

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 09:49 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 _____

10 **APPELLANT'S APPENDIX VOLUME IV PAGES 636-832**

11 PHILIP J. KOHN
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

15 Attorney for Appellant

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

INDEX
VERNON NEWSON JR.,
Case No. 75932

PAGE NO.

1	Affidavit dated 12/21/15.....	3-8
2	Amended Criminal Complaint filed 04/01/16.....	14-15
3	Amended Information filed 02/22/18.....	234-237
4	Commitment and Order to Appear dated 04/01/16	9
5	Criminal Complaint filed 12/22/15.....	1-2
6	Defendant's Notice of Witnesses filed 02/05/18.....	225-227
7	Defense Proposed Jury Instructions Date of Hrg: 02/26/18.....	238-258
8	Defendant's Supplemental Notice of Witnesses filed 02/08/18.....	228-230
9	District Court Minutes from 04/11/16 through 04/19/18	319-339
10	Ex Parte Application and Order to Extend Time to File Writ of Habeas Corpus filed 06/22/16	105-107
11	Judgment of Conviction filed 04/26/18.....	313-314
12	Justice Court Minutes from 12/22/15 through 04/01/16	10-13
13	Information filed 04/05/16.....	97-100
14	Instructions to the Jury filed 02/27/18.....	261-293
15	Instructions to the Jury filed 02/28/18.....	297-310
16	Media Request and Order filed 04/22/16	101-104
17	Motion in Limine Date of Hrg: 02/08/18.....	216-221
18	Motion to Bifurcate Count 2 Date of Hrg: 02/08/18.....	153-157
19	Motion to Compel Production of Discovery & Brady Material Date of Hrg: 02/08/18.....	158-185
20	Motion to Continue Trial Date Date of Hrg: 08/18/16.....	108-110
21	Motion to Continue Trial Date Date of Hrg: 03/09/17.....	111-113
22	Motion to Continue Trial Date Date of Hrg: 09/28/17.....	114-116

1	Notice of Appeal filed 05/21/18	315-318
2	Notice of Department Reassignment filed 02/21/18	231
3	Second Amended Information filed 02/27/18	259-260
4	State's Notice of Expert Witnesses filed 01/02/18	117-143
5	State's Notice of Witnesses filed 01/02/18.....	144-146
6	State's Opposition to Defendant's Motion to Compel Production of Discovery & Brady Material	
7	Date of Hrg: 02/08/18.....	186-215
8	Stipulation and Order filed 02/22/18	232-233
9	Supplemental Notice of Expert Witnesses filed 01/25/18.....	147-152
10	Supplemental Notice of Witnesses filed 01/29/18	222-224
11	Third Amended Information filed 02/28/18	295-296
12	Verdict filed 02/28/18.....	294
13	Verdict filed 02/28/18.....	311-312

TRANSCRIPTS

16	Recorder's Transcript JURY TRIAL DAY 1	
17	Date of Hrg: 02/22/18.....	417-635
18	Recorder's Transcript JURY TRIAL DAY 2	
19	Date of Hrg: 02/23/18.....	636-832
20	Recorder's Transcript JURY TRIAL DAY 3	
21	Date of Hrg: 02/26/18.....	833-997
22	Recorder's Transcript JURY TRIAL DAY 4	
23	Date of Hrg: 02/27/18.....	998-1044
24	Recorder's Transcript JURY TRIAL DAY 5	
25	Date of Hrg: 02/28/18.....	1045-1064
26	Recorder's Transcript Calendar Call	
27	Date of Hrg: 02/09/18.....	366-368

1	Recorder's Transcript	
	Calendar Call; All Pending Motions	
2	Date of Hrg: 02/08/18.....	362-365
3	Recorder's Transcript	
	Calendar Call; Defendant's Motion to Continue Trial Date	
4	Date of Hrg: 08/18/16.....	343-345
5	Recorder's Transcript	
	Defendant's Motion to Continue Trial Date	
6	Date of Hrg: 03/09/17.....	346-348
7	Recorder's Transcript	
	Defendant's Motion to Continue Trial Date	
8	Date of Hrg: 10/12/17.....	349-354
9	Recorder's Transcript	
	Hearing: Deposition	
10	Date of Hrg: 02/21/18.....	372-416
11	Recorder's Transcript	
	Initial Arraignment	
12	Date of Hrg: 04/11/16.....	340-342
13	Recorder's Transcript	
	Preliminary Hearing	
14	Date of Hrg: 04/01/16.....	16-96
15	Recorder's Transcript	
	Sentencing	
16	Date of Hrg: 04/19/18.....	1065-1084
17	Recorder's Transcript	
	Status Check: Trial Readiness	
18	Date of Hrg: 11/09/17.....	355-358
19	Recorder's Transcript	
	Status Check: Trial Readiness	
20	Date of Hrg: 01/11/18.....	359-361
21	Recorder's Transcript	
	Status Check: Trial Setting	
22	Date of Hrg: 02/20/18.....	369-371

23

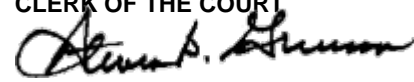
24

25

26

27

28



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C313919-1
)	DEPT NO. III
)	
vs.)	
)	
VERNON NEWSON, JR.,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

FRIDAY, FEBRUARY 23, 2018

APPEARANCES:

FOR THE STATE:	PAMELA WECKERLY, ESQ. Chief Deputy District Attorney KENNETH N. PORTZ, ESQ. Deputy District Attorney
FOR THE DEFENDANT:	KAMBIZ FATEMI, ESQ. RYAN J. BASHOR, ESQ. Deputy Public Defenders

RECORDED BY: SARA RICHARDSON, COURT RECORDER
TRANSCRIBED BY: KARR REPORTING, INC.

KARR REPORTING, INC.

I N D E X

OPENING STATEMENTS

By Mr. Portz	69
By Mr. Shaygan	77

WITNESSES FOR THE STATE:

JANEI HALL

Direct Examination by Ms. Weckerly	82
Cross-Examination by Mr. Bashor	93

NICHOLAS JERRAM

Direct Examination by Mr. Portz	96
---------------------------------	----

AUGUST CORRALES

Direct Examination by Ms. Weckerly	104
------------------------------------	-----

BORIS SANTANA

Direct Examination by Mr. Portz	112
---------------------------------	-----

ZARHARIA MARSHALL

Direct Examination by Ms. Weckerly	121
Cross-Examination by Mr. Shaygan	141
Redirect Examination by Ms. Weckerly	147

KATHY GEIL

Direct Examination by Ms. Weckerly	150
------------------------------------	-----

JENNIFER CORNEAL

Direct Examination by Mr. Portz	163
Cross-Examination by Mr. Shaygan	183
Redirect Examination by Mr. Portz	192

I N D E X

STATE'S EXHIBITS ADMITTED

2	Aerial shot of Lamb Blvd	89
8	Photograph - Victim Location Scene	90
90 - 112	Photographs - Z Marshall's House	136
233 - 249	Forensic Photos by Kathy Geil	158
45 - 84	ME's Autopsy Photographs	163

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 23, 2018, 10:53 A.M.

2 * * * * *

3 (Outside the presence of the prospective jurors.)

4 THE COURT: We did get a doctor's note from
5 Ms. Stokey, who had the doctor's appointment at 8:00 o'clock.
6 The doctor faxed something over saying I really don't think she
7 should do jury duty, but that was it, so.

8 THE MARSHAL: She's the only one today who didn't
9 show up.

10 THE COURT: She's not down there yet? Okay.
11 So what's your pleasure with her?

12 MS. WECKERLY: Well, we probably should just forge
13 ahead without her, right?

14 THE COURT: Yeah. I mean what I had told her was get
15 ahold of Molly and let her know what's going on, and basically
16 what I meant, and maybe I wasn't as articulate with her as I
17 should have been, was let us know what time you're going to be
18 here, right.

19 MS. WECKERLY: Yeah, when she said 8:00 o'clock.

20 THE COURT: But I'm assuming she's still there,
21 because the doctor faxed the thing over to us saying I don't
22 recommend that she do jury -- or be involved in jury duty right
23 now.

24 MS. WECKERLY: So that seems pretty legit.

25 MR. BASHOR: We are agreeable to her dismissal,

1 Judge.

2 THE COURT: All right. So we will go ahead and
3 excuse her. And then when we get them back in here, you guys
4 wanted to follow up or traverse on the three defense
5 challenges, correct?

6 MS. WECKERLY: Yes. And I just want clarification
7 it's 6, 41 and 107?

8 THE COURT: Six, 41 and, yes, 107.

9 MR. BASHOR: Yes.

10 MS. WECKERLY: And is the challenge --

11 MR. BASHOR: Well, I can -- I probably should make a
12 record --

13 THE COURT: Okay.

14 MR. BASHOR: -- to help assist in the traverse.

15 THE COURT: Go ahead. We had talked about having
16 that, doing that this morning.

17 MR. BASHOR: Right.

18 THE COURT: So we will be back on the record.

19 Mr. Newson is here with his attorneys. State's attorneys are
20 present as well. All right. You can go ahead, Ryan.

21 MR. BASHOR: Thank you, Your Honor. Ms. Swedgin
22 [phonetic] -- I'm never going to say that right.

23 THE COURT: Sweden [phonetic].

24 MR. BASHOR: Badge No. 6, 006, Judge, when
25 Mr. Shaygan was conducting his voir dire, she had said two

1 things in regards to the child abuse charges that I think would
2 not make her suitable for a case of this nature. And first of
3 all, it seemed that she became a bit emotional when disclosing
4 that she was abused as a child. But when specifically asked
5 about it by Mr. Shaygan, she said that her judgment would be,
6 quote, clouded in a case involving child abuse.

7 As for Ms. Batara, who is 041, Your Honor, she did
8 not seem to understand the State's burden. She said something
9 to the effect that he sits there guilty, said she does not know
10 what kind of facts we would present which would show that he's
11 not guilty. I mean maybe she can be educated, I doubt it, but
12 that's the reason for the challenge for cause.

13 THE COURT: Okay.

14 MR. BASHOR: And Ms. Timinski, and she's Badge
15 No. 107, she 100 percent shifted the burden to us on the child
16 abuse charges by saying that -- and Mr. Shaygan was very
17 pointed in asking the particular question, So it would be up to
18 us to prove his innocence on the child abuse charges, to which
19 she said, Yes. So she was fairly emphatic. And those are the
20 reasons for my for cause challenges on those three.

21 THE COURT: Okay.

22 MS. WECKERLY: So on the first one, Svedin, who's
23 006, she mentioned that she had concerns about it, about the
24 nature of the charge of child abuse, but she also, my
25 recollection said that she -- is that she believed firmly in

1 upholding the law and that she, you know, was sort of committed
2 to applying it. She's the lady that's like in the back row
3 here.

4 THE COURT: Right.

5 MS. WECKERLY: So I don't -- I mean maybe she'll
6 fall, but I don't think there's enough right now to challenge
7 her for cause.

8 With Juror 041, I think she's the science teacher in
9 the middle school, I just think she doesn't understand the
10 burdens right now or the fact that it's our obligation, and I
11 think that's common to a lot of lay people when they come into
12 the courtroom. They assume they're going to hear, you know, a
13 week out of one side and a week of evidence out of the other
14 side. So I think it's more of a misunderstanding.

15 With regard to the last juror, 107, I mean I think
16 that that's probably a closer call. She referenced her
17 grandkids and said if someone harmed the kid -- if someone
18 harmed them, I would immediately think they're guilty.
19 Obviously that's personalizing the situation. I didn't think
20 it was quite clear enough that she was saying if there's a
21 child abuse charge or children are harmed in the course of the
22 crime I would find a defendant guilty. I thought she was tying
23 it more to her, you know, belief if something happened with her
24 own grandchildren.

25 THE COURT: Okay. Well, here's what I'll say on the

1 state of the record we have now. I think that in regard to
2 Ms. Batara, I would deny a challenge for cause based on the
3 state of the record right now. I agree that a lot of times
4 folks come in to jury duty, almost all the time, and their
5 anticipation is that everybody presents their evidence and then
6 we decide something, so you're going to try and prove him
7 innocent and you guys are going to try and prove him guilty,
8 you know, that kind of thing.

9 I didn't get any indication from her that she in any
10 way didn't appreciate the presumption of innocence or the
11 State's obligation of proving guilt. Despite a juror saying I
12 expect you all as attorneys are going to do something, like
13 when that question gets asked, and it gets asked all the time
14 in a variety of forms, what if we sleep throughout the trial,
15 you know, you understand it's still their burden.

16 And a lot of times jurors will say, well, what do you
17 mean you'll sleep throughout the trial, aren't you going to --
18 you're going to do something to defend him, right. But I don't
19 think Ms. Batara gave me reason to believe she was
20 challengeable for cause.

21 Ms. Svedin, I guess, is a little different in my
22 mind, and I'll let you follow up and ask some more questions of
23 her, because I'm not sure I have a good grasp of where her
24 head's at. One of the problems I think is everybody kept
25 referring to this as a child abuse charge, so I think in their

1 minds they're thinking somebody physically did something to
2 these kids, that's just my sense, as opposed to abuse, neglect
3 or endangerment.

4 And I know we don't want to go into the facts of
5 everything, but I mean in order to kind of honestly understand
6 where somebody's head's at, you probably need to say with the
7 charges abuse, neglect or endangerment you don't know exactly
8 what it is that's alleged to have occurred to the child, or
9 whether they're in a situation that could have been dangerous
10 to them, does that make any difference or what have you. For
11 her, she was very, you know, seemed like a very timid woman and
12 it may not make a difference to her.

13 MS. WECKERLY: Yeah.

14 THE COURT: It may be that you know what, no, I mean
15 there's kids involved and, you know, being alleged to have shot
16 a gun in a car where the kids are is just as bad in my mind as
17 punching the kid in the head, and that's bad and I'm not going
18 to be fair to you.

19 Ms. Timinski, on the other hand, I'll let you follow
20 up if you want, but I'm inclined to strike her right now
21 because of a combination of things. The answers to what Ryan
22 was alluding to, as well as she was one of the first ones that
23 came out and said, I don't think I could sit in judgment, I got
24 an issue with being, you know, from a religious standpoint of
25 having to sit in judgment of anybody.

1 And she kind of backed off a little bit on that, I
2 think, when we were going through the other questions just
3 about following the law. But it didn't seem when she first
4 brought that up that that was negotiable in her mind, because
5 it was a from a religious standpoint I don't believe in having
6 to sit in judgment of somebody else.

7 So what's your pleasure? Do you want to talk to her?

8 MS. WECKERLY: So okay. I just -- I'll choose to
9 just follow up with --

10 THE COURT: Ms. Svedin?

11 MS. WECKERLY: Yes.

12 THE COURT: Okay. So I'll grant the challenge as to
13 Ms. Timinski. I'm going to deny it as to Ms. Batara, and then
14 you can follow up with Ms. Svedin. What I'll do first is go
15 ahead and seat new people in the seats that have been vacated,
16 and I'll ask my questions of those people. And then when you
17 all, when it's your turn to ask those questions, you can follow
18 up with Ms. Svedin as well.

19 MS. WECKERLY: Okay. Thank you.

20 THE COURT: And then we'll go from there.

21 MR. BASHOR: Thank you, Your Honor.

22 THE COURT: You're welcome. So we're going to be
23 excusing -- we already excused Ms. Stokey yesterday. We
24 excused Ms. Nelub and Ms. Burleson. So that's three seats that
25 are going to be vacant. We're excusing Ms. Timinski, so

1 that'll be four seats that are vacant.

2 So Mike, you can -- when you go outside, you can tell
3 Ms. Timinski she's been excused. She is Badge No. 107. She's
4 the lady in the front row here.

5 THE MARSHAL: Okay.

6 THE COURT: And then you can bring everybody else in.

7 And when we start filling seats, guys, it's going to
8 be starting with Number 172, Mr. Morrow. So Morrow, Pate,
9 Hinkley-Cowen and Sanchez will be the four that come into those
10 seats.

11 MR. BASHOR: Your Honor, would you mind inquiring of
12 Mr. Morrow about his child care issues, or would you prefer one
13 of us to do it?

14 THE COURT: I can ask him. I mean, I'm sure you guys
15 are probably going to want to talk to him as well.

16 MR. BASHOR: Right.

17 THE COURT: You can ask him what if anything changed
18 between -- I mean he was the one that had the I need to be
19 there a little before 5:00 o'clock to pick up my kids, right?

20 MR. BASHOR: Right. Right.

21 THE COURT: Okay.

22 (Pause in proceeding.)

23 (Prospective jurors enter at 11:06 a.m.)

24 THE COURT: We are back on the record. Mr. Newson's
25 here with his attorneys. State's attorneys, prospective jurors

1 are present as well. Welcome back, ladies and gentlemen.

2 MR. BASHOR: Your Honor, are we missing Mr. Miller?

3 THE COURT: We are missing Mr. Miller. Where did

4 Mike go?

5 MR. BASHOR: Or -- yeah.

6 THE COURT: No, you're right, Ryan.

7 MR. BASHOR: Can we also approach, Your Honor?

8 THE COURT: Yeah.

9 Which one of you is in charge of Miller? You're

10 missing Mr. Miller in the first row there, Steve Miller.

11 (Bench conference transcribed as follows.)

12 MR. BASHOR: Your Honor, Ms. Nelub's here.

13 THE COURT: Who?

14 MR. BASHOR: Ms. Nelub, number -- Seat 25.

15 THE COURT: Okay. So hold on.

16 Ms. Nelub, I'm sorry. You were excused at the end of

17 the day yesterday. That should have been communicated to you.

18 I apologize. You didn't need to come back today. But thank

19 you. It was good to see you again. But you're all done with

20 jury duty. Don't worry. Nobody else will make you come back.

21 160, Miller.

22 THE MARSHAL: You told me Miller and Burleson.

23 THE COURT: No. Nelub and Burleson.

24 THE MARSHAL: Miller.

25 THE COURT: You sent Miller home?

1 THE MARSHAL: Yeah. He -- you said Miller and --
2 THE COURT: It was Nelub. Nelub and Burleson.
3 Okay. So Miller's gone, and we'll make a record of
4 that being our error.
5 MR. BASHOR: Okay. Well, at least there's a logical
6 reason.
7 THE COURT: Yeah, right. Okay.
8 (Bench conference ends.)
9 THE COURT: All right. I need to fill our empty
10 seats. So we've excused some people at the end of the day and
11 this morning.
12 I need Mr. Morrow, Badge No. 172. Mr. Morrow, could
13 you come on up to the seat on the top row here, please. And
14 then Ms. Pate, 175, if you could take the seat on the --
15 towards the end of that front row in front of you.
16 Ms. Hinkley-Cowen, 179, next to Ms. Pate. Mr. Sanchez next to
17 Ms. Hinkley-Cowen. And then Ms. Krueger, 184, next to
18 Mr. Sanchez. Thank you, folks.
19 Okay. Mr. Morrow, how are you doing?
20 PROSPECTIVE JUROR NO. 172: Pretty good.
21 THE COURT: Before I even get into asking you the
22 other questions, how did things go last night with getting your
23 kids from daycare before 5:00 and...
24 PROSPECTIVE JUROR NO. 172: It worked out.
25 THE COURT: It worked out? Okay. Is that something

1 we can work out for the next couple of days as well?

2 PROSPECTIVE JUROR NO. 172: Yeah. Remind me, you
3 said that we would be starting at like 9:30?

4 THE COURT: We'll probably -- Monday will probably be
5 10:30 again. And then Tuesday would be 10:30 as well. And
6 then we'll make sure we start [sic] as close to 5:00 o'clock as
7 we can so you can get over there if you need to.

8 PROSPECTIVE JUROR NO. 172: That works fine.

9 THE COURT: Okay. Good. Thank you very much for
10 helping us out in that regard. So how long have you lived here
11 in Las Vegas?

12 PROSPECTIVE JUROR NO. 172: Since the end of 2015.

13 THE COURT: Where did you move here from?

14 PROSPECTIVE JUROR NO. 172: Lehi, Utah.

15 THE COURT: What's your level of education?

16 PROSPECTIVE JUROR NO. 172: Some college.

17 THE COURT: What type of work do you do?

18 PROSPECTIVE JUROR NO. 172: I'm a web developer.

19 THE COURT: And you're married, correct?

20 PROSPECTIVE JUROR NO. 172: Yes.

21 THE COURT: And what type of work does your
22 spouse do?

23 PROSPECTIVE JUROR NO. 172: She's a recruiter.

24 THE COURT: And I apologize. I don't remember what
25 you said yesterday. How many kids do you have?

1 PROSPECTIVE JUROR NO. 172: Just the two.

2 THE COURT: Just the two. Okay. Thank you. Have

3 you -- while you've got the microphone, since everybody else is

4 on that other row, we'll just go through everything with you.

5 Have you ever been a juror before?

6 PROSPECTIVE JUROR NO. 172: Nope.

7 THE COURT: Have you or anyone close to you ever been

8 the victim of a crime before?

9 PROSPECTIVE JUROR NO. 172: Yes.

10 THE COURT: What and when and who?

11 PROSPECTIVE JUROR NO. 172: My older brother, my dad

12 tried to murder him.

13 THE COURT: Okay. And --

14 PROSPECTIVE JUROR NO. 172: That was, I think,

15 2000 -- or 1999.

16 THE COURT: '99. And sorry to have to ask you some

17 questions about that, but was that in Utah?

18 PROSPECTIVE JUROR NO. 172: Yeah.

19 THE COURT: And you had to have been a minor around

20 that time, huh?

21 PROSPECTIVE JUROR NO. 172: Yeah. I was 16.

22 THE COURT: Okay. Was that something I'm assuming

23 that the police got involved in?

24 PROSPECTIVE JUROR NO. 172: Yeah.

25 THE COURT: And was there a trial?

1 PROSPECTIVE JUROR NO. 172: There was.

2 THE COURT: Were you a witness to anything? Did you
3 have to testify?

4 PROSPECTIVE JUROR NO. 172: I did testify, yeah.

5 THE COURT: Okay. Any other instances with you or
6 anyone close to you that's been the victim of any kind of
7 crime?

8 PROSPECTIVE JUROR NO. 172: No.

9 THE COURT: Okay. And obviously that encompasses the
10 second question, whether you or anyone close to you has ever
11 been accused or convicted of any crimes. Other than that issue
12 with your father, has there been anything else?

13 PROSPECTIVE JUROR NO. 172: No.

14 THE COURT: Do you think you'd be able to keep an
15 open mind and not decide any issue in the case until it's
16 finally submitted to you for your deliberations?

17 PROSPECTIVE JUROR NO. 172: Yeah.

18 THE COURT: And do you believe that you would treat
19 police officers differently just because they were police
20 officers, or could you treat them like any other witness and
21 evaluate their testimony in light of all the other facts and
22 circumstances?

23 PROSPECTIVE JUROR NO. 172: I would treat them like
24 any other witness.

25 THE COURT: All right. Mike, can you take the

1 microphone over to that other row, please.

2 Ms. Pate, how are you doing?

3 PROSPECTIVE JUROR NO. 175: I'm good, thank you. How
4 are you?

5 THE COURT: I am good, thank you. How long have you
6 lived here?

7 PROSPECTIVE JUROR NO. 175: Fifty years.

8 THE COURT: I'm sorry?

9 PROSPECTIVE JUROR NO. 175: Fifty years.

10 THE COURT: Okay. And what's your level of
11 education?

12 PROSPECTIVE JUROR NO. 175: High school graduate.

13 THE COURT: What type of work do you do?

14 PROSPECTIVE JUROR NO. 175: Office manager in a
15 dental office.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NO. 175: No.

18 THE COURT: Any children?

19 PROSPECTIVE JUROR NO. 175: One grown.

20 THE COURT: Grandkids?

21 PROSPECTIVE JUROR NO. 175: No.

22 THE COURT: Pardon?

23 PROSPECTIVE JUROR NO. 175: No.

24 THE COURT: No. Okay. Thank you. Could you pass
25 that over to Ms. Hinkley-Cowen next to you.

1 Ma'am, how long have you lived here?
2 PROSPECTIVE JUROR NO. 179: Two and a half years.
3 THE COURT: Where'd you move here from?
4 PROSPECTIVE JUROR NO. 179: Albuquerque, New Mexico.
5 THE COURT: And what's your level of education?
6 PROSPECTIVE JUROR NO. 179: High school.
7 THE COURT: What type of work do you do?
8 PROSPECTIVE JUROR NO. 179: I'm a licensed insurance
9 producer.
10 THE COURT: Producer. What's an insurance producer?
11 PROSPECTIVE JUROR NO. 179: Like an agent.
12 THE COURT: Oh, okay. Married?
13 PROSPECTIVE JUROR NO. 179: No, I am not.
14 THE COURT: Any children?
15 PROSPECTIVE JUROR NO. 179: Four children grown, two
16 grandchildren.
17 THE COURT: Thank you.
18 Mr. Sanchez, Badge 180, how long have you lived here?
19 PROSPECTIVE JUROR NO. 180: Since I was born here.
20 THE COURT: And what's your level of education?
21 PROSPECTIVE JUROR NO. 180: High school.
22 THE COURT: What type of work do you do?
23 PROSPECTIVE JUROR NO. 180: Professional painter.
24 THE COURT: Are you married?
25 PROSPECTIVE JUROR NO. 180: No.

1 THE COURT: Any children?

2 PROSPECTIVE JUROR NO. 180: No.

3 THE COURT: All right. Thank you.

4 And Ms. Krueger, Badge No. 184, how long have you

5 lived here, ma'am?

6 PROSPECTIVE JUROR NO. 184: Twenty-four years.

7 THE COURT: Your level of education?

8 PROSPECTIVE JUROR NO. 184: GED.

9 THE COURT: What type of work do you do?

10 PROSPECTIVE JUROR NO. 184: Supervisor for the State

11 of Nevada.

12 THE COURT: Any particular division within the State

13 you work with?

14 PROSPECTIVE JUROR NO. 184: The dreaded DMV.

15 THE COURT: So I need to register my car.

16 PROSPECTIVE JUROR NO. 184: Let me go, you can come

17 see me Monday.

18 THE COURT: That's a touche. So funny story. As a

19 government employee I usually don't get a new car, right. It's

20 been for forever. So I make the mistake of driving down to the

21 Sahara office the other day thinking I can go in and sit around

22 for awhile and register my car. Seven hours they told me to

23 wait.

24 PROSPECTIVE JUROR NO. 184: That's because you don't

25 know me. That's where I work.

1 THE COURT: Really. I had Phil Mickelson's golf
2 coach in here once, Butch Harmon, that said the same thing, if
3 you let me out of jury duty I'm going to hook you up with golf
4 lessons, but I'm not much of a golfer, so.

