

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: STEVEN TURNER

knew it was the police I'm not gonna shoot at the police. That makes no sense.

You're not gonna win.

CJ: Okay. All right. Okay. Anything else?

ST: No, man, I just wanna say I do - I really am apo- I apologize for everything that's happened, for this last couple hours and I'm sorry about, you know what I mean, your officer, sorry about the officer that's - that's down. I really do apologize. You know what I mean? But I just want you to know I did not pull no trigger. I did not shoot at no police officer. That is somethin' - I would never do that, like, period. I just want you to know that. Like, once I got shot, man, it was, like - it was dark in the house. Like, that's how I know the police weren't there because it was him yellin' and sayin' "Hey, fuck you. Get the fuck outta here," him shootin'. And then now if I would've stayed, that's when the police came, obviously if I would've stayed. I ran and took off. That's why they ended up findin' me way up the street because as soon as I got shot I left. By the time they got to me my blood and everything on my legs was all dried up because I was sittin' there next to the - next to the - on this little couch thing, just sittin' there, hella nervous and shit, for about a good hour. And then you can - like, the blood was all drawn up - dr- however you wanna say it. It was dry. And then I fuckin' - I start walkin' and then that's when the police officers pulled up on me, but I never, ever pulled - I never, ever shot - I never shot a gun. I left it there. I dropped everything. I - i- if I shot him, I woulda took it with me. If I'm shootin' at whoever I'm gonna take it with me. I don't j- I'm not gonna just shoot at you and then just drop it and leave. Like, I dropped every- like as soon - I panicked as soon as I felt this bullet

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hole hit me, I completely panicked, and dropped everything and bumped out. I went, and ran, and hopped over the wall and left. I was, like, bro, I did not want it to go down like that.

CJ: How many times have you used that SK to do robberies?

ST: Never. That was the - that's the first time. I swear to god I've never - I don't - I'm - I'm - I have a job, man. It was stupid on my part for even goin' to do this shit.

CJ: How many times have you done robberies?

ST: I've never done a robbery.

CJ: Never before?

ST: No.

CJ: Tell me about your arrest history here?

ST: I got a DUI when I first turned 21 and then after that it was just traffic tickets, like, driving with a suspended license, driving with no insurance or speeding. And...

CJ: You been to jail before?

ST: I did, like, three days at City. That was it.

CJ: With the DUI?

ST: Yeah, with the DUI.

CJ: You've never been here?

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ST: Never been to County, no. That was the fir- that's the only time was just that DUI. That was the only time. I'm tellin' you, man, like, I didn't - that's what - that's what got my mi- my - my brain is racing. And my mom is tellin' me, once I talked to her, she's, like, "Yeah, Lamar's mom is doing this and doing that." I'm, like, but why - what - when I left there he was on the - he was, like, layin' there. Like I said, I dropped everything and hopped over the wall, so if anything, you got - you got the SK and you got the shotgun all right there because I ran.

CJ: Okay. All right. Operator, Detective Jex. The Event# on this is 150904-0516. I'm at CCDC in the interview room in booking area. Just completed an interview with Steven Turner. What's your date of birth, Steven?

ST: 12-23-90.

CJ: 12-23-90. The, um, starting time was at 1535. The ending time now is 1630.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT THE CLARK COUNTY DETENTION CENTER, 330 S. CASINO CENTER BOULEVARD, LAS VEGAS, NV 89101, ON THE 4TH DAY OF SEPTEMBER 2015 AT 1630 HOURS.

**CJ: (NET TRANSCRIPTS)
FIT2015-032**

CJ: REVIEWED 09-15-15

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

3
4 STEVEN TURNER,) No. 76465
5)
6 Appellant,)
7 vi.)
8 THE STATE OF NEVADA,)
9 Respondent.)
10)

11 **APPELLANT'S APPENDIX VOLUME II PAGES 227-472**

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17 **CERTIFICATE OF SERVICE**

18 I hereby certify that this document was filed electronically with the Nevada
19 Supreme Court on the 4 day of February, 2019. Electronic Service of the foregoing
20 document shall be made in accordance with the Master Service List as follows:

21 AARON FORD
22 STEVEN S. OWENS

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

23 I further certify that I served a copy of this document by mailing a true and
24 correct copy thereof, postage pre-paid, addressed to:

25 STEVEN TURNER, #1200863
26 HIGH DESERT STATE PRISON
P.O. BOX 650
27 INDIAN SPRINGS, NV 89070

28 BY /s/ Carrie M. Connolly
Employee, Clark County Public Defender's Office

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EP: All right hold - and what kind car did he pick - pick you up in, do you recall?

ST: I - man, I really don't know cars, man. I know it's, like, a beige or brown or somethin' like that, like, light.

EP: Two-door? Four-door?

ST: Uh, four-door.

EP: Four-door?

ST: Yeah.

EP: And who else was in the car with you?

ST: It was just me and him.

EP: Nobody else? No white guys?

ST: There wasn't - there wasn't nobody else in the car with us.

EP: All right. Um, f- for some reason we're gettin' reports that there was a white guy involved in this.

ST: A white guy involved?

EP: Yeah, with you guys. No?

ST: No. There was no...

EP: It was just you two?

ST: ...it w- when he came and got me and when we pulled up by the house, it was me and him sitting in that car. It wasn't nobody else.

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EP: And - and it was you and him in the backyard, nobody else?

ST: Nobody else.

EP: Okay. Fair enough. Keep going, man. So, he picks you up in his tan car, brown car?

ST: Yeah, like I said it w...

EP: Four-door?

ST: ...it was a four-door.

EP: Alright, and you guys start driving. Where did you guys drive to?

ST: We drove down Jones 'cause like I say, we go down Jones usually and then turn right on Lake Mead and then that's where we go get our little plug from or whatever, but he kept on driving straight so I'm like, you know what I mean, "Where are we goin'?" And he's like, "Come on, brother let's go see what's up with this house real quick. I just gotta go stop by real quick. I'm just about to go see what's up." So I'm like, see what's up, see what's - I'm not putting two and two together. So I'm like, "All right, bro, come on let's - fuck it, let's ride." And we get there and like I said, then he opened up the back seat. He did somethin' in the back. I was usin' the nigga phone at the time, tryin' to get a hold of my mom, and then he hopped out. I gave him his shit back and he was, "I'll be right back. I'll be right back. I'll call you if I need you." Then when he said that, I was like, "Call me if you need me? What you - man, what you talkin' about?" So that's when I went over to - like, once I heard the - I didn't

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even hear - he was takin' too long. So once I go look over the wall - once I look over the wall, I - I don't see him, so I'm like, "Where's this - where's this nigga at?" So I hop over the wall, lookin' like, where this nigga at. Then all of a sudden, you just hear - hear gunshots, boom, boom, boom. And then that's when I - I guess that's when I got shot 'cause I was like, oh shit, and I just took off running...

EP: Mm-hm

ST: ...and that was it. I did not shoot nobody. I didn't have a gun in my - I didn't shoot nobody. I ran out and left.

EP: The house, describe the house for me.

ST: There was a pro- there was a pool in the back with...

EP: Two-story house or one-story house?

ST: One. It was a one-story house.

EP: One-story house. Any cars in the front street - in front of the house?

ST: There was, like, a white car in the driveway.

EP: Okay. White truck? White van? White?

ST: Like a toaster car. One of them toaster box cars.

EP: Okay, and, um, if you're looking at the house, you went in through the backyard from - on - from the left side or the right side?

ST: If I'm looking at the house?

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EP: If you're looking at the house.

ST: We hopped the wall - on the left.

EP: On the left?

ST: That's the way - yeah, 'cause I had - had to crawl, like, over some walls real quick 'cause he walked down the wall and then went and hopped over and then that's when I came after him. Like, I'd say, like, ten minutes afterwards, like, probably not even ten minutes 'cause he was just takin' too long. I'm like, bro, what the fuck is you doin'. Hopped over and went to go look to see what was goin' on. The next thing I know is, boom, boom, boom, boom, boom and, uh, shit all I know is to run, you feel me? I just ran and like I say, I didn't know - I thought it was just shots let off. I did not know the seriousness of what was goin' on.

EP: Did you hear any, uh, yells of, like, put the gun down?

ST: I - no, I didn't hear no - I didn't hear none of that, not when the gun - not when the shots started. I did not hear nobody sayin', "Put the guns down." "Freeze." I didn't hear none of that. I just heard - that's why I figured it was just whoever lived in the house. I thought it was the homeowner just - just shootin' 'cause I didn't hear none of that. I just took off runnin' and then like I say, I don't know what he did. I just ran. I hopped over that - the brick wall right there and just took off across the street and then I just sat there on the couch for, like, a good 45 minutes just tryin' to figure out, like, what the fuck happened. Like what's goin' on, you know what I mean, and then

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that's when I was like all right, I mean, I'm gonna just walk. I mean, I should be all right and then I just walked, and then that's when I ran into y'all.

EP: The only, uh, kinda question that kinda is bothering me is w- how is he carrying two rifles? He's got a shotgun and he's got a AK. Like, how was he carrying...

ST: That's what I'm sayin', I don't - I don't understand what he did. Like I say, that gauge and then like I said, he didn't show me. I s- he didn't show me the SK. It looked like it in the back seat when we pulled up.

EP: Mm-hm.

ST: When we - he went and opened up the back door, he just reached in there, he grabbed whatever. I wasn't turned around, like, looking at him like what you doin' 'cause and then that's gonna incriminate me. I'm here and I know exactly what you - I - I know everything you doin', you know what I mean? So I just - I didn't even look.

EP: Mm-hm.

ST: I was all he grabbed whatever he grabbed and then boom, I f- I thought one was still in the car and then that's when he left.

EP: And you said he's gone about ten minutes?

ST: Yeah, he was gone for, like, ten minutes and I - then I'm sittin' there...

EP: Nothing?

ST: I don't hear nothin'.

EP: So, a- and he jumps the wall on the left side?

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ST: The left side of the house, yeah.

EP: And then you follow and jump the same wall?

ST: Y- yeah, like, ten minutes later though, not b- directly behind him...

EP: Yeah.

ST: ...but I was waitin' and then once I'm not hearin' nothin'...

EP: Ho- hold on. You jump over, describe the backyard for me.

ST: When you hop over the wall, it's a pool right there.

EP: Pool on your left side or your right side?

ST: Like, when you hop over the wall, the pool was directly in front of me. I had to walk around the pool.

EP: Okay.

ST: And then there's, like, grass over here with the pump and then...

EP: Um, the grass over here with the pump on the right side?

ST: To the right, yeah.

EP: Okay.

ST: And then when you walk - and then that's the little - her little - it's a patio right there.

EP: Mm-hm.

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ST: And there was a TV and everything right there and then right when I got to that point to where that patio and that TV is, that's when boom, boom, boom, and that's when all the shots started.

EP: Did you hear anything from Mar? Like any indication that, uh, something was goin' and that...

ST: No. The police was there?

EP: ...that shots were going be fired?

ST: No, I didn't hear none of that. I swear to God, I did not hear no warning, no nothing. That's why I just figured...

EP: Have you ever been to this house before?

ST: I've been there before. I know...

EP: Okay. So...

ST: ...I know who lives there.

EP: ...so the person who lives there, dope guy? Is that what it is?

ST: Yeah, she's a...

EP: Like (cross talk)?

ST: ...yeah, he's a dude. He sells...

EP: A dope...

ST: ...he sells weed.

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EP: ...so - so this was going to be a dope rip?

ST: Yeah.

EP: Okay. Uh, now...

?: Sir? We're gonna lift you up real quick, all right.

EP: ...w- when...

ST: You all about to take this shit out right now?

?: Uh, we're gonna just clean it up first and...

EP: They're going clean it up.

?: We're not actually gonna take anything out. There's only like a really, really tiny piece of shrapnel in there.

ST: Okay.

?: Um, which it'll either work its way out or it'll just stay there. So, um...

EP: Operator, this is, uh, m- medical staff, uh, talking to my, uh, my witness.

?: Oh, I'm sorry.

EP: You're fine. So, you're - that - that's goin' on, right?

ST: Yeah.

EP: Um, uh, y- you jump the fence, you see the pool. Um...

?: (Unintelligible).

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ST: I see the pool and I - I'm lookin' for him.

EP: ...and where he is at? Underneath the, uh - by the front door...

?: (Unintelligible).

EP: ...by the back door?

ST: By - by the back door. He started walking...

EP: And w- what kind of door is it?

ST: ...and he was walking back towards me.

EP: A sliding door or an open door? What kind of door is it?

ST: It's a s- uh, it's a slidin' door in the back, like...

EP: Like a glass one?

ST: ...like a back - yeah.

EP: Okay.

ST: He was coming from that way. So once he's coming from that way and I'm looking at him and I see the str- I'm like, "Bro, what the f- what the fuck is you doin'?" You know what I mean? I said, "Somebody in here obviously. The car is in the front." And all of a sudden boom, boom, boom, boom. And they just start shootin' through the house and I - that's when I just took off like a bat outta hell and just started runnin', you know what I mean, and I just ran, you know what I mean? That's why - 'cause, like, that's crazy, like, if I woulda known somethin' like that - I could be at home goin'

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to my job tom- I'm about - I'm supposed to be at work today at 3 o'clock, like, to be with my mom. I take care of the - I'm the man of the house. I'm not - a officer? Like, come on, man, you don't - you don't do that. Certain things you don't do, man, and that's one thing you don't do and I don't play around like that...

EP: Mm-hm.

ST: ...you know what I mean? A- and I just wanna apologize aga- again on my part, like, oof.

?: Sorry, sir.

EP: A- so you're telling me at no point did you have any of those firearms?

ST: No.

EP: And w- there's a f- um, well, let's - first let's address the two - the rifle and the shotgun...

ST: Right.

EP: ...is that what it was?

ST: Yeah.

EP: You never had those? Never touched those when you were...

ST: No.

EP: ...in the backyard?

ST: Not in the backyard, no.

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EP: Okay. In the car, did you touch 'em maybe?

ST: N- no, not in the car. I've touched 'em when they've been in the house...

EP: You - okay.

ST: ...before, when my...

EP: Yeah.

ST: ...'cause they're my - my uncle's. I know that - that rifle, I know it's my - he - I - I didn't bring it up to him, you know what I mean, or nothin', but...

EP: Mm-hm.

ST: ...I know that that's my uncle's rifle.

EP: You - you've seen that rifle before?

ST: I've seen it before. Yeah, and it looks - I - when I looked at it, I'm all I know that that's my uncle's, but of course this nigga got two stripes. I'm not gonna sit there by - I'm not gonna try to be all big billy bad-ass and be like, you know what I mean? It was back there. I mean, fuck it. And that's yours then. I mean, it's none of my business. I don't want no pars to that.

EP: Yeah. Mm. What's up?

?: (Unintelligible).

EP: Why did you lie about being shot? When you - you know that's one of the one things...

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ST: No, honestly, I honestly did not know that I was shot until - like I said, once I got to the house across the street and I sat down and I looked and at first I was like, oh, shit. I cut myself on the fence, you know what I mean? Until when I really looked and I seen how bad it was bleeding, I'm like damn, I probably - I mean, I got shot. Then that's when y- y'all ripped my pants off and I could see it and I'm like oh, that's a fuckin' bullet wound. And like I said, I think that's from me when I went up to him and I - I'm grabbin' him like, "Bro, what is you doing?" You feel me and then that's when I heard doo, doo, doo, doo and then my - my r- adrenaline just started rushin' so hard that I didn't recognize it and then I just - I just - I just was runnin'.

