say that when Vernon arrived, per your testimony,  
2 he was acting frantically?

3 A Yes.

4 Q Okay. He got out of the car quickly?

5 A Yes.

6 Q And he was really irritated?

7 A Yes.

8 Q And he appeared pissed off?

9 A Not quite.

10 Q Well, he was hurried, how about that?

11 A Yes.

12 Q Okay. And he was amped up?

13 A Yes.

14 Q Okay. And he was moving quickly?

15 A Yes.

16 Q Okay. And in your observations of how this man was conducting  
17 himself in that moment he was full of adrenaline? He was moving?

18 A Yes.

19 Q Okay. And you had testified that he was quickly getting items the  
20 kids needed?

21 A Yes.

22 Q And that would include the diaper bag?

23 That would include -- "yes"?

24 A Yes.

25 Q That would include the swing?

1           A     Yes.

2           Q     With regards to the car seat, he actually tried to take the child out  
3 of the car seat, correct, and the kid was still in the seat belt?

4           A     Yes. He was is still in the car seat belt. He didn't try to take him  
5 out of the car seat, he tried to take the car seat out of the car.

6           Q     He tried to take the car seat out of the car --

7           A     Uh-huh.

8           Q     -- while the seat belt was still in?

9           A     Yes.

10          Q     And he failed to do so?

11          A     Yes.

12          Q     So then he had to go back and unbuckle?

13          A     Yes.

14          Q     And that made him even more frantic?

15          A     Yes.

16          Q     Okay. And he gave you Ann's purse?

17          A     Yes.

18          Q     And then you had mentioned that at some point he came inside the  
19 home very briefly?

20          A     Yes.

21          Q     Okay. And while inside the home you saw him kiss Major  
22 good-bye?

23          A     Yes.

24          Q     You had testified that Vernon was loading a bullet into a gun?

25          A     Uh-huh.

1 Q In that moment, he appeared to be frightened, correct?

2 A Yes.

3 Q And he appeared to be nervous in that moment?

4 A Yes.

5 Q And he was loading the bullet in the gun quickly?

6 A Yeah.

7 Q And it wasn't until later, after Vernon had essentially left, that you  
8 realized there were bullets in your driveway, correct?

9 A No.

10 Q Okay. When did you notice the bullets in the driveway?

11 A As soon as he backed out.

12 Q Okay. So he was in the process of leaving --

13 A Yes.

14 Q -- when you noticed the --

15 A Yes.

16 Q -- the bullets? Okay.

17 And while he was loading the bullets into the gun he mentioned to  
18 you, Please tell my boy I will always love him?

19 A Yes.

20 Q Okay. And while he was loading the bullets into the gun he also  
21 said, Just know mother fuckers took me to the point where I can't take it no  
22 more?

23 A Yes.

24 Q Okay. With regards to -- and I'm kind of jumping all over the place,  
25 but I promise I'm almost done.

1 A Okay.

2 Q With regards to the two-year-old, Brandon, at the time --

3 A Uh-huh.

4 Q Was he talking at that point?

5 A No.

6 Q No talking?

7 A No.

8 Q Okay.

9 MR. SHAYGAN: Your Honor, may I have a moment of indulgence?

10 THE COURT: Yeah.

11 MR. SHAYGAN: Your Honor, I have no further questions. Thank you.

12 THE COURT: Ms. Weckerly.

13 **REDIRECT EXAMINATION OF ZARHARIA MARSHALL**

14 BY MS. WECKERLY:

15 Q So let me ask you just a couple questions. That day, meaning the  
16 13th, did you ever see Vernon, the -- Vernon New son, the defendant, or Ann  
17 together?

18 A No.

19 Q And so do you have any -- did you -- any knowledge of seeing or  
20 hearing whether or not they were fighting that day?

21 A She told me they were -- had had a argument but that's it.

22 Q Was that in the phone call that you had before?

23 A Yes.

24 Q Did she sound hysterical or did she sound calm?

25 A She sound calm.



1 Q Calm? Now, when he comes to the house, I think you discussed on  
2 cross-examination that he was moving in a hurried or, kind of, rushed manner.