5 Okay. DMV. Are you married?

6 PROSPECTIVE JUROR NO. 184: Yes.

7 THE COURT: And what does your spouse do?

8 PROSPECTIVE JUROR NO. 184: He works for the City of
9 Las Vegas.

10 THE COURT: Children?

11 PROSPECTIVE JUROR NO. 184: Two, 21 and 16.

12 THE COURT: Okay. Thank you.

13 Any of you four ever been jurors before? Yes. Could
14 you pass it to your right for me, please, Jennifer. Thank you.

15 Okay. Ms. Hinkley-Cowen, how many times?

16 PROSPECTIVE JUROR NO. 179: One time.

17 THE COURT: And how long ago was that?

18 PROSPECTIVE JUROR NO. 179: It was probably eight
19 years ago.

20 THE COURT: Here in -- or was it in New Mexico?

21 PROSPECTIVE JUROR NO. 179: It was in New Mexico.

22 THE COURT: Was it a criminal or a civil case?

23 PROSPECTIVE JUROR NO. 179: It was a criminal.

24 THE COURT: And do you remember what the charges
25 were?

1 PROSPECTIVE JUROR NO. 179: Yeah. It was mayhem and
2 then disregard for the -- for not listening to a police
3 officer, and brandishing a firearm.

4 THE COURT: Got it. Did the jury reach a verdict?

5 PROSPECTIVE JUROR NO. 179: Yes, they did.

6 THE COURT: And were you the foreperson of the jury?

7 PROSPECTIVE JUROR NO. 179: No, I was not.

8 THE COURT: And I'm sorry. Did anybody else raise
9 their hand on that question? No. Okay.

10 How many if any of you or anyone close to you all has
11 ever been -- you can hold on to it right now -- ever been the
12 victim of a crime? No hand -- oh, yep. Ms. Krueger.

13 Can you pass it back to your left for me. Thank you,
14 Julia.

15 Yes, ma'am.

16 PROSPECTIVE JUROR NO. 184: It was the domestic
17 violence in early 1991 in Maricopa County, Arizona.

18 THE COURT: And was that reported to the police?

19 PROSPECTIVE JUROR NO. 184: Yes, it was.

20 THE COURT: And was there a court case that came out
21 of it?

22 PROSPECTIVE JUROR NO. 184: Not that I'm aware of.

23 THE COURT: Anybody else raise their hand on that?
24 No.

25 You all, any of you all or anyone close to you ever

1 been arrested or convicted of any crimes? Yep, Mr. Sanchez,
2 Badge 180. Yes, sir.

3 PROSPECTIVE JUROR NO. 180: I was arrested from high
4 school for truancy.

5 THE COURT: When was that, I'm sorry?

6 PROSPECTIVE JUROR NO. 180: From high school.

7 THE COURT: Oh, in high school?

8 PROSPECTIVE JUROR NO. 180: Yeah.

9 THE COURT: Oh, okay. So you were a minor?

10 PROSPECTIVE JUROR NO. 180: Yeah.

11 THE COURT: All right.

12 PROSPECTIVE JUROR NO. 180: No big deal.

13 THE COURT: Okay. Anybody else on that?

14 Do all of you believe that you would be able to treat
15 police officers like any other witness and judge them based on
16 all the facts and circumstances in evidence, or do you think
17 you'd have a tendency to treat them differently because they
18 were a police officer? Anybody treat them differently? No
19 hands. Thank you.

20 Do all of you believe that you'd be able to wait in
21 forming your opinion on the appropriate result here until after
22 you've heard all the evidence in the case; that is can you keep
23 an open mind until it's time to go back and deliberate?

24 PROSPECTIVE JUROR NO. 180: Yes, sir.

25 THE COURT: Anybody cannot do that? See no hands.

1 Okay. Ms. Weckerly, I'll turn it over to you or
2 Mr. Portz for these five individuals, and I know you all wanted
3 to ask a couple of follow-up questions with Ms. Svedin as well.

4 MS. WECKERLY: Okay. Can Ms. Pate have the
5 microphone, please. How are you?

6 PROSPECTIVE JUROR NO. 175: I'm good, thank you.

7 MS. WECKERLY: Yesterday you heard a lot of questions
8 that we asked a lot of prospective jurors. Was there anything
9 that stuck out in your mind that you thought we should know
10 about you and your ability to be fair to both sides?

11 PROSPECTIVE JUROR NO. 175: No. I would be fair to
12 both sides. He's innocent until proven guilty.

13 MS. WECKERLY: Okay. And you understand that that's
14 kind of what both sides are looking for. At the end of the
15 presentation of evidence the judge will instruct you on what
16 the law is. Would you be able to follow the law?

17 PROSPECTIVE JUROR NO. 175: Yes.

18 MS. WECKERLY: And then you'd be able to make a
19 decision with your fellow jurors?

20 PROSPECTIVE JUROR NO. 175: Absolutely.

21 MS. WECKERLY: Thank you very much. Could you pass
22 that to Ms. Hinkley-Cowen.

23 How are you?

24 PROSPECTIVE JUROR NO. 179: Fine. How are you?

25 MS. WECKERLY: I'm good, thank you. Your experience

1 as a prior juror, was that something that was an okay
2 experience, or a difficult one?

3 PROSPECTIVE JUROR NO. 179: It was an okay
4 experience.

5 MS. WECKERLY: It was?

6 PROSPECTIVE JUROR NO. 179: Mm-hmm.

7 MS. WECKERLY: Did you -- was your deliberations like
8 heated or were they contested --

9 PROSPECTIVE JUROR NO. 179: No.

10 MS. WECKERLY: -- or was everybody pretty civilized?

11 PROSPECTIVE JUROR NO. 179: Yes.

12 MS. WECKERLY: Good.

13 PROSPECTIVE JUROR NO. 179: Mm-hmm.

14 MS. WECKERLY: Because you had that experience
15 before, do you think you'd be someone who'd be a good juror in
16 this type of case with this charge?

17 PROSPECTIVE JUROR NO. 179: Yes. I would be fair.

18 MS. WECKERLY: Any concerns at all about seeing
19 pictures that are from the autopsy, somewhat graphic pictures?

20 PROSPECTIVE JUROR NO. 179: I'm sure it would bother
21 me, but I don't think it would affect my judgment.

22 MS. WECKERLY: You can look at them for their
23 evidentiary value?

24 PROSPECTIVE JUROR NO. 179: Absolutely.

25 MS. WECKERLY: Okay. Thank you very much. Can you

1 pass that to Mr. Sanchez.

2 How are you?

3 PROSPECTIVE JUROR NO. 180: Very well.

4 MS. WECKERLY: Now, did I write down yesterday that

5 one of your parents is retired from Metro?

6 PROSPECTIVE JUROR NO. 180: Yeah.

7 MS. WECKERLY: What did that parent do?

8 PROSPECTIVE JUROR NO. 180: He was a captain.

9 MS. WECKERLY: Oh, okay. Over like an area command

10 or --

11 PROSPECTIVE JUROR NO. 180: Yeah, command.

12 MS. WECKERLY: An area command. Do you know what

13 part?

14 PROSPECTIVE JUROR NO. 180: No.

15 MS. WECKERLY: No. Okay. Was that something that --

16 was it your dad?

17 PROSPECTIVE JUROR NO. 180: No. It was my uncle.

18 MS. WECKERLY: Your uncle. Oh, okay. Was it

19 something that you would have discussions about, the type of

20 cases maybe?

21 PROSPECTIVE JUROR NO. 180: I guess sometimes, you

22 know.

23 MS. WECKERLY: Yeah?

24 PROSPECTIVE JUROR NO. 180: Just basic like

25 conversations.

1 MS. WECKERLY: Are you close to --
2 PROSPECTIVE JUROR NO. 180: Yeah, really close.
3 MS. WECKERLY: Really close. Because you have that
4 close relationship, do you think you would be more in favor of
5 one side or the other in this type of case?
6 PROSPECTIVE JUROR NO. 180: No. Absolutely not.
7 MS. WECKERLY: Okay. Obviously you can decide this
8 case based on the evidence that you hear?
9 PROSPECTIVE JUROR NO. 180: Mm-hmm, and the law that
10 follows.
11 MS. WECKERLY: Exactly. Any problem that you'd have
12 seeing photos from an autopsy?
13 PROSPECTIVE JUROR NO. 180: No problem at all.
14 MS. WECKERLY: No problem. Okay. Thank you. Could
15 you pass that to Ms. Krueger.
16 How are you?
17 PROSPECTIVE JUROR NO. 184: Good, thank you. How are
18 you?
19 MS. WECKERLY: I'm good. The experience that you
20 mentioned in Arizona, I'm sorry if you said this, I missed it,
21 but how long ago was that?
22 PROSPECTIVE JUROR NO. 184: Early '91.
23 MS. WECKERLY: Early '91. I'm guessing it was a
24 pretty upsetting --
25 PROSPECTIVE JUROR NO. 184: Yeah.

1 MS. WECKERLY: Is there anything that you think
2 because you've gone through that, that would carry over?

3 PROSPECTIVE JUROR NO. 184: I would hope not, because
4 I got through it.

5 MS. WECKERLY: Okay. And you know what we're asking
6 is can you decide the case, this case based on the evidence you
7 hear in this courtroom?

8 PROSPECTIVE JUROR NO. 184: I would do my best. I
9 would hope so.

10 MS. WECKERLY: And even though you've had that
11 experience, there's nothing that makes you feel like you have
12 an agenda for one side or the other?

13 PROSPECTIVE JUROR NO. 184: Not at all.

14 MS. WECKERLY: Thank you very much.

15 Could we pass that to Mr. Morrow and finish up.

16 So I don't want to pry too much into your personal
17 life, but the situation that happened when you were 16,
18 immediately after it happened or after you went through the
19 trial, were your feelings different than they are today?

20 PROSPECTIVE JUROR NO. 172: Not so much.

21 MS. WECKERLY: Not so much. Did you as a teenager,
22 did you have a sense of like what you wanted the outcome to be
23 for the trial or, you know, it's you're close to the family
24 members. I mean that had to be really difficult.

25 PROSPECTIVE JUROR NO. 172: None of us were very

1 close with my dad, so that didn't factor into it too much. We
2 all thought that he was guilty, but at the same time we felt
3 like our representation made some mistakes that sort of just
4 ruined it.

5 MS. WECKERLY: And would that be like the prosecutors
6 who were assigned to the case?

7 PROSPECTIVE JUROR NO. 172: Yeah, that's right.

8 MS. WECKERLY: So as someone who's been that close to
9 the criminal justice system in a really serious case, do you
10 think some of that might carry over into this courtroom?

11 PROSPECTIVE JUROR NO. 172: No.

12 MS. WECKERLY: No. I know you're older than 16 now.

13 PROSPECTIVE JUROR NO. 172: Yeah.

14 MS. WECKERLY: And you know what we're asking all the
15 jurors is if you can just decide this case based on what you
16 hear in this courtroom?

17 PROSPECTIVE JUROR NO. 172: Yeah. I have no doubt
18 that I'll be able to do that.

19 MS. WECKERLY: Okay. Thank you very much, sir.

20 And if I could, Your Honor, I would like to follow up
21 with Ms. Svedin.

22 THE COURT: Sure.

23 MS. WECKERLY: You probably thought you were off the
24 hook.

25 PROSPECTIVE JUROR NO. 006: I was hoping.

1 MS. WECKERLY: Sorry about that. So yesterday
2 afternoon you made some comments or you shared some of your
3 feelings about child abuse or if you might hear evidence about
4 child abuse. Do you recall that?

5 PROSPECTIVE JUROR NO. 006: Yes.

6 MS. WECKERLY: Okay. So you don't know, I'm
7 guessing, what the law in Nevada is, or how child abuse is
8 defined in Nevada?

9 PROSPECTIVE JUROR NO. 006: Not in Nevada. I know
10 Utah law.

11 MS. WECKERLY: Okay. So the states all have
12 different definitions of certain crimes. And in Nevada the
13 crime is abuse, neglect or endangerment, and the judge will
14 instruct you at the end of the case as to what those things
15 may be. And it's fair to say there's a range of serious
16 physical abuse and two lesser forms of endangerment or
17 neglect --

18 PROSPECTIVE JUROR NO. 006: Yes, there is.

19 MS. WECKERLY: -- that sort of thing.

20 Given that you don't know the facts of this case or
21 really you haven't been instructed on the law yet, do you think
22 that you could still sit on this case and wait and hear the
23 evidence and decide it based on the law that you're given by
24 the Court?

25 PROSPECTIVE JUROR NO. 006: Yes, I could.

1 MS. WECKERLY: Okay. You sound -- I'm not trying to
2 pick on you, but you sounded just a little bit hesitant.
3 What's your concern?

4 PROSPECTIVE JUROR NO. 006: The extent it might
5 trigger memories in me or...

6 MS. WECKERLY: I think a lot of people, when they're
7 jurors, you know, they'll see an image or they'll hear about a
8 crime or a dynamic in the criminal situation or in the
9 incident, and it'll trigger feelings or remind them of an
10 experience that they had, and I think that's perfectly normal.
11 What we need as jurors though is you not to decide the case
12 based on what the feeling that --

13 PROSPECTIVE JUROR NO. 006: Yeah.

14 MS. WECKERLY: -- it makes, you know, you remember
15 something.

16 PROSPECTIVE JUROR NO. 006: Yeah.

17 MS. WECKERLY: We need you to commit to us that you
18 can decide the case based on what you hear in court.

19 PROSPECTIVE JUROR NO. 006: I know other people's
20 experiences are not my experiences, and I don't own other
21 people's experiences.

22 MS. WECKERLY: Right. And that's kind of what we
23 need is someone -- you know, everybody comes in here with a
24 wealth of their own personal life experiences and they're
25 all -- you know, they're all important. But to decide a

1 criminal case, it just has to be decided on what you hear in
2 this courtroom, and it sounds like you could do that.

3 PROSPECTIVE JUROR NO. 006: Yeah, I could do that.

4 MS. WECKERLY: And it may be you may experience some
5 emotions or difficulty with that because it may remind you of
6 something in the past, but your decision would be based on the
7 law, I assume --

8 PROSPECTIVE JUROR NO. 006: Yeah.

9 MS. WECKERLY: -- and the evidence?

10 PROSPECTIVE JUROR NO. 006: Yes.

11 MS. WECKERLY: Okay. And knowing that that would be
12 sort of your role, and that's actually what you'll take an oath
13 to do, can you assure us that you'll decide it based on those
14 two things, the evidence and the law?

15 PROSPECTIVE JUROR NO. 006: Yes.

16 MS. WECKERLY: Thank you very much.

17 THE COURT: Do you have any questions for the other
18 five anymore?

19 MS. WECKERLY: Oh, no. Thank you.

20 THE COURT: All right. Mr. Shaygan or Mr. Bashor.

21 MR. BASHOR: Good morning, everybody.

22 (Prospective jurors respond in kind.)

23 MR. BASHOR: Mr. Morrow, you experienced something
24 that in addition to the tragedy a lot of people haven't
25 experienced in that you actually testified, right?

1 PROSPECTIVE JUROR NO. 172: Yes, that's right.

2 MR. BASHOR: How did that make you feel?

3 PROSPECTIVE JUROR NO. 172: It was one of my first
4 experiences with public speaking, so nervous.

5 MR. BASHOR: Right. And strangers are staring at
6 you, right, and I guess you were a teenager at the time?

7 PROSPECTIVE JUROR NO. 172: Mm-hmm. That's right.

8 MR. BASHOR: And so how has your public speaking
9 ability grown over time?

10 PROSPECTIVE JUROR NO. 172: Oh, it's come a long
11 ways. I have done training and on-boarding, new hire stuff at
12 previous positions, and don't have much of a problem with that
13 now.

14 MR. BASHOR: Great. Congratulations. So if you're
15 selected as one of the 12 that go through that door, into a
16 room that has a beautiful view of the mountains by the way, and
17 you have opinions that differ from the other 11, are you going
18 to be comfortable in expressing yourself?

19 PROSPECTIVE JUROR NO. 172: Absolutely. Yeah, I have
20 no problem being the pain in that sense. I wouldn't go along
21 with the group just because that's what everybody else thought.

22 MR. BASHOR: Mr. Shaygan yesterday to the group was
23 explaining that not all killings are the same. Do you agree
24 with that principle?

25 PROSPECTIVE JUROR NO. 172: Absolutely.

1 MR. BASHOR: So you understand that. And Judge
2 Herndon is the master of the law in this courtroom, as he
3 should be, and he will give you the instructions. But you
4 would be able to without undue compassion and sympathy assess
5 on that range given the law where this case may fall?

6 PROSPECTIVE JUROR NO. 172: Absolutely.

7 MR. BASHOR: Okay. Mr. Morrow, thank you.

8 Ms. Pate, please. Ms. Pate, I'm not being rude, but
9 this is kind of like a crutch for me. So good morning.

10 PROSPECTIVE JUROR NO. 175: Good morning.

11 MR. BASHOR: So when the jury summons came in the
12 mail, what did you think?

13 PROSPECTIVE JUROR NO. 175: Oh, no.

14 MR. BASHOR: Well, you've been here for a little over
15 a day now. What do you think?

16 PROSPECTIVE JUROR NO. 175: It's okay.

17 MR. BASHOR: Not as bad as you thought?

18 PROSPECTIVE JUROR NO. 175: Not at all.

19 MR. BASHOR: No one's going to bite?

20 PROSPECTIVE JUROR NO. 175: No.

21 MR. BASHOR: What about when you heard the nature of
22 the charges, what went through your mind?

23 PROSPECTIVE JUROR NO. 175: I think I was surprised,
24 but that's about it.

25 MR. BASHOR: And since you've been able to listen to

1 others and sit and think on your own, has that surprise waned?
2 Are you able to participate in a trial involving charges like
3 that?

4 PROSPECTIVE JUROR NO. 175: Absolutely.

5 MR. BASHOR: And I'm sorry if I -- I'm not the best
6 note taker either, I'm just going to confess to everybody. Do
7 you have children?

8 PROSPECTIVE JUROR NO. 175: Yes, one grown.

9 MR. BASHOR: Okay. And as Ms. Weckerly just
10 explained and I'm sure as you're aware that Vernon here is also
11 charged with child abuse, endangerment or neglect.

12 PROSPECTIVE JUROR NO. 175: Yes.

13 MR. BASHOR: All right. Is there anything about the
14 fact that you are a mother and/or fathers which would interfere
15 with your ability to apply the law to the facts in this case?

16 PROSPECTIVE JUROR NO. 175: No.

17 MR. BASHOR: Well, thank you very much, Ms. Pate.

18 PROSPECTIVE JUROR NO. 175: Thank you.

19 MR. BASHOR: Good morning, Ms. Hinkley-Cowen.

20 PROSPECTIVE JUROR NO. 179: Good morning.

21 MR. BASHOR: Mr. Portz is too tall. I'll move over
22 here.

23 MR. PORTZ: Sorry.

24 MR. BASHOR: Do you think you'd be a good juror in
25 this case?

1 PROSPECTIVE JUROR NO. 179: I believe so.

2 MR. BASHOR: Why?

3 PROSPECTIVE JUROR NO. 179: Because I would listen to

4 the facts.

5 MR. BASHOR: And your prior jury service, I mean, the

6 law here may be different from -- did you serve in a jury in

7 New Mexico, you said?

8 PROSPECTIVE JUROR NO. 179: Yeah, in a little town

9 called Estancia, yeah.

10 MR. BASHOR: Okay. And so you'll know that not all

11 state laws are the same, right?

12 PROSPECTIVE JUROR NO. 179: Oh, no. They put our

13 juror numbers in a cup and then they -- that's how they picked

14 us. So this is a lot different, yes.

15 MR. BASHOR: Okay. Wow. I bet a lot of people wish

16 we did it that way, huh.

17 PROSPECTIVE JUROR NO. 179: I know.

18 MR. BASHOR: We'd be out of here in ten minutes.

19 Wow. Yeah, don't tell the legislature that.

20 PROSPECTIVE JUROR NO. 179: Okay.

21 MR. BASHOR: But you'll understand that Judge

22 Herndon, he's going to read you the law, and the laws in Nevada

23 are different from New Mexico and California. I mean,

24 obviously there are murders alleged in every state in the

25 Union, right, but what is actually defined is very state

1 specific, right?

2 PROSPECTIVE JUROR NO. 179: Right.

3 MR. BASHOR: And you'll be comfortable listening to
4 what could be somewhat complex legal concepts and apply the law
5 appropriately?

6 PROSPECTIVE JUROR NO. 179: Yes.

7 MR. BASHOR: What about the question that I asked
8 Mr. Morrow, that do you agree that not all killings are the
9 same?

10 PROSPECTIVE JUROR NO. 179: Oh, absolutely.

11 MR. BASHOR: And so if you're provided with a
12 spectrum from something as simple as a pure accident to a
13 cold-blooded premeditated killing and there's things in
14 between, you're going to be able to take the facts and find out
15 which one of those is appropriate?

16 PROSPECTIVE JUROR NO. 179: Yes.

17 MR. BASHOR: And you're comfortable doing that?

18 PROSPECTIVE JUROR NO. 179: Yes.

19 MR. BASHOR: Thank you very much.

20 PROSPECTIVE JUROR NO. 179: I do have questions from
21 listening yesterday.

22 MR. BASHOR: Okay.

23 PROSPECTIVE JUROR NO. 179: You were talking about
24 methamphetamine, and I'm kind of steering away from what you're
25 asking right now.

1 MR. BASHOR: That's okay.

2 PROSPECTIVE JUROR NO. 179: And then I do have a
3 question. Since marijuana has become legal there are a lot of
4 active participants. Does that have any bearing on being a
5 juror?

6 MR. BASHOR: I don't think so.

7 PROSPECTIVE JUROR NO. 179: Okay.

8 MR. BASHOR: You know, if I'm interpreting your
9 question correctly, as long as someone's not under the
10 influence here, and I think --

11 PROSPECTIVE JUROR NO. 179: Right. I just meant that
12 if like I have a past history of using methamphetamine. I've
13 been clean for 18 years.

14 MR. BASHOR: Congratulations.

15 PROSPECTIVE JUROR NO. 179: Thank you. I'm very
16 proud of myself.

17 MR. BASHOR: I would be.

18 PROSPECTIVE JUROR NO. 179: And but since marijuana
19 law became legal, I have -- I do indulge.

20 MR. BASHOR: Okay. Are you --

21 PROSPECTIVE JUROR NO. 179: I'm not high now, no.

22 MR. BASHOR: Okay. I don't have to hide my pretzels?
23 Okay. All right. Well, no, and I appreciate -- I
24 mean that's exactly the type of attitude we need, and I think
25 we've appreciated from everybody here is that everyone's been

1 extremely honest and open. I know this is not the most
2 comfortable of situations, so I very much, and I believe I can
3 actually speak for the State on this one too, that we
4 appreciate your honesty. If you could pass the microphone then
5 to Mr. Sanchez.

6 You said you're a professional painter?

7 PROSPECTIVE JUROR NO. 180: Yes, sir.

8 MR. BASHOR: And that's like houses and apartments?

9 PROSPECTIVE JUROR NO. 180: Yeah, outside, inside.

10 MR. BASHOR: I bet during the summer you don't like
11 the outside.

12 PROSPECTIVE JUROR NO. 180: Not really, but it's fun,
13 you know.

14 MR. BASHOR: It's fun?

15 PROSPECTIVE JUROR NO. 180: Yeah.

16 MR. BASHOR: Do you like the people you work with?

17 PROSPECTIVE JUROR NO. 180: Yep.

18 MR. BASHOR: Do you ever disagree with them?

19 PROSPECTIVE JUROR NO. 180: No, sir.

20 MR. BASHOR: Wow. So you just get along.

21 PROSPECTIVE JUROR NO. 180: Yeah, pretty mellow.

22 MR. BASHOR: Say someone did disagree with you, how
23 would you handle it? Are you a calm guy that will be able to
24 sit down and talk it through, or do you go straight to
25 shouting?

1 PROSPECTIVE JUROR NO. 180: No. I let them get their
2 way and then they see how it comes out, and then they see that
3 they didn't like it in the first place and I was right all
4 along.

5 MR. BASHOR: So you're the I told you so guy?

6 PROSPECTIVE JUROR NO. 180: Yeah, but it's okay.

7 MR. BASHOR: All right. You're a bit younger and a
8 little soft spoken. Not an insult, just my observations, which
9 can totally be wrong. What about like Mr. Morrow, you know,
10 you're in a room with 11 people you've just met through this
11 process, are you going to be able to communicate your opinions?

12 PROSPECTIVE JUROR NO. 180: Yes, sir, when it's
13 needed, but I mostly keep to myself so I can overthink, you
14 know, what I've just like reviewed instead of like giving out
15 my own opinion when too early or too late.

16 MR. BASHOR: Okay.

17 PROSPECTIVE JUROR NO. 180: Do you know what I mean?

18 MR. BASHOR: Yeah, I think I do. I think what you're
19 saying is that you, before you speak you think --

20 PROSPECTIVE JUROR NO. 180: Yeah.

21 MR. BASHOR: -- right?

22 PROSPECTIVE JUROR NO. 180: Yes.

23 MR. BASHOR: That's okay.

24 PROSPECTIVE JUROR NO. 180: Thank you.

25 MR. BASHOR: And sometimes the thinking takes a

1 little longer and sometimes it's a little quicker.

2 PROSPECTIVE JUROR NO. 180: Mm-hmm.

3 MR. BASHOR: But let me ask you this question, and I
4 guess this isn't where the I told you so stuff is going to
5 work, right. If after deliberations you walk back into this
6 room and realize the verdict has been announced, it would be
7 too late to voice an opinion you thought was something
8 important.

9 PROSPECTIVE JUROR NO. 180: Yes, sir.

10 MR. BASHOR: Are you comfortable --

11 PROSPECTIVE JUROR NO. 180: No.

12 MR. BASHOR: -- not letting this group come back
13 until your opinions are voiced?

14 PROSPECTIVE JUROR NO. 180: No, absolutely not. I
15 would let them know my opinions before we're out here.

16 MR. BASHOR: That's what I'm asking.

17 PROSPECTIVE JUROR NO. 180: Yeah.

18 MR. BASHOR: Okay. That's perfect. Thank you very
19 much.

20 PROSPECTIVE JUROR NO. 180: No problem.

21 MR. BASHOR: Ms. Krueger, good morning.

22 PROSPECTIVE JUROR NO. 184: Good morning.

23 MR. BASHOR: Now, I know I don't like scratching at a
24 scab, but you used the phrase in regards to that incident that
25 you got through it. Can you explain what you mean?