EP: Mm-hm. Um, how many other times have you been to that house?

ST: I've been there, mm, maybe, like, twice before. Like, maybe two, three times before.

EP: Mm-hm, and, uh, what inside this house, what do they have at home, dope or guns?

ST: They - she - they sell weed.

EP: Yeah, but what were you guys lookin' to get, dope or money?

ST: Weed.

EP: Weed?

ST: Yeah.

EP: All right. So y- you - you're there...

ST: I mean, I'm guessin' it's weed. That's not, like, the plan. Like, hey, we gonna go over here and go get some weed, you know what I mean? I'm - he's a pot head so I'm

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figuring when you say you're gonna go hit a house, you're goin' to go hit a house for weed.

EP: Mm-hm.

ST: And if there's money is there, you gonna take the money, but you goin' to the house to go take the weed, obviously.

EP: Yeah. Uh, a- and w- what was your - once you knew all this r...

ST: Yeah.

EP: What was your, like - you tryin' to get outta here or was it (cross talk)...

ST: That was my first instinct. No.

EP: ...(cross talk)?

ST: No. My first - wait, you said what?

EP: Half this money. Like, half this money, I'm gonng - I'm gonna get?

ST: No, it wasn't none of that. When we got there - like I said, in the beginning, it wasn't even about like - it wasn't even oh, we about to go hit - like, you know what I mean? That wasn't even the plan. I had just got home from work. I wasn't plannin' on goin' to go do none of that, you know what I mean? So...

EP: Mm-hm.

ST: ...once he come and I get in the car and once we drive off and shit, and you know, like I say, get to the house it still wasn't no conversation of oh, I'm about to go in here

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and get this and I'm about to go in here and get that. It still was no conversation about that at all.

EP: Yeah.

ST: Money he was just like, "We gonna go head to the house. We gonna go hit that house. I'm gonna go hit that house." So I'm like, all right, we're gonna go over there, he hop over the wall. I mean, he was gone too long, so I had to go hop over the fence to go see what he was doin' and as soon as I did that, he's coming running from behi- underneath the doors from the sliding door, he's runnin' towards me and then that's when I hear boom, boom, boom, boom, boom. And I was like, uh, nigga oh shit and I took off running.

EP: And what happened to him?

ST: He was - he w- it looked like he hit the floor and then I kept running period.

EP: Did you think he got shot?

ST: I don't know, honestly. I thought maybe he just got startled and he was just like oh, and he fell, like. I know you said - he said I shot - I didn't shoot nobody. Ask my, he was right there. I didn't shoot - I didn't - nobody. I ran. I took off. As soon as I heard bullets, I ran, period.

EP: So...

ST: I got to much to lose to do that.

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EP: ...there's - there's n- there's no way that that pistol or that firearm that was found in the backyard's gonna come back to you?

ST: No, that shotgun?

ST: No. Like I say, the rifle, the SKS, maybe because that's my un- it's registered to my uncle, I believe, so it - I mean, I touched it. I've gone out to the shootin' range with him with it...

EP: Yeah.

ST: ...you know what I mean? So it's like - but as far as tonight, no.

EP: No?

ST: Not at all. Like I said, man. I just wanna apologize.

EP: When you saw your - your buddy - last question - how was he holding the gun?

ST: He had both of 'em. Both of 'em was sittin' there - uh, he had both of 'em crossed over his chest and then at first, he was like lookin' surprised or somethin', but like I say, I didn't even stick around that long. He was - I seen him. I'm thinkin' he just fell, so I'm like buddy you better get up - when you - you gonna have to get up, you know what I mean? I...

EP: Yeah.

ST: ...and I ran. Like I said, I didn't bring the motherfuckers over this wall so you gonna take the motherfuckers over this wall, period. Now if I did ta- if - like I said, if I did have that gun with me and I did do dirt in the backyard with that gun, if I run I'm

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gonna take that gun with me when I run. I'm not just gonna leave it there, you know what I mean? Man, it's just...

EP: All right, uh...

ST: And I just wanna apologize again, man, 'cause like I said, I did not know the seriousness of the charges and what was goin' on. I do, I apologize. I did none of that was supposed to happen at all period, especially with me bein' there, I should - I - I really shoulda did more to stop him but, I mean, at the end of the day, he did what he did and I was there, but I'm lettin' you know right now, I completely apologize. I don't - I've never shot at nobody before in my life. I ain't never had no gun charge. I ain't never had not even possession of bullets, nothing, you know what I mean? I don't...

EP: Yeah.

ST: N- none of that. So from - to just all of a sudden come out with assault rifles and shotguns, come on, man, it don't add - come on, man, add it up. That's not me.

EP: All right, Steven. Uh, it is now 9:32. It's still September 4th or Friday, September 4, 2015, and we are in, uh, UMC...

ST: Can I get some water now?

EP: ...uh, bed 6. Uh, and I'm done talkin' to you. Now, do you have any questions for me real fast before I shut it off?

ST: Um, I need some, uh - uh, I...

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EP: Water? I'll let them know.

ST: ...need - I - I need some water.

EP: I'll let them know. Um...

ST: No, man, just - I just wanted to know what the charges were. You said that, man, like...

EP: I - I - I - I said that - we're gonna - that's all we have preliminary is that - I - I - unless we find somethin' else, like I said, we get there and we find that - that the gun, we find your fingerprints on it, 'cause there's a gun that's there that's in a different spot than we think your boy was at, then we're gonna be like, mm...

ST: Right.

EP: ...somethin's up here, you know what I'm saying?

ST: Yeah, but like I said, though, I mean, uh, that's - I - I - I know that's my - if it is my uncle's gun...

EP: Mm-hm.

ST: ...I know I - I've held that gun, like, he just left yesterday.

EP: Yeah.

ST: You feel me? And told me, like...

EP: Yeah.

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ST: ...but, like, he was like - 'cause he has a hand-held pistol at the house and he was just like, but, "This - my pistol is in the closet." And that was that. Like, you know what I mean? It was just for the house period. It's not - but all his guns I've touched before, you know what I mean? So that's the only thing that gets me is if y'all take it, can y'all tell when it was, you know what I mean, that I touched it? Like, at least know it wasn't recent?

EP: Mm-hm.

ST: All right. That's all I need to know.

EP: Well, a pretty good idea. All right. Operator, it is now 0934 hours. End of interview.

Um, same people present and we're still in, uh, bed 6 of UMC Trauma. Thank you.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT UMC TRAUMA, 1800 W. CHARLESTON BOULEVARD, BED #6, LAS VEGAS, NV 89102, ON THE 4TH DAY OF SEPTEMBER 2015 AT 0934 HOURS.

EP: (NET TRANSCRIPTS)
FIT2015-032
Reviewed by Det. J8289P
9/21/2015

EXHIBIT E

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)DATE OCCURRED: 09-04-15TIME OCCURRED: 0343 HOURSLOCATION OF OCCURRENCE: 6729 OVEJA CIR
LAS VEGAS, NV 89107

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: STEVEN TURNER

DOB: [REDACTED]

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE C. JEX, P# 5597, LVMPD FORCE INVESTIGATION TEAM, on 09-04-15, at 1535 hours.

CJ: Okay. I know that, uh, my partner's talked to ya a couple of times and the - uh, operator, I'm here with Steven Turner at CCDC. Tell me your date of birth.

ST: [REDACTED]

CJ: [REDACTED] And understand that - I know he, uh - he Mirandized you earlier...

ST: Yeah.

CJ: I - those laws - that still applies. Okay?

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ST: All right.

CJ: A couple of things I want to talk to you about. Okay?

ST: All right.

CJ: We know that, uh - that you were, uh - we know you were at the scene. Right?

ST: Right.

CJ: Uh, that's no big secret, all that kinda stuff. And, uh, we know you were in the backyard.

ST: Right.

CJ: Right? We know you had the rifle. Right?

ST: Right.

CJ: And, uh, tell me where this rifle came into play. Where did it come from?

ST: Do I gotta talk to you right now or can I wait 'til - 'cause my mom is talking on the phone, like, on an appointment with my attorney right now, so I don't wanna, you know what I mean, to say nothin'. You know what I mean? Shouldn't I wait for my attorney to be here to...?

CJ: T- it - it's your call, man.

ST: Yeah, I'd rather wait for my attorney.

CJ: You don't wanna...

ST: Yeah.

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CJ: ...talk to me anymore?

ST: I mean, I'll - I'll talk to you. Fine, yeah. But I was back there, man, and the rifle, I didn't know he had it or I figured he did. You know what I mean? 'Cause it was in the backseat, and I looked and I seen it back there. And I'm, like, all right, he has the rifle. You feel me? So, I hopped over the wall. Like I said, we was just lookin', you know what I mean, wasn't - I didn't hear no sirens, no noth- I - on my mom, like, I didn't even know it was the police. All I - all I heard was gunshots. That's when I got shot. I - he fell to the ground. I stumbled and...

CJ: Who - who's he fell to the ground?

ST: L- uh, Lamar. He fell and then, like, I stumbled and I was, like, oh shit, and I just heard somebody yellin'. I didn't hear no po- not police. I know what police sound like or freeze or put the gun down. I didn't hear none of that. I heard the gunshots and the homeowner that's in the house is screamin'. And then they're shootin', shoots me in my leg. That's when I turn around, and run, and I hop over the wall. I just run up the street and I was sittin' there. Like, there was, like, a couch or somethin' right there, like, and I was, like, layin' right there on the couch. And then that's when I left, and then started walkin' up the street and then ran into them.

CJ: Okay. Where'd you park your car?

ST: Honestly, I don't remember. I think, like, on the other street or somethin'. I wasn't drivin'. He was drivin'.

CJ: You were driving?

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ST: No, he was driving, Lamar.

CJ: So, you - you were ridin' with Lamar?

ST: Yeah.

CJ: Okay. You didn't bring your car?

ST: I don't own a car.

CJ: What car do you use to get around?

ST: The bus.

CJ: Okay. Okay. So who's - I'm - I'm - I'm lookin' for a third person.

ST: That's what I'm sayin', I don't understand where a third person comes in the party. As far as my knowledge, from what I know, everything I - look, when we got there, there was me and him. There was two people. Anybody else that was there I had no clue about. There was nobody there. It was only me and him because, like I said, once we was in the back, and once I got shot and I just took off runnin'. And then after that I - I didn't - like I was tellin' the officer at first when - he was, like - I told him I didn't even know the severity - I didn't even know there was a police officer there. I didn't even know there was police on the scene until I started hearin' helicopters and everything like that. But when I was back there I didn't hear not a - wasn't freeze, police, nothin'. I just heard the homeowner yellin', like, "Get the fuck-" or somethin'. I heard boom, boom, boom, and then he shot me in my leg and I ran. Now, whatever Lamar did afterwards or if there was somebody in the car with him or whatever the

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case may be, after that, I don't know. But I know when me and him got there it was two people. It wasn't three people. It was me and Lamar.

CJ: Okay, you ca- you're saying you came in his car or your car?

ST: In his car.

CJ: Okay. Do you have access to cars that you use?

ST: Nah, I...

CJ: Where you livin' at?

ST: I live on Jones and Lake Mead.

CJ: Okay, what's the address?

ST: 5904 Eugene Avenue.

CJ: 5904 Eugene?

ST: Yeah.

CJ: Who lives there?

ST: Just my mom.

CJ: Okay, what does she drive?

ST: My mom doesn't drive either. She walks to work. She works on Smoke Ranch and Decatur. She walks to work.

CJ: Are there any cars in your driveway?

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ST: There's a car in my driveway.

CJ: What is it?

ST: It's a green Toyota, I think, or somethin' that my uncle bought from my cousin a minute ago that the alternator and everything is fixed.

CJ: So, is it, like, a car, a sedan, SUV or what?

ST: It's just a car, regular little car...

CJ: Okay.

ST: ...that don't run. It been sittin' there for, like, the past two months.

CJ: Okay.

ST: That's why I'm sayin' I don't understand, like - really, and then to come - and then to come to find out that I'm bein' charged with attempted murder of a police officer, like, that's crazy to me. I didn't even shoot no guns. That's when I asked the officer, too, like, "Well, can you test my hands or something, you know what I mean, to see if there's -" but - but he said it was too late and he couldn't do it 'cause it was past that time. But, like, I'm not gonna - if - if you look at my record - my record, yeah, I got DUI and I have traffic stuff. I don't have no - I wouldn't - I would not just flip just to go and shoot at a police officer. Like, that's one thing I'm not gonna do. Now my mom is at home by herself. I just lost my job - I'm about to lose my job over this, and it's, like, man.

CJ: Where do you work?

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ST: I work at Converse at the South Outlet Malls.

CJ: South Outlet Malls, where is...?

ST: Like, off of Warm Springs and Las Vegas...

CJ: Okay.

ST: ...Boulevard.

CJ: All right.

ST: I just got a promotion there. I was a full-time associate, just got a raise and everything, like...

CJ: So why do you wanna go there with a rifle and hit some house? Wh-...

ST: Nah, it wasn't...

CJ: Why were you goin' there?

ST: It wa- it wasn't - it wasn't even a...

CJ: What - what was the purpose of goin' there?

ST: Like, just to go - I'm not gonna lie, just to see if there was some weed around, to be honest with you.

CJ: How do you know that house?

ST: Because I've gotten weed from that house before.

CJ: From that house you went to?

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ST: Yeah. From the person that lives in that house.

CJ: So you go up there with a - with a rifle and your buddy, Lamar, what's he carryin'?

ST: I don't even know. I think he had a shotgun, to be honest with you.

CJ: Okay, what about the other gun?

ST: You said the other guy?

CJ: Other gun.

ST: Oh, the other gun was a SK, I believe it...

CJ: Okay, what about any other guns?

ST: That was it.

CJ: So, you're carryin' the SK?

ST: For a while, yeah.

CJ: Okay, and - and Lamar's - you're tellin' me Lamar's got the shotgun.

ST: Yeah.

CJ: Okay. Let's draw a picture. Okay? I wanna draw you a quick picture here. This is that cul-de-sac, okay?

ST: Yeah.

CJ: How did you get into that - point on there where you - where you - how you got into that cul-de-sac. The house - the house is right up here.

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ST: So, I think he parked on the other side of the street over here and then - no, no, no, he did. He parked on the street and then we came through that side wall right there, I think, yeah, and then came over from that way. 'Cause we was right here in the middle of the backyard once he started shootin' through the glass. 'Cause he shot through the glass and that's when I took off through the back - over that back wall and across the street from Rainbow and just took off runnin'.

CJ: How many times you shoot?

ST: I didn't shoot at all. That's what I'm sayin'. I've ne- I never shot a gun.

CJ: So, when you're in the backyard, what gun do you have?

ST: I don't remember what gun I had.

CJ: Oh, come on, don't...

ST: I...

CJ: Okay, just don't...