3 A Yes.

4 Q What -- what made you think that? What did you see?

5 A Well, just how he was trying to take Major out of the car.

6 Q So he was kind of moving quickly to get the baby out?

7 A Yes.

8 Q Was he moving around the car fast?

9 A Yes.

10 Q Now, when you saw him, and by "him" I mean Mr. Newson, was  
11 he injured at all?

12 A No.

13 Q Was he bleeding?

14 A No, not to my knowledge.

15 Q Was he crying?

16 A No.

17 Q You discussed on cross-examination that he was loading some --  
18 some bullets, and I think counsel may have said a gun, did you ever see a gun  
19 or was it a magazine he was putting them in?

20 A It was a magazine.

21 Q Did you ever see the actual firearm?

22 A No, ma'am.

23 Q Just him loading into --

24 A The magazine of the gun. Yes.

25 Q Okay. And lastly, two-year-old Brandon, how would you describe

1 how he looked, the two-year-old?

2 A Scared.

3 Q And then, I guess, prior to this day, had you ever seen any physical  
4 interactions between Ann and the defendant?

5 A No.

6 Q Did you -- was it -- had you ever heard or been witness to  
7 arguments between the two?

8 MR. SHAYGAN: Objection. Hearsay, Your Honor.

9 THE COURT: I'm sorry? Objection as to?

10 MR. SHAYGAN: Lack of personal knowledge, Your Honor.

11 THE COURT: Okay. Why don't you lay a little more foundation exactly  
12 what you're asking.

13 MS. WECKERLY: Sure.

14 THE COURT: But as I said earlier, it's something I'll let you go into now  
15 to preserve it.

16 BY MS. WECKERLY:

17 Q So you -- I think you said you'd never been present, meaning seeing  
18 it with your own eyes, when there had been physical -- a physical fight between  
19 the two of them?

20 A Yes.

21 Q Is that right?

22 A Yes.

23 Q Did you -- were you ever present when they had an argument?

24 A Yes.

25 Q And that was both of them having a, like, a verbal argument?

1 A Yeah, they both had words to each other.  
2 Q Okay. But you never saw anything physical?  
3 A No.  
4 Q Was there ever a time that you saw Anshanette with a physical  
5 injury?  
6 A Yes.  
7 Q How much prior to this night was that?  
8 A A week before.  
9 Q A week before? And what was -- what did you see her -- what was  
10 her injury?  
11 A A black eye.  
12 Q And were you at her house or your house or where were you when  
13 you saw it?  
14 A I was actually at their room.  
15 Q At their house?  
16 A Their room.  
17 Q Oh, their room?  
18 A Yeah.  
19 Q Oh, were they staying at a -- at a weekly hotel?  
20 A Yeah.  
21 Q Okay. And you saw her with a black eye at that point?  
22 A Yeah.  
23 Q Is that "yes"?  
24 A Yes.  
25 MS. WECKERLY: Thank you.

1 THE COURT: Mr. Shaygan?

2 MR. SHAYGAN: Nothing further, Your Honor.

3 THE COURT: Okay. Ma'am, thank you very much for coming in today. I  
4 appreciate your time. You're still --

5 I'm assuming you have her under subpoena, correct?

6 MS. WECKERLY: We -- we do and we've discussed with her that she  
7 may actually be testifying in person too depending on how things go.

8 THE COURT: Okay. So we're obviously understanding of your health  
9 situation, okay?

10 THE WITNESS: Okay.

11 THE COURT: So I know there may be things that come up next week,  
12 but we will be in trial, so they'll get in touch with you if they need you to  
13 testify and if you're still able to do that then we'll see you back here next week.  
14 All right?

15 THE WITNESS: Okay.

16 THE COURT: All right. Thank you.

17 Anything further?

18 MS. WECKERLY: Not on behalf of the State at this time.

19 THE COURT: All right. So we can just talk for a second. I mean, I  
20 understand what you were saying, Mr. Shaygan, about we didn't think we  
21 walked to the edge of the cliff yet. So, I mean, it is obviously bringing out  
22 some things about some -- some volatility in their relationship. I would say that  
23 just kind of bringing out that they used to argue a lot, I don't know that I would  
24 say brings enough to say now I want to go into the fact that I saw her with a  
25 black eye, particularly since, I'm guessing, that her only ability to relate that is

1 to hearsay in which the victim would have said that he gave me the black eye;  
2 is that --

3 MS. WECKERLY: I think --

4 THE COURT: -- correct?

5 MS. WECKERLY: I think that's the only way she can.

6 THE COURT: Okay.

7 MS. WECKERLY: I think I might be able to find someone else who can  
8 say it in a, you know, that injury in a different way.