1 PROSPECTIVE JUROR NO. 184: I didn't let it affect my
2 future.

3 MR. BASHOR: And did you do that by isolating
4 yourself from that individual or...

5 PROSPECTIVE JUROR NO. 184: Well, he was put in jail
6 and then as far as I heard from his sister he hung himself.

7 MR. BASHOR: Oh, so he's not going to be a problem?

8 PROSPECTIVE JUROR NO. 184: Not at all.

9 MR. BASHOR: Okay. Has that experience affected your
10 relationships since then?

11 PROSPECTIVE JUROR NO. 184: No.

12 MR. BASHOR: Are you married?

13 PROSPECTIVE JUROR NO. 184: Yes.

14 MR. BASHOR: How long have you been married?

15 PROSPECTIVE JUROR NO. 184: Going on 11 years.

16 MR. BASHOR: Okay. Congratulations. Do you consider
17 yourself an emotional person?

18 PROSPECTIVE JUROR NO. 184: I can be at times.

19 MR. BASHOR: What's the sort of things that would
20 trigger that?

21 PROSPECTIVE JUROR NO. 184: Things that can happen at
22 work, issues with my kids.

23 MR. BASHOR: So life stuff?

24 PROSPECTIVE JUROR NO. 184: Life stuff.

25 MR. BASHOR: And while I think everyone's emotional

1 in the moment, later on are you able to calm down and
2 communicate, or do your emotions --

3 PROSPECTIVE JUROR NO. 184: I try to think things
4 through first.

5 MR. BASHOR: Okay.

6 PROSPECTIVE JUROR NO. 184: You know, if I do get
7 emotional, I kind of put myself away from everybody and let it
8 out and think about it and then re-approach the situation.

9 MR. BASHOR: So kind of what I was asking
10 Mr. Sanchez, say something's said back there that for whatever
11 reason triggers your emotions. Before everyone returns back in
12 this room to return a verdict, are you going to be able to
13 calm, reflect and voice your opinion?

14 PROSPECTIVE JUROR NO. 184: Before we re-enter I
15 would probably say, hey, guys, I need a minute to step away and
16 enter myself and think about things.

17 MR. BASHOR: And you wouldn't be worried about doing
18 that?

19 PROSPECTIVE JUROR NO. 184: No.

20 MR. BASHOR: Even if the 11 people say, you know,
21 it's lunchtime or, you know, it --

22 PROSPECTIVE JUROR NO. 184: Then I'll talk to you
23 after lunch.

24 MR. BASHOR: That's what I'm talking about.

25 Okay. Your Honor, if I may briefly approach.

1 THE COURT: Sure.

2 (Bench conference transcribed as follows.)

3 MR. BASHOR: I did not know if I were -- I was

4 permitted to inquire of Ms. Swadeen (phonetic).

5 THE COURT: You can -- Sweden (phonetic).

6 MR. BASHOR: Sweden. All right.

7 THE COURT: You can follow up with her if you like.

8 MR. BASHOR: Okay. Thank you.

9 THE COURT: All right. Pam, Nick, come back.

10 Are you okay with the other five? Do you have any

11 challenges to those?

12 MR. BASHOR: No.

13 THE COURT: Nobody challenges to those? Okay.

14 (End bench conference.)

15 MR. BASHOR: Mike, if you could do me a favor,

16 Ms. Svedin. I'm sorry.

17 I know it seems like we're picking on you. I think

18 it would be fair to say over the last day, if you combine the

19 two days of selection, you've given it very hard thought and

20 you've been able to express your thoughts honestly, which again

21 we very much appreciate. I'm just going to ask a straight

22 question. This case involves abuse, neglect or endangerment.

23 You were a victim yourself. Is this just not the right trial

24 for you?

25 PROSPECTIVE JUROR NO. 006: I would prefer not to.

1 MR. BASHOR: And I think everybody in this room for
2 one reason or another, especially on a -- although the weather
3 sucks, on a Friday wouldn't want to be here either and prefer
4 not to be here. I guess what I'm saying is in a case of this
5 nature, can you promise that you will be fair and impartial to
6 both the State of Nevada and to Vernon?

7 PROSPECTIVE JUROR NO. 006: Yes.

8 MR. BASHOR: Fair enough. Thank you.

9 THE COURT: Okay. No more questions for any of the
10 other five as well, correct?

11 MR. BASHOR: Correct, Your Honor.

12 THE COURT: Okay. Can you guys approach the bench
13 again.

14 (Bench conference transcribed as follows.)

15 THE COURT: Do you have any further argument about
16 her?

17 MR. BASHOR: I mean --

18 THE COURT: I know -- I know that a lot of times we
19 may get some kind of conflicting answers back and forth over
20 things or some confusion. With people who have gone through
21 something similar to what a charge is, oftentimes what I'm
22 trying to figure out is are they saying that they don't want to
23 do it because they don't want to have to deal with it, or are
24 they saying that having dealt with it in the past is going to
25 cause them to be unfair in this case and not focus.

1 And I think she's more of the former; i.e. it's not
2 that I can't be fair, I just don't want to have to do this, I
3 don't want to have to even think about what happened to me
4 before, so.

5 MR. BASHOR: I mean, Your Honor, obviously I still
6 stand by my motion to remove her for cause, but I understand
7 what you just said.

8 THE COURT: All right. Yeah. So I'm going to deny
9 the challenge as to her as well. So we'll let everybody else
10 go and then I'll get you guys the sheet.

11 MS. WECKERLY: Okay.

12 THE COURT: Okay.

13 MR. BASHOR: Thank you.

14 (End bench conference.)

15 THE COURT: Okay. So we have our 31. That means
16 everybody behind Mr. Rivera and the rest of you, you guys are
17 all done. I appreciate very much your time the last couple of
18 days. As you can see, the process can be kind of lengthy and
19 we often go through a lot of people, which is why we needed as
20 many as we did. But you all are done with jury duty. You
21 won't get summonsed back. Okay. Thank you very much.

22 And then the rest of us, we're going to take a recess
23 now so I can allow the attorneys to go through their notes and
24 whittle the 31 of you down to the 13 that we need to hear our
25 trial. I would think this probably takes about 20, 25 minutes

1 or so. And then once we get the 13 of you, I'll send you off
2 to lunch and then we'll come back thereafter. The rest of you
3 will be on your way. Okay.

4 So during the recess you're admonished to not talk or
5 converse among yourselves or with anyone else on any subject
6 connected with the trial, or read, watch or listen to any
7 report of or commentary on the trial by any medium of
8 information, including without limitation the newspapers,
9 television, the Internet and radio. And you cannot form or
10 express any opinion on any subject connected with the case
11 until it's finally submitted to you.

12 We will be in recess. Again, if you want to leave
13 anything in the courtroom right now, feel free to do so. And
14 then if you all could just step outside and we'll get you back
15 in here as soon as we're ready.

16 Ms. Krueger, which office do you work at?

17 PROSPECTIVE JUROR NO. 184: I'm sorry?

18 THE COURT: Which office do you work at?

19 PROSPECTIVE JUROR NO. 184: Sahara.

20 THE COURT: Pardon?

21 PROSPECTIVE JUROR NO. 184: Sahara.

22 THE COURT: Sahara. Okay. I can't take advantage of
23 that.

24 (Standby prospective jurors dismissed at 11:42 a.m.)

25 (Prospective jurors recessed at 11:42 a.m.)

1 MR. SHAYGAN: Did you ask for 25 minutes for them to
2 come --

3 THE COURT: I told them that was approximately what
4 it would take, I would guess.

5 (The Court confers with staff.)

6 THE COURT: Okay. I'll give you guys the list. You
7 previously agreed that you're just going to each use your nine
8 wherever you want to, correct?

9 MR. PORTZ: Yes, Your Honor.

10 THE COURT: Yes? Okay.

11 MS. WECKERLY: Yes. Sorry.

12 THE COURT: That's okay.

13 MR. BASHOR: With number -- the 13th person being the
14 alternate.

15 THE COURT: The 13th, you'll always know whoever
16 that 13th person is, that's the person that's going to be the
17 alternate. And as always, if you waive any of them, just write
18 at the bottom of your column a W and the number that you're
19 waiving, three, seven, whatever it is. And if you waive,
20 you're not waiving anything thereafter, you're just waiving on
21 that individual challenge.

22 All right. We'll be in recess.

23 (Court recessed at 11:44 a.m. until 12:10 p.m.)

24 (Outside the presence of the prospective jurors.)

25 MR. BASHOR: Your Honor, may I approach?

1 THE COURT: Sure. Thank you. Okay. We'll be back
2 on the record. Mr. Newson's here with his attorneys. State's
3 attorneys are present. Does either side -- and each side has
4 exercised their nine peremptory challenges. Does either side
5 have any objection to challenges issued by the opposing side,
6 State?

7 MR. PORTZ: Not the State, Your Honor.

8 THE COURT: Mr. Bashor?

9 MR. BASHOR: No, Your Honor.

10 THE COURT: Okay. So for the record, what I have to
11 be your jurors will be:

12 Ms. Duus, Badge No. 004, 004; Mr. Carroll, 008;
13 Ms. Gorham, 009; Ms. Kilpatrick, 019; Ms. Lamerato, 037;
14 Ms. Dulin, 042; Mr. Urioste, 054; Ms. Tamariz, 078;
15 Mr. Thompson, 133; Ms. Pate, 175; Ms. Krueger, 184;
16 Mr. Williams, 113; and then your alternate would be Mr. Rivera,
17 130.

18 Is that what, State, you have?

19 MR. PORTZ: Yes, Your Honor.

20 THE COURT: Is that what you all have, Mr. Bashor?

21 MR. BASHOR: Yes, Your Honor.

22 THE COURT: Okay. All right. Mike, you can get them
23 back in.

24 MR. PORTZ: Your Honor, once we have the jury, are
25 you going to read them the instructions and take a break for

1 lunch?

2 THE COURT: No. I'm just going to send them to lunch
3 now and then we'll come back and start up at probably 1:30, I'm
4 guessing.

5 (Pause in proceeding.)

6 (Prospective jurors enter at 12:14 p.m.)

7 THE COURT: We're back on the record. Mr. Newson's
8 here with his attorneys. State's attorneys are present. Our
9 31 prospective jurors are present. All right.

10 Ladies and gentlemen, thank you very much for your
11 patience. I'm going to read through a list of seven -- or
12 excuse me, 18 of you that are going to be excused. So if you'd
13 let me read through this before you get up to leave, I would
14 appreciate it.

15 We're going to excuse Mr. Minton, Badge No. 001;
16 Ms. Svedin, Badge 006; Ms. Lewison, 007; Mr. Morrow, 172;
17 Mr. Barber, 030; Ms. Howlett, 040; Ms. Batara, 041; Ms. Miller,
18 044; Ms. Picornell, 048; Mr. Lange, 057; Ms. Snyder, 072;
19 Mr. Catadman, 074; Mr. Landeros-Solis, 142; Ms. Rodriguez, 087;
20 Ms. McDaniels, 091; Ms. Hinkley-Cowen, 179; Mr. Sanchez, 180;
21 and Ms. Tucker, 128.

22 You all are all excused. I thank you very much for
23 your time over the last couple of days and your participation,
24 and you are done with jury duty. Thank you.

25 (Prospective jurors dismissed at 12:17 p.m.)

1 THE COURT: Okay. I just had to make sure there was
2 still 13. Sometimes people try and sneak out with the other
3 people. Okay. We're going to go ahead and take our lunch
4 break at this time. We'll start back up at 1:30.

5 So when you come back, we'll have clipboards and
6 notepads and everything for you to get started, and we'll have
7 a little more discussion about how the trial's going to
8 proceed, and then obviously at the end of the day a little more
9 discussion about what you can and cannot do in terms of talking
10 to people about the case and things like that.

11 Now that you're actually jurors, we're going to give
12 you some blue juror badges for the department. Please make
13 sure you wear those all the time when you're in the building.
14 That just lets people know that you've actually been selected
15 to sit on a trial. And the same admonition applies that I just
16 read to you about 20 minutes ago.

17 Okay. Don't talk to anybody about the case, don't
18 talk to each other about the case, don't do any kind of
19 research or investigation, try and avoid any type of media
20 accounts on the case as well. And go enjoy your lunch and I'll
21 see you back here at 1:30.

22 Okay. And you don't have to go to jury services.
23 From now on you'll just come up outside the courtroom and grab
24 a seat. Try and kind of keep yourselves together and as best
25 you can out there maybe sit down a little ways from our court

1 so you're not around where the attorneys and any witnesses may
2 be, so we avoid kind of overhearing any of those conversations.
3 Okay. We'll see you back at 1:30. Thank you.

4 (Jurors recessed at 12:18 p.m.)

5 THE COURT: You guys have anything outside the
6 presence?

7 MS. WECKERLY: Not on behalf of the State.

8 MR. BASHOR: Not from the defense, Your Honor.

9 THE COURT: Okay. We'll see you back at 1:30 guys.
10 And what -- Mr. Rivera will always be your alternate, but I'm
11 going to jumble them up, so he may be in Seat 3 or whatever,
12 just like I always do that.

13 (Court recessed at 12:19 p.m. until 1:40 p.m.)

14 (Outside the presence of the jury.)

15 THE COURT: Do you guys have anything outside the
16 presence?

17 MR. BASHOR: Yes, Your Honor.

18 THE COURT: You can go ahead.

19 MR. BASHOR: Thank you. I guess three things. First
20 of all, just so the record's clear, we understand that
21 Mr. Miller was excused by pure accident. I don't know if the
22 record was made clear before.

23 THE COURT: We did not, and thank you for bringing
24 that back up. I said we would make a bigger record about that.
25 So Mr. Miller, which was Badge No. 160, was inadvertently

1 excused at the end of the day yesterday by Mike, sorry we're
2 diming you out, Mike, instead of Ms. Nelub, who was sitting
3 next to him. So Ms. Nelub showed up this morning. We excused
4 her because there had already been an agreement to excuse her.

5 What I will tell you subsequently as I was talking to
6 Mike, he had indicated that -- who was it that was sitting next
7 to him that was complaining? Was it --

8 THE MARSHAL: I think it was Ms. Nelub.

9 THE COURT: Ms. Nelub?

10 THE MARSHAL: Yeah.

11 THE COURT: Okay. Had come up to him at the end of
12 the day asking if she could change seats because Mr. Miller
13 kept sleeping on her, kind of leaning over and falling asleep
14 on her or whatever. So I hadn't noticed him sleeping. I
15 really wasn't paying attention to what was going on behind the
16 room, but you are right and that it was our error in excusing
17 him, not anything that you all did on either side.

18 MR. BASHOR: Second thing, and it was rectified
19 today, Your Honor, upon arriving on the floor there was a
20 gentleman wearing a T-shirt that he's now since, thanks to
21 Ms. Weckerly, he has a coat and he zipped up. But the T-shirt
22 was one of those airbrush with a photograph saying, "Justice
23 for," and I couldn't see the bottom but it appeared to be a
24 picture of the decedent. I think the State -- and I thank the
25 State --

1 THE COURT: One of their family members?

2 MS. WECKERLY: There's quite a few family members.

3 Once Mr. Bashor brought it to my attention, I told him he had
4 to wear a zip jacket inside the court or else he couldn't
5 come in.

6 THE COURT: Okay. All right. Do you want me to
7 bring everybody in before we get the jury in?

8 MR. BASHOR: That was my third thing, Judge, is that
9 emotions on both sides are fairly high, as I don't know the
10 veracity necessarily but, you know, my side's saying threats
11 are coming from the other side.

12 THE COURT: Right.

13 MR. BASHOR: I can just say the emotions are high and
14 any admonishment from Your Honor would be very appreciated.

15 THE COURT: Okay. Yeah, why don't you go ahead and
16 bring all the family members in on both sides.

17 THE MARSHAL: Family.

18 (Pause in proceeding.)

19 (Family members and/or audience enter the courtroom.)

20 THE COURT: Mike, do you have clipboards as well for
21 the jurors?

22 THE MARSHAL: I have them on their seats already.

23 THE COURT: The clipboards?

24 THE MARSHAL: No. I just have the -- I don't want to
25 [inaudible].

1 THE COURT: There should be clipboards. They should
2 be sitting back there. Will you go look and see if they're
3 back at the [inaudible].

4 (The Court confers with the staff.)

5 THE COURT: Okay. We're going to be on the record.
6 Mr. Newson's present in court, his attorneys are present and
7 State's attorneys are present. I have a number of folks in the
8 audience.

9 How many of you are family or friends of folks either
10 associated with the decedent in this or with the defendant?
11 Pretty much everybody, yeah? Okay. So this isn't specific to
12 you all. We do this in a lot of cases where there's going to
13 be a lot of family members on both sides that come to court.

14 I just want to make sure everybody is aware that this
15 process needs to be able to play out without any interference
16 from anybody. Okay. And that means you have to be able to
17 conduct yourselves okay in court. We can't wear buttons or
18 T-shirts or jackets or anything like that, that displays
19 prominently somebody who passed away or somebody who was on
20 trial or in any way tries to influence a jury at all.

21 Okay. If that happens, if people act up in court,
22 then we get to the point of potentially having to declare a
23 mistrial. And if we do that, this whole thing has to start
24 over again, six months, a year, whatever it is down the road,
25 whenever we can fit it back in, which I know none of you want

1 to happen.

2 Okay. And I recognize emotions can run very high on
3 behalf of somebody who died as a result of an allegation that
4 somebody else caused their death, and on behalf of people who
5 are accused of causing somebody else's death. But you have to
6 be able, as difficult as it is, to kind of sit here
7 appropriately and professionally and kind of listen to things.

8 And if you have a sense, and I'm sure the attorneys
9 will let you know when there's going to be certain aspects of
10 the case that might be harder than other aspects to listen to,
11 whether it's testimony about an autopsy report or particular
12 photographs, and you know yourselves better than any of us do.
13 If you think there's going to be an issue with kind of
14 listening to that or seeing certain parts, excuse yourself and
15 you're free to come back in at any other time.

16 Okay. But just please make sure that you're all kind
17 of conducting yourselves in a good fashion and regardless of
18 what animosity you may have towards each other because of
19 what's going on, we need to be able to get through the next
20 several days of our trial without causing any problems. Okay.

21 Okay. And you got all our jurors now? Okay. Then
22 we will go ahead and get everybody in and get started with
23 opening statements.

24 (The Court confers with the clerk.)

25 (Jurors reconvene at 1:48 p.m.)

1 THE COURT: We'll be back on the record.

2 Mr. Newson's present with his attorneys. State's attorneys are
3 present. Our jurors are present. Welcome back. You just
4 never respond to me. Come on. Okay. Thank you.

5 The first thing we're going to do is get you sworn in
6 as jurors. There's a different oath that we administer to you
7 all once you get chosen as jurors as opposed to just the
8 questioning process. So again, you can remain seated, but if
9 you'll just raise your right hands for me, please.

10 (Jurors sworn by the clerk.)

11 THE COURT: Okay. I think I alluded to this
12 yesterday when we were chatting during jury selection, but
13 there's a little information that I'm going to read to you now
14 or discuss with you before we get started with opening
15 statements, and it's mainly kind of a road map as how a trial
16 unfolds to get you familiar with certain things.

17 There are some preliminary legal instructions in
18 here, not a substitute for the jury instructions at the end of
19 the case, but just a couple of legal concepts that I think it's
20 good to kind of talk to you about beforehand. I don't have
21 anything for you to read along like we do with jury
22 instructions, because this is really just some ideas of mine
23 that I want to kind of inform you about. It also includes a
24 few things about what you can and cannot do as jurors during
25 the course of the trial and things like that as well.

1 The first thing we're going to do however, is have
2 the clerk read to you the charges in the case that are
3 contained in the Information. The Information is what we
4 discussed yesterday. It's just what puts a person on notice
5 that they've been charged with certain crimes. It's not
6 evidence of anybody's guilt. So she's going to read the
7 charges to you, and she will state the pleas that were entered
8 by Mr. Newson to those charges.

9 (Information read - not transcribed.)

10 THE COURT: So as we discussed yesterday, a criminal
11 defendant such as Mr. Newson is presumed innocent. He's
12 entered not guilty pleas to the three charges that he faces.
13 The State therefore has the obligation and the burden of proof
14 in a trial to prove beyond a reasonable doubt the charges that
15 they filed against Mr. Newson.

16 Your obligation as jurors, as we discussed a little
17 bit yesterday, is to find and determine the facts, and you'll
18 do so from the evidence that's presented to you, whether it's
19 testimony from witnesses, exhibits that get introduced into the
20 trial such as photographs or documents or physical items of
21 evidence, things like that. You're the sole judge of the
22 facts, so you determine the facts solely from all that evidence
23 that you receive.

24 Our trial begins with opening statements. Each side
25 has the opportunity to make an opening statement. Opening

1 statements are the words of the attorneys. They're not
2 evidence and it's not argument. It's just an opportunity for
3 the attorneys to discuss with you what they believe the
4 evidence is going to be that gets presented once we move into
5 the cases in chief of the respective parties, and I'll explain
6 what that is in a minute.

7 In terms of opening statements, first the State would
8 go, and then the defense has the opportunity to go. Because
9 they have no burden in the case, they don't have to make an
10 opening statement. They also have the ability to defer making
11 an opening statement until after the State presents their
12 evidence and their case in chief, but they do have an
13 opportunity to present an opening statement now as well.

14 Once the opening statements are done, that's when we
15 would move into case in chief. And a case in chief is just
16 each side's opportunity to produce whatever evidence they want
17 to produce that consists of the calling of witnesses and again,
18 the production of exhibits or items of evidence in the case.

19 The State goes first with the case in chief. During
20 their case in chief, any witnesses that they call, the defense
21 has the opportunity to examine those witnesses as well. Each
22 side, that is, has the opportunity to question the witnesses.
23 After the State rests their case in chief, the defense will
24 then have an opportunity to present a case in chief.

25 Again, since they have no burden in the case, they

1 don't have to produce evidence or call any witnesses, but they
2 have an opportunity to do so. If they choose to call any
3 witnesses, then the State has that same opportunity to question
4 their witnesses that they have to question the State's
5 witnesses. If the defense presents a case in chief, any
6 witnesses, then the State can sometimes present a rebuttal case
7 and the defense can present a surrebuttal case.

8 Following the presentation of evidence that occurs
9 within the various cases in chief or the production of evidence
10 from whomever it comes from, once all that's done, that's when
11 we would move into closing arguments, which I'll discuss with
12 you in just a second.

13 In terms of evidence that gets produced, we generally
14 refer to evidence in one of two ways. And you've probably
15 heard these terms before either by reading about it, newspaper,
16 books, seeing it on TV, things like that. We call evidence
17 either direct evidence or circumstantial evidence.

18 Direct evidence is the testimony from a person about
19 what that person personally saw or heard or did, such as an
20 eyewitness to something. Circumstantial evidence on the other
21 hand is testimony of a chain of facts from which you can infer
22 the existence of some other fact even though it wasn't proved
23 by direct evidence.

24 So I'll give you an example. Let's say you're
25 driving home after court today and it starts raining. You're

1 on 95, you're heading out north and all the sudden it starts
2 raining. And you can see the rain falling on your car, falling
3 on the roadway. You got to put your windshield wipers on.
4 Maybe you have your window down, you can feel the rain on your
5 hand. If your radio's off maybe you can hear the rain hitting
6 your car as well. If somebody asked you to come to court later
7 on and testify about whether it was raining, you'd be an
8 eyewitness. You could provide direct evidence; I saw the rain,
9 I heard the rain, I felt the rain, I was in the middle of the
10 rainstorm, I experienced the rain personally.

11 On the other hand, let's say you drive home and while
12 you're driving home it's very cloudy outside and there are
13 clouds that you would associate with being rain clouds, but
14 it's not raining. So you park your car in your driveway, you
15 go in your house, and then you come out a couple hours later
16 and now the clouds have parted, the ground is wet, your car is
17 wet. Maybe water is running down the street by the gutter, the
18 sun's poking through, it's kind of humid outside.

19 And you're looking at all these little facts that
20 lead you to believe that it rained, even though you didn't see
21 the rain or hear the rain or feel the rain because you were
22 inside your house. But it was a chain of facts from which you
23 could infer that it rained even though you didn't personally
24 experience the rain. So that would be proof of the fact that
25 it rained by use of circumstantial evidence; i.e., all those

1 other circumstances which lead you to believe that it rained.

2 Under the law you can use both direct evidence and
3 circumstantial evidence in deciding any issue in the case.

4 It's up to you to decide if you think something has been proven
5 by circumstantial evidence, and it's obviously up to you to
6 decide how much weight to give any piece of evidence whether
7 it's direct or circumstantial. But you can use all the
8 evidence in the case in deciding any of the issues. Anything
9 you see or hear outside the courtroom is obviously not evidence
10 and must not be a part of any of your deliberations.

11 During the presentation of evidence, please also
12 understand that it's the obligation of the attorneys to raise
13 objections to things that they feel should not properly be
14 brought before the jury, so don't hold it against them for
15 raising objections. Objections are in my experience most
16 commonly raised to a question that's asked a witness before the
17 witness answers the question because somebody may feel that the
18 question is an improper topic, it is not phrased appropriately,
19 it's just an improper question in some fashion.

20 So if that objection occurs, then I'll either sustain
21 the objection, which means it's a good objection, you got to
22 ask a different question, move on to something else, whatever,
23 or if I overrule the objection, that means the witness gets to
24 go ahead and answer the question.

25 Sometimes objections are raised after a witness has

1 already been answering a question. For instance, we all know
2 folks that if you just ask them how they're doing, you know,
3 five minutes later you're still listening to something, right,
4 and you were expecting a short answer and you were going to
5 walk on. People just kind of tend to go on a little bit, maybe
6 get off topic with certain things. That happens to people that
7 testify in court as well.

8 We have certain procedure and rules in court that a
9 lot of people, you know, you're not experienced going to court
10 and it's more like having a conversation at lunch, and so they
11 may just kind of go off on a lot of things. That causes the
12 attorneys sometimes to raise objections because the answer has
13 really gone beyond what the question was about, and maybe now
14 it's kind of a narrative answer that's unrelated to the
15 question, and so an attorney may raise an objection.

16 And I may not only grant an objection, but I might
17 also strike something from the record. If I strike it from the
18 record, you can't consider it at all. So even though you've
19 already heard something from a witness, if I grant an objection
20 and order something to be stricken and disregarded, you have to
21 do just that. You can give it no weight or consideration in
22 your deliberations.

23 In regard to the witnesses themselves, in considering
24 the weight and value of the testimony of any witness, you can
25 take into consideration the appearance, attitude and behavior

1 of the witness, the interest of the witness in the outcome of
2 the case if any, the relationship of the witness to the
3 defendant or the State, the inclination of the witness to speak
4 truthfully or not, and the probability or improbability of the
5 witness's statements given all the other facts and
6 circumstances in evidence.

7 So you have the ability to give just such weight and
8 value as you believe appropriate to each individual witness, as
9 well as to parcel out their testimony and give the weight and
10 value that you think's appropriate to the individual persons of
11 their testimony.

12 After all the evidence has been presented to you, but
13 before we have the closing arguments, that's when I'll give you
14 the jury instructions. Those you'll get a packet of, so you
15 get to read along with me, but that's the law that I've decided
16 applies to this case and the charges that we have here. After
17 I read the instructions to you, then the attorneys get to make
18 their closing arguments.

19 Closing arguments, like opening statements, are the
20 words of the attorneys, so it's not evidence. But it is an
21 opportunity to now argue to you about what you should find in
22 the case. That means their ability to take the facts that
23 you've heard and argue about how you should consider those
24 facts, how you should take the law that you've been provided
25 with and how you should mesh that all together to come up with

1 an appropriate result.