ST: I think it's the S - it was the SK. Yeah, it was the SK I had but I had ended up settin' it down 'cause we was sittin' there tryin' to figure out how do we get in the house. So, I'm not gonna just walk around with a big ass gun tryin' to figure out how to get in the house. So, once I set it down, and then we sittin' there lookin', and then that's when we come back around. We walkin' - come back and we're walkin' straight behind - behind the do- glass door right there. That's when all of a sudden I hear boom, boom, boom through the window. And as soon as I hear it through the window it hit

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me in my leg. And then that's when I dropped everything. I dropped everything and just ran. And I was, like - then I hopped over the wall. That's why I was, like, I never shot a gun. I swear on everything I love, I've never - that's why I went ahead and - I wish I woulda known that earlier so that way I coulda got tested just to prove myself.

Like...

CJ: So, where did that gun come from, that SK?

ST: I - I stole it. I took it from...

CJ: Where'd you steal it from?

ST: I took it from my uncle. It's a registered gun I took from my uncle.

CJ: Who's your uncle?

ST: Lawrence Robinson.

CJ: Lawrence Robinson?

ST: Yeah.

CJ: What's his moniker?

ST: What's his mon-...?

CJ: Is - is he running - running with a gang?

ST: Nah, my uncle is not. He's not at all. He's a hardworking man. That's why I feel bad about this 'cause he's a hardworking man. He's in St. Louis right now for, like - he gonna be out there for, like, a week. Like, I'm tellin' you right now though, Detective,

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I'm tellin' you right now, I don't know what Lamar did when he fell. Like, I - I didn't even see - see him. I didn't even know he got shot until I seen him walkin' past me with Band-Aids on his arm when I'm - when I'm here. But when we was there, when it was me and him in that dark backyard, and all I hear is, "Hey, what the fuck," boom, boom, boom, and then my le- I just felt pressure on my leg. And it just - adrenaline off top, I just ran. It was, like, I went and - I - there's no point in me just shootin' at somethin'. I'm not gonna just shoot at somethin' if I don't know where it's at, if Lamar's right here. I'm not gonna just do that recklessly. I mean, I'm - I just wouldn't that. You know what I mean? When I got shot I just ran. That was it. That's why I'm, like - when once the officers told me, uh - told me the severity of it I was, like - like, "What the fuck?" Like, I didn't - I didn't even know that the police were there. You know what I mean? From when I took off - took off running, I - wasn't no lights, flashlights around. There wasn't no freeze. There wasn't no put the guns down. It was whoever was in that house was there and then they start shootin' in the house, I mean, shootin' out the house. And then that's when I just ran. Everything - I left everything and I just ran. That's why - 'cause, I mean, I didn't shoot nothin'. I didn't shoot nobody so I just took off runnin'.

CJ: Was the door open or closed?

ST: The door was - I don't even know. I think it was closed. I couldn't tell the slidin' door 'cause it was dark as fuck in there, so it was, like, I couldn't see.

CJ: So, did you try the door?

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ST: The door? No. It's, like, a - it's, like, a window right here, like, that had a fan and I, like, lifted up the fan real quick and then that was it. I didn't try to open up the door. I just checked the fan like that and I was, like, oh the fan is open. But then that's when I was, like, kinda getting' nervous. You know what I mean? I didn't wanna do it 'cause I'm thinkin' about my job and everything like that, so that's why we just started walkin' through the backyard and then right then and there it was boom. It was, like, three gunshots, three or four. It was a couple of 'em that came out. Like I said, it sh- hit me right in my leg and then I took off runnin'. I turned around, hopped over the - hopped over the wall and then went across Rainbow and went across the street to those streets right there. Didn't shoot no gun at all or nothin'. That's what I'm sayin'. I don't understand why - I don't understand how that happened. Once he told me that - that - that was the charge, I was, like, attempted murder of a pol- a police officer. I didn't even know the police was there. Like, f- from when I left, there wasn't no police over there. 'Cause if that was the - if that was the case it woulda been police all on that back street on Rainbow right there too where I hopped over the wall at. They woulda been behind back there too. So, I s- I know it wasn't no police there because, by the time I left, I was outro. I don't know what Lamar did when he was layin' there or what happened while he was there. I really - I can't speak on that because I was outro. That's why they had him first and I was gone. I was across the street, like, by some random house just layin' there. And I was layin' right there just, like, damn, just waitin' for the helicopters, like, you know what I mean, to go away. 'Cause, by that point, is when I hear helicopters. So, I'm, like, all right, damn. You

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know what I mean? It's breakin' into somebody house, like, this is fuckin' retarded. You know what I mean? And then - then I got up and once - once I s- wa- started walkin', officers came. And, like I said, yeah, I did, I lied to the officers at first. That was my mistake. And, like I said, that was before I knew the severity of the case. I had told them that my name was Devonte. I did do that. That was my little - that's my little brother's name but that's because I didn't know the severity until - once he told me that and once I knew that - what I was dealin' with, that's when I was, like, "All right, look, my name is Steven Anthony Turner." You know what I mean? "I - I apologize." You know what I mean? That's when I did do that, like, and I am wrong for that but I did not - I didn't shoot nobody. I didn't - that's what I'm sayin'. I - that's what's crazy to me is that a police officer is shot, but I never shot a gun, like, at all, like, on my mom. Like, as soon as I got shot in my leg I ran. It wasn't no time to even think about where - who's - where's the police and let's shoot and w- I mean, like, nah. As soon as I get hit and I hear somebody yellin' I'm outro. Lamar layin' on the floor, now, Lamar was still layin' there when I hopped over the wall. I don't know what he did once I hopped over that wall and ran. I can't speak on that because I wasn't there, but once I hopped over that wall I was just gone.

CJ: So, let me tell you what Lamar - what Lamar told me.

ST: That's what I wanna know

CJ: Okay. And, uh, just so you know, you're takin' the hit on everything.

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ST: That's crazy to me, man. Like, that's - that's crazy. For - for - I didn't even - for - I didn't even shoot a gun though. For me to get charged with that...

CJ: You had a gun in your hand.

ST: Yeah, 'til I got shot, and I dropped it and ran. When I - as soon as I got shot I dropped it and ran. I hopped over the wall and dipped out. I - it wasn't no who shot me and - no, I mean, I've never been shot before in my life so, yeah, I'm - I'm surprised, like, it's - I'm shot, like, what the fuck. And that's why I dropped everything, and I ran and took off. I did not shoot nothin' at nobody. As soon as I got shot I dropped it. I - I even remember Lamar 'cause Lamar was layin' down right there, and I dropped it right there where he was layin' at in the backyard. I dropped that motherfucker, and hopped over the wall and left.

CJ: So, did Lamar shoot?

ST: I - man, I mean, sh- it only makes sense. I mean, I left. I d- I'm tellin' you right now, I didn't...

CJ: So, after you left you're sayin' that Lamar picked up your rifle and shot...

ST: I can't say that.

CJ: ...(unintelligible)?

ST: I can't that that's what he did because I wasn't there. All I can say is that what I did, from when I got shot, from the owner shootin' through the door or shootin' through the door or shootin' however - wherever he was shootin' from and shot me in my leg,

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I turned around and ran. It wasn't no I'm about to be Superman, and try to kill everybody and oh, I'm about to shoot them. Nah, because I didn't really want it to go down like that anyway. You know what I mean? Like, it was just - I was supposed to just go - it was just supposed to go...

CJ: So, okay, you go - okay, let's be real here, man.

ST: Yeah.

CJ: You go to this house with guns.

ST: but that wasn't - I didn't...

CJ: You've got a rifle.

ST: Yeah, but it wasn't - it wasn't - it was for intimidation factor. It wasn't even like I was about to just go in here and just - it was just to - just intimidation and once I seen...

CJ: Tell me the story about what you were goin' there for.

ST: I was goin' over there to get some weed, man.

CJ: From who?

ST: From the person, whoever - whoever lived there, so...

CJ: How did you know that you're - that they had weed?

ST: Because I knew them from a long, long time ago.

CJ: You've been to that house before?

ST: Yeah, a long, long time ago.

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CJ: How long is a long, long time ago?

ST: Psh, two years, maybe.

CJ: Okay.

ST: Yeah, like, two, three years. And like I'm tellin' you right now...

CJ: You haven't been there since?

ST: And I have not been there since. And in two, three years I stop - like I said, I - I knew there was a bunch of weed in there. That's the only reason why I knew that. So, I - that's when I told Lamar, like, about, you know, she be havin' hella weed or whatever whoopee wham, and he was, like, "Oh, well -" he was, like, "Shit, well, oh, you think it's gonna be easy? You think we can do it? Whoopee wham wham." I'm, like, "I don't know, bro, I don't - maybe. I mean, shit, we can try. I mean, fuck it." That was stupid on my part. But we went and, like I s- I can't regret it - regret it now. We went. We parked - we parked the car, hopped over the wall. We was walkin' through that backyard, like I said, and somebody started shootin'. And I - it wasn't the police 'cause if the p- if it was the police that started, that shot me in the leg, then they would've been - it would've been noticeable. They woulda been sayin' freeze, you know what I mean, or, like, hands up. There woulda been flashlights. It wouldn't have just been pitch black in the backyard with somebody yellin' and start shootin'. That don't - I mean, as soon as - as soon as they shot me, I'm outro. I'm runnin'. I - I leave everything. I don't even care 'cause I - I just ran. I never been shot before so the adrenaline was - was fuckin' with me. But I'm tellin' you right now, I can look at

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you, I mean, I'm sure you hear this 1,000 times from everybody, but the type of person I am, I'm not gonna shoot a police officer, especially everything that they got goin' on right now. CNN and everywhere you turn it's either an officer killin' somebody or somebody killin' an officer. I'm not - I don't wanna be a part of that at all. You know what I mean? It was a dumb decision on my part last night. Yes, it was a very dumb decision on my part to even try to go get some weed. It wasn't even that serious. You know what I mean? I - my payday was today. You know what I mean? Like, that was just retarded of me to do somethin' like that, but as far as shooting a gun, I never shot a gun. That's the thing about it. As soon - as soon - as soon as I got shot I ran. You g- I mean, shit, you can look at the wall. I'm sure it might be my - might be blood on the wall from where I hopped that back there. And I hopped and I ran across the street 'cause by the time I left the side of the house is - the sun was comin' up by then. When we first got there the sun wasn't up, so I was - I was, like - once I hopped over the wall I was gone, like, right there by that - like I said, by that house there for a minute. You know what I mean? And then that's when I left and then ran into the officers and everything like that. But when I was there at that - when I left, I left Lamar there. That's what I said. I didn't know what happened to Lamar. I didn't know what bro was doin', nothin'. You know what I mean? I'm not gonna lie, it was at that point, when I started hearin' gunshots, it's like every man for himself. You know what I mean? I just dropped everything and I just ran. You feel me? I don't know what - what he did after I - once I hopped over that wall and left. I can't speak on that because I was gone.

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CJ: Who was with you in the car when - when, uh, you got in the car?

ST: Lamar. It was me and Lamar.

CJ: And where did he get - where'd you - where'd you guys meet up or where'd he pick you up or what?

ST: He just picked me up from the house and everything.

CJ: From this, uh, 5904 Eugene?

ST: Yeah, and then we drove over there.

CJ: You guys hang out a lot together or what?

ST: Yeah, we hang out. I mean, we - like, we was hangin' out a lot and then we had, like, got into it a little bit. He was talkin' about, like - talkin' about my music and everything like that, so we had got into it, like, just words, nothin' physical, nothin' like that, and then we stopped talkin' to each other for, like, a month. And then I ended up hittin' him up, like, I wanna say a few weeks ago 'cause I just lost one of my homeboys back in San Diego, so I'm, like, time is too short. So, I called him and was apologizin' to him, tellin' him, you know what I mean, how, I mean, "I'm sorry, bro. It's - the world too short," you know what I mean, "for people to - for us to be even beefin' like this when we used to be homies and listen to beats together and everything." And he ended up squashin' it. He was, like, "it's good." You know what I mean? And, shit, we was chillin'. He would come through and we would smoke together and some bullshit. And then that's when he hit me with that, like, "Oh, what's up with that -

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what's up with that lady? Don't you got a lady? You - you - you - what's up with that house over there?" And I - I had mentioned it to him, like, a long time ago. I was, like, but (unintelligible) 'cause we was just smokin' and (unintelligible) over there. And he was, like, "All right." So, that's when he asked me, like, and I'm, like, "I don't know, man." And that's - I - I - it was a dumb decision on my part, period. I shoulda never even entertained the thought or nothin'. It's, I mean, I'm wrong for that. You know what I mean? Like, and it is, it's all - it's my fault. You know what I mean? I shouldn't - I shouldn't have did that. But me and Lamar, like, we been cool. He hang out with my uncle. You know what I mean? He call my uncle and everything. He come through and we barbecue, all kinds of shit. That's why I be, like, I don't understand this. And then - then it comes to me bein' back there with him. I'm tellin' you, I get shot and I run. I just took off, man. I didn't stay. Now, I- like, if the police were there and the police - if the police - they not just gonna start shootin'. The police gonna tell you, they gonna give you orders to follow before they just start shootin', so that's how I know the police weren't there when I was there because there was no orders. There was no fl- I heard somebody inside yellin', "Yeah, what the fuck? What the fuck," boom, boom, boom. And then that's when I was, like, "Oh, shit," and I felt - like, I just felt pressure on my leg, and then that's when I just went. I turned around and just hopped over that fence, man, uh, up the wall on Rainbow and just took off across the street. And then Lamar was still, like, well, when we got hit he fell down and he was layin' there. And then I just ran. I dropped everything and just ran right over the wall. And say - if he sayin' that - somethin' different than that he

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lyin' like a motherfucker because he know - I looked at him. He - he seen - I - I seen him. Like, he fell and it was, like, "Brother," I'm, like, "Come on, Nigger," and I'm runnin'. So, anything after that, whatever happened after that is - I wasn't there. Like I said, I was layin' on that couch for I don't even know how long, but I know the sun was up by the time I started walkin' to the store. It was that long, and then that's when I seen the police, and that's when I was, like, "Damn," and I seen everybody was still outside. That's when I was, like, this - this is a big deal, like, I wonder - I mean, what - I be, like, they really doin' this for that right there. And then that's when the officer - the officer didn't even tell me that until I got to the hospital. That's why I told him, bein' stupid, like, "My name is Devonte." I was, like, "No, I wasn't over there." I did, I lied to the officer at first and told him I wasn't - I told him I was walkin' to my homeboy house that stay up the street. You know what I mean? And then he was, like, uh - that's when we got to the hospital and I'm, like, "Well, what's my charges?" You know what I mean? He was, like, "attempted murder on a police officer." That's no - I was, like, "Wait, what? A police officer?" He said, "Yeah," and, like, you know, "Why you think all the news cameras is around?" I'm, like, "Are you serious?" Like, I didn't even know the police were even - I - well, I figured they was there afterwards but as far as attempted murder with - with me and him, like, that's - I don't understand that. It's not even - I been sittin' here thinkin' to myself, like, "How the fuck - how the fuck did the police officer get shot?" 'Cause I didn't even shoot a gun. I'm tellin' everybody. I got shot. I'm not even - this is my first time I ever got shot so I'm not thinkin' oh, let's shoot back, I'm gonna shoot back. Like, nah, I'm

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panicked. I get scared, you know, I'm gonna run away, period. And that's exactly what happened, no BS. I never, ever pulled a trigger of no gun, period. When I got shot, I ran.