9 THE COURT: Okay.

10 MS. WECKERLY: But --

11 THE COURT: I would say for right now, under the context of how that  
12 occurred, I mean, if it was to come out with just that kind of bland-type  
13 approach to it at trial, I would say I wouldn't go into any physical altercations  
14 previously. But it is the kind of thing that's getting close to it and that's kind  
15 of -- because I don't know exactly what you would be pursuing in terms of a  
16 defense, is this some type of a self-defense, physical argument type thing, and  
17 there's going to be other aspects of things, then maybe it gives rise to it, I  
18 don't know. But we'll just deal with that at trial.

19 MR. BASHOR: And, Your Honor, just so that -- for the purposes of the  
20 exclusionary rule going forward, what we wanted out of this witness was that  
21 there was some -- the relationship was, well, back and forth, it was -- basically  
22 what she testified to.

23 THE COURT: Arguing and yelling at each other and --

24 MR. BASHOR: Right. And so the mother in her statements to the police  
25 said the same thing and that's why I said there may be some overlap so --

1 THE COURT: Got it.

2 MR. BASHOR: -- if that is admitted, what the generic, not going into  
3 detail.

4 THE COURT: Okay.

5 MR. BASHOR: But just to describe the nature through observation of the  
6 relationship, if that's admitted to get through this deposition or through Ms.  
7 Marshall at trial, then we're more than happy to have the mother, with the  
8 Court's admonishments, in the courtroom.

9 THE COURT: Okay. You just want to make sure you can get into that  
10 without opening the door to the other aspect of things?

11 MR. BASHOR: Well, I mean, and Ms. Weckerly's right, I mean, she may  
12 be able to prove up the -- the causing of the black eye by some other means. I  
13 think the way she handled her redirect was fair.

14 THE COURT: Right.

15 MR. BASHOR: In that it established that she didn't have personal  
16 knowledge, but she did observe the decedent with a black eye.

17 THE COURT: Well, like I said, I mean, you -- the asking her the questions  
18 that Mr. Shaygan was asking are perfectly fine. I can make guesstimates, and  
19 I'm not asking you to comment on the record, as to how that would be relevant  
20 to a particular theory of defense. So I think it's admissible and I don't think  
21 that that manner of asking those questions in the way that it was done would  
22 give rise to opening the door just in the vacuum of what we're --

23 MR. BASHOR: Right.

24 THE COURT: -- dealing with right now, to going into anything further.  
25 But I'm not saying that other things might the not give rise to that.

1 MR. BASHOR: Of course, and I think that's why we attempted to be  
2 artful in our --

3 THE COURT: Sure, no, I get it.

4 Okay. And we will get you a copy of the disks so you guys have a  
5 copy of the disks today --

6 MR. BASHOR: Thank you.

7 THE COURT: -- before you leave if you want to wait a couple, five  
8 minutes, maybe --

9 MR. SHAYGAN: Your Honor --

10 THE COURT: To burn those. Okay. And then I will see you tomorrow at  
11 10:30.

12 MR. SHAYGAN: 10:30?

13 PROCEEDING CONCLUDED AT 3:15 P.M.

14 \* \* \* \* \*

15  
16  
17  
18  
19  
20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio-video recording of this proceeding in the above-entitled case.

23 

24 SARA RICHARDSON  
25 Court Recorder/Transcriber

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VERNON NEWSON JR., ) No. 75932  
)  
Appellant, )  
)  
v. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )

<b>PHILIP J. KOHN</b> Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610	<b>STEVE WOLFSON</b> Clark County District Attorney 200 Lewis Avenue, 3 <sup>rd</sup> Floor Las Vegas, Nevada 89155
<b>Attorney for Appellant</b>	<b>ADAM LAXALT</b> Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538
	<b>Counsel for Respondent</b>

I hereby certify that this document was filed electronically with the Nevada Supreme Court 24 on the day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

VERNON NEWSON, #1051868  
ELY STATE PRISON  
P.O. BOX 1989  
ELY, NV 89301

BY /s/ Rachel Howard  
Employee, Clark County Public Defender's Office