2 Because the State has the burden of proof in the
3 case, they both begin and end the closing arguments. So the
4 prosecutor can make a closing argument, the defense can make a
5 closing argument, and then the prosecution gets to make a
6 rebuttal closing argument. After the arguments are completed,
7 that's when you all would retire to consider your verdict.

8 A couple other things. During the course of the
9 trial I'll take notes. You guys get notepads, and we're going
10 to get you some clipboards as well to make that a little
11 easier. But you guys get to take notes as well. Don't take
12 notes based on when I'm taking notes. I may be taking notes
13 about the witness, I may be taking notes about jury
14 instructions, I may be taking notes about my law and motion
15 calendar for tomorrow or whatever it is. You take notes when
16 you think it's appropriate based on what you're seeing and
17 observing.

18 Note taking is important because you do not get a
19 transcript at the end of the case to kind of read everything
20 that was said. On the other hand, it's also really important
21 to watch and listen to people as they testify. So don't let
22 really, really ambitious note taking interfere with your
23 ability to kind of watch and observe the witnesses as well.

24 If during the course of the trial any of you discover
25 that you think you do know somebody involved in the case or you

1 know something about the case and it did not come up in jury
2 selection, then you need to let me know that right away by
3 getting the attention of the marshal, Mike, and letting him
4 know. Okay. And please don't discuss with anybody else what
5 it is that you think you may know.

6 This usually happens in the following way. We get a
7 jury seated, a witness comes in to court and, you know, the
8 attorneys read you a list of all those people that might
9 testify, but they don't really give you pictures of anybody.
10 And then somebody comes in to court and occasionally a juror
11 says, you know what, I didn't recognize their name, but I
12 recognize that person, they used to work in my office, they go
13 to my grocery store, their kids go to school with my kids,
14 whatever it may be.

15 If any kind of situation like that arises, as I said,
16 just let the marshal know, and don't talk to any other jurors
17 about what it is that you think you know about the person or
18 the case, and then we'll chat about it if we need to.

19 We talked about the fact that during our recesses,
20 during lunch, overnight, et cetera, you can't talk about the
21 case at all, including with each other, and don't let anybody
22 try and talk to you about the case. If anybody tries to talk
23 to you about the case, make sure you let the marshals know so
24 that they can bring that to my attention.

25 And obviously as I said yesterday, that includes the

1 attorneys. I mean it's natural you're going to see them all
2 the time. They were talking to you yesterday and it's going to
3 be natural to maybe want to say hello or do whatever else. If
4 they're doing their jobs they're going to kind of ignore you
5 not because they're antisocial, but because obviously they
6 don't want to create any issues. Okay. So please don't try
7 and talk to them either.

8 You're also admonished that you cannot visit the
9 scene of any of the acts or occurrences that are made mention
10 of during the trial unless I specifically direct you to do so.
11 Please do not investigate the case or anyone who has anything
12 to do with the case on your own. You cannot undertake any kind
13 of legal or factual research, as we discussed yesterday. Don't
14 go looking anything up on the Internet or anywhere else.

15 Don't engage in any kind of social media
16 communication about the case. You cannot be influenced in any
17 degree by any personal feelings of sympathy for or prejudice
18 against either the State or the defendant. Both sides are
19 entitled to the same fair and impartial considerations from our
20 jurors.

21 Additionally, during the course of trials you might
22 often hear testimony from people that are kind of trying to
23 describe how certain things may have occurred. You cannot on
24 your own go out and try and re-create testimony or test
25 theories. When you're deliberating as a body together and

1 you're talking about and dissecting evidence, then you can have
2 those discussions on your own -- excuse me, collectively
3 together. But do not go out on your own trying to test any
4 theories or re-create anything in the case.

5 During the course of the trial you all will as jurors
6 be given an opportunity to ask written questions of any of the
7 witnesses who are called to testify. You're not encouraged to
8 ask a large number of questions, because that's obviously the
9 responsibility of the attorneys. So I can preclude people from
10 asking too many questions. In 13 years I've never had to do
11 that, so jurors are always more than appropriate in that
12 regard.

13 What will happen is let's say the State calls a
14 witness. They get to do direct examination. That's their
15 opportunity to ask questions of the witness, and then the
16 defense does cross-examination. That may go back and forth a
17 couple of times, redirect examination, recross-examination.
18 Once they're done with the questioning of the witness, I'll
19 look up to you all and ask if we have any questions.

20 If any of the jurors have a question, just raise your
21 hand to let me know. It has to be in writing, again, and all I
22 need you to do is write your juror number on there and your
23 question. So we start with Juror No. 1 down to Juror No. 13,
24 you write your number and your question. The marshal will
25 collect your questions, bring them up to me. I discuss them

1 with the attorneys. If I decide that they're legally
2 appropriate, then I'll ask the question to the witness and the
3 attorneys will get an opportunity to follow up.

4 Legally appropriate in the context of juror questions
5 just means your questions need to be factual in nature and
6 designed to clarify information already provided by the
7 witness. If you follow those guidelines, you'll generally be
8 okay. It cannot be a question for me or for some other witness
9 that you think maybe is going to testify, already testified,
10 whatever. It needs to be posed to the witness on the stand,
11 and you need clarification on something that witness has been
12 testifying about.

13 One of the things I always suggest to folks is as
14 those questions are arising in your mind when a witness is
15 testifying, just kind of write them down on your notepad.
16 Usually as the questioning goes on from the attorneys, your
17 questions get answered. Maybe you scratch that one out as you
18 go along. But as we get to the end there and you have
19 questions, as I said, just raise your hand and let me know, and
20 we'll take a look and ask them as appropriate.

21 I think that's about it. We discussed yesterday, I
22 think, and I apologize if we didn't, but we take a break about
23 every hour and a half to two hours so that you can use the
24 restroom, stretch, grab something to drink. As I said, feel
25 free to bring drinks back into the courtroom. It's always best

1 if you could have a lid on it, that would be great, thank you.
2 If you're not feeling well before we get to a natural break or
3 you need to use the restroom, just get my attention or the
4 marshal's attention as well.

5 I don't think any of you indicated any kind of
6 problem hearing anybody over the course of jury selection, but
7 if you are having a problem hearing witnesses, let us know by
8 just kind of raising your hand and getting our attention, and
9 we can make sure the microphone's close enough to the witness
10 or even let you use some headphones that are tied into the
11 speaker system as well if you need to.

12 There aren't any witnesses who are going to be
13 testifying in a foreign language, correct?

14 MS. WECKERLY: No, Your Honor.

15 THE COURT: Okay. All right. Other than that, you
16 just need to make sure you keep an open mind and you don't
17 decide any issues in the case until the case is finally
18 submitted to you for your deliberations.

19 With that, I will go ahead and turn it over to the
20 State for their opening statement. And Mike, can you swing the
21 board around a little bit so folks can see that better.

22 All right. Mr. Portz.

23 MR. PORTZ: Thank you, Your Honor.

24 STATE'S OPENING STATEMENT

25 MR. PORTZ: On December 13, 2015, Vernon Newson

1 murdered Anshanette McNeil in cold blood. At the time that he
2 murdered her, Anshanette was sitting in the back seat of a
3 four-door Kia SUV. Seated next to her were her two baby boys.
4 Brandon, who was two years old at the time, was in his car seat
5 to the far right side of the back seat behind the front
6 passenger. Her son Major, who was only about eight months or
7 so at this time, was seated in his car seat in the middle
8 directly next to Anshanette. Anshanette was seated behind the
9 driver's seat, and in the driver's seat was the defendant,
10 Vernon Newson.

11 At about 10:30 that evening, the defendant pulled
12 that vehicle over to the side of the road. When the car
13 stopped, he turned around with a loaded 9mm semiautomatic
14 handgun and fired round after round after round into
15 Anshanette. Now, the impact of those bullets at that close
16 range and in that confined space led to a lot of blood spilling
17 in a lot of different areas in that car. Major, the
18 eight-month-old who was seated next to his mother, ended up
19 covered in his own mother's blood.

20 Not yet finished, the defendant got out of the
21 vehicle, pulled the injured Anshanette out of her seat, threw
22 her to the side of the road, stood over her, raised the firearm
23 and shot off a few more rounds. He then got back into the SUV,
24 drove off with those two little boys and left Anshanette to die
25 alone in the dark beside that highway.

1 Now, almost immediately 911 calls go out by
2 bystanders. The police respond to the scene of the shooting,
3 and it's the southbound on ramp of I-15 at Lamb Boulevard in
4 North Las Vegas. When the police get there, the first thing
5 they begin to do is freeze the scene and begin to collect
6 evidence. Now, Anshanette is taken quickly to the hospital and
7 shortly thereafter she's pronounced dead.

8 While officers are processing the scene, they collect
9 a significant amount of evidence. We're not going to go
10 through everything, but it will be presented to you throughout
11 the course of this trial. But there's three particular things
12 I want you to keep in mind that you will see repeated
13 throughout the course of this investigation is the evidence
14 that they find in their search for Anshanette's killer, Vernon
15 Newson, and that's blood found at the scene, and bullets and
16 cartridge cases, cartridge cases being what's shot out of a
17 semiautomatic handgun after it's been fired.

18 And what you'll notice is that all of the bullets in
19 this case, all of the cartridge casings come from a 9mm caliber
20 bullet. And at this scene at the on ramp where Anshanette was
21 murdered, you'll notice on the headstamps a couple variations
22 of "WIN," W-I-N, and SMB. These are makers of different types
23 of ammunition, but they're all 9mm and they can all be fired
24 from the same gun.

25 While investigators are processing that scene,

1 detectives are notified about a missing persons report about
2 4 miles south of where they are, 3613 Saint Bar Court, and it
3 is determined that it is related to the homicide, the murder of
4 Anshanette McNeil. Detectives respond to the residence where
5 they meet with a young woman by the name of Zarharia Marshall
6 who lives there. You'll learn that Zarharia is a close friend
7 of Anshanette. In fact, she refers to herself as Anshanette's
8 godsister, and she very frequently babysits for Major Newson,
9 Anshanette's eight-month-old boy.

10 And you will learn, as Anshanette [sic] told the
11 police, that she was actually waiting -- excuse me, Zarharia
12 told police that she was actually waiting for Anshanette to
13 come by that evening and drop off Vernon -- or drop off Major,
14 the little boy. And as she was waiting, the defendant pulled
15 up in that dark blue SUV Kia and parked in the driveway. When
16 he got out of the car, he dropped about four or five bullets
17 onto the ground.

18 He then hurriedly pulled both boys out of the car and
19 their belongings, and he also gave Anshanette's purse to
20 Zarharia when dropping them all off. Before he left, the
21 defendant, Zarharia sees the defendant bend over, pick up one
22 of those bullets, clean it off and put it in the magazine
23 cartridge, but he leaves a couple bullets behind at the scene.
24 He then takes off and Anshanette [sic] goes back inside the
25 house with the children.

1 This is Major, the eight-month-old boy that was
2 seated next to his mother at the time she was shot and killed.
3 Zarharia is inside the room with the baby and she's going to
4 change Major's diaper. When she begins, she notices something
5 that causes her even more concern beyond the defendant's
6 behavior when he arrived and hurriedly left. She notices
7 blood, blood on the pant leg of Major. She then notices blood
8 on his blanket and blood on his car seat. Concerned, she calls
9 the police, and they respond.

10 Remembering that Vernon had dropped some bullets
11 outside, she picks those up and gives them to the police as
12 well. And what you'll notice is that these bullets which he
13 dropped are 9mm in caliber and bear the SMB headstamp that we
14 saw at the scene of Anshanette's murder.

15 Detectives also attempt to locate and ultimately do
16 locate that Kia SUV that the defendant was driving in at the
17 time that he shot Anshanette, and it was located about 4 or 5
18 miles south of the Saint Bar Court residence and it had been
19 abandoned, and they still did not know where Vernon Newson was.
20 Inside the vehicle they noted blood on the car seats, blood on
21 the doors of the vehicle.

22 And again, as they found at the crime scene itself,
23 as they found at the Saint Bar Court residence, they find not
24 only blood, but they find bullets, and again with the same SMB
25 headstamp, 9mm caliber bullet of which they had recovered a

1 cartridge casing at the scene of the murder. They also find
2 inside the vehicle, underneath the driver's seat and next to
3 the seat where Anshanette was located when she was first shot
4 inside that car, a series of expended cartridge casings, once
5 again all 9mm, once again bearing headstamps like the WIN,
6 W-I-N, that were found at the scene of Anshanette's murder on
7 the highway.

8 They also take pictures and do trajectory rods
9 showing bullet holes that went through the seat. This is
10 looking from the driver's seat to the back seat where
11 Anshanette had been seated. And what you see in these pictures
12 are rods that went through the bullet holes in the car and show
13 the trajectory at which those bullets traveled when they are
14 fired from the gun in the front driver's seat.

15 An autopsy is conducted on Anshanette's body after
16 she died. The injuries to Anshanette are as follows. There
17 are eight total gunshot wounds. She had two separate gunshot
18 wounds to her head and face area, one to her chest, two to her
19 back, and there were two to her arm and one to her hand. The
20 medical examiner who conducted the autopsy determined the cause
21 of death to be multiple gunshot wounds, and the manner of death
22 was deemed a homicide.

23 Detectives also initiated a series of forensic
24 examinations on evidence that was recovered from these various
25 scenes that we've discussed about already. Amongst them were

1 all of those cartridge casings, the expended cartridge casings
2 from which the gun had fired and it sent out the cartridge
3 casing. The ones located at the murder scene and the cartridge
4 cases located inside that SUV were all fired from the same gun.
5 They were microscopically analyzed and determined to have been
6 fired from the same gun.

7 Additionally, DNA testing was conducted. It may not
8 be surprising, but all of the blood that was found at the
9 murder scene, on Major's clothing, on the baby blankets, on the
10 car seat and on the seats inside and the doors inside that
11 abandoned SUV was all confirmed through DNA testing to belong
12 to Anshanette McNeil. Additionally as processing the SUV, the
13 steering wheel, the gear shift, the rear view mirror of that
14 vehicle, as well as a straw in a cup holder in the front seat
15 were also analyzed for DNA, all coming back to the defendant.

16 Now, based on the evidence at hand, detectives issued
17 an arrest warrant for Vernon Newson. That arrest warrant was
18 issued on December 22, 2015, nine days after the murder itself.
19 That same evening the defendant is apprehended in Claremont,
20 California by Claremont Police Department officers. They take
21 him into custody. He's found outside of a residence at which
22 he does not live attempting to charge a cellular phone. When
23 police stop him to talk to him, they discover that he has a
24 murder warrant out for his arrest.

25 They take him into custody and go back to search the

1 area where he had been found, and they locate on the ground
2 another bullet, on that bullet the same 9mm SMB headstamp. In
3 his possession was about 15 or so more of those same type of
4 bullets that were found at the murder scene itself, at the
5 Saint Bar Court residence, at Zarharia's house that the
6 defendant dropped, and at the inside the abandoned Kia.

7 Also on the defendant's possession, actually what he
8 was wearing at the time he was arrested, is a wristwatch. And
9 what the detectives noticed about this wristwatch that maybe
10 Vernon must have missed is that what you don't realize is when
11 you do something like this to another human being, when you
12 shoot a woman eight separate times inside a vehicle in that
13 close proximity, blood is going to get in a lot of places.

14 It's going to get on the seats of the car. It's
15 going to get on Major, the eight-month-old sitting right next
16 to her. It's going to get on the doors of the car. It's also
17 going to end up on the underside of the wrist -- of the band on
18 the wristwatch that Vernon was wearing at the time of his
19 arrest. And you can bet the DNA analysis of the blood found on
20 the wristwatch that Vernon Newson was wearing nine days later
21 in California matches Anshanette.

22 This is a preview of the evidence in this case,
23 ladies and gentlemen. It is overwhelming. It leads to one
24 conclusion and one conclusion only. At the close of this case,
25 we're going to ask that you find the defendant, Vernon Newson,

1 guilty of first degree murder with use of a deadly weapon for
2 shooting Anshanette in cold blood, and we're going to ask you
3 to find him guilty of two counts of child abuse, for doing all
4 of this in such close proximity to those two baby boys, Brandon
5 and Major. Thank you.

6 THE COURT: Thank you, Mr. Portz.

7 Mr. Shaygan or Mr. Bashor.

8 MR. SHAYGAN: Your Honor, do I have permission to
9 move the podium?

10 THE COURT: Sure. Yeah. You can move the monitor if
11 you need to as well.

12 MR. SHAYGAN: May I proceed, Your Honor?

13 THE COURT: Yes, please.

14 DEFENSE'S OPENING STATEMENT

15 MR. SHAYGAN: Good afternoon, folks.

16 (Jurors respond in kind.)

17 MR. SHAYGAN: Vernon shot and killed Ms. McNeil. So
18 why are we here? Folks, we're here because we disagree with
19 the prosecution that this was a planned first degree killing.
20 There was no planning in this case. Folks, Vernon is
21 responsible for the killing of Ms. McNeil. But like we
22 discussed yesterday, responsibility when it comes to a
23 homicide, there's a spectrum.

24 There's a spectrum of different charges that relate
25 to a homicide. And Mr. Bashor and I are confident that when

1 you review all the evidence in this case, it will not be the
2 most serious first degree killing, because it was not planned.
3 Vernon got hot and angry in that car and he overreacted in the
4 stupidest way to this woman, that's what happened in this case.
5 And it all transpired on a freeway on ramp, and certainly not
6 somewhere where you would plan to kill somebody.

7 Folks, you're going to learn that this incident
8 happened so fast and under bizarre circumstances where Vernon
9 did not calm down and he reacted really poorly. Folks, this
10 case is tragic. He killed the mother of his child, left her
11 for dead on a freeway on ramp. He did it in front of her kids.
12 Forgive me, Your Honor. You're going to be pissed at Vernon.

13 But your lack of sympathy for Vernon cannot cloud
14 your judgment when it comes to applying the facts to the law in
15 this case. That's why you were picked as jurors for this,
16 because you could fairly apply the facts to the law, and your
17 emotion cannot be involved when you are ultimately back there
18 deciding what to do with this case.

19 Mr. Portz just said, you know, this was done in cold
20 blood. Vernon is not a cold-blooded killer. You can hold
21 Mr. Bashor and I accountable for that. He's not a cold-blooded
22 killer. The evidence in this case will show that there was no
23 planning involved here. It just happened, something that
24 happened.

25 Folks, Judge Herndon at the conclusion of this case

1 is going to give you the law that you're going to use to apply
2 to facts to decide what Vernon is guilty of or what he's not
3 guilty of. That's why it's so critically important for you to
4 pay attention to the facts in this case.

5 So what are the facts? Folks, there's going to be
6 evidence that comes out regarding Ms. McNeil that's not
7 flattering. Mr. Bashor and I take no pleasure in speaking ill
8 of this woman. But if it's somehow relevant to what these two
9 prosecutors are trying to prove to you, which is a first degree
10 killing in cold blood beyond a reasonable doubt, then it's
11 Mr. Bashor's and I obligation to bring that unflattering
12 information to you no matter how uncomfortable it may be.

13 You're going to learn that Ms. McNeil had alarmingly
14 high levels of methamphetamine in her system. You're going to
15 learn that methamphetamine causes people to hallucinate, to act
16 aggressively, to act irrationally. And folks, it's our
17 obligation that we bring this to your attention, because it's
18 relevant in deciding a first degree killing.

19 You know, the State in their opening is presenting
20 like this is some planned killing. But really what this case
21 is, is a man reacted in the absolute worst possible way when he
22 got into it with his girlfriend who happened to be the mother
23 of his child, who happened to be high on methamphetamine at the
24 time of the incident, and it all took place on a freeway on
25 ramp. That's what this tragic case is about.

1 You're going to learn that people close to Ms. McNeil
2 did not know she was a heavy meth user. The babysitter in the
3 case didn't know. Her mother didn't know. That evidence will
4 be undisputed. You know, his passions were inflamed, and by
5 passion I obviously don't mean it in a lovey-dovey context. I
6 mean it in a his emotions were inflamed during this case.

7 And we know that his passions were inflamed because
8 quite some time after the killing, when he interacted with
9 Zarharia, the babysitter in this case, you're going to hear
10 from her he wasn't relaxed, he wasn't cool, calm, collected.
11 He was acting erratically, he was in a hurry, he was -- he was
12 not in the state of mind that she would refer to as someone
13 who's normal. So then you know he was acting with passion at
14 the time of this incident, because he still hadn't calmed down.

15 Please remember during the course of this trial
16 Mr. Bashor and I might not have a lot of questions, you know.
17 This is not TV. We pretty much agree with the State on almost
18 everything in this case. This isn't a case where we're calling
19 out the police, where it's an ID case, it's somebody else,
20 we're questioning the crime scene analyst like crazy. He did
21 it, but it's not what they say it is.

22 This just happened, and we're very confident we can
23 hold our head up and tell you that, and we believe the evidence
24 will show that. And ultimately it's not, you know, it's not a
25 first degree killing just because a prosecutor stands up here,

1 handsome prosecutor telling you that this is a first degree
2 killing. You decide what this is.

3 When you get those jury instructions, folks, and you
4 start reading the different kinds of homicide and you see the
5 lack of planning, where someone just gets hot and kills
6 somebody, please read those closely. And Mr. Bashor will
7 highlight those for you later in this trial.

8 But one thing to keep in mind is if someone's going
9 to plan a killing, are they going to do it on a freeway on ramp
10 in front of this poor woman's kids in the car and just leave
11 her there, is that planned? And the evidence will show that it
12 was not planned, folks. And at the conclusion of this trial,
13 Mr. Bashor and I just ask you to follow the law. And I
14 appreciate your time as always.

15 Your Honor, thank you so much for your time.

16 THE COURT: Thank you. All right. State may call
17 their first witness.

18 MS. WECKERLY: Janei Hall.

19 JANEI HALL, STATE'S WITNESS, SWORN

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

22 THE WITNESS: It's Janei Hall, J-a-n-e-i, H-a-l-l.

23 THE COURT: Ms. Hall, thank you.

24 Ms. Weckerly.

25 MS. WECKERLY: Thank you.

1 Q Okay. So it's dark out?

2 A Yes.

3 Q And were you -- were you driving or was your husband?

4 A My husband was driving.

5 Q Okay. So tell us what happened as you're coming up
6 to the light, as you say.

7 A Okay. So we were parked at the light. We were
8 waiting for the light to change and we were talking, and we
9 heard some loud booms, and we both looked at each other and
10 thought that it was gunfire, and we could tell that it was
11 coming from the right of us, which was near the ramp -- well,
12 it was the ramp getting onto the highway.

13 Q So let me ask you a couple questions about that. You
14 said you heard loud booms?

15 A Mm-hmm.

16 Q Did you immediately recognize it as gunshots?

17 A Yes.

18 Q And would you describe the shots in -- were they in
19 rapid succession, or was there a break in between the shots, or
20 what's your recollection on that?

21 A It was no break. They were rapid, and it was about
22 six to seven shots that I could re-collect -- recollect.

23 Q Okay. Now, you said it was to the right of your
24 vehicle?

25 A Correct.

1 Q So obviously you look in that direction?

2 A Mm-hmm.

3 Q Is that yes? I'm sorry.

4 A Yes, ma'am. I'm sorry.

5 Q That's okay. So what do you see when you look in

6 that direction?

7 A When I looked in that direction it was very dark, but

8 I do remember seeing like a crossover or an SUV. I couldn't

9 make out a color on the car. And at that point I heard a

10 couple of doors close that I thought, and the car sped off.

11 Q Okay. And when you say sped off, this SUV, that

12 means to me or my understanding of that is it's at a high rate

13 of speed; is that what you mean by that?

14 A Right. They fled the scene.

15 Q Okay. So are you still sitting at the light with

16 your husband at that point?

17 A Yes, ma'am.

18 Q And what happens after you see this car speed off?

19 A So after I see the car speed off, I asked my husband,

20 Bruce, "Do you think we should go over there and make sure

21 everything's okay?" And at the point that I said that, there

22 was a white car that was approaching the ramp getting onto the

23 highway, their headlights shined, and I could see someone

24 laying in the street.

25 Q So you saw a figure or someone on the -- someone on

1 the pavement part?

2 A Yes, ma'am.

3 Q And from the time -- at this point in time could you
4 make out any features of the individual, male, female, anything
5 about clothing?

6 A Not at this time. We went up -- I told Bruce that we
7 needed to go and see if this person needed help, so we made a
8 U-turn and we came back. The white car that had initially
9 turned, they were back further than we did, so we drove up to
10 where the victim was, and that's when I saw this young lady.

11 Q So let me ask you some questions about that. You
12 make your U-turn, then you -- and you come back to where the
13 woman was on the road?

14 A Correct.

15 Q Do you get out of your car?

16 A I did.

17 Q Okay. And do you get in pretty close proximity to
18 this young woman?

19 A Yes. As we drove up, we saw her gasp for air, what I
20 could maybe identify as her taking her last breath.

21 Q So she was sort of breathing --

22 A Heavily.

23 Q -- labored?

24 A Yeah.

25 Q And you could hear that?

1 A No. We saw that --

2 Q Oh, okay.

3 A -- with the headlights.

4 Q Oh, okay.

5 A So immediately we got out of the car and we went

6 over. The guy that was in the white car was walking towards us

7 and he was calling the police. He had been on the phone with

8 the police. I guess he had kids in the car, so he didn't want

9 to park too close to the victim.

10 Q So when you got closer to this woman, what did you

11 observe about her?

12 A She was a young female. She had her shoes were off.

13 She didn't have on any shoes. I remember her having a

14 ponytail. I looked over everything because I was in shock.

15 She -- her -- she had on a coat, and her hand was kind of stuck

16 like maybe she had a phone in her hand, and the phone was

17 actually a couple of feet away from her body.

18 Q So you actually saw a cellphone out there at the

19 scene as well?

20 A I saw a cellphone at the scene.

21 Q Did you -- I'll come back to her and how you saw her

22 in just a minute, but the phone itself, did you -- were you

23 able to make any kind of observations about that phone?

24 A Yes. So it looked like there was a graze, maybe like

25 a bullet grazed the phone as if maybe she was trying to call

1 someone, and the bullet hit the phone.

2 Q Okay. So the phone looks damaged?

3 A The phone looked damaged.

4 Q Now, when you come upon her, are you able to see

5 where her injuries are or what they look like?

6 A I didn't see anything on her body except for I saw a

7 bullet, I believe, in the left side of her neck.

8 Q And when you're -- when you're close to her, are --

9 is your husband out with you?

10 A Yes.

11 Q Are you talking to her, are you talking to him?

12 A I was praying over her body and my husband was

13 talking to the guy who was on the phone with the police.

14 Q Okay. And at -- I guess I should ask you do you

15 touch the body at all?

16 A I didn't touch the body.

17 Q Did you see anybody try to sort of render aid to her?

18 A Yes. As we were talking to the guy who was speaking

19 to the police, there was another maybe off-duty cop that pulled

20 over in front of us, and he came down and he tried to see if he

21 could get a pulse and to resuscitate her.

22 Q And are you still out of your car at this point?

23 A Yes.

24 Q Are you sort of standing to the side as this is

25 occurring?