CJ: How did you and, uh, Lamar - uh, did he just come over to the house? Did he call ya, text ya or what that he was comin'?

ST: He had just...

CJ: How did you get hooked up?

ST: He just pulled up to the house. No, I think he called me. He called me and then he was, like, "Hey, I'm at the side door," or whatever, and I was, like, "All right. For sure. I'm at the house." 'Cause I had just gotten off of work and, like, I had got off work 8:00. I got over there by my house, 'cause I ride the bus, so I don't get home 'til, like, 9:45. So then when I got there and then that's when he ended up pullin' up when I was at the house. I was smokin' out - I was outside smokin' a cigarette, and then that's when he pulled up. Then he hopped out and we was just t- talkin' like we regularly be talkin'. And he was, like, "Hey, what's up," you know what I mean, "Let's go see what's up with that shit." I'm, like - like I said, it was a dumbass - dumbass decision and I completely...

CJ: Tell me about the, uh - the white Nissan Maxima you guys were hangin' around.

ST: White Nissan Maxima?

CJ: A white Nissan Maxima.

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ST: Hangin' out around where?

CJ: Right there in that cul-de-sac.

ST: I don't know a white Nissan.

CJ: And this is - this is - this is what I've got. I've got you standin' at the back of a white Nissan M- uh, Maxima with the trunk up.

ST: By a white Nissan Maxima? I was never in a white Nissan Ma- we was in his car. It was a beige Camry that he drive. I wasn't - a white Nissan Maxima? I don't know no white Nissan Maxima. That's on everything I love. When I got - I'm tellin' you the truth, bro. He came and picked me up in his car. Where - why would there be a white Nissan Maxima?

CJ: Well, that's what I'm askin' 'cause I've got - there's, like, what, five or six homes right around that cul-de-sac.

ST: Yeah, yeah.

CJ: I mean, homes down the side of the street gettin' into that cul-de-sac, and I've got you in a car right there with the trunk open standin' at the back of the trunk with Lamar and one other guy.

ST: And one other guy? There wasn't nobody else with us. It was me and - unless I'm fuckin' - unless I'm really fuckin' delusional right now, there was nobody else with us. It was me and Lamar.

CJ: Tell me about the guns.

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ST: Like I said, he had whatever he had and that was the SK that my - that I took out the house.

CJ: What about the little handgun?

ST: I don't know about a little handgun.

CJ: 'Cause...

ST: Like I said, 'cause it was only me and him so I don't know about...

CJ: Okay, so there's a little handgun and he's - the - the and, uh - uh, Lamar's tellin' me you had the handgun and gave it to him.

ST: Are you serious?

CJ: I'm serious, dude.

ST: No, he - I - he had a - he has a handgun that he showed me, like, two weeks ago and that...

CJ: Tell me about it.

ST: ...was a little .22. A little small .22 pistol that he had.

CJ: Okay.

ST: He showed me a small .22 pistol, like, two, three weeks ago, and I was, like, oh okay or it's a .25 or somethin'. I'm, like, oh, okay, that's what's up. You know what I mean? And...

CJ: Where did he say...

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ST: And - and...

CJ: ...he got it?

ST: Beats me. I didn't ask him where he got it but I'm sure he bought it off the street somewhere. You feel me? That's what I took it as was he just bought it off the street. But he came and showed me and was, like, "Yeah, look. I got this right here." Then he tried to get the other homie up the street, John, took him to go take him to the gun show. Like, and this was, like, not even a month ago when they had the gun show at, um -- what's that -- Santa Fe Station. They had a gun show over there. He had the homie, John, go take him over there. He bought bullets for - he bought shotgun bullets, I guess, and .25 bullets is what John told me. This is when I wasn't talkin' to him when he did this. And then John was, like, "Oh, yeah, you know he just went and bought a gang of bullets," like, tryin' to be funny, like, "He fittin' to come get ya." I'm, like, "Man, I'm not worried about that." You feel me? But I said - other - another handgun or whatever that I gave to him or whatever, that's bullshit, period. That is not the truth, period.

CJ: So, when you got up to that - when you got into the cul-de-sac and he parked, you said he - if you're drivin' up into the cul-de-sac, you're sayin' he parked over here?

ST: Yeah, he parked, like - I can't really remember but I know it was on this side of the street somewhere.

CJ: Okay, and that's, uh - that's Lamar.

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ST: Yeah. Now, this white Maxima or whatever that is, I really don't know where a white Maxima is comin' from...

CJ: Okay.

ST: ...unless I'm delusional.

CJ: Did you guys open the trunk of that car?

ST: Um, I can't remember if they were in the backseat or not.

CJ: It - that wasn't that long ago, dude.

ST: I know it was just last night but I done ha- fuckin' sittin' in jail with a fuckin' attempted murder charge. I'm not about to get shit straight, like - but I wanna say they were in the backseat.

CJ: Okay. You go get in the backyard of this house, right?

ST: Right.

CJ: How'd you get into that backyard?

ST: We hopped over the wall.

CJ: Did you guys exchange guns or just throw your gun over and...

ST: Nah.

CJ: ...climb over the fen-...

ST: Just set it over - yeah, clim- hopped over.

CJ: Okay. Now you get in the backyard.

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ST: Yeah.

CJ: And you told my partner everything about what you did in the backyard?

ST: Yeah, pretty - yeah, I told him I was back there. We was tryin' to see if they're - I'm lookin'. I see it was dark, see if there was anybody in there. And I said that little - that little fan that's right here on the window, I see that that lifts up or whatever. And then that's when I'm, all right, then we walk around. I wanna say we went to the - nah, we didn't even go back to the car. We walked and checked the other side of the backyard, and then we were walkin' straight across the backyard. As we're walkin' straight across the backyard is when I hear the homeowner goin', "What the fuck? What the -" and starts shootin'. It's me and Lamar. I swear if it was somebody else you damn right I'm about to tell who it is and they gonna be sittin' here dealin' with this with me, like, period. I'm not gonna be dealin' with this by myself and knowin' there's some other - some other dude that's out there that probably is the one that was shootin' back, you know what I mean, and was out there. I don't know. It was me and Lamar 'cause I know me and Lamar were walking together, side by side in the backyard. And then I got hit right here on my calf and I think - I just seen the bandage, I think he got hit on his wrist. But we're walkin' right next to each other, boom, boom, and as soon as I see him, he drops. He fell - he fell right there in front of me and was, like, "Oh, shit. Oh, shit." And then that's when I hear the person in the house, and then that's when I turn around, and I run and I hop over the wall. On me, you can go back to that house and check that back wall. There's gonna be blood somewhere on that back wall from my leg bleedin', and I hopped over it.

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CJ: Okay. So you're sayin' there's not a third person.

ST: No, I...

CJ: And you're sayin' that, uh, Lamar picked you up at your house on Eugene.

ST: Yeah.

CJ: And you came out the house with your SK, right?

ST: Yeah.

CJ: Yeah? And you say you stole your SK from who?

ST: I stole it from my uncle.

CJ: Where's your uncle live?

ST: He's - right now he's stayin' with us right now.

CJ: So was it at your house or?

ST: Yeah, it was at our house.

CJ: So you took it out the house, went and got in the car with Lamar.

ST: Went and got in the car with Lamar.

CJ: Okay, Lamar had a - uh, what was - describe Lamar's gun.

ST: He had a - he had a shotgun. I think he had a .12 gauge 'cause he'd been buyin' - tellin' me he be buyin' shotgun shells. Well, John told me that one time so, you know...

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CJ: Do you know where - do you know where he lives?

ST: Who? John?

CJ: Lamar.

ST: Lamar? Kinda sorta. I know he don't stay far from me, like, around the corner and to the left. Yeah, I know where his house, like, kinda sorta is.

CJ: Okay. So, you pull up to the house together.

ST: Together?

CJ: You leave - you leave Lamar's house or you leave your house...

ST: My house together.

CJ: ...and there's just the two of you in that car?

ST: It's just the two of us. My mom - I think my - yeah, my fiancé was outside and my aunt. They were all outside for a minute.

CJ: They saw you walk out with the rifle?

ST: Nah, they didn't - they didn't see me walk out with the rifle 'cause I'm out there just talkin' to 'em while they was outside. And then while we just talkin' then they go inside. My mom go in her room and do - go to sleep and whatever, get ready for work. My auntie and my fiancé, they go in my room 'cause they just go in there usually and listen to music and shit while they spendin' time together, thinkin' I'm out here just talkin' with him. So - so I see them I'm, like, "All right." So we go inside. He's, like, "You gonna grab it?" So, I'm, like, "All right, fuck it. I'll grab it." 'Cause at

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first I was, like, "But you got a shotgun," like, "you don't even - what you - that - that should be intimidation enough." You know what I mean? Just to scare somebody. You feel me? He's, "Well, you gonna grab it?" I'm, like, "All right, well, fuck it." Then I ended up -- dumbass decision -- and I brought it with me. Like I said, once we got there it was me - me and Lamar left together and we pulled up to that house together. If he's tellin' you it was a third person or whatever or you see it on camera or whatever, that's not - that - either that - that's not me - that's not us on there that you lookin' at by that white Maxima because we came there in the Camry. 'Cause his car was there, right, when y'all got there? That's the car I rode in with Lamar.

CJ: Talkin' about the SK, how'd you know whether it was loaded or not?

ST: I just popped it off and then once I popped it off, and then I seen it, and I was, like, all right, and I thought it was to...

CJ: You're - you're talkin' about the magazine? You popped...

ST: Yeah.

CJ: ...the magazine?

ST: The magazine part off. And I looked and then I was, like, damn it look kinda full, so I had took some out when I was at the house and I put it back in. And then that's when we got in the car.

CJ: Okay, um, you ever shot that rifle before?

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ST: At a gun range with my uncle, like, a while ago. We went to the gun range and we were shootin' it up there but, other than that, no. That was the only time I've ever shot it was at that gun range. That's what I'm tellin' you right now, Officer, like, man, I don't - that's - that SK, like I said, my uncle's gonna be pissed off at me anyway, but I'm not - plus it's registered to my uncle. The SKS is registered to my uncle, so why would I do that? Why would I go shoot at a police - at the police and shoot at somebody with my uncle's registered SKS? If anything I'm gonna use Lamar's...

CJ: Okay. Okay, you gotta think about that, dude. You're - you're - you're headed to a house that you're gonna want - you're wantin' to intimidate somebody for drugs with.

ST: Right. Yeah, but it's not - just to intimidate. I'm not gonna - I'm not comin' there plannin' on killin' nobody.

CJ: Hey, we're - we got an officer that's been shot.

ST: Right. And - and which I feel t- totally terrible about. You know what I mean? Like, if I woulda never even did that none of this woulda been happenin', but, at the same time, I can't control what other people do. If I get shot and I run and - and leave, I don't know what - what Lamar was doin' back there or how he left or nothin' because I was not stickin' around.

CJ: We know the SK was shot.

ST: Okay.

CJ: It was fired.

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ST: Okay.

CJ: And it wasn't by Lamar.

ST: Then who fired - I s- man, on my mom, bro, you're sittin' here tryin' to tell me I shot a rifle at some - at a police officer at that. Now, if you was...

CJ: Who's fightin' for...

ST: ...talkin' about somebody...

CJ: Who's fightin' for his life right now.

ST: Man, I did not shoot that gun, man. I did not shoot that - when I got shot I ran. There was no point of me even - like I said, it's hella dark. I don't see nothin'. I don't see nobody. I just hear gunshots and somebody sayin', "Yeah, yeah, what the fuck? Get the fuck outta here." I know it's not the police because, like I said, police, they tell you to freeze. They tell you the shit that police do, so when that happened, I - I ran that soon. You don't stick around if you get shot because then afterwards is when the police came, obviously, after he shot out - shot at both of us, obviously that's when the police came 'cause those first round of fires that were shot at us was not the police, obviously, because they shot me and I - I ran. There was no lights in the house. It was - everything was dark. It wasn't no - it was no police officers in sight when I left and I sw- if I had a Bible, man, on my - on my grandma, man, on everything I love, man, I did not shoot no gun at all. When I got shot I ran. I'm not fittin' to sit there and try to play Mr. Big Bad and shoot back, especially if i- if I know it's the police. But I - it wasn't the police. That's what I'm sayin'. But if - even if I

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CJ: I described him to you already.

CH: They described him?

CJ: I described him to you. Light-skin, maybe white guy, light skin black guy. Wearing a wife beater. You know what a wife beater is, right?

CH: Yeah. Did he have tattoos? I mean.

CJ: It's dark. Gotta remember it's dark out there. And they're - they're seeing the three of you - we got you completely described. We've got Chubz completely described and number three described. You're willing to take the fall for that number three?

CH: No, I'm not. Because I don't know number three.

CJ: You never saw number three?

CH: I never saw number three.

CJ: Never saw number three. All right.

CH: That's - that's why if Chubz brought a third person it was in the car he was in and he ain't tell me about it. 'Cause he sure got out of there real fast and didn't get caught. So it might have been a third person. I didn't know about it.

CJ: Okay. All right. Anything else? What else you want - what else you want to talk in this thing?

CH: Just as far as this incident or...

CJ: Yeah.

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CH: ...or just in general.

CJ: In general. What - what you - what else you got?

CH: I just - I just want to know, you know, what you guys gonna do to me. That's it.

CJ: We're gonna come back and book you. I mean, you're still sitting here. We haven't done the booking yet. We're working on that booking. You're gonna to be booked for attempted murder, consip- conspiracy to commit attempted murder, uh, conspiracy - uh, burglary, uh, conspiracy to burglary, um, uh, the - for the char- for the assault with the deadly weapon, uh, with injury to a police officer, uh, it's a capital. We still got some wit- officers, man - we got an officer that's been shot. Okay. So, like I say, we're talking a long time that you're going away without your help. You help me out a lot. We got - we're working on Chubz, but that's all we got.

CH: Said first offense is like...

CJ: The first one's big. Attempted murder on a police officer. That's not gonna go away. That's not gonna go away.

CH: (Unintelligible).

CJ: What's that?

CH: I said like, I could have been dead.

CJ: What about that officer you shot at with the shotgun? You don't care about him at all?

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CH: No, it's - I'm not saying that at - I'm just saying, sir, that what I did tonight was such not me and I'm just blessed to be alive.

CJ: What about that officer that's fighting for his life because of what you were doing in that backyard? You don't care about him?

CH: I do sir. I do. It's just - how - how can I explain myself? He's not gonna have no remorse for me. And I'm truly sorry. I - I would cry in his face and get on my knees and tell him how sorry. But what I - I can't believe this. I can't believe it. I really can't.

CJ: All over weed. All over weed. You take an SKS and a shotgun up to a house, there's only gonna be one outcome with that anyway. What if it had been - what if had been the house where you're supposedly gonna get that weed at? Who else would have been dead with that? You guys walking in with a shotgun and an SKS? You don't know what you were walking into right?

CH: I don't. I don't.

CJ: Third person. We're going with no or yes?

CH: Can I ask you a question?

CJ: Yep.

CH: Would it be fine if I can talk to Chubz or you can talk to Chubz or...

CJ: Chub - I - I don't even know where Chubz is?

CH: I seen him talk to him earlier.

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CJ: That - that he may be - they may be with something completely different. What do you want to talk to Chubz about? Or what do you want me to talk to Chubz about?

CH: The third person he brought.

CJ: So you know who it is, don't you?

CH: No, sir. If I did I would have gave you every bit of information about him.

CJ: So what makes you think Chubz is gonna tell me about this third person?

CH: 'Cause Chubz is the only one that could have brought a third person. That's why I'm saying this. I have no idea who...

CJ: So when you drove up there who was with you?

CH: I was by myself. Honest to God.

CJ: Did you see Chubz in his car?

CH: No.

CJ: How do you know he had his car?

CH: He parked it on the side.

CJ: How do you know that?

CH: How do I know-

CJ: You said you didn't - you just told me you didn't see Chubz in his - in his car?

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CH: I didn't but I know (unintelligible) a car. He had someone that picks him up (unintelligible). That's basically his car. And for him - and for him to do that get, away like that, I know he had him - he had his car.

CJ: How do you know where he parked his car?

CH: Because he told me where he was gonna park his car at.

CJ: Where did you guys meet up to drive up to that area?

CH: Where did we meet up? We met up - well, first, honestly, we talked about that at Big John house.

CJ: So you met up at Big John's house, you said we're gonna go hit this house?

CH: Yes, sir.

CJ: Describe Big John to me.

CH: He's a big, big, big guy. Probably like 315, 320 pounds. Probably like 6'4. Um, goatee.

CJ: What was he wearing when you guys were with him tonight?

CH: Tonight?

CJ: Or this morning earlier when you met up at his house?

CH: Uh, John usually has on some basketball shorts. No shirt. Slippers, no socks. That's - he does that every day.

CJ: So did he get in the car with you or with Chubz?

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CH: Not with me. If he got in the car with Chubz then he did that on the low on his own.

But I doubt that if he came - came with us. I don't really think he came with us.

CJ: Okay. So you met up at Big John's. Where'd you go from Big John's?

CH: Me?

CJ: Yes.

CH: I went - I went to my house.

CJ: Tell me your address again?

CH: Uh, 5908 Martita Ave.

CJ: 5908 Martita Avenue?

CH: Martita Ave.

CJ: Okay. What'd you do when you got there?

CH: Chill out.

CJ: About what time is that when you - when you met up with Big John?

CH: 6:00 or 7:00.

CJ: Or 7:00 in the even- in the afternoon?

CH: Yeah.

CJ: So you met up with Big John and then went home?

CH: Yeah.

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CJ: Who's all at your house?

CH: At my house right now?

CJ: No, when you went home.

CH: Oh, uh, I think just my cousin.

CJ: What's - what's - him or her?

CH: Him.

CJ: What's his name?

CH: Shannon.

CJ: Shannon?

CH: Shannon.

CJ: Shannon what?

CH: His last name - Shannon. Uh, (unintelligible). Shit.

CJ: So what'd you and Shannon do while you were hanging out there?

CH: Oh, he just lives, you know, with me.

CJ: He what?

CH: He just lives with me.

CJ: Okay. What were you guys doing?

CH: Well, he was in at - in part of his house - in part of his house.

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CJ: Okay. What were you doing?

CH: I was in part of my house.

CJ: Doing what?

CH: Just chilling. Watching TV.

CJ: Okay.

CH: (Unintelligible).

CJ: What time did you leave your house to on go meet up with Chubz?

CH: Oh, I was - I was a little later. Probably around like 1:30, 2:00.

CJ: Okay. And how - how did you find out that Chubz was gonna be there?

CH: Huh?

CJ: Did he call you or did he text you what?

CH: Yeah - yeah.

CJ: He called you. Where's your phone?

CH: My phone? It should be in my car.

CJ: In your car. And that's gonna have Chubz's number on it?

CH: Uh, the number he called me from it's not - his phone broke. That was just the number he recently been calling me from.

CJ: What did Chubz tell you when he called you?

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CH: He said, "Hey, bro. Let's go check this house out. This be a good time to, uh, see if we can come up on some."

CJ: Some what?

CH: Some weed.

CJ: Okay.

CH: Something in general. But weed in general.

CJ: Okay. So then what'd you do?

CH: Checked it out.

CJ: Okay. Tell me how you got ready to go. Tell me everything you did.

CH: Everything Chubz did.

CJ: No, everything you did. After you got on the phone with him, he says you're gonna go hit this house. Tell me what you did. Everything you did.

CH: When, uh, I got ready. Got my - my shoes or whatever. Blasé - blasé. Uh, I grabbed my pump.

CJ: When you say you grabbed your pump, that's your shotgun?

CH: Shotgun.

CJ: Okay.

CH: And we just went - we went to the spot where he wanted to meet us at.

CJ: Where did you want to meet? Okay. You just said us. You just said us.

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CH: Yeah.

CJ: Where you wanted to meet us with. Chubz isn't with you.

CH: I know, but us means us linking up.

CJ: Don't lie to me, man.

CH: I'm not. I swear to God, I'm not. I have no reason to lie. I'm looking dead in your eye. Then we linked up.

CJ: We being?

CH: Me and Chubz.

CJ: Okay. Where did you meet up?

CH: We met up at the cul-de-sac. I parked at the cul-de-sac.

CJ: How did you know where to go?

CH: How did I know where to go? Because we seen - we seen that spot before.

CJ: So you been up in there before is what you're telling me?

CH: In the house?

CJ: Up in that cul-de-sac before?

CH: Yes. I seen it before.

CJ: Enlighten me - how did you know that? What have been up in that cul-de-sac for before?

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CH: Because he told me that this is - this is his - the person that...

CJ: Okay, man. You're start - you're starting to talk in circles. Don't lie to me. This'll be over in a second and you'll be done. Don't lie to me about this stuff.

CH: All right. All right. It was supposedly Chubz ex-girlfriend or whatever and they broke up or whatever. Chubz knew she had some weed or a lot of weed or whatever. She - she - she goes to the dispensary, gets, you know, a pound, half a pound at the time or something like that. And he told me, he was like, "Yeah, bro. I already checked this house out. I already - I already done got weed from her. I already knew - been in this house and got a half of pound of weed from her, bro. We gone hit this - we gone hit this and it's gone be easy." So that's why I went.

CJ: So you been up into that cul-de-sac before?

CH: I checked it out, yeah.

CJ: Which house? Which house did you check out before?

CH: The one that we - the backyard that we went in.

CJ: So you been in that house?

CH: No, sir. I've looked at it.

CJ: What about Chubz?

CH: Chubz, he's been in there.

CJ: So you been there with Chubz then?

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CH: No.

CJ: So why else would you want to be there? If Chubz isn't there. It's his girlfriend?

CH: No. His ex-girlfriend.

CJ: Or, his ex-girlfriend.

CH: And we went around to see if it was in - one - we went there twice. The first time we went around to see if it was a good time.

CJ: And when was that?

CH: Probably a week - a week before this happened.

CJ: So you were in that cul-de-sac a week ago?

CH: Yes.

CJ: You driving your car?

CH: Yes, we driving my car.

CJ: With who?

CH: With Chubz.

CJ: Chubz is in your car?

CH: Yeah. This is the first time.

CJ: This is week or so ago?

CH: Yes.

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CJ: So you drive up into the cul-de-sac. You've been to that house?

CH: Never been inside or nothing.

CJ: Did you go up to the door?

CH: No.

CJ: What'd you do?

CH: He - he said - 'cause look, the car that's parked in the parking lot, he said that's his girl's. And when she leaves or when she leaves that's when the house is usually someone's not there. And the first time we went, someone, you know, the car was there. So we just, you know, made a little...

CJ: Last night?

CH: Not last night.

CJ: That other time. You drove up in there - you're telling me, you drove up in there and there's another car - there's a car in the driveway so you drive out? You and Chubz?

CH: Yes.

CJ: So tonight, tell me what happened?

CH: Tonight? I drive - I drive my car and Chubz get a ride in his car and he doesn't park where I'm parked. I go right back to the same spot he parks on a different cul-de-sac. 'Cause, you know, he - I guess he must have already knew that neighborhood or whatever. He parks in a different cul-de-sac, um, or in the - in the back of that gate. And, um, that's it. We both got out from there and went around to the side.

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Honest to God, sir. I'm not lying to you. And if it's a third person that I don't know about and he brought along for a watch out or something. I don't know. I don't know. But...

CJ: Okay.

CH: It was Chubz plan. It - it was his plan.

CJ: Okay. All right. Operator, Detective Jex. P# 5597. The start of this interview at 1425 hours on 9-4, 20, uh, 15. Location is the CCDC. The person being interviewed is Clemon Hudson. Date of birth is 6-12 of '95. Social 617-82-2655. The interview is concluded. Uh, the stop time is 1525.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT THE CLARK COUNTY DETENTION CENTER, 330 S. CASINO CENTER BOULEVARD, LAS VEGAS, NV 89101, ON THE 4TH DAY OF SEPTEMBER 2015 AT 1525 HOURS.

CJ: (NET TRANSCRIPTS)
FIT2015-032

CJ: REVIEWED 09-15-15

EXHIBIT C

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EVENT#: 150904-0516

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)

DATE OCCURRED: 09-04-15

TIME OCCURRED: 0343 HOURS

LOCATION OF OCCURRENCE: 6729 OVEJA CIR
LAS VEGAS, NV 89107

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: DEVONTE TURNER – AKA STEVEN TURNER

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE E. PAZOS, P# 6817, LVMPD FORCE INVESTIGATION TEAM, on 09-04-15, at 0729 hours.

EP: Operator, this is Detective E. Pazos -- phonetically - Paul, Adam, Zebra, Ocean, Sam -- P# 6817 conducting, uh, one, uh, suspect voluntary taped statement under Event# 150904-0516. It came out as a 403 then turned into an OIS in Victor-4. Time of call was 0343 hours. Uh, the address where this occurred is 6729 Oveja Street, Las Vegas, Nevada. Uh, unknown on the ZIP. I am currently speaking to Mr. Devonte Turner, T-U-R-N-E-R, uh, P# - I'm sorry - [REDACTED] Social, [REDACTED]

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██████████ Devonte, is that information correct? I'm gonna read you something. You seen the movie cops, all that stuff before, dude. I got to read this to ya.

ST: Right to remain silent.

EP: Yep. S- you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to the presence of an attorney. If you cannot afford an attorney one will be appointed before questioning. Do you understand these rights? I got to hear yes or no, bro.

ST: Yes.

EP: Yes? Okay. With that being said, do you still want to talk to me?

ST: Sure.

EP: Okay. Uh, real quick, Devonte, what - what's wrong with your legs? You ha-you have something...

ST: When I hopped...

EP: ...wrong with...

ST: ...over the fence. I was scared. I hopped over the fence. And I scraped my leg on the fence. The pole smashed into my leg. And then that's what happened.

EP: Okay.

ST: That right - that wall right there.

EP: All right. So that's not as a result of us?

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STATEMENT OF: DEVONTE TURNER – AKA STEVEN TURNER

ST: No. It's not...

EP: Okay.

ST: ...from y'all at all.

EP: All right. So tell me what happened. Earlier in the day you were at home. And then you were having a drink.

ST: No. I was at work. I came home. I had a drink, man. The wrong people pulled up and i- influenced me to ride with them to go do the wrong shit. And I fucked up. And I rolled with 'em. And now I'm in this fucked up position 'cause really I didn't nothin', man. I was outside the whole time, man. Like, I didn't have nothin' to do with this, man. Like, I hear shit go off. I hear guns go off. I'm not gonna sit around and stay to see what's goin' on. I'm gonna run - period. And that's it. I don't want to - I don't want to ask what's goin' on. I don't want to do nothin'. I don't - fuck whoever I was with. At this point I'm never ever fucking with you again for puttin' me in a situation like this to begin with. That's not a real friend.

EP: I - I agree with you 100%, bud. Devonte, though, uh, w- just rewinding. Earlier you told me he called you to do a lick, right?

ST: Right.

EP: What's - what's a lick, man?

ST: Um, man, you know what a lick is.

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EP: Uh, I - I got people who are gonna listen to this who have no idea what a lick is. You know. I know.

ST: Somebody tryin' to come up on some money. And man...

EP: Okay.

ST: ...we were just driv- but I need some water so bad.

EP: I'll - I'll do that for you a- as well.

ST: Look at my mouth, man.

EP: Um...

ST: My mom, man, my fiancée at the house, man. But, man...

EP: Okay. I - I - but I need you to tell me some more. So he comes and picks you up. What's his name?

ST: I don't know. I don't even know what they call - they call him Mar. I don't know his real name.

EP: They call him what?

ST: Mar - Mars - Mar. But...

EP: So, uh, how do you know Mar?

ST: 'Cause he live in the same neighborhood as my mom livin'.

EP: On the Eugene?

ST: Yeah. He live around there.

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EP: Is he - is he your next door neighbor?

ST: He's not next door neighbor. But he live in the neighborhood.

EP: Pretty close?

ST: Yeah.

EP: He lives on Eugene though?

ST: Uh, I don't think it's Eugene. But I know it's, like, couple streets over, like, whatever is in the vicinity.

EP: And the reason I ask you Eugene is 'cause your mom lives at 5904.

ST: Yeah. My mom...

EP: Correct?

ST: ...lives there, man. Come on, man. She about to be so mad. And - but my pops is locked up, man. And now I'm getting' in trouble for this that I didn't ha- I'm not gonna lose my...

EP: Well...

ST: ...this the best job...

EP: ...hold...

ST: ...I ever...

EP: Devonte?

ST: ...had though.

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EP: Hold on. Hold on, bud. If you had nothin' to do with it like you're tellin' me - all right - relax.

ST: Man, y'all - they don't care about that down there, man. They really don't. They don't...

EP: So...

ST: ...care.

EP: ...and he - he picks you up. What does he pick you up in?

ST: I don't know. It was, like, a four-door. All is, like, beige. I'm not good with cars.

EP: Okay.

ST: I just know it was, like, beige or is brown or some shit.

EP: Definitely not black or blue or - a- or white. So maybe a tan-colored car? Would you go with that?

ST: Yeah.

EP: He picks you up. Where do you sit at?

ST: In the car.

EP: Front or back?

ST: In front.

EP: Front. So front passenger or did you drive?

ST: Front passenger.

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EP: All right. And then how far did you guys drive? Or where did you drive to?

ST: Man, we drove a couple blocks down the street to - I don't even know what the street name was. I had no clue. I know it's close to Westcliff over here somewhere. Shit - when I got out the car said he was gonna handle his business and...

EP: Who else was with you in the car?

ST: It was just me and dude.

EP: Okay. Uh, now we found several weapons that you guys were carrying, right?

ST: I ain't...

EP: Not just one. Okay.

ST: I ain't had no weapons, though. That's the thing.

EP: Lis- listen to me, Devonte. Listen to me. Later on when we do DNA testing on all these, are your fingerprints gonna come back, uh, uh, to those guns?

ST: They shouldn't. No.

EP: They shouldn't?

ST: No.

EP: So you - so you didn't touch 'em?

ST: No.

EP: All right. So that's good for you, right - unless you're lying. It's good for you, uh, if you're ly- if you grabbed the gun...