1 A Yes.

2 Q As you're watching that happen, is there any point
3 when you get back in your car?

4 A Well, my husband told me to get back in the car
5 because I was in a state of shock.

6 Q So you go back in the car?

7 A Mm-hmm.

8 Q Is that yes?

9 A Yes. Sorry.

10 Q Does your husband return to the car with you?

11 A I don't believe so.

12 Q Is there a point in time while you're in the car
13 where you see an ambulance arrive?

14 A Yes. When the ambulance arrived, they actually put
15 her on their stretcher and they were trying to resuscitate her
16 then.

17 Q Did you see whether or not she got transported from
18 the scene in that ambulance?

19 A Yes, she did.

20 Q And that happened?

21 A Mm-hmm.

22 Q At some point while you're at the scene, eventually
23 do the police come?

24 A Yes.

25 Q And do they at some point interview you about your

1 observations?

2 A Yes. So we all had to wait on the scene. Everyone
3 that saw anything, we all had to wait there and give a
4 statement. So we were there until about 3:00 a.m.

5 Q And you gave a statement?

6 A Yes, ma'am.

7 MS. WECKERLY: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 BY MS. WECKERLY:

11 Q Ma'am, I'm showing you what's been marked as State's
12 Proposed Exhibit 2, and this other one is 8. This one is 2.
13 Can you orient yourself by looking at State's Exhibit 2?

14 A Yes.

15 Q And is that sort of an aerial view of Lamb Boulevard
16 and the freeway?

17 A Yes, ma'am.

18 MS. WECKERLY: State moves to admit 2.

19 THE COURT: Any objection to 2?

20 MR. BASHOR: No, Your Honor.

21 THE COURT: That will be admitted. Thank you. You
22 can publish.

23 State's Exhibit No. 2 admitted.)

24 MS. WECKERLY: And this -- thank you.

25

1 BY MS. WECKERLY:

2 Q And this is State's Proposed Exhibit 8. Do you
3 recognize the area that's depicted in this photograph?

4 A Yes.

5 Q And what -- is this where the woman was that you
6 observed?

7 A Yes, in this area.

8 Q Okay. So this is a fair depiction?

9 A Yes.

10 MS. WECKERLY: Okay. State moves to admit 8.

11 THE COURT: Any objection?

12 MR. BASHOR: No, Your Honor.

13 THE COURT: All right. That can be published as
14 well. It's admitted.

15 (State's Exhibit No. 8 admitted.)

16 MS. WECKERLY: Thank you. I'm going to just put on
17 the overhead State's 8, and that -- that screen --

18 THE COURT: Ms. Hall, is that monitor on?

19 THE WITNESS: Yes.

20 THE COURT: All right. It may be that folks ask you
21 questions about things on the picture, so you can just kind of
22 draw on the screen with your finger.

23 THE WITNESS: Okay.

24 THE COURT: And I'll erase it for you.

25 THE WITNESS: Okay.

1 BY MS. WECKERLY:

2 Q So you, Ms. Hall, described initially when you heard
3 the shots you were at a light?

4 A Correct.

5 Q When we're looking at State's Exhibit 8, can you see
6 the light you were at, or can you tell us what direction that
7 was?

8 A So that would be approaching the highway. We would
9 be back this way, so the light would be going in the opposite
10 direction.

11 Q Okay. And when you --

12 THE COURT: Can I -- I'm sorry. So you're below
13 where the photo is, or up higher?

14 THE WITNESS: Below.

15 THE COURT: Below. Got it. Thank you.

16 BY MS. WECKERLY:

17 Q So and when you and your husband drive up on the
18 scene at first, you know, when you first drive up there,
19 where -- does this photograph show where your car stopped or
20 where you were?

21 A No. Our car would be behind there.

22 Q Still below?

23 A Correct.

24 Q Like in this area?

25 A To the right, yes, ma'am, and below the picture.

1 Q Okay. And where -- when you look at this, are you
2 able to remember where the young woman was?

3 A I would say off to the right.

4 Q Can you touch the screen with your finger?

5 A I'm sorry.

6 Q That's okay.

7 A In this area [indicating].

8 Q Okay. And you -- was she in the middle of the road,
9 or more to the side, or do you remember?

10 A She was more to the side.

11 Q More to the side, so on the shoulder a little bit?

12 A Yes.

13 Q And when you walk up to her, were other cars going
14 around you or --

15 A There was some other cars that did go around us.

16 Q Okay. And at some point then I assume the police
17 block off the scene?

18 A Correct.

19 Q Did you -- or do you recall whether or not you saw
20 any firearms casings outside there at the scene?

21 A I believe there was some there.

22 Q Okay. So you saw the cellphone that you talked
23 about, and you think you remember seeing some casings?

24 A Yes.

25 Q Did you touch any of those?

1 A No.

2 Q Okay. You didn't touch anything there?

3 A No.

4 Q Thank you very much.

5 MS. WECKERLY: I'll pass the witness.

6 THE COURT: All right. Gentlemen.

7 MR. BASHOR: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. BASHOR:

10 Q Good afternoon again, Ms. Hall. I introduced myself
11 about an hour ago, right?

12 A Mm-hmm. Yes, sir.

13 Q How are you doing?

14 A I'm good.

15 Q You said you were in shock?

16 A Correct.

17 Q You don't see something like this every day?

18 A No.

19 Q If you don't understand the question or if you need a
20 break, I'm going to be very quick.

21 A Okay.

22 Q A little bit about that night. It was 10:30, so you
23 were out to get a late dinner?

24 A Correct.

25 Q It was December?

1 A Correct.

2 Q Cold?

3 A Correct.

4 Q Windy?

5 A Yes.

6 Q A little bit of precipitation in the air?

7 A I don't remember it being rainy, but it was really

8 cold.

9 Q You're at the red light, correct?

10 A Mm-hmm.

11 Q You're in the front passenger seat of your vehicle?

12 A Yes.

13 Q You hear extremely rapid what you assume to be

14 gunshots?

15 A Correct.

16 Q In straight succession without pause?

17 A Correct.

18 Q In fact it happens so quickly, you don't yet look up

19 until after the shots are over?

20 A No. Actually we did look up. We looked over.

21 Q Did you see flashes?

22 A I didn't see flashes.

23 Q Right thereafter you hear what you said were doors

24 closing, correct?

25 A Yes.

1 Q By that you felt you had heard more than one door
2 close?

3 A I thought I heard more than one door close.

4 Q And by speeding off, tires are pedal to the metal,
5 the car's out of there as fast as possible?

6 A Right.

7 Q Fair to say from when you first hear the shots to
8 when the car speeds off, this is a very brief period of time?

9 A Correct.

10 Q Do you see any individual or individuals get into the
11 vehicle?

12 A I did not.

13 Q So you're not able to say from which door that
14 individual or individuals entered the vehicle?

15 A No.

16 Q And again, that's because it's dark and things
17 happened so fast, right?

18 A Correct.

19 MR. BASHOR: The Court's indulgence.

20 THE COURT: Okay.

21 MR. BASHOR: Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Ms. Weckerly.

24 MS. WECKERLY: No redirect, Your Honor.

25 THE COURT: Anything from our jurors? Ms. Hall,

1 thank you very much for your time.

2 THE WITNESS: Thank you.

3 THE COURT: I appreciate you coming in.

4 The State may call their next witness.

5 MR. PORTZ: And the State calls Trooper Nicholas
6 Jerram.

7 NICHOLAS JERRAM, STATE'S WITNESS, SWORN

8 THE CLERK: If you would state and spell your name
9 for the record, please.

10 THE WITNESS: Nicholas Bradley Jerram.

11 THE COURT: How do you spell your name, sir, first
12 and last?

13 THE WITNESS: N-i-c-h-o-l-a-s, J-e-r-r-a-m.

14 THE COURT: Thank you.

15 MR. PORTZ: May I proceed, Your Honor?

16 THE COURT: You may.

17 MR. PORTZ: Thank you.

18 DIRECT EXAMINATION

19 BY MR. PORTZ:

20 Q Is it Trooper Jerran?

21 A Trooper Jerram.

22 Q Jerram. Thank you, sir. Where are you employed?

23 A The Nevada Highway Patrol.

24 Q And how long have you been working with Nevada
25 Highway Patrol?

1 A Just one month shy of five years, so four years, 11
2 months.

3 Q And what is your current position with NHP?

4 A Just a state trooper on, I guess, routine patrol I
5 guess they would have it.

6 Q And were you working on December 13, 2015 as a state
7 trooper for NHP that evening?

8 A Yes, sir.

9 Q At about 10:30 or so that evening, did you receive a
10 call or were you dispatched to a call at a particular location?

11 A Yes, sir.

12 Q Where were you dispatched to?

13 A We get a call that came in as a possible pedestrian
14 that had been struck by a motor vehicle, and it was on I-15 and
15 Lamb on the southbound on ramp.

16 Q And did you respond to that area?

17 A I responded lights and sirens to that area.

18 Q Did anything about that call update as you were on
19 your way, in route to that area?

20 A Yes. While in route the call was updated. I had
21 received information that it was now a potential shooting and
22 that there was a female that had a gunshot wound to her chest,
23 and that there was an off-duty Metro officer administering CPR.

24 Q And can you -- well, did you ultimately arrive at
25 that area?

1 A Yes, sir.

2 MR. PORTZ: I'm going to publish what's been admitted
3 as State's 2, if I may, Your Honor.

4 THE COURT: You may.

5 MR. PORTZ: Thank you.

6 BY MR. PORTZ:

7 Q Do you recognize what's depicted in State's 2?

8 A Yes.

9 Q And what are we looking at here?

10 A This is a highway right here. This is I-15 --

11 THE COURT: You can draw on the screen with your
12 finger, Officer.

13 THE WITNESS: Oh, you can? Okay. Well, this is
14 I-15. This is Lamb right here, as it's noted. This is the
15 southbound on ramp [indicating]. So I was traveling northbound
16 and I exited and basically just turned right back around and I
17 entered the scene here under the southbound on ramp
18 [indicating].

19 BY MR. PORTZ:

20 Q So there's a little, I guess red marker there. Is
21 that the area ultimately that you came to a stop thereabouts?

22 A Yes.

23 Q In this location, Lamb and the 15, is this North Las
24 Vegas here in Clark County, Nevada, that area of location?

25 A North Las Vegas.

1 Q And that's here in Clark County, Nevada, correct,
2 Trooper?

3 A Yes.

4 Q Thank you. Can you describe to the members of the
5 jury what you saw when you first arrived on scene?

6 A When first arrived on scene, I observed an ambulance
7 and the back doors, I believe, were opened and they were, the
8 fire staff, the paramedics were administering CPR on a black
9 female adult from what I could see, and there was -- it was
10 dark. There was no vehicles around. All I could see was the
11 ambulance and the medic crew administering CPR.

12 Q I'm going to publish now what's been admitted as
13 State's 8, and if you can tell the members of the jury what
14 we're looking at here if you recognize that.

15 A I do. This is a view of southbound on ramp from this
16 is Lamb would be behind us, so this is traveling south to enter
17 IR-15. This is the two travel lanes, and I recognize this as
18 where I entered the freeway.

19 Q Okay. From this vantage point as depicted in this
20 exhibit, can you see the area where you saw that black female
21 that was being worked on by paramedics?

22 A Yes. The paramedic was parked in probably around
23 this area, and I believe I pulled up around this area and got
24 out of my car. And as I walked up here [indicating], I could
25 observe the female being administered CPR.

1 Q And I'm just going to make a brief record. You
2 marked that the ambulance was in the middle of the on ramp a
3 little bit to the left of the cones and you had parked yourself
4 just below the cones; is that correct?

5 A That's correct. If I remember correctly, the
6 ambulance was kind of canted to the left.

7 Q Okay. And can you describe any notes that you made
8 or what you saw while you were on scene?

9 A Actually, as I exited my vehicle I would walk around
10 the back, just a habit when we make traffic stops. As I was
11 walking up this way towards the rescue unit, I observed what
12 looked like shell casings, which they would be confirmed as
13 shell casings from a gun, and a cellphone, there was a
14 cellphone, and some dents in the concrete or the asphalt
15 immediately --

16 Q Why do the dents in -- I'm sorry. Why do the dents
17 in the asphalt stand out to you as you were walking up to that
18 female?

19 A The -- because they were fresh. They were fresh
20 powdery type as if you were to just strike the pavement right
21 then and there. This is a well-traveled freeway. These were
22 new. These were new dents, like the concrete was powdery right
23 next to them, I remember seeing that. And it would be
24 consistent with in my training and experience with maybe that
25 those shell casings were fired into the concrete there.

1 Q Okay. You also referenced that you saw a cellphone
2 lying on the ground; is that correct?

3 A I did. There was a cellphone right next to the shell
4 casings.

5 Q Did you notice anything in particular about that
6 cellular phone when you came upon it?

7 A I did. There was a gunshot hole in the cellphone
8 itself.

9 Q So at this point after you make these observations,
10 Trooper, what do you do next while you're on scene?

11 A Well, I instantly upgrade this to a scene that needs
12 to be secured. So what we did at this point, I let other
13 officers that were inbound know that I needed the entire ramp
14 shut down. I didn't want any traffic. Sometimes people try to
15 drive up and down the ramp. They want to -- you know, they
16 don't know what's going on, they're looky-loos. They just want
17 to see what's going on or they just got to get on the freeway.

18 So at this point the ramp was shut down. There was
19 no traffic that was going to come onto the ramp. I don't
20 remember if I moved my vehicle back, but I don't think I did.
21 I think I left my vehicle right there where it was parked, and
22 myself and the next responding trooper, I had a trooper start
23 at the beginning of the on ramp and if there was anybody that
24 was on the on ramp behind my vehicle, we had them turn around
25 and exit the freeway.

1 Q And what's the purpose in a situation like this for
2 keeping non-essential or non-law-enforcement individuals off of
3 the scene itself?

4 A Evidence preservation. We're trained that any little
5 bit of evidence, any trace can be lost, especially on a cold
6 windy night. You want to preserve the scene as long as
7 possible. With seeing a black female adult being administered
8 CPR very heavily and violently, it was they were trying to save
9 her life, and with shell casings and a bullet hole in a
10 cellphone, this is definitely upgraded to a high-profile crime
11 scene at that point.

12 Q When it's something like a high-profile crime scene
13 in this area, is this going to be the jurisdiction of the
14 Nevada Highway Patrol's investigator, or does some other law
15 enforcement entity investigate something like that?

16 A We don't investigate high-profile crimes unless it's
17 an auto accident, so we would next let our dispatch determine
18 if it was Metro's jurisdiction or North Las Vegas if they have
19 their own CSI. I believe if it's actually in Metro's
20 jurisdiction on the freeway, they would investigate it. We
21 determined that this was North Las Vegas crime scene
22 investigation, so we secured the scene until they arrived.

23 Q Did North Las Vegas police eventually arrive at the
24 scene?

25 A Yes, sir.

1 Q And once they arrived what did you do?

2 A I made contact with the officers. I briefed them on
3 what was -- what had conspired, what I saw, and we went over
4 and we looked at the evidence. I believe that officer, it was
5 very windy that day and some of the shell casings were blown
6 around, so he used some cones to keep that evidence from
7 rolling around and blowing away, and then we secured the scene.
8 I also let him know about the potential witnesses of the crime
9 and that I had just briefly spoke with them and did not let
10 them leave the scene, and then he had continued to speak to
11 them.

12 Q While this is going on, what's happening or happened
13 with the black female adult that was being worked on by EMTs?

14 A She was -- the EMTs and her were only on scene very
15 briefly. I mean, almost as I was walking up to the scene, if I
16 can remember correctly, they took off. And in my experience,
17 when you have somebody who has life-threatening injuries, they
18 don't hang out very long. They're we got to get it to UMC
19 trauma quickly.

20 Q So she was gone pretty quick from the scene?

21 A They took off. And then I believe my dispatch had
22 updated me that fire had updated our dispatch that this scene
23 definitely needed to be locked down because she wasn't looking
24 too good on the way to UMC.

25 Q After you performed all these different services, do

1 you ultimately provide a statement as to what you saw and what
2 you did to North Las Vegas police investigators?

3 A Yes, sir.

4 MR. PORTZ: The Court's indulgence.

5 I'll pass the witness, Your Honor. Thank you.

6 THE COURT: Thank you. Gentlemen.

7 MR. BASHOR: No, thank you. Thank you, Trooper.

8 THE COURT: Any questions from our jurors? Officer,
9 thank you very much for your time. I appreciate it. You are
10 excused.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: The State may call their next witness.

13 MS. WECKERLY: August Corrales.

14 AUGUST CORRALES, STATE'S WITNESS, SWORN

15 THE CLERK: If you could state and spell your name
16 for the record.

17 THE WITNESS: My name is August Corrales. August
18 like the month, A-u-g-u-s-t, Corrales, C-o-r-r-a-l-e-s.

19 THE COURT: Thank you, sir.

20 Ms. Weckerly.

21 MS. WECKERLY: Thank you.

22 DIRECT EXAMINATION

23 BY MS. WECKERLY:

24 Q How are you employed, sir?

25 A I'm currently employed by University Medical Center,

1 I'm their EMS liaison, and I'm also working at MedicWest
2 Ambulance as a paramedic.

3 Q Were you working as a paramedic back on December 13,
4 2015?

5 A Yes.

6 Q And to work as a paramedic, can you describe your
7 training that you have in order to do that job?

8 A Sure. Graduated from an accredited paramedic school
9 program, College of Southern Nevada. I have been a paramedic
10 since 1992, in emergency medicine since about 1984. During
11 that time in my career I was also the program director for the
12 College of Southern Nevada emergency medicine medical services
13 program, where I heard -- where I held instructor
14 certifications for pre-hospital trauma life support and
15 advanced cardiac life support as well.

16 Q So I think you said you've been working as a
17 paramedic since 1992?

18 A About 1992. So overall there was a seven-year gap in
19 my history. So for about 26 years in emergency medicine.

20 Q And over that 26-year period, what types of
21 situations have you responded to as a paramedic?

22 A In this system, we're a high volume system, I've run
23 across everything between any trauma and medical cases.
24 Generally you'll run -- if you work in full-time for a year in
25 this system, you'll have the ability to treat at least a

1 thousand patients over a 26-year career.

2 Q And do -- would you respond as a paramedic to
3 accident scenes or crime scenes or anything in between?

4 A Everything.

5 Q Okay. And all sorts; like some would be just vehicle
6 accidents, some, you know, gunshot wounds, other types of
7 injuries?

8 A Correct. This case initially was dispatched as an
9 auto versus pedestrian, and when we arrived on scene we found
10 that that wasn't the case.

11 Q Okay. So as a paramedic it's fairly -- it's probably
12 obvious, we all think we see that on TV or we know about what
13 your role is, but can you tell the members of a jury when you
14 get to a scene, what do you define your role as at a scene?

15 A As the -- when we get on the scene we're the highest
16 level of medical control until you get into the emergency room.
17 Our job is to identify what type of injuries or illnesses the
18 patient has and then to stabilize them with the best of our
19 abilities. We focus on three areas; airway, breathing and
20 circulation.

21 Q So you said just a minute ago that this particular
22 scene that we're talking about in this case came out as an
23 auto/pedestrian accident at first?

24 A Correct.

25 Q And at some point you arrive and see that it's not

1 that?

2 A Right. So we evaluate the patient and see if their
3 injuries are consistent with auto versus pedestrian. There
4 wasn't enough bone deformity to show that that was the case.
5 There were gunshot wounds to the neck and the chest that would
6 indicate that this was a victim of a gunshot incident.

7 Q So when you first got to the scene and you see the
8 victim, where was she?

9 A So she was about 300 yards from -- or 300 feet from
10 the beginning of the southbound ramp at Lamb and I-15 off to
11 the right-hand shoulder.

12 Q On your screen in front of you there should be a
13 photograph. It's been admitted as State's Exhibit 8. Does
14 that depict the area to the best of your recollection?

15 A That would be about right, yes.

16 Q Okay. So you come up on that scene and obviously
17 your role is to make an initial assessment of the victim?

18 A Yes.

19 Q And I think you mentioned that it was obvious when
20 you got there that she had sustained gunshot wounds?

21 A Right. As we came on scene, there was approximately
22 two vehicles off to the right-hand shoulder. There were a male
23 and a female and I believe another female, they told us that
24 they were doing CPR on this person for approximately 15 minutes
25 prior to our arrival. As we approached this patient, we

1 noticed there was what appeared to be gun casings in very close
2 proximity to her body. My partner had initially checked her
3 pulse, felt -- he felt the carotid pulse, and then we initiated
4 resuscitative measures including CPR.

5 Q And in addition to resuscitative measures for CPR
6 when you come upon a victim like this, is that the first thing
7 that you -- the first type of aid that you would administer to
8 someone?

9 A It depends on if they have a pulse, if they have any
10 respirations. We did feel a pulse. She wasn't able to breathe
11 adequately upon herself, so the first thing we would do is CPR.
12 And then we would consider if she has any obvious active
13 bleeding, we would control those issues as well.

14 Q In terms of her airway, did you make an assessment
15 about if she was able to breathe or what the condition of her
16 airway was?

17 A As we approached her, her chest wasn't rising or
18 falling rapidly or adequately. It was relatively still. She
19 wasn't able to speak with us, and so in our estimation she
20 wasn't breathing adequately at all.

21 Q And so you try to address that and then you address
22 the pulse problem, so you administer CPR as well?

23 A Correct.

24 Q Any -- I think you mentioned also that you make an
25 assessment of whether -- or to the extent she's bleeding from

1 other injuries. Was any treatment administered to those
2 injuries that you observed on her?

3 A We didn't see any huge amounts of bleeding on scene.
4 Everything was -- she still had her clothing on. There wasn't
5 any large pools of blood next to her.

6 Q Okay. So after you do that initial assessment and
7 start administering the CPR, what's the next thing that you did
8 as a paramedic at that scene?

9 A So as we're approaching her my partner would check
10 her pulse, we would look at her body to see if she's breathing
11 adequately. Those things were not in place. And we also
12 brought a cardiac monitor to make sure that she had either
13 electrical cardiac activity or not. And in this case we found
14 her to have a very, very faint electrical activity, so our
15 decision was we needed to transport this person and continue
16 resuscitative measures.

17 So we got our gurney, brought it up to her, placed
18 her on a board, loaded her up, and within two minutes of our
19 arrival Clark County Fire also arrived on scene and they got
20 into the ambulance with us, and then we proceeded off to the
21 hospital.

22 Q And as she's being transported to the hospital, is
23 she hooked up to monitors within the ambulance?

24 A Right. So we'll continue keeping cardiac monitoring
25 on her. The EKG pads were there. It is able to tell us if

1 they have a heart rate. We have pulse oximetry available that
2 can tell us if they're breathing. That was placed on her
3 finger. All those indicators were saying that she had no
4 pulses and no adequate blood pressure on herself.

5 Q So she was in a very serious situation even when she
6 gets in the ambulance?

7 A Yes.

8 Q And you're trying to just get to the hospital as
9 quickly as you can?

10 A Right. We're trying to resuscitate her, improve her
11 blood pressure, improve her heart rate, improve her respiratory
12 rate, and then intervene as much as we can to help her get a
13 fighting chance.

14 Q And did any of that, to your recollection, improve in
15 the transport, the heart rate, the breathing, anything like
16 that?

17 A Her electrical activity went away on route, so at
18 approximately 16 minutes during transport she went into what's
19 called the ventricular fibrillation rhythm, where the heart is
20 just quivering and not actually able to generate an adequate
21 movement to circulate blood around it. So at that time we
22 actually defibrillated her. The defibrillation didn't yield
23 any different results.

24 We continued CPR. Prior to that we would suction out
25 her airway, attempt to intubate her so that we could put a tube

1 down her throat to help her breathe. She had an injury into
2 her neck, a bilateral gunshot wound; meaning one on one side
3 and one on the other, and that obstructed her airway to where
4 it was clogged with blood and we had to re-suction that as
5 well.

6 Q And so you're trying to suction the blood out of that
7 airway in order to make it -- make some oxygen get into her?

8 A Right. For in order for us to be able to visualize
9 the airway and give us a measure to be able to put a tube down
10 recognized landmarks, and then once that tube is -- if that
11 tube is successfully in place, then we can help her breathe
12 through an endotracheal tube.

13 Q And ultimately you arrive at Sunrise?

14 A Yes.

15 Q And at that point she's no longer your patient, she's
16 transferred to the hospital?

17 A Correct. So we arrived on the hospital and then
18 within about less than five minutes the resuscitative efforts
19 were terminated by the ED physician.

20 Q Thank you, sir.

21 MS. WECKERLY: I'll pass the witness, Your Honor.

22 THE COURT: Mr. Bashor?

23 MR. BASHOR: No questions. Thank you, sir.

24 THE WITNESS: Thank you, sir.

25 THE COURT: Anything from our jurors? Mr. Morales,

1 thank you very much for your time.

2 THE WITNESS: Thank you, sir.

3 THE COURT: I appreciate it.

4 Who is your next witness going to be?

5 MR. PORTZ: Your Honor, the State calls Officer Boris
6 Santana.

7 THE COURT: Okay. And we'll take a break after this
8 witness, folks.

9 BORIS SANTANA, STATE'S WITNESS, SWORN

10 THE CLERK: If you could state and spell your name
11 for the record.

12 THE WITNESS: It's Boris Santana, B-o-r-i-s,
13 S-a-n-t-a-n-a.

14 THE COURT: Thank you, Officer.

15 Mr. Portz.

16 MR. PORTZ: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. PORTZ:

19 Q Officer Santana, where do you work, sir?

20 A For the North Las Vegas Police Department.

21 Q And how long have you worked for the North Las Vegas
22 Police Department?

23 A Three years.

24 Q What's your current position?

25 A I'm a patrol officer in the South Area Command.

1 Q And were you working as a patrol officer in December
2 2015?

3 A I was.

4 Q On that evening at about 10:30, 10:35 at night, were
5 you called out to a scene?

6 A I was.

7 Q And where was that scene located?

8 A It was the on ramp for the I-15 south near Lamb.

9 Q Is that located in North Las Vegas, Clark County,
10 Nevada?

11 A Yes, sir.

12 Q I want to direct your attention to -- actually, what
13 was that call referencing?

14 A It was reference to a person that had been shot.

15 Q And when you arrived on scene, was that person still
16 there?

17 A She was not.

18 Q What did you see when you first arrived on the scene?

19 A When I first arrived I saw four non-emergency
20 vehicles, regular vehicles on the right shoulder with their
21 emergency flashers on. I spoke to a trooper, an NHP trooper
22 that was already there. He told me there was a female victim
23 that was already transported prior to my arrival. That was
24 pretty much what he told me.

25 I started walking around the scene to look for

1 witnesses, look for evidence, that sort of thing. In front of
2 the very first vehicle, I believe it was a blue Charger, I saw
3 a pool of blood. It's a red substance that looked like blood
4 with four indentations on the ground inside that circle.