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ST: I've touched 'em. But not over - it was, like, days ago. So it's, like, I don't know if my prints would still be on there from when.

EP: Okay. Describe the gun to me, man.

ST: Man, it's a SK, man, a- and to be so honest with you, that SK looked my uncle's SK that came up missing that's registered to my uncle. Like, that's my uncle's gun that he got in his car.

EP: You - you think he jacked it?

ST: Yeah. And I didn't say nothin' 'cause at first when he hopped out the car he had took both of 'em with him. But I was like, "Uh, is that my uncle's shit?" And then that's when I started hearin' all those shots and that other shit to where it was just, like, I left. I was, like, I'm not gonna stick around for this.

EP: What does that SKS look like? Silver? Black?

ST: No. It's, like, brown, like, green and sh- kind of. It got, like, the green handle on it with the - with the brownish - tannish kind of clip in it. Yeah, man. With the...

EP: Did you - did you load or unload that - that gun today at all?

ST: No. No.

EP: No?

ST: No.

EP: Was it loaded?

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ST: Believe so.

EP: Why would you say believe so?

ST: I mean it's - the way he was carrying it around you would think it was loaded.

EP: What else - what else did he have?

ST: I don't know. It was that and he had somethin' else. I don't know what it was.

EP: Was it a rifle or was it a handgun?

ST: Wasn't a handgun.

EP: Just somethin' bigger?

ST: Yeah. Maybe. It was a shotgun.

EP: Did they - you think or you know, Devonte?

ST: I know.

EP: You know? Have you seen him with that shotgun before?

ST: Never. Never seen him with that before. That's why I was, like, that's the - that's why I figured that was until once we got to where we was actually goin'. And then he went to his trunk and pulled that other shit out. That's why I was like, "Wait - wait - why would that - that look kind of familiar right there." You I mean. But I didn't think nothin' of it. I just sat right there. Boom. Then it was, like, you hear all the commotion goin' on it was, like, uh, bro- this is bad. I just bugged off, man - ran off.

EP: So...

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ST: And now I'm, like, losin' my job and my whole life over this...

EP: This person that you guys drove over to, does he know him?

ST: Mm-mm. I don't think so. He didn't tell me he knew.

EP: So he just picked the house?

ST: I guess so. He don't know him. But at least he didn't tell me knew 'em. So.

EP: Okay. Okay. So it wasn't, like, uh, it was gonna be some kind of dope rip or anything like that - like, you guys knew who it was, like, the local weed guy...

ST: No.....It wasn't nothin' like that.

EP: Okay. Nothin' like that?

ST: No, as far as I know. Man, my mouth is so dry (unintelligible).

EP: I'll get some water right now. Hey, dude? Hey, can you find or get us - actually in my car there's a water bottle, uh, the bag with the water. Can you please. Here you go...

ST: I really don't...

EP: ...Devonte.

ST: ...man - this is, like, why I got to - why am I gettin' in trouble for this man? I'm Like, re-really - I didn't - I wanted to go home.

EP: Well...

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ST: I'm supposed to be going to cash my check right now and being with my fiancée. And then now somebody else puts me in this predicament to where I didn't do - I didn't hurt nobody. I didn't do nothin'. All I'm a ch- all I'm guilty of is running and not calling the police. But my phone is broke. So I can't even call the police if I wanted to. I started running - period. Why you think I wasn't with him? I ran - I ran. As soon as I heard those bullets it was, like, I don't want no part to that. And then it's, like...

EP: Well where was he at? Where did you see him? You...

ST: Man, I (unintelligible)...

EP: Okay. First of all...

ST: ...so fast.

EP: ...he drove - he drove to this house, right? Do you have any idea on the name of the street?

ST: I know Westcliff.

EP: Just Westcliff? But you have no idea w- where he was at though - like the name of the street?

ST: No - not the actual name of the...

EP: Yeah.

ST: ...street though. I just know Westcliff. You turn right right there. I don't know. Um, my job is the best thing goin' for me. Can you give me a little bit more of that?

EP: A little. Right now.

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ST: My mouth is so dry, man.

EP: Okay. Well our time is limited, dude, 'cause I got a lot of people waitin' on me. So I need you to keep talkin'...

ST: Yeah. So...

EP: ...and you telling me about the truth.

ST: ...I go so mad.

EP: So - so - okay.

ST: and didn't know nothing...

EP: So you roll to the - the n- this neighborhood. You have no idea of what the names of the streets are or anything?

ST: The only street I know Westcliff.

EP: I- if that's Westcliff and that's it?

ST: That's it. All I know...

EP: Now...

ST: ...is Westcliff. And then this nigga went and drove around like he didn't know where he was goin'.

EP: Okay.

ST: He hit the corner. I'm sittin' there like, "Oh what's - what's goin' on?" But the nigga hops out the car...

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EP: Yeah.

ST: ...walks wherever the fuck - hop some of the walls - whatever the fuck he do. And I'm, like, damn. All right. And I'm sittin' there. And then all of a sudden I heard boom - boom - boom. I'm like, "What the fuck?" And I hop out the car. And I run immediately. I'm running. I hop over the gate. That's how my - that's how I got a hole in my God damn thing. I - I - so I got a hole in my fucking leg right now from hoppin' over a fence.

EP: Not from gettin' shot?

ST: Uh, no. I hopped over a fence.

EP: You were too far away because you never made it back there?

ST: No. I hopped over a fence.

EP: The house that you were a part of, can you describe what kind of car was there or anything like that that he went to?

ST: I know it was a white car up there. I don't know if it was - if that was the house. But that's the direction he was lookin' at.

EP: And where were the guns at when you guys were drivin' there?

ST: I don't - I don't - I really don't know. He just pulled them out. Uh...

EP: Where'd he pull 'em out from though?

ST: The back seat.

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EP: The back seat? Did you see 'em in the back seat when you got in?

ST: Nah - not when I first got in? No. I did not see...

EP: Right.

ST: ...I did not seen 'em when I first got in until we got there but...

EP: Yeah.

ST: I did not know, like, until once we got there, then that's when he was, like, boom. And I - 'cause it was dark. And that's when I looked. And I was like, "Oh fuckin' he got me riding with him on this one." So shit. But so I was already there. So I'm not gonna do nothing. I told him handle your scandal, bro. I'm not getting' involved in none of that. You know what I mean? He, "Oh you scary - you scary." Uh, run up in there and do your shit then. I'm not - I'm smarter than that. I was tryin' to make it to work today is what I was tryin' to do. And me - me doin' that still didn't help me get into work today. It's, like, damn, it's, like, I can't lose period. I - it's - it's win for losin'. I can't win for losin'.

EP: Could you take us to his house if we needed to?

ST: Who? Lamar?

EP: Yeah.

ST: Yeah. I know where he live at.

EP: Okay. And, um, s- since you said you've seen the SKS before, uh, does he have other guns at his house?

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ST: No. That SKS is registered to my uncle. When you see that, uh, sh- I think it's registered - it looked like the same one my uncle had...

EP: Okay.

ST: ...that came up missin'.

EP: You didn't bring that?

ST: Huh?

EP: You didn't bring that gun?

ST: No. My uncle - m- my uncle just left for St. Louis yesterday and was pissed off like, "Nigga, where the fuck is my gun at?" Like, you know what mean? That's why I was like, "Man, that's a big-ass gun. Ain't nobody just gonna walk out with this big-ass gun." You know I mean? I got two dogs at the house, like, but it's only certain niggas that come around. You know I mean? All of a sudden they come up missin'. But he wasn't talkin' about it until once we got here and then I seen, like, I got a glimpse of it when I looked in the back. And I looked. I'm, like, kind of looked like. But, uh, main thing that caught my attention was that - was the shottie. And I ain't gonna lie. It was the shottie back there. I was, like...

EP: How many shots did you hear?

ST: Man, I don't know. Like, three, four. I just started runnin'. Man, I blacked out. To be so honest with you I heard that first one all I started thinking about was work - tryin' to make it to work. And I ran.

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EP: So why - why were you even in the car then? What were you...

ST: I was just sittin' in up there.

EP: ...what were you there for?

ST: Just to ri- I was gonna smoke some weed with the nigga. Man, I'm a pothead. He was, like, but we can burn one down...

EP: But h- but he told...

ST: ...we could burn one...

EP: ...he told you you guys were gonna do a lick, right?

ST: He was, uh, "I'm thinking about doing a lick."

EP: Okay.

ST: He didn't say we about to go over and go do a lick. That's not what he said. He was like, "Now I been hittin' this lick." I'm, like, damn shhh.

EP: So he just wanted a partner to ride with?

ST: Yeah. I, uh, I wanted to smoke. But that's all I was tryin' to do. He was obviously on some other shit. And then when it come drive by here and tell y'all, "Oh yeah that's him," whatever he want to tell y'all? Man, I had nothing d- I go to work every day, bro. He work at Walmart. He's a security guard at Walmart.

EP: Mm-hm.

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ST: I'm a assistant manager at Converse, like, I'm - I'm 40 hours a week. I'm there. I just got my raise, like, you know what I mean? My mom's, everybody was like, you know, I'm proud of you. And then now...

EP: So - so why - why did you put yourself in this situation? Why get in the car?

ST: I thought we was just gonna go ride down the street. I thought we was gonna burn one like we usually do. He rap with me every once in a while. You know I mean? I'm thinkin' we just gonna listen to beats and shit and - then when he like, "Oh I got this lick lined up." And then I'm - I'm like, "Oh - hey w- what's going on, my nigga? W- what you mean a lick? Let's go back to the house. You mean? What are - what are you talkin' about?"

EP: You know Lamar's gonna say that you brought that SKS though, right?

ST: Man, how's he, man, how is gonna tell me that when - okay so my...

EP: You said it belongs to - it belongs to your uncle.

ST: So then it's reported stolen. Soon as my uncle reports it stolen. He left. He wasn't reporting stolen because he thought he just misplaced it somewhere. So now once I let him know who had it and it's repla- and it's reported stolen, then what?

EP: Okay. No, I'm just wondering. Y- 'cause I'm just tellin' you - I'm just puttin' you - I - I'm just puttin', uh, myself in his situation. That's what I would do. I'd be, like, it ain't my - it ain't my rifle. It's his rifle.

ST: Yeah on God.

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EP: Understand?

ST: But at the end of the day though, we already had a feelin', like, I - I - not my uncle - but I had a feelin' like it was it was just weird, like, 'cause I stopped fucking with Lamar a couple weeks ago. We wasn't fucking each other. We was gonna get into a fight in front of my mom house. But I really got to call my mom. I know you're recording all this and everything, man. But I got to call my mom, man, please.

EP: You got to talk to mom?

ST: Like, ASAP, man. Like, please...

EP: Okay. So...

ST: ...man.

EP: ...w- w- w- we may work something out. Uh, um...

ST: Like, s-, like, I do whatever you need. Like, but I could - what you want, my nigga. Like, I'll do whatever. Like, I - I need that 'cause I d- I - I go to work every day. And like a lot of these people around here - a lot of these niggas around here that - that do dope and sell drugs and all of that and don't - I ride the bus. I ride the 102 to Lake Mead and Jones to 104 all the way to fuckin' Sunset and Las Vegas Boulevard to make sure I get to work every day.

EP: So, Devonte, real quick, just give me a timeline. What time did he come pick you up?

ST: I don't even know

EP: 'Cause we haven't even done that.

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ST: It was probably, like, I got off - I got to the house, like, 10:30. So I'd say, like, maybe 11:30, 12:00.

EP: All right. So around midnight he picks you up?

ST: Yeah.

EP: Do you guys hang out first? You guys chill out or go out?

ST: Yeah. We was chillin'. We - he came out the car. I'm like, "What's happening?" He was like - and I was like, "I need some smoke." You know. "All right. We sure - we can do that." Hop in the car. And he was like, "Hey we gonna go make a stop real quick. Let's go just swoop over here real - real quick. We all got somethin' lined up." I'm thinking he talkin' about some fruit. So I'm like, "All right. Yeah. Let's go." That's when we pull up over there. Nigga was like, "Hey, hold on before you - hold on." And nigga goes over - whatever the fuck and hops over some weird-ass wa- walls up there.

EP: But - but before he goes over he grabs the - the SKS...

ST: Yeah. He opened up the door. He grabs the shit and was walking through the shit. And I'm...

EP: The SKS and - and the shotgun?

ST: I don't know if he had both. I just know I seen him open up the door. And I just heard shit clinkin'. I try not to even look so that way I don't, like, you know I mean - just do whatever you got to do. And as I'm sittin' there -- I had the door kicked open. I was

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smokin' a cigarette outside. And I'm sittin' there. All of a sudden what do I hear? Boom - boom. I heard, like, two, three gunshots - boom - boom - boom. Some fa- I don't know. Probably even more than that.

EP: What kind of cigarette were you smokin'?

ST: A Newport.

EP: Would that Newport still be there? Did you drop it?

ST: I don't even know. I think I left it in his car. Probably...

EP: Will - will it be in the car...

ST: ...I flicked it.

EP: ...or you flicked it?

ST: I flicked...

EP: That'll tell me where you were at, right?

ST: Yeah. 'Cause they don't - he don't - ah, shit. This handcuff on the left hand side is tight as fuck.

EP: Okay.

ST: But, um, see how it's hard to move my ankle a little bit? This one I can't do nothin' at. Um, I don't remember what street it would be on. It's over there somewhere though. But I had smoked a Newport right there. And then whi- and then he was gone. And

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it was, like I said, I heard that. And it was, like boom - boom -boom. Whatever. And then I took off running. Boom. I started running.

EP: And, uh, the shots - are they the same type of, like, from the same gun?

ST: That's what it sounded like.

EP: Or were they different?

ST: It sound like - not, like, two, he starts shootin'. And somebody shot back at him or whoever. Somebody shot at him. And he started shootin' back at them, however it went.

EP: So - so you heard d- different gunshots?

ST: Yeah.

EP: Okay. So him and then somebody else shot back?

ST: Yeah.

EP: Okay. Or - or that's what it sounded like at least?

ST: That's what it sounded like. And like I said I hopped over the wall back there before the food for less and then ran up the street behind the back street. That's why I came poppin' out from right here because I ran and I'm scared. I'm like, "Fuck me." I'm like...

EP: A- bu- a-, uh...

ST: "...What am I supposed to do?" Like...

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EP: ...I'm sure you heard the police comin' this whole time, right?

ST: Yeah. That's why I'm scared.

EP: W- and why not just tu- turn yourself in because you didn't do anything wrong?

ST: Because I'm -- man, come on -- I'm with him. I'm in the car. Ain't no tellin' what he did. I don't know if he killed somebody. I don't know what he did. So I was like, "What am I supposed to do?" I didn't want to just walk into the situation and you like, "Oh yeah - you was with him? Book him too." You know I mean? That's exactly how - I mean, uh, that's what I was scared of. So it was just, like, all right maybe if they just catch him it's gonna be all right. Let them - let him build - build his consequences. But now he want to get me involved talkin' about me - pointing at me and pointin' me out when it's, like, homie, I go work every day. I mean - I take care - my mom ain't even gonna be able to pay rent because my check is sittin' at the house that I can't even cash today...

EP: What...

ST: ...'cause I'm about with y'all. And my mom can't even pay rent today. She about to be evicted out her spot...

EP: Okay.

ST: ...'cause my check is sittin' there and I can't cash it. I mean that thing fell off my finger, man.

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EP: Ah, we'll get that now. Uh, the shotgun, are - are your fingerprints gonna be anywhere on that shotgun...

ST: No.

EP: ...at all?

ST: No. And I said if that was my uncle's gun back there at the back - if it was in fact the one, my fingerprints - but it's - they gonna be old fingerprints if anything. But they gonna be on there because - yeah me and my uncle go out to the mountains to go shoot and we go to the shooting range and we go shooting. He has a little group out here that he fucks with. And they go shootin' out in the mountains and shit, (unintelligible) canyon or whatever. Like...

EP: Exact.

ST: ...I see that gun all the time. You know what I mean - that's how I know when I kind of looked. But it was dark. So I didn't really - I didn't really say nothin'. You know I mean? But.

EP: And no other guns involved that you saw?

ST: Aw, man, I wasn't...

EP: Y- you weren't carrying anything? You didn't drop anything?

ST: I didn't drop nothing,' man. I didn't have - I didn't - didn't have nothing. Look what I'm wearing. Man, if I was gonna go rob somebody I'm not gonna go wear this to go rob nobody, no bright orange shirt and shorts and a - you know I mean?

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EP: I- is that something you've ever done with them on your legs?

ST: No. I never robbed nothin'. I mean I'm telling you right now, I never been in trouble, man...

EP: Mm-hm.

ST: ...like, never. And now it's, like, you telling me this is some serious, like...

EP: Well you know it's serious just by the amount of police officers obviously.

ST: I see that. That's why I just want to call my mom, man. Fuck, dude. Over this, man. Like, this is cold, man. I'm about to lose everything - everything for this, bro.

EP: So you're telling me - and so what time do you think after he picked you up and you drove around, what time do you think you got to that house and parked?

ST: I have no clue. I didn't even pay attention to the time. It was probably, like, 2:00 maybe - 1:00 - 2:00.

EP: And from the time he gets out of the car, grabs the rifles, and - and - and goes - and how much time passes from that time to the shots fired?

ST: It was a minute.

EP: A minute? That fast?

ST: No. Not - not a minute, like, a minute, like, longer than a minute - 20 - it was, like, 30 - 20 - 30 minutes.

EP: Oh it took 20 or 30 minutes?

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ST: Like, it was, like, a minute, like it, like, as far as - 'cause I didn't know what he was doin'. I'm thinking he was just walkin' around scopin' it out or something like that. You feel me - I, uh, seeing how long it took him.

EP: Yeah.

ST: No. I - that nigga.

EP: So it w- i-, uh, more than one cigarette's worth?

ST: Yeah.

EP: Okay. So you smoked more than one cigarette...

ST: I only smoked, like...

EP: ...while you were waiting for him?

ST: ...two over there...

EP: Oh.

ST: ...and flicked them in the dirt.

EP: Okay. So it took you at least two...

ST: (Unintelligible).

EP: ...cigarettes before you go there, right?

ST: Yeah.

EP: Before you r- what - what you heard. And you - and you heard how many shots from his rifle?

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ST: I'm not good at distinguishin' the shots like y'all. Like I said...

EP: Mm-hm.

ST: ...I'm not sure. Like, three maybe four maybe.

EP: And then...

ST: Were, like, I don't...

EP: ...and then - and w- and how many back?

ST: Uh, that was in total. Like...

EP: Oh total? Okay.

EP: Okay.

ST: ...shootin' - and somebody shootin' back at him.

EP: So bang - bang - bang - bang - bang?

ST: He shot - he shot or somethin'. Either somebody shot at him or he shot and then they shot back at him.

EP: Gotcha. All right, Devonte. Operator, this is, uh...

ST: Can I get some more water though, man?

EP: Yeah. I'll give that to you in a second, bro.

ST: And my mom. Don't forget my mom, man.

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EP: Operator, this is, uh, Detective Pazos. It is, uh, 0749 hours on Friday, September 4, 2015. Uh, this interview was conducted on, uh, West- on Westcliff and Antelope in a, uh, marked patrol unit - the back of one. Devonte, do you have anything to add, bro? Are you sorry for what happened?

ST: I mean I'm definitely sorry for what - whoever got hurt or what happened. Like, that's not me, man. I have a heart though. I don't - I don't do shit like this - rob - never, like, in my record - I don't get it - I've never been in trouble, man, at all 'cause I don't believe in doin' shit like this. I - like I said I go to work every day. I take two-hour bus rides to get to work and to get home every day. I work at w- Warner Springs and Las Vegas Boulevard. And I live on I- Lake Mead in Las Vegas, uh, Lake Mead and Jones. So I ride the bus - I mean - every day to get to work.

EP: I gotcha.

ST: And now my boss - man, my boss is gonna be pissed off. She gave me my check early last night. And I was supposed to come to work today. So they gonna be like, "Oh how you get this check?" She told me to.

EP: All right, Devonte. Well, uh, like I said is that, uh, that's all you got to add? You're sorry and, uh...

ST: Sorry.

EP: ...you feel bad?

ST: (Unintelligible), man.

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EP: All right, man.

ST: I don't...

EP: Um...

ST: ...um, I didn't do nothin' wrong, man. I need to call my mom, man.

EP: Operator, this is, uh, end of interview. It's, it is, uh, 0750 hours. Thank you very much.

THIS VOLUNTARY STATEMENT WAS COMPLETED ON THE 4TH DAY OF SEPTEMBER 2015 AT 0750 HOURS.

EP: (NET TRANSCRIPTS)
FIT2015-032

Reviewed by Det J8289P
9/21/2015

EXHIBIT D

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)DATE OCCURRED: 09-04-15TIME OCCURRED: 0343 HOURSLOCATION OF OCCURRENCE: 6729 OVEJA CIR
LAS VEGAS, NV 89107

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: STEVEN TURNER

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS: [REDACTED]
[REDACTED]

PHONE 1: [REDACTED]

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE E. PAZOS, P# 6817, LVMPD FORCE INVESTIGATION TEAM, on 09-04-15, at 0913 hours.

EP: Operator, this is Detective E. Pazos, phonetically Paul-Adam-Zebra-Ocean-Sam, P# 6817, conducting a voluntary statement under Event# - uh, I'm sorry, it's going be a suspect voluntary statement under, uh, Event# 150904-0516. Came out as a 403 that turned into an OIS in Victor-4. Time of call 0343 hours. Uh, the address at which this occurred is 6729 Oveja Street, Ocean-Victor-Easy-John-Adam. I'm currently speaking to last name Turner, first name was Steven with a V, middle - uh, middle name Anthony. Birth date [REDACTED] Social [REDACTED] Uh, we - this is

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the second time conducting a statement with, uh, Mr. Turner. Earlier, he told me a different name and different date of birth and different Social. Uh, is that correct, Mr. Anthony? The information was wrong?

ST: Y- y- yes it was completely wrong and that's my fault.

EP: Um, he has an address of [REDACTED] Las Vegas, Nevada. Do you know what the zip code is there? What...

ST: [REDACTED]

EP: [REDACTED] Phone number [REDACTED] It's a cell phone. Uh, Steven, earlier I read you your Miranda rights. You remember that?

ST: Yes.

EP: Uh, those, uh, rights are still in effect. Just because, uh, we moved locations from where we were before to here doesn't mean, uh, you're still not covered with those rights.

ST: Right.

EP: Um, do you still wish to speak to me?

ST: Yeah, I'll talk to you. I'll let you know everything.

EP: Okay, and, I - I just want to reiterate, uh, initially the first time we spoke, uh, you gave me the wrong information.

ST: Yes I did and I - just because I was scared and I didn't think that - I didn't know the seriousness of what it really was and that's the only reason why I did that.

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EP: Okay.

ST: You know what I mean, 'cause I did not know the seriousness of this - of the crime.

EP: Ha- had you known from the beginning w- how bad it was...

ST: No I didn't.

EP: ...you wouldn't have - you wouldn't have lied?

ST: I wou- if I woulda known - if - if I woulda know that the charges or what was goin' on, n- n- not at all. Period.

EP: So y- you had no idea you - that's the way we were looking at this?

ST: Uh, no on my mother that I'm tryin' to get a hold of right now, I swear to God I did not know any of this was goin' on at all. I - even at the time when I ran away, I did not know what was goin' on. I just ran because I hear bullet - 'cause I hear bullets, I hear people shootin' so yeah, I run, you know what I mean? And it's a natural instinct, but I promise you if I woulda known the e- the - the - I don't know - even know the word, the impact of this right there, y- it woulda been none of that.

EP: So Steven, tell me what happened from the very beginning when, uh, you first met up with, uh - what was his name? What did you call him, Lamar?

ST: Yeah, Mar.

EP: Mar?

ST: Yeah.

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EP: Okay. What happened?

ST: So, I was at the house. I was at home chillin'. He ended up calling me and he was like, "What's up, (unintelligible)," you know what I mean? I'm tryin' to go slide down here by the - by the pad real quick by his pad. So I was like, "All right, bro, well I mean fuck it. Yeah, I'll roll with you real quick, you know what I mean? I'll ride." So we ride down there. We go. He was like, "Hold on real quick." And then he hopped out the car and I seen big-ass guns in the back. I think it was, like, maybe two of 'em. I'm not sure what - what they were. One of 'em did look like my uncle's gun that was missing, you know what I mean, but...

EP: What type of gun is that?

ST: Uh, I don't know. An AK or SK or some - one of them K's.

EP: Mm-hm.

ST: So, but I didn't say nothin' to him at the time 'cause it's like he on some rah-rah right now, you know what I mean, obviously, so I'm not gonna bring that up so he could point no guns at me, you know what I mean? So, I'm sittin' there. He walks up through the back, hops over the wall. So while he's hoppin' over the wall, I'm like, you know what I mean, just standin' - sittin' in the car waitin' for him. He takin' too long. I'm like, what the hell is this dude doin'. So I did. I hopped back - I hopped over the wall, like, "Bro, like, what is you doin'? Let's go. You back here too long." And as soon as - as soon as I said that, just shots start flyin', like through the window. I don't know if they started shootin' in the house or - wherever they started shootin' at,

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as soon as I told him, "Come on," shots just started goin'. Shot - and then I didn't notice I was shot then and I w- I just took off runnin'. I hopped over the wall. I don't know what happened with him. He was still there. I just ran. I told him, "Run," and I ran and I hopped over the wall. I ran. I laid down on the cou- it was like some people's house, there was, like, a couch next to it. I stayed there for a minute and then I was just like, you know what, I'm just gonna have to go ahead and walk - walk home. I was gonna walk to my friend's house that stay right there off of Westcliff and Buffalo, so - so then I started walking and then I ran into you guys and then like I said, I know I did lie about my identity and everything, but that was before I knew the seriousness of the whole situation. If I woulda know that that shit - I wouldn't even use my little brother's name and even put him in that situation, you know what I mean, knowing how serious it is, you know what I mean? I would never do that, I mean, so. But to you and all the officers, I s- I just wanna apologize, you know, on my part. I shoulda - you know what I mean, been smarter, you know what I mean, and maybe try to tell this nigga, like - it really wasn't too much I could tell him. I mean, he's gonna do what he's gonna do, but I shoulda b- just been at home. I shouldn't a made myself - I shouldn't a put myself there with him, you know what I mean?

EP: So, where were you at when he picked you up?

ST: I was at home with my mom havin' a wonderful evening with my mom and my fiancée and my auntie, and that's right when I got off of work. I got off of work at 8 'clock. I ride the bus home. I got home at, like, 9:35, 9:40. Was locked out the house so I

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had to walk to 7-Eleven on Lake Mead and Jones, met with my mom and my fiancée. Then we walked back to the house. You know what I do when I get off j- I had, uh, one drink with my mom and my fiancée and then that's when he called me. He was, like, "Hey, bro, j-just - like, come take this ride with me real quick. Let's just go over here and let's just go take this ride." So I'm like, "All right, I'll roll with you." I told my mom and them I'd be right back.

EP: Did he say anything about lick at that time?

ST: Nah, it wasn't no- not- I did not know that.

EP: You didn't? Okay.

ST: He was just like, "Let's ride." So I'm like, "All right, bro, for sure." Like, you know what I mean, I'm thinkin' we just gonna go to the store. I just rolled with him the other day to them apartments, the BG's, to go get some weed, like, so when he said, "Let's ride," I'm not gonna be like, "Nigga -" I wasn't thinkin' nothin' of, like, that. I'm thinkin' we just finna go get some Swishers, you know what I mean. Go get some weed. Maybe go get some bars, you know what I mean, like - and so, like, once we got in the car and then we started drivin' and then we drive past Lake Mead, I'm like, "Wait, what you talkin' about let's go -" and he's all, "Bro, I'm about to go hit this house real quick." So still I'm - it's the code, I don't ask question. I just - I was just like, all right. I don't wanna ask questions and then piss this nigga off, whatever. Let's just go for the ride. So I just rode and then once I rode there with him, that nigger went up inside.

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CH: Oh, yeah. He pays - he - he plays a lot of blackjack.

CJ: Plays blackjack?

CH: Blackjacks.

CJ: Where at?

CH: Um, somewhere on the strip. I don't know the exact casino. He plays blackjack. Oh, shit.

CJ: Anything else? All right. Here we are right here. This is the house that you guys were on. It's up inside a cul-de-sac, right?

CH: Mm-hm.

CJ: Where did you guys park? Here's Lorenzi and Oveja. That's the street you guys went on. Where'd you guys park? This right here is the freeway, right?

CH: Mm-hm.

CJ: Or no, this is Lake Mead. This is Lake Mead right here. Where'd you guys park?

CH: That's the house where it's at.

CJ: Ra- this is the house you went into, right?

CH: Mm-hm.

CJ: Okay. Where did you guys park your car?

JP: The white Maxima.

CJ: The white Maxima.

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CH: Right behind - right behind it.

CJ: On Lake Mead?

CH: I don't - I don't know if it was on Lake Mead but behind the house. It wasn't in front of it. It was behind it.

CJ: So this cul-de-sac goes up in here. You - you came from the back of the house, off of Lake Mead, wa- over here on White Sands, maybe? That's that...

CH: I...

CJ: That's that street right here?

CH: It had to have been like a side street.

JP: Did you cross Lake Mead?

CH: A side street or somethin'.

CJ: Did you run across Lake Mead, the road right here?

CH: Like I said, man, that's my first time being over there. So it could've been.

CJ: Okay.

CH: It could've been. It could've been. All I know is it was ducked off, not on that same block. It was probably behind it on the left side. So...

CJ: So it could be even...

CH: ...on another - on another cul-de-sac, right next - you know.

CJ: So it'd be...

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CH: (Unintelligible) hop a wall and go to the next neighborhood. So...

CJ: So even in the - okay, there's a - there's a cul-de-sac right here next to it. Did you pull up in a cul-de-sac there? Or do you - 'cause you - I mean, you'd kind think you'd me- remember running across Lake Mead. It's - it's like 12 lanes across.

CH: Yeah.

CJ: Do you remember running across 12 lanes of traffic to get over back to - to jumping the back of the house?

CH: No, I don't.