5 Q Okay. So you gave us a lot of information. I just
6 want to make sure I have everything clear. So you said when
7 you first arrived you saw four non-emergency vehicles --

8 A Yes, sir.

9 Q And that's on the on ramp?

10 A Correct, sir.

11 Q And just -- so you can look at the monitor to your
12 left, there is a photograph up. Is that a picture of the on
13 ramp that you're discussing at this point in time?

14 A Yes, sir.

15 Q These non-emergency vehicles, did you determine what
16 they were doing in that area?

17 A I did, sir. Once I spoke to the occupants, I figured
18 out they were witnesses to the event at one point to the other.

19 Q Okay. So you had determined when you arrived on
20 scene that there were a few potential witnesses out there; is
21 that correct?

22 A Yes, sir.

23 Q All right. Now, you said that you approached the
24 area and you made a few observations. Before you do that, let
25 me just ask you this. When you arrive on a scene that's a call

1 that's a shooting --

2 A Yes, sir.

3 Q -- and you get there and you've spoke to a trooper
4 and determined that someone's been taken away by hospital,
5 what's kind of protocol for a patrol officer such as yourself
6 at that situation?

7 A Well, the very first thing, sir, is to assess any
8 other persons that were injured, see if we need anymore medical
9 assistance on there. And once I find out if there were no
10 other victims, it's to lock the scene down, pretty much
11 separating the witnesses, prevent access to anyone that's not
12 supposed to be there that's not law enforcement. Normally I
13 would set tape. In this case, since it was only one way in to
14 the on ramp, we set up cones at the end and to prevent any
15 other traffic coming in.

16 Q Now describe -- you said you then walked the scene.
17 Can you describe what you observed as you were walking this
18 area?

19 A As I was walking through, like I said, there were
20 four vehicles parked to the right with emergency flashers on.
21 I was just looking around for any spent casings, blood, marks
22 on the ground, copper from shells, things like that.

23 Q And did you locate any blood at the area?

24 A I did, sir.

25 Q And did you locate -- you said spent casings. Did

1 you locate any spent casings?

2 A Correct. I believe I found six.

3 Q Six. Can you explain to the members of the jury what
4 a spent casing is, please.

5 A A spent casing is -- in a bullet, it actually has
6 several parts. The spent casing is a brass or sometimes it can
7 be gold or silver in color. It's when you fire a bullet, the
8 bullet goes out the barrel and the spent casing is what's
9 ejected, or if it's a revolver it stays inside. But it's a
10 piece of metal that usually contains the gunpowder that's left
11 behind when you fire a weapon.

12 Q Did you notice anything else on scene that seemed to
13 you to be potential evidence to what you understood had
14 occurred there?

15 A Yes, sir. Where I found the small pool of blood,
16 there were four indentations inside of it that looked they were
17 recent. There wasn't any dirt inside. In one of the
18 indentations there was traces of copper that it appeared to be
19 coming from a bullet.

20 Q And was there anything else that you saw in the area
21 around at -- at the scene?

22 A Yeah, there were. A distance away from where the
23 blood and the casings were I found a cellphone. It was -- I
24 believe it was upside down and it had some damage on there
25 consistent with being struck by a bullet.

1 Q And I'm sorry, what?

2 A It had been shot, the phone.

3 Q What about it made you think that the phone had been
4 shot?

5 A It had like a -- I believe it was a circular or
6 consistent with a circular indentation on the edge of it.

7 Q Can you describe what the weather conditions were
8 that evening?

9 A It was not raining but it was windy. I remember
10 that.

11 Q Really windy or just a little windy or...

12 A It was really windy.

13 Q As a result of the weather or the wind, did you have
14 to take any steps while you were there to preserve the scene?

15 A Yes, sir, because the casings that are circular, they
16 can roll around with the wind. So I took a cone and placed it
17 over each individual casing to prevent them from moving around,
18 to preserve the integrity of the scene as much as possible.

19 Q Is that something that you've been trained is
20 potentially appropriate, there is outside forces that could
21 affect the crime scene?

22 A Yes, sir.

23 Q Other than placing the cones on potential evidence
24 that you didn't want to blow away, did you in any other way
25 manipulate or touch anything on the scene?

1 A No, sir.

2 Q Those spent shell casings, did you -- how close were
3 you able to observe those without touching them?

4 A I bent down, I got down to the ground and I looked at
5 them to see and determine what caliber they were. From
6 [unintelligible] to me it appeared to be a 9mm casing or round.

7 Q Now, you mentioned that there were individuals that
8 had stopped that may have been potential witnesses to the crime
9 itself either during or after; is that correct?

10 A Yes, sir.

11 Q And what do you do with those individuals?

12 A I separate them, sir, so they don't speak to each
13 other. So I'll do as much as possible for them don't
14 contaminate each other's version of events. I get a brief -- I
15 speak to them briefly, get some information, see if they have
16 any suspect information, something I can relate to other units
17 that can go and look for a person, and then I give them a
18 witness statement so they can write down why they told me
19 everything they saw.

20 Q And did you do that with all six of those
21 individuals?

22 A Yes, sir.

23 Q At any point in time do other members of the North
24 Las Vegas Police Department arrive to assist or take over the
25 investigation?

1 A Yes, sir. Primarily it would be the detective
2 bureau. Normally on patrol we go and we secure the scene, find
3 witnesses, log down evidence. Detective bureau, they have more
4 time and more training to go through and follow leads and do
5 more in-depth investigation. Once they arrive on scene, I
6 brief them and let them know what I know, point out any
7 evidence I might have seen, things that might interest them,
8 where the witnesses are, and then they take over.

9 Q And did you do that when detectives arrived on the
10 scene?

11 A Yes, sir.

12 MR. PORTZ: The Court's brief indulgence.

13 Thank you, Officer.

14 Your Honor, I'll pass the witness.

15 THE COURT: Any questions?

16 MR. BASHOR: No. Thank you, Officer.

17 THE COURT: Anything from our jurors? Officer
18 Santana, thank you very much for your time. You are excused,
19 sir.

20 THE WITNESS: Thank you, sir.

21 THE COURT: All right. Folks, we'll take a short
22 recess before we continue on. During the recess you're
23 admonished not to talk or converse among yourselves or with
24 anyone else on any subject connected with the trial, or read,
25 watch or listen to any report of or commentary on the trial by

1 any medium of information, including without limitation the
2 newspapers, television, Internet and radio, and you cannot form
3 or express any opinion on any subject connected to the case
4 until it's finally submitted to you. You cannot do any kind of
5 legal or factual research, investigation or re-creation of
6 testimony.

7 Mike, why don't you just take them to the back. As
8 much as we can during our recesses, I'll take you back to where
9 the deliberation room is. There's bathrooms back there as
10 well. And we'll be in recess for about 10, 15 minutes, then
11 we'll get started back up. Every time we take a break you can
12 just leave your notepads in your chairs, okay.

13 (Jurors recessed at 3:18 p.m.)

14 THE COURT: You guys have anything outside the
15 presence?

16 MR. BASHOR: Not from the defense, Your Honor.

17 MR. PORTZ: Not for the State, Judge.

18 THE COURT: Okay. I was figuring that you guys were
19 getting close to Ms. Marshall, yes?

20 MR. PORTZ: Yes.

21 THE COURT: Okay. So I figured we'd take a break
22 before she hit the stand. Okay. Thank you.

23 MR. PORTZ: Your Honor, in addition to Ms. Marshall,
24 we have two more witnesses lined up today, and I know it's
25 going really fast.

1 THE COURT: Okay. Sure.

2 MR. PORTZ: But we should be able to get through

3 them.

4 THE COURT: Yeah. I just wanted to make sure --

5 (Court recessed at 3:19 p.m. until 3:43 p.m.)

6 (Pause in proceeding.)

7 (Jurors reconvene at 3:46 p.m.)

8 THE COURT: We're going to be back on the record.

9 Mr. Newson's here with his attorneys. State's attorneys and

10 jurors are present. We're going to be continuing on with the

11 State's case in chief. And your next witness is going to be?

12 MS. WECKERLY: Zarharia Marshall.

13 ZARHARIA MARSHALL, STATE'S WITNESS, SWORN

14 THE CLERK: If you'd state and spell your name for

15 the record.

16 THE WITNESS: Zarharia Marshall, Z-a-r-h-a-r-i-a,

17 M-a-r-s-h-a-l-l.

18 THE COURT: Thank you, Ms. Marshall.

19 Ms. Weckerly.

20 MS. WECKERLY: Thank you.

21 DIRECT EXAMINATION

22 BY MS. WECKERLY:

23 Q Ms. Marshall, did you know someone by the name of

24 Anshanette McNeil?

25 A Yes.

1 Q What was your relationship with her?

2 A My godsister.

3 Q Your godsister?

4 A Yeah.

5 Q Back in like November and December of 2015, how often

6 would you see Anshanette?

7 A Every day.

8 Q And did you call her Anshanette, or did you call her

9 Ann?

10 A Ann.

11 Q Ann. So you saw her every day?

12 A [No audible response.]

13 Q Did you know if she had a boyfriend at that time?

14 A Yes.

15 Q What was his name?

16 A Vernon.

17 Q And she had children?

18 A Yes.

19 Q Did she have a son by the name of Brandon?

20 A Yes.

21 Q And how old would he have been in 2015?

22 A Two.

23 Q Is his last name Berger?

24 A No. It's McNeil.

25 Q McNeil. And did she have a baby?

1 A Yes.

2 Q And what was his name?

3 A Major.

4 Q Who is the father of Major?

5 A Vernon.

6 Q Vernon. Back in 2015, do you remember how old Major

7 was?

8 A Eight months.

9 Q Eight months?

10 A Yes.

11 Q So a baby?

12 A Yes.

13 THE COURT: Can I remind you just kind of keep your

14 voice up a little bit. You've got kind of a soft voice and we

15 want to make sure everybody can hear you, okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you.

18 BY MS. WECKERLY:

19 Q Now, did you ever help out Anshanette and Vernon by

20 babysitting?

21 A Yes.

22 Q Who did you babysit primarily?

23 A Major.

24 Q Major. So you spent a lot of time with the baby?

25 A Yes.

1 Q Did you ever babysit Brandon?

2 A Sometimes.

3 Q As much as Major?

4 A No.

5 Q Back in December of 2015, can you tell me the name of

6 the street that you lived on?

7 A Saint Bar.

8 Q Saint Bar?

9 A Yes.

10 Q Do you know the street that Ann lived on?

11 A Passionate.

12 Q And she lived there with her kids?

13 A Yes.

14 Q On the 13th of December, do you remember if you got a

15 call from Anshanette?

16 A Yes.

17 Q And was it regarding babysitting?

18 A Yes. It was regarding her dropping Major off to me.

19 Q Dropping Major off?

20 A Mm-hmm.

21 Q Do you remember about what time it was that you got

22 the call?

23 A About 9:00 o'clock.

24 Q And did she call you by a cellphone?

25 A Yes.

1 Q So you could see her as a contact in your phone?
2 A Yes.
3 Q On that date did you agree to babysit?
4 A Yes.
5 Q So you were at home on Saint Bar that night?
6 A Yes.
7 Q And I assume you were expecting her to arrive and
8 drop off Major?
9 A Yes.
10 Q Did she arrive?
11 A No.
12 Q Can you tell the members of the jury who arrived?
13 A Vernon.
14 Q And how did he get there?
15 A He came by car.
16 Q Were you able to see the car that he arrived in?
17 A Yes.
18 Q How was it that you were able to see that?
19 A Because I've seen that car once before.
20 Q Do you remember how much prior that you saw that car?
21 A Three days before.
22 Q Three days before the 13th --
23 A Yes.
24 Q -- so the 10th?
25 Were you waiting outside --

1 A Yes.

2 Q -- on the 13th?

3 A Yes.

4 Q In like your driveway?

5 A Yeah. By my garage door, yes.

6 Q So you see Vernon arrive in the car?

7 A Yes.

8 Q And how would you -- what did that car look like?

9 A It was a dark blue Jeep-looking car.

10 Q Okay. And like you said, you'd seen it about three

11 days prior?

12 A Yes.

13 Q When you saw it on that prior date, who was driving

14 it then?

15 A Vernon.

16 Q So he arrives in that car. Obviously he's in the

17 driver's seat?

18 A Yes.

19 Q Did you see anyone else in the car?

20 A No.

21 Q Did he pull into the driveway?

22 A Yes.

23 Q Tell us what happened after he pulled up in the

24 driveway.

25 A Well, when he pulled into the driveway, he got out

1 the car and like a frantic and went to the back door to let
2 Major out.

3 Q To let out the baby?

4 A Yeah.

5 Q And in -- I assume that Major's in the back seat of
6 the car?

7 A Yes.

8 Q Could you tell if he was behind the driver, in the
9 middle, or on the side?

10 A In the middle.

11 Q And was he in like a baby car seat?

12 A Yes.

13 Q What did it look like as Vernon was getting
14 eight-month-old Major out?

15 A Like he was scared.

16 Q Who looked scared?

17 A Vernon.

18 Q And what was he -- what was he doing to get Major out
19 of the car?

20 A Well, he was trying to pull Major out the car, but
21 because the seat belt was still buckled he wasn't able to get
22 Major out.

23 Q Okay. Was he moving quickly?

24 A Yes.

25 Q Was he able to actually get Major out?

1 A Yeah, after he noticed that the seat belt was still
2 buckled.

3 Q Once he gets Major out, what does he do?

4 A He hands Major to me, then he goes to the back of the
5 car to open the trunk to give me Major's swing and diaper bag.

6 Q His swing and?

7 A Diaper bag.

8 Q Okay. So he opens the trunk. Where is Major at that
9 point?

10 A In my hands.

11 Q So you're holding the baby --

12 A The car seat.

13 Q -- car seat?

14 A Yes.

15 Q He opens the trunk, and tell us what happened.

16 A When he opened the trunk he takes out the swing, and
17 his backpack fell out and I told him, I said, "Your backpack
18 fell on the floor." He told me not to worry about it, and then
19 he pulled out the diaper bag and gave me the diaper bag. And
20 then after that he went around to the other side to the
21 passenger side of the back seat and let Brandon out.

22 Q And Brandon was in a kid or a --

23 A A car seat, yeah.

24 Q -- a car seat as well?

25 A A toddler seat.

1 Q Does Brandon get out of the car?
2 A Yes.
3 Q Had you been expecting to babysit Brandon?
4 A No.
5 Q What did Brandon look like?
6 A Brandon looked scared.
7 Q He looked scared?
8 A Mm-hmm.
9 Q And he's -- sorry. Is that yes?
10 A Yes.
11 Q And he's two?
12 A Yes.
13 Q So now Brandon's out of the car. Are you still
14 holding the car seat with Major?
15 A Yes.
16 Q Where is the diaper bag?
17 A On my shoulder.
18 Q And where is the swing?
19 A It was sitting next to the car still.
20 Q What happens at that point?
21 A At that point I asked Brandon was he staying with me,
22 and Brandon just looked at me. And I told him, I said, "You're
23 not going to cry today?" And he just looked at me and I told
24 him, I said, "Go inside," and he ran inside the house and I
25 went in behind Brandon.

1 Q And Brandon had been there before so he knew how to
2 go inside?

3 A Yes.

4 Q And you follow?

5 A I follow behind Brandon to take Major inside.

6 Q So you're carrying Major and the bag?

7 A And the diaper bag, yes.

8 Q You go inside your house?

9 A And I close the door right behind me and I -- after I
10 close the door behind me, Vernon came in behind me and kissed
11 Major on the head.

12 Q Okay. And after he did that, what did he do?

13 A He told me to come outside with him.

14 Q Did you go outside?

15 A Yes.

16 Q And what did you see him do at that point?

17 A When I went outside, when I came out the door he bent
18 over and he had picked up a bullet from the driveway and placed
19 it inside the magazine of the gun.

20 Q Now, explain that to me. There was a bullet on the
21 driveway?

22 A Yes.

23 Q And did you see it when he first pulled up?

24 A Yeah. When he first pulled up and got out the car
25 the bullets fell off his lap.

1 Q So like when he gets out of the car some bullets
2 drop?
3 A Yeah. Like he had something on his lap and forgot
4 they were there, and when he got out the car they fell onto the
5 floor.
6 Q And you could see that?
7 A Yes.
8 Q But after the two babies are inside, you come back
9 out and you see him picking one of those up?
10 A Yes, when he asked me to come back outside to talk
11 to me.
12 Q And what does he do with it?
13 A He placed it inside the magazine of a gun.
14 Q Okay. And did you see a gun at all, or just the
15 magazine?
16 A Just the magazine.
17 Q What happened after that?
18 A He -- when I went outside he gave me Anshanette's
19 purse and I asked him, you know, what happened or whatever, and
20 he told me just to tell his son that he always love him. And I
21 asked him again what happened, and he told me that, you know,
22 just know that mother fucker's pushed me too far to where I
23 can't take it no more.
24 Q Okay. So at this point it's just you and him out at
25 the car?

1 A Yes.

2 Q And he handed you Anshanette's purse. Could you tell
3 where the purse was before he handed it to you?

4 A Yes. In the back seat behind the driver's -- the
5 driver's seat on the floor.

6 Q Okay. Did you see anything else there besides the
7 purse?

8 A Her shoes.

9 Q Her shoes. Did you actually recognize those items as
10 hers?

11 A Yes.

12 Q So he hands you the purse, he makes those comments?

13 A Mm-hmm.

14 Q Was that yes?

15 A Yes.

16 Q I'm sorry. And then what do you do?

17 A Well, after he told me that I asked him, I was like,
18 well, what's going on, and that's when he told me what he told
19 me about mother fuckers pushing him too far. And then I told
20 him, I was like, okay, well, be careful. And then he got in
21 the car and he drove off.

22 Q Did you go back inside at that point?

23 A Yes.

24 Q Did you see anything else in your driveway?

25 A Well, before I walked in the house when he drove down

1 off the driveway, there's kind of like a bump on my driveway,
2 and his lights reflected off the bullets in the driveway. And
3 after he pulled off and went on about his business, I went
4 outside and I picked up the bullets.

5 Q Where were the bullets that you picked up?

6 A In the driveway, the crack of my driveway.

7 Q Had you seen them before?

8 A Hm-mm.

9 Q Is that no?

10 A Yes.

11 Q That was a bad question.

12 A I'm sorry.

13 THE COURT: It's yes that it was no?

14 MS. WECKERLY: You had not --

15 THE WITNESS: No, I didn't see them before, but yes
16 that they were down there.

17 MS. WECKERLY: Thank you.

18 BY MS. WECKERLY:

19 Q So those bullets that you pick up, that's after
20 he's -- or while he's leaving?

21 A Yes.

22 Q Where do you put those?

23 A On the washing machine inside my house.

24 Q Okay. So obviously you go back inside?

25 A Yes, and I put them in a bag and put them on top of

1 the washing machine in my house.

2 Q So after you have this exchange with him, do you try
3 to call anybody?

4 A I tried to call Anshanette. She didn't answer her
5 phone. I tried to call her several times and she didn't answer
6 it, and after I picked up the phone and called her mother.

7 Q Anybody -- did you call anybody else?

8 A My mom.

9 Q Your own mom?

10 A Yeah.

11 Q As -- were you ever able to reach Anshanette at all?

12 A No.

13 Q How about did you ever try to call Vernon?

14 A Yes. I tried to call him after I called Tyra.

15 Q After you called Anshanette's mom?

16 A Yes.

17 Q And were you able to reach him?

18 A No.

19 Q When you called Ann's mom, did you explain to her
20 what has just happened?

21 A Yes. I explained to her that I had Brandon and he
22 had dropped Brandon off to me, and I explained to her how his
23 actions was, and she told me she was going to call me back but
24 she was going to try to call Anshanette.

25 Q She was going to try to call her daughter?

1 A Yes.

2 Q And so you're there at home with two-year-old Brandon
3 and also Major?

4 A Yes.

5 Q As you're babysitting the kids, did you notice
6 anything unusual about Major's clothing?

7 A Yes. When I had took Major out of the car seat to
8 change his diaper, I went to take his pants off, and on the
9 side of his pants, he had red stuff on the side of his pants.
10 And I had told my little brother that, you know, to go check
11 his car seat because whatever's on his pants could be in his
12 car seat. And when I went to his car seat, it was blood on his
13 car seat.

14 Q At some point does someone call the police?

15 A Yes. I called Tyra back to tell Tyra that I had
16 found blood in the car seat, and she called my mom and my mom
17 told her to call the police. And Tyra called the police and
18 sent them to my house.

19 Q So the police come to your house?

20 A Yes.

21 Q When they come to your house, do you show them the
22 baby's pants?

23 A Mm-hmm. Yes.

24 Q And the car seat?

25 A Yes.

1 Q And did you show them the --

2 A The bullets and -- I showed them everything.

3 MS. WECKERLY: May I approach the witness, Your

4 Honor?

5 THE COURT: You may.

6 BY MS. WECKERLY:

7 Q I want to make sure I get these numbers right. I'm

8 showing you State's proposed exhibits. That one's 90, and this

9 last one is 112. And I just would like you to look through

10 these and let me know when you're done, okay?

11 A Okay.

12 Q Do those pictures show how some of those items at

13 your house looked that night?

14 A Yes.

15 MS. WECKERLY: State moves to admit 90 through 112.

16 THE COURT: Any objection?

17 MR. SHAYGAN: No objection, Your Honor.

18 THE COURT: All right. Those will be admitted.

19 Thank you. You can publish.

20 (State's Exhibits No. 90 through 112 admitted.)

21 MS. WECKERLY: I'm going to first put on the overhead

22 what's been admitted as State's 90.

23 THE COURT: Is your screen on, Zarharia?

24 THE WITNESS: Yes.

25 THE COURT: Remember you can just draw on there with

1 your finger if anybody asks you to identify anything, okay?

2 THE WITNESS: Okay.

3 BY MS. WECKERLY:

4 Q So obviously that was where you were living back in
5 2015?

6 A Yes.

7 Q Now, can you -- does that photograph show where you
8 picked up those bullets as he was leaving?

9 A Yes.

10 Q And so those you just picked up and you brought them
11 inside and you put them on a washing machine?

12 A Yes.

13 THE COURT: And for the record, she circled an area
14 that's kind of where the expansion joint crack is in the
15 concrete.

16 MS. WECKERLY: Thank you. I wouldn't have called it
17 that.

18 THE COURT: See, you learn something new every day.

19 MS. WECKERLY: I guess so, yeah.

20 BY MS. WECKERLY:

21 Q This is State's 91. What are we looking at in that
22 photograph, Ms. Marshall?

23 A The bag that I placed on top of the washing machine
24 with the bullets in it.

25 Q Can you speak up just a little bit? I'm sorry.

1 A The bag that I placed on top of the washing machine
2 with the bullets in it.

3 Q Did you -- were the bullets, when you saw them, in a
4 bag, or you just put them in one?

5 A I put them in one.

6 Q And this is State's 92. Is that -- obviously that
7 evidence marker, you didn't have that. That was put there by
8 the police I would imagine.

9 A Yes.

10 Q But those three bullets, are those the ones that you
11 picked up from the driveway?

12 A Yes.

13 Q Now I'm going to put on the overhead State's 94.
14 What are those items that we see on the chair there?

15 A Major's car seat cover and blanket.

16 Q And is the blanket the darker blue one that's folded
17 over the back of the chair?

18 A Yes.

19 Q And the car seat cover is kind of --

20 A On the chair.

21 Q On the chair?

22 A Yeah.

23 Q This is State's 99. Is that a closer view of the car
24 seat cover?

25 A Yes.

1 Q And obviously there's a red substance in the middle
2 of it. Was that what got your attention --

3 A Yes.

4 Q -- that night?

5 A Yes.

6 Q This is State's 100. What are we looking at in that
7 photograph?

8 A The car seat.

9 Q And did you remove the cover of the car seat from the
10 actual structure of it?

11 A No.

12 Q The police did that?

13 A Yes.

14 Q So when you saw the blood that we just saw in the
15 prior photo, it was within the car seat and the police actually
16 took it out to take the photograph?

17 A Yes.

18 Q This is State's 103. What is that?

19 A Major's diaper bag and everything that goes in it.

20 Q Were all those items in the diaper bag when Vernon
21 handed it to you?

22 A Yes.

23 Q And so it was just everything was taken out for the
24 photograph?

25 A Yes, for the photograph.

1 Q Now I'm showing you State's 106, and I know those
2 evidence cards weren't there at your house, but what is the
3 item that's Number 6?

4 A Her purse.

5 Q And did you know that was Anshanette's purse, like
6 had you seen her with it?

7 A Yes.

8 Q And all the items that are out on the table, were
9 they within the purse when you got it?

10 A Yes. Yes.

11 Q And this is State's 109. That's her driver's license
12 and some money that was in her purse?

13 A Yes.

14 Q The last photograph I want to show you is 112. Who
15 is that?

16 A That's Major.

17 Q That's Major. And so he's the baby that you babysat
18 the most?

19 A Yes.

20 Q And he's eight months in this picture?

21 A Yes.

22 Q Who's holding him?

23 A Me.

24 Q Do you see Anshanette's boyfriend, Vernon, in the
25 courtroom today?

1 babysit since he was a one-month-old, correct?

2 A Yes.

3 Q All right. And you had previously testified that

4 your -- you were very close with Ann.

5 A Yes.

6 Q So given your closeness with Ann and given your

7 duties as a babysitter for their child, it's safe to say that

8 you knew the nature of their relationship?

9 A Yes.

10 Q And you knew how their relationship was going?

11 A Yes.

12 Q Ann would start arguments with Vernon if she saw

13 something she didn't like, correct?

14 A Yes.

15 Q And Ann would yell at Vernon, Vernon would yell at

16 Ann, correct?

17 A Yes.

18 Q And they would fight almost every day, correct?

19 A Not physical fight but, you know, arguments.

20 Q Arguments. So they would argue every day?

21 A Yes.

22 Q And they would often argue in the car?

23 A Yes.

24 Q And in fact, they would even tone down their

25 arguments in front of you?

1 A Yes.

2 Q And because you knew the nature of this relationship,
3 there's constant yelling?

4 A Yes.

5 Q Constant disagreements?

6 A Yes.

7 Q Constant back and forth?

8 A Yes.

9 Q Okay. Again, because you were close with Ann, you
10 also knew about her lifestyle, correct?

11 A Yes.

12 Q Okay. And you did not know her to be a drug user,
13 correct?

14 A No.

15 Q Okay. Let's move on. Let's talk about some of the
16 things Ms. Weckerly was asking you about with regards to Vernon
17 arriving at your home on that day, okay?

18 A Okay.

19 Q You know it's unusual that Vernon arrived by himself,
20 correct?

21 A Yes.

22 Q Okay. That's because if Vernon was there he would
23 always be with Ann?

24 A Yes.

25 Q And you -- you used the word "frantic" to describe

1 his behavior just a moment ago, correct?

2 A Yes.

3 Q Okay. So he got out of the car quickly?

4 A Yes.

5 Q He was irritated?

6 A Yes.

7 Q He was conducting himself in a very hurried fashion?

8 A Yes.

9 Q Okay. He was amped up?

10 A Yes.

11 Q Forgive me, I don't know if I asked you this, but he

12 was moving quickly?

13 A Yes.

14 Q Okay. Thank you. But he was full of adrenaline

15 obviously?

16 A Yeah.

17 Q All right. And you had mentioned he was grabbing

18 some of the children's items out of the car, correct?

19 A Yes.

20 Q And he was doing that in a quick manner?

21 A Yes.

22 Q The diaper bag, the swing?

23 A Yes.

24 Q You had mentioned something about the car seat, how

25 he tried to take the car seat out but it was -- can you

1 describe that for me?

2 A He was trying to take the car seat out but he
3 couldn't get it out without unbuckling the seat belt.

4 Q So he tried one time in a hurried way, he couldn't
5 get it out, and then he had to go back and figure out how to
6 actually remove the seat belt, correct?

7 A Yes.

8 Q Okay. And he was frustrated when he couldn't get it
9 out the first time?

10 A Yes.

11 Q And you had mentioned that he gave you Ann's purse?

12 A Yes.

13 Q Okay. And then Vernon actually came inside your home
14 very briefly?

15 A Yes.

16 Q And when he was inside, he kissed Major goodbye?

17 A Yes.

18 Q You had mentioned that now he asked you to come
19 outside with him?

20 A Yes.

21 Q And at some point now he's frantically loading the
22 bullet into the magazine?

23 A Yes.

24 Q And in that moment he appeared scared?

25 A Yes.

1 Q And he appeared nervous?

2 A Yes.

3 Q Okay. And he was loading it quickly?

4 A Yes.

5 Q And it was -- it was later after Vernon was leaving

6 that you noticed more bullets?

7 A Yes.

8 Q So up and to the point where he was leaving, you only

9 saw the one bullet that he put into the magazine?

10 A Before he left I saw the one bullet, then after he

11 started backing out of the driveway I saw the other ones --

12 Q You saw the other ones.

13 A -- due to the light of -- the reflection off the

14 bullets.

15 Q Okay. I just have a couple more questions for you.

16 You had mentioned that while he was loading the bullet into the

17 magazine he was also speaking with you?

18 A Yes.

19 Q And among him speaking with you in his frantic

20 hurried way, he told you that -- he told you to tell --

21 A His son that he always loved him.

22 Q That he always loved him. And then he also mentioned

23 to you, and I want to quote you and correct me if I'm wrong,

24 that "just know mother fuckers took me to the point where I

25 can't take it no more"?

1 A Yes.

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

4 THE COURT: Yep.

5 MR. SHAYGAN: Thank you so much for your time.
6 Your Honor, thank you.

7 THE COURT: Thank you. Ms. Weckerly.

8 REDIRECT EXAMINATION

9 BY MS. WECKERLY:

10 Q Ms. Marshall, on the 13th of December, did you see
11 the defendant and Ann together at all during the day?

12 A No.

13 Q So you only see him when he comes that night?

14 A Yes.

15 Q And you were asked on cross-examination questions
16 about when he was loading the magazine?

17 A Yes.

18 Q The bullet that he picked up off the ground, did he
19 do something with it before he put it in the magazine?

20 A Cleaned it off with his jacket.

21 Q I'm sorry?

22 A He cleaned it off with his jacket.

23 Q He cleaned it off on his jacket. And when you saw
24 him that night, was he injured at all?

25 A Hm-mm. No.

1 Q Was he bleeding at all?

2 A No.

3 Q Was he crying?

4 A No.

5 MS. WECKERLY: Thank you.

6 THE COURT: Anything further, Mr. Shaygan?

7 MR. SHAYGAN: No, Your Honor. Thank you.

8 THE COURT: Anything from our jurors? Yes. Mike, if

9 you would, please. Remember to put your number on there.

10 (Bench conference transcribed as follows.)

11 MS. WECKERLY: That's fine with me.

12 MR. BASHOR: I'm not done, sorry.

13 MS. WECKERLY: I'm sorry. I'm sorry.

14 MR. BASHOR: Although I usually agree with you.

15 Oh, okay. Yeah.

16 THE COURT: Okay.

17 (End bench conference.)

18 THE COURT: A couple of questions for you,

19 Ms. Marshall. Do you know what happened to the swing and the

20 backpack that came out of the trunk?

21 THE WITNESS: Well, I sent my little brother's

22 friend, Marlon [phonetic], outside to get the swing. And the

23 backpack, he picked it up and put it back inside the car.

24 THE COURT: Okay. So you kept the swing, backpack

25 went back in the car --

1 THE WITNESS: Yes.

2 THE COURT: -- when Mr. Newson left?

3 THE WITNESS: Yes.

4 THE COURT: Okay. And how did you know that

5 Mr. Newson was frustrated when he couldn't immediately get the

6 car seat out of the car?

7 THE WITNESS: Because Major started crying and he

8 told Major to shut up.

9 THE COURT: Ms. Weckerly, any questions based upon

10 mine?

11 MS. WECKERLY: No, Your Honor.

12 THE COURT: Mr. Shaygan?

13 MR. SHAYGAN: May I have a moment of indulgence?

14 THE COURT: Sure.

15 (Attorneys confer.)

16 MR. SHAYGAN: Your Honor, nothing from the defense.

17 Thank you.

18 THE COURT: All right. Ms. Marshall, thank you so

19 much for your time. I appreciate you coming to court. You are

20 excused.

21 JUROR NO. 1: Can I ask one question?

22 THE COURT: Oh, I'm sorry. I didn't know you had a

23 question. I didn't see your hand. I apologize. Okay.

24 (Bench conference transcribed as follows.)

25 MS. WECKERLY: That's fine.

1 MR. BASHOR: Hmm.

2 THE COURT: Okay. They didn't need you, Kambi.

3 (End bench conference.)

4 THE COURT: One other question, Ms. Marshall. Do you

5 remember what time it was that Vernon and the children arrived

6 on December 13?

7 THE WITNESS: Like 10:00.

8 THE COURT: Okay. Ms. Weckerly, any questions?

9 MS. WECKERLY: No, Your Honor.

10 THE COURT: Mr. Shaygan?

11 MR. SHAYGAN: No, Your Honor. Thank you.

12 THE COURT: All right. Now you're excused. Thank

13 you again.

14 THE WITNESS: Thank you.

15 THE COURT: Okay. State may call their next witness.

16 MS. WECKERLY: Kathy Geil.

17 KATHY GEIL, STATE'S WITNESS, SWORN

18 THE CLERK: If you could state and spell your name

19 for the record.

20 THE WITNESS: It's Kathy Geil, K-a-t-h-y, G-e-i-l.

21 THE COURT: All right. Ms. Weckerly.

22 MS. WECKERLY: Thank you.

23 DIRECT EXAMINATION

24 BY MS. WECKERLY:

25 Q How are you employed?

1 A I'm a forensic scientist with the Las Vegas Metro
2 Police Department.

3 Q And as a forensic scientist for Metro, are you
4 assigned to a specific type of forensic science?

5 A Yes, I am.

6 Q What is that?

7 A Firearm and tool marks detail.

8 Q And what does a forensic scientist in that detail do?

9 A We have numerous duties. Mostly it revolves around
10 examining the physical evidence as it relates to firearms. So
11 checking the functionality of a firearm, looking at fired
12 components, fired cartridge cases, fired bullets, fired shot
13 shells, and then pellets or whatever might have been fired in
14 or from a firearm.

15 We also restore serial numbers, gunshot residue as it
16 relates to muzzle-to-target distance determination and tool
17 marks. Like a bolt cutting or bolt cutters cutting a shackle,
18 we can look at those impressions and those striated marks that
19 are made to make that cut and compare them.

20 Q And what is your education and training that allows
21 you to work in that capacity?

22 A I have a bachelor of science and a master of science.
23 You only need a bachelor of science, but I have both. And then
24 in terms of working specifically in this field with this type
25 of evidence there was an in-house training that I did.

1 It's about a two-year program where we go through a
2 series of modules that include taking firearms apart, studying
3 all different types of ammunition, working with experienced
4 examiners on the comparisons and levels of detail that are
5 required to make identifications or eliminations from firearms.
6 And then visiting manufacturers of firearms, manufacturer of
7 firearms, ammunition and tools.

8 We had some outside training with the FBI and the
9 ATF. And at the very end there's this big monster test, if you
10 will, where it's a mock case of all the different types of
11 examinations that we do, and it's graded by your management and
12 your peers, and you have a mock trial that goes with it and
13 you're deemed competent to perform that type of casework.

14 Q And over -- after you went through all of that
15 training, have there been occasions where you've testified as
16 an expert in the area of firearms and tool mark comparisons?

17 A Yes, it has.

18 Q More than one time?

19 A Yes.

20 Q In this particular case you were asked to look at
21 some cartridge cases, correct?

22 A That's correct.

23 Q And that's as opposed to other tools that you may
24 have expertise in, but in this case it was limited to cartridge
25 cases and bullets and bullet fragments?

1 A That's correct.

2 Q In this case did you have a firearm at all to
3 look at?

4 A No, I did not.

5 Q When you are in a situation where you have only
6 cartridge cases and bullet fragments, you're still able to do
7 some type of examination even without the gun?

8 A That's correct.

9 Q And can you explain for the members of the jury how
10 it is that in a forensic setting cartridge cases can be
11 valuable or looked at, why that might work in a forensic
12 setting?

13 A I actually have a demonstrative aid, if I might
14 use it.

15 Q Sure.

16 A It's just a plastic cartridge.

17 THE COURT: Is that the big brown bullet?

18 THE WITNESS: It is.

19 THE COURT: Go ahead.

20 THE WITNESS: So this is my large plastic cartridge,
21 and the reason I wanted to use it is to point to the different
22 areas that the cartridge case interacts with a firearm.

23 So it's a cartridge when it's whole with gunpowder
24 and a primer that's not engaged. But once it's fired and the
25 bullet goes down the barrel, the cartridge case also interacts

1 with the firearm. So there's a firing pin impression. There
2 also could be striated marks from the drag of a firing pin.
3 The plate where the firing pin comes out of, we call that the
4 breech base, it strikes this area here of the cartridge case
5 where the headstamp or the manufacturer and caliber information
6 is at.

7 There's also a hook called an extractor and a post
8 called an ejector. Both of those can leave marks. The
9 cartridge case also swells and kind of fills the chamber if you
10 will, where it's holding, so that all of the pressure and the
11 gases push the bullet down the barrel. When it engages that
12 chamber and then it's ripped out, you can get marks along this
13 chamber.

14 So when I'm doing my comparisons, when I'm examining
15 cartridge cases to each other, I'm looking at all these
16 different surfaces that are interacting with the firearm. And
17 then if there's sufficient quality and quantity of those marks,
18 then I can make a conclusion whether they had been fired from
19 the same gun or from different firearms, or if there's not
20 enough marks, then it's just an inconclusive and I can't tell.

21 BY MS. WECKERLY:

22 Q So you take -- well, a firearm essentially, when the
23 bullet is struck and it exits, the cartridge itself gets
24 markings on it that are unique to each gun even amongst guns of
25 the same caliber or the same make and model?

1 A There can be, right. The tools that are used to
2 manufacture those surfaces that a cartridge case can interact
3 can be unique. So depending upon how these surfaces are made
4 we can leave unique marks. And I can tell that underneath the
5 microscope if they're random and unique and because of how
6 they're laid down.

7 So if they're straight railroad track type marks,
8 then there's some question that that might be common amongst
9 several firearms that are made at the same time or the same
10 make and model. But what I'm actually looking for are these
11 random imperfections, lines that go cross-wise, things that
12 start and stop, you know, tiny like different not so straight
13 and manufacturally like put down, but rather random.

14 Like a sandpaper when it's going over metal or wood,
15 bits of that sand are coming off and moving around, so you can
16 kind of see those scratches and those random imperfections,
17 that is what I'm looking at. So if a firearm has those and it
18 imparts on the cartridge case, then I know that those are
19 unique marks and I can compare them.

20 Q In this case did you have several cartridge cases
21 that were collected by crime scene analysts for you to look at
22 microscopically for those types of markings?

23 A Yes. I had 11 that were submitted to me.

24 Q And when you look at those 11, do you do side-by-side
25 comparisons under a microscope, or how do you go about

1 comparing them?

2 A So I have this microscope. It's optically bridged
3 with two independent microscopes on either side, so I can see
4 one and the other at the same time. I can move them
5 independently without touching each other, but I can see them
6 both.

7 So and I have a dividing line that I can move and I
8 can move them in all different directions. My lights I can
9 change too, to kind of give me shadows or contours to help me
10 see these marks. So that is what I use for the comparison. So
11 it is a side-by-side comparison that I do for these cartridge
12 cases.

13 Q And with the -- you said you looked at 11 in this
14 case?

15 A That's correct.

16 Q Of the 11 that were submitted to you for analysis in
17 this case, were you able to draw any conclusions with regard to
18 those cartridge cases?

19 A Yes, I did.

20 Q And what was that conclusion?

21 A They all had sufficient markings to be able to
22 identify them as all having been fired by the same firearm, or
23 a single firearm.

24 Q And can you tell us from the evidence what the
25 caliber of the weapon was or the ammunition?

1 A I'd have to refer to my notes regarding the caliber
2 and the ammunition. I don't have that memorized unfortunately.

3 Q If that would refresh your recollection.

4 MS. WECKERLY: With the Court's permission, can she
5 look at her notes?

6 THE COURT: [No audible response.]

7 THE WITNESS: Yes. Okay. Thank you.

8 So referring to my report that I generated, they were
9 all 9mm Luger caliber cartridge cases, and there were several
10 different types of manufacturers of the cartridge cases.

11 BY MS. WECKERLY:

12 Q And that means there's just an assortment of brands
13 of ammunition?

14 A That's correct.

15 Q But they're all the same -- the same size of
16 ammunition?

17 A Correct. Lots of different manufacturers make the
18 same what we call cartridge type, so they can all be
19 interchanged and fired from any 9mm Luger firearm.

20 Q In addition to the cartridge cases that were
21 submitted to you for examination, were you also asked to look
22 at several projectile or bullet fragments that were collected
23 as well in this case?

24 A I did.

25 Q And do those items of evidence have the same

1 distinguishing features that we see with cartridge cases?

2 A They can. The bullet going down the barrel, the
3 barrel is rifled, and so the bullet can pick up those rifling
4 marks if they're present.

5 MS. WECKERLY: May I approach the witness, Your
6 Honor?

7 THE COURT: You may.

8 MS. WECKERLY: I am showing you --
9 (Attorneys confer.)

10 BY MS. WECKERLY:

11 Q I am showing you what's been marked as State's
12 Proposed 233 to 249. I'd ask you to just look through those
13 photographs and let me know when you're done, please.

14 A [Complies.]

15 Q And do these photographs, these are actually ones
16 that you took documenting your work in this case?

17 A Yes, they are.

18 MS. WECKERLY: State moves to admit 233 to 249.

19 THE COURT: Any objection?

20 MR. BASHOR: No, Your Honor.

21 THE COURT: Thank you. Those will be admitted.

22 MS. WECKERLY: Thank you.

23 (State's Exhibits No. 233 through 249 admitted.)

24 BY MS. WECKERLY:

25 Q I just want to show you two of them. I'm putting on

1 the overhead first what's been admitted as State's 235. What
2 is that? What are we looking at in that photograph? Are those
3 fragments?

4 A That's correct. If you actually raise it ever so --
5 you'll see the sticker that I put on there to indicate the lab
6 item number that I gave it. So it was an envelope that was
7 given to me for examination and that was the contents of that
8 envelope.

9 Q And so those are pieces of projectiles or fragments
10 that -- as opposed to cartridge cases?

11 A Right. So this would -- what this is, is the top
12 four lead-looking or gray-looking fragments are the core of the
13 bullet. So they would be the metal portion inside of this
14 jacket, and the outer jacket of the bullet are the two or three
15 actually coppery fragments. And you can see that it's --
16 there's parts of it that are rifled. I'm not quite sure how to
17 point to it, but --

18 Q You can actually draw.

19 THE COURT: You can zoom. You can zoom in on that if
20 you want. Which part are you talking about, ma'am, the copper?

21 THE WITNESS: Yes. So that in there. I don't know
22 how to erase.

23 THE COURT: I'll get it.

24 THE WITNESS: So this portion here, you can see that
25 there's like little stripes, so that's the lands and grooves

1 that I'm looking at.

2 BY MS. WECKERLY:

3 Q And with regard to the projectiles and the bullets
4 that you were looking at in this case, were you able to make
5 any kind of association between them or draw any conclusions
6 about that evidence?

7 A There was one item that was given to me that was a
8 mostly intact bullet, so I was able to do a caliber
9 determination on that item. The rest were fragments of bullets
10 or bullet jackets.

11 So the comparison between all of those, due to the
12 damage and insufficient marks, I wasn't able to draw a
13 conclusion if they were all fired from the same firearm or not,
14 or an elimination, but they all had very similar what we call
15 rifling characteristics. So the lands and grooves and their
16 widths were similar, but I couldn't make a conclusion of
17 identification or elimination.

18 Q And is it unusual in your experience to have that
19 kind of not as precise detail on the projectiles themselves or
20 on fragments as opposed to cartridge -- as opposed to cartridge
21 cases?

22 A It happens. I don't know about percentage-wise. But
23 also I will say that bullets tend to hit targets and things and
24 tend to break apart like you're seeing in this picture here.
25 So they can be a little tougher in that they, once they're

1 fired they have the possibility of being over-marked and
2 fragmented, so they won't be as intact as say maybe a cartridge
3 case. But I've also had cartridge cases that don't mark well
4 either just because of the firearm that it's being fired in.
5 So there is several components.

6 Q So it's variable, I guess, to the circumstances of
7 each particular case whether that detail's there that's
8 sufficient for comparison or not?

9 A Correct. The -- whether the gun can give the detail
10 that we need for an identification or elimination, or a
11 comparison at all, and then what happens to the evidence after
12 it's been fired.

13 Q And then I just want to show you one more photograph
14 which is State's 237. Can you see that on your screen?

15 A I can.

16 Q What are we looking at in that photograph?

17 A So this is actually an image that I captured from my
18 comparison microscope. And if you look in the center, there's
19 a dividing line. You'll see a cartridge case image on one side
20 and a cartridge case image on the other side. So this is two
21 of the evidence cartridge cases that I examined just side by
22 side, giving a general indication of their class
23 characteristics and their general shape. So this is one of the
24 two photographs I took from my comparison work.

25 Q And just to be clear, of the 11 cases that you

1 examined in this case, your conclusion was they were all fired
2 from the same gun?

3 A That's correct.

4 Q Thank you.

5 MS. WECKERLY: I have no other questions of this
6 witness.

7 THE COURT: Gentlemen.

8 MR. BASHOR: No, thank you. Thank you. Nice meeting
9 you.

10 THE WITNESS: Nice to meet you.

11 THE COURT: Anything from our jurors? No. All
12 right. Ms. Geil, thank you very much for your time. I
13 appreciate it. You are excused.

14 THE WITNESS: Thank you.

15 THE COURT: The State may call the next witness.

16 MR. PORTZ: Thank you, Your Honor. The State calls
17 Dr. Jennifer Corneal. Your Honor, while the next witness is
18 coming forward, I spoke with counsel during the break. I
19 believe pursuant to a stipulation between the parties for this
20 witness, the State will be moving to admit again by stipulation
21 State's Exhibits 45 through 84.

22 THE COURT: 45 through 84. Correct?

23 MR. BASHOR: Yes, Your Honor.

24 THE COURT: Okay. Those will be admitted, and you
25 can publish as you need to.

1 MR. PORTZ: Thank you, Your Honor.

2 (State's Exhibits No. 45 through 84 admitted.)

3 JENNIFER CORNEAL, STATE'S WITNESS, SWORN

4 THE CLERK: If you could state and spell your name
5 for the record.

6 THE WITNESS: Jennifer Corneal, J-e-n-n-i-f-e-r,
7 C-o-r-n-e-a-l.

8 DIRECT EXAMINATION

9 BY MR. PORTZ:

10 Q Dr. Corneal, where do you work?

11 A I work at the Clark County Office of the Coroner,
12 Medical Examiner.

13 Q And what's your position in that office?

14 A I'm a medical examiner.

15 Q How long have you been a medical examiner?

16 A Since July 2015.

17 Q And in all that time have you worked at the Clark
18 County Coroner and office of medical examiner?

19 A I have.

20 Q And did you work anywhere else prior to that in the
21 field of medical, or being a medical examiner?

22 A I completed my fellowship in forensic pathology at
23 the San Diego County Medical Examiner's Office.

24 Q Thank you. Let's actually discuss what type of
25 training or education then you need to become a medical

1 examiner.

2 A I am a doctor. I completed four years of medical
3 school. I then completed four years of pathology training.
4 I'm a board certified anatomic pathologist, which means I
5 passed a test that they came up with to make sure I know what
6 I'm talking about in the realm of pathology. I then completed
7 a fellowship subspecializing in forensic pathology. I am also
8 board certified as a forensic pathologist.

9 Q Can you describe to the members of the jury what are
10 the primary responsibilities of a medical examiner?

11 A A medical examiner performs examinations either
12 external and/or autopsy internal examinations of deceased
13 individuals in order to determine cause and manner of death.

14 Q And in your career as a medical examiner,
15 approximately how many autopsies would you say you've
16 conducted?

17 A Over a thousand.

18 Q And as a medical examiner are you oftentimes called
19 in to testify at trial as to cause and manner of death?

20 A I am.

21 Q Now, do you work with other medical examiners at the
22 Clark County office, at the coroner's office?

23 A I do.

24 Q And do the medical examiners that you work with, do
25 you all sort of share the same sort of training, experience,

1 medical background?

2 A We do.

3 Q Before we get into the specifics of this case, could
4 you please just generally explain the process for the members
5 of the jury, what happens when you receive the body of a
6 decedent for purposes of an examination?

7 A For purposes of an examination in cases like this,
8 the body is received in a body bag sealed by a coroner seal
9 number. After that the seal is broken in the morning of the
10 examination under supervision of homicide detectives, usually
11 crime scene analysts and our staff. The body is then
12 processed, photographed as it comes in, cleaned, photographed
13 again documenting injuries, documenting scars, tattoos.

14 After that the medical examiner, myself or one of my
15 colleagues will perform an external examination where again we
16 look at the body externally, document hair color, hair length,
17 scars, tattoos, injuries. And then we do an internal
18 examination where we cut a Y incision in the body and look at
19 organs, looking for natural disease processes and again,
20 injuries.

21 Q And when you as a medical examiner are conducting the
22 part where you kind of take over, you do an external and an
23 internal autopsy examination, do you also during that process
24 document it by way of photograph?

25 A We do.

1 Q Is it also standard practice in your office for
2 medical examiners to document their findings and their
3 procedures in writing?

4 A Yes.

5 Q And are reports typically generated in association
6 with an autopsy?

7 A They are.

8 Q Now, do you on occasion review autopsy reports that
9 are generated by other medical examiners in your office?

10 A I do.

11 Q And in this particular case, were you asked by the
12 Clark County District Attorney's Office to review an autopsy
13 report and findings generated by Dr. Alane Olson on a deceased
14 individual named Anshanette McNeil?

15 A I was.

16 Q And was that autopsy performed by Dr. Olson on
17 December 14, 2015?

18 A It was.

19 Q Was it under an autopsy report case number of
20 15-12325?

21 A Yes.

22 Q Who is Dr. Olson, Alane Olson?

23 A Dr. Alane Olson was one of my former colleagues at
24 the office of the Clark County Coroner and Medical Examiner.

25 Q Has she since retired from that position?

1 A She has.

2 Q Is that why you've essentially been asked to review
3 that report and testify as to her findings and subsequently
4 your findings in this case?

5 A Yes.

6 Q Can you just describe briefly what it is that you
7 reviewed in this case from Dr. Olson's report in preparation
8 for your testimony?

9 A I reviewed Dr. Olson's autopsy report, the photos
10 taken during processing and during the autopsy, the x-rays
11 taken, and the toxicology report.

12 Q And based on your review of the photographs, the
13 toxicology report, Dr. Olson's findings, do you come up and
14 generate your own independent conclusion as to cause and manner
15 of death as well?

16 A Yes.

17 Q All right. I want to talk for a moment, you
18 mentioned that you reviewed photographs, and if I could just
19 approach briefly.

20 MR. PORTZ: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. PORTZ:

23 Q These have been admitted as State's 45 through 84,
24 and I'm just going to flip very briefly through them. But are
25 these all photographs that were part of Dr. Olson's autopsy

1 that you reviewed in generating your conclusions for today?

2 A They are.

3 Q Okay. Now, there's about 40 photographs here. Is it
4 fair to say that there are far more than 40 photographs in the
5 entire autopsy file for Ms. McNeil?

6 A There are.

7 Q And did you review all of those as well?

8 A I did.

9 Q Now, you mentioned that you reviewed a tox finding as
10 well. What is a tox, a tox report?

11 A On most of our cases we send specimens to a
12 toxicology lab, whether blood, tissue, and we request testing
13 to determine if there are any drugs or medicines in the system.

14 Q And you reviewed one of those reports from Ms. McNeil
15 on this case; is that correct?

16 A I did.

17 Q Now, you don't do the testing, it's sent off and sent
18 back to you, the results?

19 A Correct.

20 Q And did you find in the toxicology report for
21 Ms. McNeil any presence of drugs?

22 A Yes.

23 Q And what were those drugs?

24 A Methamphetamine, its metabolite amphetamine,
25 hydrocodone and its metabolites.

1 Q What is the source from which these tests are pulled
2 when they are looking for whether or not there are drugs in the
3 system? What samples are sent in?

4 A Generally peripheral blood, central blood, liver,
5 vitreous humour. Some people send urine, some people send
6 brain, some people send gastric contents. In this case I
7 believe liver, urine and vitreous humour were sent and possibly
8 another tissue.

9 Q The findings with regards to methamphetamine, were
10 they results from testing on the liver sample sent in?

11 A They were.

12 Q Is it typical in autopsy situations, when you send
13 out these toxicology reports, for them to be pulled from a
14 liver sample, or is it typically pulled from another source?

15 A It's typically pulled from whatever sample we
16 determine. We typically use blood as our major source. Liver
17 tends to be a backup when there isn't enough blood.

18 Q And based on your review of Ms. McNeil's injuries in
19 this case, why is it that a liver source was used instead of
20 blood when looking at the toxicology report?

21 A I believe she bled out. She exsanguinated.

22 Q So due to her injuries there was a significant loss
23 of blood and that's why we used a liver sample?

24 A Yes.

25 Q Does using a liver sample in any way change the way

1 or the numbers that you receive as far as the measurements of
2 methamphetamine or amphetamine in the system?

3 A The numbers appear higher than in blood. Just by
4 looking at them they look like they're higher. It's still a
5 correct number, but it doesn't correlate exactly with the blood
6 level.

7 Q Thank you. I want to move on to the pathological
8 findings of the autopsy. First of all, can we just very
9 generally -- I'm going to publish photographs -- how many major
10 gunshot wounds were found on Ms. McNeil's body?

11 A Seven.

12 Q Okay. And I'm going to publish what's been admitted
13 as State's 45, that's what we're looking at there.

14 A This is a picture of Ms. McNeil's back showing a
15 gunshot wound of the left side, of the left mid back. These
16 are two exit wounds and another entrance wound of the back.

17 Q Publishing State's 46, and is this just a broad view
18 of some of the injuries that you documented on Ms. McNeil --

19 A Yes.

20 Q -- of her back?

21 Okay. Were there also injuries to -- gunshot wound
22 injuries to her face, neck and chest?

23 A Yes.

24 Q Publishing State's 48, is this a general view of some
25 of those injuries that you documented?

1 A Yes.

2 Q When you document injuries when there's a significant
3 number, do you tend to break them down in any sort of fashion
4 so that you can create an organized report of each injury?

5 A Yes.

6 Q And in this case were the injuries, those seven
7 gunshot wounds broken down into different categories for
8 purposes of your report?

9 A Dr. Olson's report, yes.

10 Q Dr. Olson's report.

11 A Yes.

12 Q I want to start first then, how were each of the
13 gunshot wounds identified just in the report so we can move
14 through?

15 A Dr. Olson labeled them arbitrarily as ABCDEF and G.
16 They don't mean anything as far as which order she was shot. I
17 believe she most likely started on the face, went to the chest,
18 then the back based on her order.

19 Q And I want to start then with what was identified as
20 Gunshot Wound A. I'm publishing what's been admitted as
21 State's 49. Can you tell us what Gunshot Wound A is here?

22 A Gunshot Wound A enters the right cheek here. It then
23 exits the right neck and re-enters the right upper chest.

24 Q And are there close-up photographs of each of those
25 three injuries and the entry and exit wounds that you just

1 circled on this?

2 A Yes.

3 Q Thank you. I'm going to publish what's been admitted
4 as State's 51. Is this the entry wound on the right cheek from
5 Gunshot Wound A?

6 A It is.

7 Q You then indicated that it exited the neck; is that
8 correct?

9 A Yes.

10 Q Showing State's 52, does that show us the exit wound
11 that you referenced?

12 A Yes. Here in the right side of the neck.

13 Q And then you indicated that there was another
14 re-entry wound after it exited the neck at that location; is
15 that correct?

16 A Correct.

17 Q Where is that?

18 A In the upper chest on the right.

19 Q And was the bullet or the gunshot wound, was the
20 bullet ever recovered from this injury?

21 A Yes.

22 Q Where was it recovered?

23 A It was recovered from the right upper back.

24 Q I'm going to show you State's 56. What do we see
25 here, ma'am?

1 A This is an incision that Dr. Olson made when
2 recovering the bullet from her right upper back.

3 Q And then State's 57, what is that?

4 A And that is a photograph of the bullet that had been
5 removed from the back.

6 Q Is that bullet once recovered provided or handed over
7 to investigators in this case for preservation as evidence?

8 A Yes.

9 Q Did you also review x-rays of the injuries in this
10 case?

11 A Yes.

12 Q And did the projectile, the bullet that was removed
13 from Gunshot Wound A, show up in those x-rays?

14 A It did.

15 Q I'm just going to publish State's 81 here. And is
16 this an x-ray that you reviewed from prior to the autopsy of
17 Ms. Anshanette McNeil?

18 A Yes.

19 Q And can you please just show for members of the jury
20 if we can see where that projectile was located in Ms. McNeil?

21 A It's right in her right upper chest portion, which
22 would be in her back in the actual autopsy.

23 Q Now, Gunshot Wound A, you've already indicated the
24 trajectory. What if anything did it pass through before coming
25 to rest in the decedent's back?

1 A It fractured her right clavicle, the right
2 collarbone.

3 Q And would you -- based on your review of the evidence
4 and your understanding through your medical expertise, would
5 you consider the wound from Gunshot Wound A to be fatal?

6 A Not in and of itself.

7 Q And what do you mean by that?

8 A There is going to be bleeding from this wound, but
9 the other wounds caused much more damage and hit vital organs,
10 whereas this one did not.

11 Q I want to move on then to what Dr. Olson labeled as
12 Gunshot Wound B. Publishing State's 58, what are we looking at
13 here, Doctor?

14 A Gunshot Wound B enters the right -- oh, sorry, the
15 left side of the chin, exits the left jaw, and then re-enters
16 the left side of the neck.

17 Q And after re-entering the neck, does Gunshot Wound B
18 come to rest inside the decedent's body, or where does the
19 projectile continue after that?

20 A The projectile enters her left lung, grazes her spine
21 and exits her back.

22 Q And I'm going to publish State's 62. I understand
23 there's a number of injuries we can see here, but do we see the
24 exit wound from her back in Gunshot Wound B?

25 A Yes. The --

1 Q I'm sorry. Did I make that too dark?

2 A The exit wound for Gunshot Wound B is -- it's this
3 wound in her mid back.

4 Q For the record, you circled in this exhibit the wound
5 immediately to the left of the marker indicating the autopsy
6 case number; is that correct?

7 A Yes.

8 Q Thank you. The Gunshot Wound B, as to its trajectory
9 and the damage it caused throughout the decedent's body, would
10 you determine Gunshot Wound B to be fatal?

11 A Yes.

12 Q And why would you determine that to have been fatal?

13 A A gunshot wound of the lung can be fatal in and of
14 itself. It can injure your lung, injure your ability to
15 breathe, and you can also still bleed out into your chest
16 causing you to die.

17 Q Moving on then to Wound C, I'm going to publish
18 what's been admitted as State's 65. Tell me what we're looking
19 at here.

20 A Wound C enters her left side of her chest here.

21 Q And where does Wound C, where does the bullet travel
22 in Wound C?

23 A The bullet travels through her left lung, her aorta,
24 which is the biggest artery in your body, her right lung, and
25 exits her right upper chest.

1 Q Showing you State's 64, do we see the exit wound in
2 this photograph from injury or Gunshot Wound C?

3 A Yes. The exit wound is here in the right upper chest
4 just under the re-entrance of Wound A.

5 Q Given that this, the pathway of the bullet in this
6 injury went through the aorta and the lung you said?

7 A Yes.

8 Q Did you determine that this wound would have been
9 fatal to Ms. McNeil?

10 A It would have.

11 Q And how is that?

12 A Again, she was shot in both of her lungs now, and as
13 well the aorta, which pumps your blood to your body, it has a
14 high pressure. Once there's a hole in it, you begin bleeding
15 profusely.

16 Q Now, if bullets have traveled through at this point
17 from your review both of her lungs; is that correct?

18 A Yes.

19 Q And also her aorta, would it be within the realm of
20 possibility the individuals who came into contact with
21 Ms. McNeil shortly after she sustained these injuries would
22 have heard her having difficulty breathing?

23 A Yes.

24 Q Would it have been within the realm of possibility
25 for individuals who examined her shortly after these shootings

1 to note that her pulse had quickly dropped or was lowered to
2 the point where she had very little heart activity?

3 A Yes.

4 Q I'll move on to the fourth injury identified now as
5 Gunshot Wound D, publishing State's 66, can you describe for me
6 what we're looking at in 66?

7 A The Gunshot Wound D enters her right side of her mid
8 back here.

9 Q And where does the -- what's the path of the bullet
10 in Gunshot Wound D?

11 A Gunshot Wound D strikes her right lung, her esophagus
12 and her aorta again, and exits her left upper chest.

13 Q Publishing State's 67, does this depict the exit
14 wound for Gunshot D that you referenced?

15 A Yes.

16 Q And based on the pathway of the bullet from Gunshot
17 Wound D, would you have determined that to have been fatal to
18 Ms. McNeil?

19 A Yes.

20 Q Moving on to the fifth documented gunshot wound,
21 Gunshot Wound E, I'm going to publish State's 70. What do we
22 see here, Doctor?

23 A Gunshot Wound E enters her left side of her mid back
24 here and stays subcutaneous or just under the skin, and exits
25 the mid upper back here.

1 Q And so we can see both the entry and exit wound in
2 this exhibit; is that correct?

3 A Correct.

4 Q And what was the pathway of the projectile as it went
5 through that portion of her body?

6 A Just subcutaneous tissue, just the fatty tissue under
7 the skin.

8 Q Was there anything about this injury that you would
9 deem to have been fatal to Ms. McNeil?

10 A No.

11 Q I'd like to move next to Gunshot Wound F. Publishing
12 what's been admitted as State's 73, what do we see here?

13 A This is Gunshot Wound F entrance wound in the right
14 upper arm.

15 Q And was there an exit wound associated with Gunshot
16 Wound F?

17 A No.

18 Q What was the pathway of the bullet in Gunshot
19 Wound F?

20 A Gunshot Wound F entered the back of her right upper
21 arm and fractured her humerus, and fragments of the projectile
22 were recovered from that area of the fracture in her arm.

23 Q And did you observe that fracture in the x-rays that
24 you reviewed?

25 A Yes.

1 Q Publishing now what's been admitted as State's 83,
2 what do we see here, Doctor?

3 A This is the humerus, the bone in your upper arm, and
4 this is a large fracture here, and then here is a portion of
5 the bullet that was recovered at autopsy.

6 Q And you moved to my next question, which was, was the
7 bullet recovered. So I'm going to publish State's 74. Tell us
8 what we're looking at here.

9 A This is a bruising in her right upper arm. The
10 bullet was removed from this area.

11 Q And State's 75, describe what we're looking at in 75.

12 A The arm has now been opened, and here and here you
13 can see the fragments of the bullet.

14 Q And this incision was done by Dr. Olson; is that
15 correct?

16 A Correct.

17 Q And was that for purposes of extracting the bullet
18 that was still inside of Ms. McNeil's arm?

19 A Yes.

20 Q And State's 76, tell us what we're looking at here.

21 A Another photograph of the bullet in her arm.

22 Q Fair to say they were multiple --

23 A They were multiple fragments.

24 Q Fragments, thank you.

25 And then State's 77, what are we looking at here,

1 Doctor?

2 A Those are the fragments that were removed from her
3 arm.

4 Q I want to move on to Gunshot Wound G, the seventh
5 gunshot wound, State's 78. Can you describe the entry, exit
6 and trajectory of the bullet in this image?

7 A Yes. The entrance wound from the right forearm, if
8 your arm is out palm up, it would have been on the right side
9 of your forearm. The exit wound is on the left side just a
10 little bit farther down on the arm.

11 Q The two wounds that we've looked at, the last two
12 gunshot wounds that were both in Ms. McNeil's arm, would those
13 have been determined or deemed to have been fatal?

14 A No.

15 Q State's 79, why was this image documented? What are
16 we looking at here?

17 A This is an image of Ms. McNeil's left hand. She has
18 a graze wound, which a bullet grazes the skin of her left
19 ring -- I'm sorry, left middle finger.

20 Q Based on the injuries that you reviewed -- well,
21 sorry. I have one more exhibit I just want to show. Did you
22 also document the injury depicted in State's 80? Specifically
23 for the record I'm indicating the area around the tattoo and
24 just below the tattoo.

25 A Yes. Those were abrasions that were documented

1 during the autopsy.

2 Q Abrasions are just scratches or something of that
3 nature?

4 A Yes.

5 Q Based on your review of the injuries sustained by
6 Ms. McNeil, were you able to determine a cause of death?

7 A Yes.

8 Q What was your final determination as to the cause of
9 death?

10 A Multiple gunshot wounds.

11 Q And additionally are you asked to determine a manner
12 of death based on your review?

13 A Yes.

14 Q And what was your conclusion as to the manner of
15 death?

16 A Homicide.

17 MR. PORTZ: The Court's indulgence.

18 (Attorneys confer.)

19 MR. PORTZ: We want to turn back just for a moment --

20 THE COURT: While he's looking for that, just to be
21 clear, your cause and manner of death testimony, those are your
22 independent conclusions, correct?

23 THE WITNESS: Correct.

24 THE COURT: Thank you.

25

1 BY MR. PORTZ:

2 Q Doctor, I do want to return just briefly to Gunshot
3 Wound A. This was the published what's been admitted as
4 State's 50. Was there anything of note in your observations as
5 to any additional injuries around the gunshot wound itself?

6 A Yes.

7 Q And what would that have been?

8 A Around the entrance wound there are these punctate
9 abrasions or scratches that are actually caused by unburnt
10 gunpowder striking the skin. It's what we call stippling.

11 Q And I'm going to publish State's 51 as more of a
12 close up documenting the stippling that you're referencing. Is
13 that what we're looking at?

14 A Yes.

15 Q And what if anything is significant about stippling
16 when you locate that near a gunshot wound?

17 A Stippling allows us to determine a range of fire. In
18 this case the [unintelligible] means intermediate range, which
19 can be anywhere from 6 inches to 2 feet, and that determination
20 is based on fire testing the gun itself with the same
21 ammunition, and that's to a firearms expert.

22 Q So if I understand what you're saying, this stippling
23 indicates that the firearm was within 6 inches to 2 feet of
24 Ms. McNeil when injury was sustained?

25 A Yes.

1 MR. PORTZ: Thank you. I'll pass the witness, Your
2 Honor.

3 THE COURT: Mr. Bashor or Mr. Shaygan?

4 CROSS-EXAMINATION

5 BY MR. SHAYGAN:

6 Q Dr. Corneal, good afternoon, ma'am.

7 A Good afternoon.

8 Q Ma'am, the way a forensic pathologist uses the word
9 "homicide" is different from the way our justice system views a
10 homicide, correct?

11 A Yes.

12 Q And by that I mean you are responsible for
13 categorizing the manner of death in a case, correct?

14 A Correct.

15 Q Okay. And you do that because as a society we find
16 it important to determine what is causing the death of our
17 citizens, correct?

18 A Yes.

19 Q And so when you determine that, there could be
20 several possible categories that can be listed as a manner of
21 death, correct?

22 A Yes.

23 Q Homicide, correct?

24 A Yes.

25 Q Suicide?

1 A Yes.

2 Q Accidental?

3 A Yes.

4 Q Natural causes?

5 A Yes.

6 Q Undetermined?

7 A Yes.

8 Q Okay. And your duty and training assists you in

9 making the determination of what category to list as a manner

10 of death, correct?

11 A Yes.

12 Q Okay. So, Doctor, a homicide as you define it in

13 your practice is a death at the hands of another, correct?

14 A Yes.

15 Q So in other words, your job is not to determine what

16 is going through, for example, Vernon's mind at the time of

17 this incident?

18 A Correct.

19 Q An autopsy is an important component in determining

20 the manner and cause of death, correct?

21 A Yes.

22 Q Okay. And an autopsy is a post mortem examination to

23 discover the cause of death, you would agree with that

24 obviously?

25 A Yes.

1 Q And as you had previously testified, a part of your
2 job is to -- or a part of an autopsy I should say is to obtain
3 samples of body fluids and tissues for analysis?

4 A Yes.

5 Q Okay. And you had mentioned that also part of it is
6 to perform toxicology testing and search for illegal drugs,
7 alcohol or other poisonous substances?

8 A Yes.

9 Q And just to be clear, you did not perform this
10 autopsy, correct?

11 A Correct.

12 Q And however as Mr. Portz had previously asked you,
13 you did review the materials?

14 A Yes.

15 Q Okay. And it's safe to say you reviewed the autopsy
16 report?

17 A Yes.

18 Q The coroner investigation report?

19 A Yes.

20 Q And the toxicology report?

21 A Yes.

22 Q Okay. With regards to the toxicology report,
23 Ms. McNeil was tested for methamphetamine, correct?

24 A Yes.

25 Q Can you explain what nanograms, ng, slash, g, means

1 for us that have a tough time understanding it?

2 A Nanograms per gram is a way of documenting how much
3 of a substance in nanograms, which is a thousandth of a gram,
4 or ten thousandth of a gram, per a gram of tissue in this case,
5 versus in blood it would be nanograms per milliliter, and the
6 milliliter would be a volume. Tissue we use mass in grams.

7 Q And the reporting limit for the tissue, how much is
8 that amount?

9 A I don't know.

10 Q If I told you that the minimum amount of
11 methamphetamine which would show in a report is 80 nanograms
12 per gram of tissue, would that be correct?

13 A Sounds right.

14 Q Okay. And in this case Ms. McNeil had 1,600
15 nanograms per gram?

16 A Yes.

17 Q Okay. So that would be at least 20 times the
18 reporting limit?

19 A Yes.

20 Q Okay. And just to be clear, methamphetamine is a DEA
21 Schedule II stimulant, correct?

22 A Yes.

23 Q And it causes aggressive behavior?

24 A The effects on each person are variable.

25 Q If I were to refer you to the toxicology report which

1 describes what it causes, would you agree that one of them is
2 aggressive behavior?

3 A That is one of the things the toxicology report does
4 say.

5 Q Okay. And it would cause hallucinations?

6 A It can.

7 Q Irrational reactions?

8 A Again, variable but can, yes.

9 Q Okay. Thank you. And in addition to
10 methamphetamine, Ms. McNeil also had hydrocodone in her system?

11 A Yes.

12 Q Okay. And hydrocodone is a narcotic used to treat
13 pain?

14 A Yes.

15 Q And the minimum of hydrocodone which will show is 100
16 nanograms per gram, correct?

17 A If that's what the report says, yes.

18 Q Okay. And in this particular case Ms. McNeil had 250
19 nanograms per gram of hydrocodone in her system, correct?

20 A Yes.

21 Q Okay. The toxicology report also refers that she had
22 hydromorphone in her system. Can you please tell the men and
23 women of the jury what that is?

24 A That's a metabolite of hydrocodone. So when you take
25 certain drugs, they can be broken down into other drugs, and

1 that would be one of them.

2 Q That would be one of them. Okay.

3 Moving on from the drugs, can you explain to the men
4 and women of the jury what's the difference between
5 indeterminate range versus determinate range?

6 A Indeterminate range you just cannot determine the
7 range of fire due to possibly clothing, other objects in the
8 way, or it could be a distant range. Determinate range would
9 be something where you could determine it's close contact,
10 intermediate, as in the gunshot wound to the face, or distant.

11 Q Other than the gunshot wound to the face that
12 Mr. Portz was asking you about, all of the other gunshots in
13 this case are indeterminate range, correct?

14 A Correct, with the exception of the graze wound to her
15 finger.

16 Q With the exception of that one. Okay.

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

19 THE COURT: You may.

20 MR. SHAYGAN: Doctor, thank you for your time this
21 afternoon.

22 Your Honor, thank you.

23 THE COURT: Thank you. Ms. Weckerly -- or Mr. Portz,
24 I'm sorry.

25 MR. PORTZ: No follow up from the State, Your Honor.

1 Thank you.

2 THE COURT: Anything from our jurors? Yes.

3 (Bench conference transcribed as follows.)

4 THE COURT: I'm not sure what that is right there.

5 [Inaudible.]

6 MR. BASHOR: Mm-hmm.

7 THE COURT: I guess, or whether that was supposed to
8 be part of a number.

9 MS. WECKERLY: [Inaudible.]

10 THE COURT: I'll ask her to clarify just to make
11 sure, but I think she's saying is greater than 10k nanograms
12 per gram of --

13 MS. WECKERLY: Yeah. [Inaudible] indicative of
14 multiple doses [inaudible].

15 MR. BASHOR: With -- with Question No. 2, I guess I
16 would need some foundation type questions, if that's something
17 that, you know, the mechanisms of ingestion is something that
18 she's aware of.

19 THE COURT: Obvious signs of mechanism of use. Yeah.
20 I guess maybe she's talking about did she have needle marks or
21 problems with the septum in her nose from snorting stuff, I
22 guess. I don't know the answer to that. I'm assuming no,
23 because it would be in the autopsy report. So I don't know.
24 Can she even answer that, since she didn't --

25 MR. PORTZ: It can be posed with an if you know the

1 answer or --

2 MS. WECKERLY: Sure, yeah.

3 THE COURT: Okay.

4 MR. BASHOR: Okay.

5 THE COURT: I can ask it that way, if you have any
6 knowledge is there anything, do you know of anything in the
7 report that would reflect that kind of thing?

8 MS. WECKERLY: I think she'll [inaudible]. I mean, I
9 didn't see anything.

10 MR. BASHOR: And it says here, "Same Q's for
11 hydrocodone." Is that two and three?

12 THE COURT: I think, yeah, about the hydrocodone,
13 yeah, any signs of abuse of hydrocodone. I don't know of any
14 other way to take hydrocodone other than orally.

15 MR. BASHOR: I don't either.

16 THE COURT: But I'm not a drug addict.

17 MR. BASHOR: I don't want to know. As long as it's
18 prefaced with if you know, I have no objections.

19 THE COURT: Okay. You guys are good as well?

20 MR. PORTZ: Yes.

21 (End bench conference.)

22 THE COURT: Okay. Doctor, I got a few questions for
23 you. To begin with, from everything you reviewed in the case,
24 could you tell did the victim exsanguinate mostly internally
25 after being shot, or externally? And you may think of

1 exsanguination differently than it's posed in this question, so
2 but can you answer that?

3 THE WITNESS: I can tell you that Dr. Olson did not
4 mention any hemothorax, which would be blood in the chest
5 cavity, which makes me believe that it must have happened at
6 the scene; in other words, externally.

7 THE COURT: Okay. And these next series of questions
8 are if you know from the things that you were able to review.
9 If you don't from what we've reviewed, then just let me know.
10 But if you know, was there anything, did the victim show any
11 obvious signs of methamphetamine abuse?

12 THE WITNESS: I don't know.

13 THE COURT: Okay. Do you know, did the victim show
14 any obvious signs of hydrocodone abuse?

15 THE WITNESS: I don't know.

16 THE COURT: And is greater than 10k nanograms per
17 gram most likely from one dose or multiple doses?

18 THE WITNESS: That depends on how much she was
19 taking.

20 THE COURT: All right. Ms. Weckerly, any questions
21 based on mine?

22 MS. WECKERLY: It's Mr. Portz.

23 MR. PORTZ: I'll ask a few.

24 THE COURT: Oh, Mr. Portz. I'm sorry, Nick. I keep
25 doing that.

1 //

2 //

3 REDIRECT EXAMINATION

4 BY MR. PORTZ:

5 Q The questions that you received about exsanguination,
6 that essentially means bleeding out; is that correct?

7 A Yes.

8 Q Okay. And just in your response to that juror's
9 question you said there was no notation of a hemothorax; that
10 would have been signs of blood pooling inside the chest?

11 A Correct.

12 Q You also testified that that makes you or leads you
13 to believe that she had bled out at the scene; is that right?

14 A Correct.

15 Q Okay. It's also possible that additional bleeding
16 could have occurred in the ambulance on the way to the
17 hospital?

18 A Correct.

19 Q Is it also possible that additional external bleeding
20 could have occurred while at the hospital?

21 A Yes.

22 Q And the performance of the autopsy is typically
23 conducted where?

24 A At the office of the coroner medical examiner.

25 Q And this autopsy was performed the following day

1 after the victim had passed away; is that correct?

2 A Correct.

3 Q So during that whole time span there could have been
4 other areas at which she continued to bleed out?

5 A Yes.

6 MR. PORTZ: No further questions. Thank you.

7 THE COURT: Mr. Shaygan.

8 MR. SHAYGAN: Your Honor, nothing from the defense.
9 Thank you.

10 THE COURT: Okay. Dr. Corneal, thank you very much
11 for your time. I appreciate you coming to court. You are
12 excused, okay.

13 THE WITNESS: Thank you.

14 THE COURT: And ladies and gentlemen, I appreciate
15 you being patient with us while we finish up this witness. I
16 know it's a little after 5:00 o'clock, so thank you for your
17 time. We're going to go ahead and take our recess for the
18 weekend.

19 During the recess you'll be admonished not to talk or
20 converse among yourselves or with anyone else on any subject
21 connected with the trial, or read, watch or listen to any
22 report of or commentary on the trial by any medium of
23 information, including without limitation the newspapers,
24 television, the Internet and radio, or form or express any
25 opinion on any subject connected with the case until it's

1 finally submitted to you. No legal or factual research or
2 investigation on your own, no re-creation of testimony on your
3 own.

4 And I will see you Monday, at 10:30 we're going to
5 start. So when you get here Monday, you can just buzz the
6 intercom out there on the wall right where the big door is, and
7 Mike or Molly or somebody else will bring you back to the
8 deliberation room until we have you all, then we can get
9 started. Okay. Thank you.

10 (Jurors recessed at 5:15 p.m.)

11 THE COURT: So we got through a lot more people today
12 than I was expecting. How many more witnesses do you think you
13 all have?

14 MS. WECKERLY: At least five, but I think we'll
15 finish with our witnesses on Monday. I can email --

16 THE COURT: In time to start with any potential
17 defense case?

18 MS. WECKERLY: Yes.

19 THE COURT: Okay. So I'll let you guys discuss when
20 we're done about, you know, maybe what time to have witnesses
21 available if you guys are going to call some witnesses.

22 MS. WECKERLY: Sure. I'll talk to them about that.

23 THE COURT: What I would plan on doing is have us
24 stay Monday evening after we rest the trial for the day, and
25 then get jury instructions settled. I don't have any from

1 anybody yet.

2 MS. WECKERLY: So yes, I was going to say I do have a
3 draft of those done. I can email them just as soon as I go
4 back to everybody.

5 THE COURT: Okay. And then the same for you all, if
6 you would just send over any prospective jury instructions you
7 have so I can be taking a look at them.

8 MR. BASHOR: And I suspect there's going to be quite
9 a bit of overlap. If you don't mind, if I could do that over
10 the weekend.

11 THE COURT: Yeah, that's fine.

12 MR. BASHOR: Okay. And, Your Honor, there's a
13 potential at this rate that we may be done in the mid
14 afternoon.

15 THE COURT: On Monday?

16 MR. BASHOR: Monday.

17 THE COURT: Yeah, I won't make you argue on Monday.

18 MR. BASHOR: Okay. Thank you.

19 THE COURT: If we get done with all the witnesses and
20 cases in chief are rested and we're done early, that's great.
21 We'll just plan on coming back and arguing on Tuesday.

22 MR. BASHOR: Thank you, Your Honor.

23 THE COURT: Probably what I would do is say we would
24 start late morning and go through lunch, and then I'll just
25 bring lunch in and they can start eating while they deliberate.

1 MR. BASHOR: That's perfect.
2 MS. WECKERLY: Okay. Thank you.
3 THE COURT: Thank you. All right. Enjoy your
4 weekend, guys. I'll see you Monday.
5 MR. BASHOR: You too. Thank you.
6 (Court recessed for the evening at 5:17 p.m.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

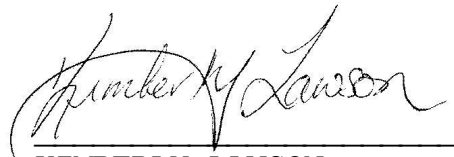
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**KARR REPORTING, INC.
Aurora, Colorado**


KIMBERLY LAWSON

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

3
4
5
6
7
8
9

10

11
12
13

Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

13

Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

16

17

18
19

20

HOWARD S. BROOKS

21

22

24

25

27
28