CJ: You don't remember that. So...

CH: 'Cause it was a neighborhood that he parked in that was...

JP: So a side street.

CJ: So it's one of these side streets over here.

CH: Side streets where we can hit a wall and, you know.

JP: Got it.

CJ: Okay. All right. Okay.

CH: So...

CJ: So he plays ba- blackjack somewhere down on the strip.

CH: Yes.

CJ: You don't know where?

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CH: Not for sure.

CJ: Okay. Any other family around besides his girlfriend and his uncle?

CH: His auntie.

CJ: Do you know her?

CH: I talk to her sometimes.

CJ: Do you know where she lives?

CH: Uh, at Yak's resident.

CJ: What's that?

CH: At Yak's resident.

CJ: Oh, uh, Yak's place. Okay.

CH: Yeah.

CJ: So you only know him going to that place.

CH: That's only - that's the only time, you know, when I see him, we talk it up, you know. I be smokin', then...

CJ: Okay.

CH: Keep it movin'. (Unintelligible) keep it movin'.

CJ: All right. Okay. You got anything? Tell me your name again.

JP: Joe Pannullo.

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CJ: Joe Pannullo is also in here on this interview with us. And, uh, we're sitting here with Eugene. Eugene I want to get - make sure I have all, uh, um, or Clemen, not Eugene. That's the street we were on. Sorry about that.

CH: Yeah.

CJ: Clemen, I want to make sure I got all your info right, okay? It's C-L-E-M-O-N?

CH: Yes.

CJ: Hudson, H-U-D-S-O-N?

CH: Yes.

CJ: Your date of birth?

CH: June 12, 1995.

CJ: Zero what?

CH: June 12, 1995.

CJ: June 12, '95. Your social security number?

CH: Uh, let's try 617...

CJ: Okay.

CH: ...52...

CJ: Okay.

CH: ...2655.

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CJ: Okay. You ever been arrested?

CH: No, sir.

CJ: Okay. And where do you live?

CH: I live on 5809 Martitta ave.

CJ: 5809 Martitta?

CH: Ave.

CJ: M-A-R-T-I-T-T-A, or one T?

CH: It might be two Ts.

CJ: Martitta ave. What's the zip code?

CH: 89108.

CJ: One nine - 89108. What's your phone number?

CH: Seven - my - my number?

CJ: Yeah, you got a number?

CH: Yes.

CJ: What's your number?

CH: 702-918-4394.

CJ: 4394. You got another phone number?

CH: No, that's it.

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CJ: Is - is there a phone number to the - to the house where you're living?

CH: Uh, my cousin.

CJ: Your cousin lives there too?

CH: Yeah.

CJ: Okay.

CH: But I don't - I don't know the house, though.

CJ: Okay. All right.

JP: The phone's on the way down here.

CJ: His phone is?

CH: Mm-hm, with -with Chubz' number in it.

CJ: Okay. Cool. Um, you - you've never been arrested?

CH: No, sir.

CJ: Okay. How long you been smoking pot?

CH: No lie, a few years, sir.

CJ: Okay. You have a car? Oh, you told me about your car. Okay. It's - and where did you leave your car?

CH: You said where'd I leave my car?

CJ: Yeah. Is it back at your house there?

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CH: Yeah.

CJ: Okay. And tell me what your car is again.

CH: It's a, uh, Camry.

CJ: Camry?

CH: Yeah.

CJ: What color?

CH: It's brown.

CJ: Brown? Is it registered in Nevada?

CH: Yes.

CJ: To you?

CH: Uh, it's in my mom's name, but yeah, it's registered to me.

CJ: All right. And we have - we know - we have that car?

CH: Yeah.

CJ: Okay. Um, Joe, you got any questions?

JP: Um, what's you say your social security number was again, brother?

CH: Damn (unintelligible).

JP: Uh, you changed it a few times.

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STATEMENT OF: CLEMON HUDSON

CH: No. Li- I'm not sure. I know the last two is 2655, but I don't know if it's 61752 or 61762.

CJ: That's all right.

CH: (Unintelligible).

CJ: Okay. Anything else? You don't know where Chubz might go besides his uncle? Is he - is he - is he from Vegas?

CH: Like - is he like born and raised?

CJ: No. Has he been around here for a long time?

CH: I mean a while, but his home town is SD, San Diego.

CJ: San Diego?

CH: Yeah. So...

CJ: Okay. All right. All right. I'm just gonna put some other information on this recording that we got going on. This is Detective C. Jex, P# 5597. Joe pan- pa-

JP: Pannullo, 5455.

CJ: 5455. Uh, we have been interviewing with, uh, Clemon Hudson, C-L-E-M-O-N, H-U-D-S-O-N, date of birth 6-12 of '95. We got a soc of 617, either 62 or 82 or 52 or 62 and then 2655. He lives at 5809 Marita, M-A-R-I-T-T-A, avenue 89108. His cell phone number is nine - 702-918-4394. Uh, we started, uh, we started this interview at 0627. And the end of the interview is now 0705. Event# is 150904 dash 0516. Location of the, uh, incident is 6629, uh, Ocean Victory, easy John Adam street. And

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this interview taking place at UMC ER, um, and bed number - what's our bed number here?

JP: It's seven.

CJ: Bed...

JP: Bed - bed seven.

CJ: Bed seven. That's the end of the interview.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT UMC EMERGENCY ROOM, 1800 W. CHARLESTON BOULEVARD, BED #7, LAS VEGAS, NV 89102, ON THE 4TH DAY OF SEPTEMBER 2015 AT 0705 HOURS.

**CJ: (NET TRANSCRIPTS)
FIT2015-032**

CJ: Reviewed 09-14-15

EXHIBIT B

VOLUNTARY STATEMENT

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SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)DATE OCCURRED: 09-04-15TIME OCCURRED: 0343 HOURSLOCATION OF OCCURRENCE: 6729 OVEJA CIR
LAS VEGAS, NV 89107

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: CLEMON HUDSON

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS:

PHONE 1:

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE C. JEX, P# 5597, LVMPD FORCE INVESTIGATION TEAM, on 09-04-15, at 1425 hours.

CJ: Okay. I want to talk to you about the stuff that we talked about earlier at the hospital. And understand when I read you Miranda, all that stuff still applies, okay? You - we were talking about, um, ah, Chubz. You were telling me about Chubz. You said that he was - he was wearing, um, a, ah, ah, some basketball shorts.

CH: Yeah.

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CJ: Okay. And let me get over here to this other - other page here. Some basketball shorts and a purple shirt. And you said he was - he might have been wearing some Chucks, right?

CH: Yeah.

CJ: Okay. Tell me what you were wearing,

CH: Me? I had on my long sleeve camouflage shirt.

CJ: Okay.

CH: It's a dark grey, dark black, like light grey, dark grey, you know.

CJ: Okay.

CH: Camouflage.

CJ: Uh-huh.

CH: Um, I had on some gym shorts, um, some, ah, Nikes. Well I don't know if they were Nike or Adidas shoes and had on some tube socks.

CJ: Okay. Okay. Who's the third person that was with you guys? We know there's a third person.

CH: A third person?

CJ: Somebody else was with you guys. And as it stands right now, you're taking a big fall for everything.

CH: A third person?

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STATEMENT OF: CLEMON HUDSON

CJ: Yeah, I mean you talked about Chubz. We're still looking for Chubz. We - we haven't found Chubz yet. But we know - we've got witnesses that's got one more person out there. White guy, maybe? Another black guy?

CH: I...

CJ: That was with you in the back yard. Who was he? Help me out, because you're taking the fall for everything.

CH: His name is Chubz.

CJ: Chubz is, you're right, but who's this other guy? I know. We've identified Chubz. We know who he is. But who's this other guy?

CH: Ah, there was no other guy.

CJ: Because - because we have - we've got people that completely described Chubz and you. And a third person.

CH: Who's the third person?

CJ: That's what I - that's what I want to ask - that's what I'm asking you about.

CH: I have no idea. It was just me and him.

CJ: Okay. You're sure?

CH: I'm 100% positive.

CJ: Okay.

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STATEMENT OF: CLEMON HUDSON

CH: If - if there was a third person then it must have been someone that he brought along afterwards probably to pick him up or.

CJ: Okay. You told me you rolled up in his car.

CH: Yeah.

CJ: Okay. Don't lie to me about that. You know you didn't roll up in his car. You rolled up in your car.

CH: Yeah, after...

CJ: Because we - because we got your car right out in front of the house.

CH: Yeah, at first.

CJ: Okay. So who's the third person? Because you're taking the fall for everything man. We've got two counts of attempt murder. We've got two counts of conspiracy. We've got two - two counts of burglary. You're - you're taking the fall for everything.

CH: Third person? And it's funny because I seen him here.

CJ: Here at the jail?

CH: Yeah. He - they caught him. They brought him here. I seen him here.

CJ: And who's that?

CH: Chubz.

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STATEMENT OF: CLEMON HUDSON

CJ: What's his - that's Chubz? Okay. We've already identified - like I say, we've already identified Chubz. I didn't know he was here. I didn't know we've identified him. I'm still working this other side with you. I didn't have no idea that Chubz is here.

CH: It's the third person that I don't know that you're talking about. I swear to God.

CJ: Somebody wearing a wife - a wife beater, a white wife beater.

CH: A white wife beater?

CJ: Yeah. Maybe a white guy, light skinned black guy maybe?

CH: No. It wasn't. It wasn't no three people. It wasn't three people.

CJ: Once again where did you pick - where did - what - you drove up into the cul de sac there with your car, okay? Where did - how did Chubz get there?

CH: Chubz came around in his Maxima through the back and went on, because it's a different - the cul de sac go - the cul de sac goes like this.

CJ: Okay.

CH: The first time I pulled up in mine like that.

CJ: Okay.

CH: And he say, "Okay." That's when I go back in front of the house. That's pulled on either - I don't know, either if he pulled on this side of the cul de sac or left side or right behind me. But he got around of the - the back of that house.

CJ: So when he...

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CH: That way we can hop a wall and just fly right to his car. It had to have been. And the third person, a third wheel?

CJ: So when you - okay, I'm gonna draw a picture right here. We're gonna draw another picture. This is that cul de sac, okay? You parked your car right there.

CH: Mm-hm.

CJ: Okay. This is your car. Point to me on this piece of paper where...

CH: Chubz.

CJ: ...Chubz parked his car.

CH: Possibly could have parked his - this is the house, right?

CJ: The - the house is right here.

CH: He possibly could have parked it on the other side where - because, you know, the brick wall's right here.

CJ: So - so you're saying he never pulled up into the cul de sac?

CH: No.

CJ: Okay.

CH: He parked on the other side of a - of a different cul de sac where he could, you know, walk that wall and been in a whole different neighborhood or behind - or behind it. That's what I'm saying.

CJ: Okay. And you - and where did you meet up with Chubz then?

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CH: Where did I meet up with Chubz? I met up with Chubz on the side.

CJ: So inside this cul de sac right here?

CH: Yes.

CJ: So he's out - he's out here in this cul de sac over here?

CH: Yes.

CJ: You meet up with him? And tell me - tell me where you- how you ended up with the guns.

CH: How did I end up with the guns?

CJ: Yeah.

CH: Chubz brought them.

CJ: And he gave you the shotgun is what you told me earlier, right?

CH: He - he - he had gave us both of the guns.

CJ: Who's us?

CH: He - he gave - remember how I was hopping the wall? Well he - he had hopped the wall first and then told me to throw the guns over and boom. Then I hopped the wall. It wasn't no third person. That's what - that's why I'm like a third person? If it's a third person that's somebody that he must have, you know, brought in on it afterwards.

CJ: So you meet him here.

CH: Or right after that.

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STATEMENT OF: CLEMON HUDSON

CJ: You guys over here on this side of the house and jump the wall on this side of the house. Okay, and then you're in the backyard.

CH: Yeah.

CJ: And it's just you and Chubz in the backyard?

CH: Yes, nobody else.

CJ: How many guns you guys all have?

CH: Two.

CJ: And what were they?

CH: Ah, it was a SK and a shotgun.

CJ: SKS shotgun or SKS?

CH: No, it was - it was a SKS and a shotgun.

CJ: And a shotgun? No other guns?

CH: No other gun.

CJ: Okay. Who had the third gun then?

CH: A third gun? I don't know.

CJ: Okay. And you don't know anything about the third gun that was laying at your feet? Where you were laying in the rocks, where you told me you were laying right there in the rocks, behind that little wall right there, with the shotgun.

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STATEMENT OF: CLEMON HUDSON

CH: Where the guns were at, because he - he had shot and he dropped them and ran. I was already on the floor.

CJ: Okay. All right. Keep working with that. Let's - let's go with that.

CH: Yeah.

CJ: So - so the...

CH: I went - and I'm - and I'm on the ground head - head down.

CJ: So you're laying down on your belly or on your back?

CH: On my back, head down. I didn't fire gunfire.

CJ: Okay. Because - so here's the - here's the deal then. We've got an SKS that's been fired and we've got a shotgun that's been fired. Both were - both - both weapons both guns have been fired and I've got you with one of them. So are you gonna take the fall for all of these guns of shooting up one of our officers?

CH: No, I'm not.

CJ: You're the only one we got. That's 25 years for the first count. That's another 25 years for the second count. Those are just for the attempt murders. Fifty years. You'll be 70 years old when you get out of jail. Who's that third person? We're still looking for Chubz but who's that third person?

CH: Can I honestly tell you this?

CJ: Absolutely.

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STATEMENT OF: CLEMON HUDSON

CH: Chubz, he had to have had that third person on him. And I'm - I'm - I'm being 100, because it - it was no third person on me. He - he didn't - if it was a third person in it he didn't tell me about it.

CJ: You didn't see another person in the backyard?

CH: I - no, I didn't.

CJ: Tell me what you guys were doing in the backyard before you went up to the door?

CH: We were checking it out to see if anybody was home. God honest truth. Checking it out to see if somebody was home.

CJ: And what did you do to check to see if somebody was home?

CH: Well we were peeping - well Chubz was peeping through the window. But it was, you know, he was peeking through the window back here. There was a window back here.

CJ: Okay let's - let's - let's draw another picture here of the house. Draw the house like this. The driveway is kind of like this, and there's a side yard that goes out here like this. And then the backyard, there's a wall here and then the side yard is kind of like that. Okay? There's a gate here I believe or a wall here. I think it's about halfway down, a wall like this. Okay. So you - you jump this wall and you're in the backyard?

CH: Yes.

CJ: Okay. So tell me what you were doing in the backyard.

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CH: In the backyard, we was scoping it out, you know. It's a lot of - there was a lot of shit back there, so we was just looking at it first, you know, to make sure everything was clear. Went in the back. We went to the side door to see if it was open, because he said it was open. Turned out being locked. So we went back towards the front, where that to the slide door is, because mini mirror right here, a little opening for a door. And he - he put this - he - I guess he wanted to see if anybody was in there or whatever the case may be. And he looked in there for about two or three seconds and then he turned around and then the gunfire came.

CJ: Where were you standing when the gunfire, so we've got this door right here, okay, that goes outside. Where were you standing when that door opened?

CH: When - I don't think they opened the door. I just think they shot through the door.

CJ: Okay, who?

CH: The cops.

CJ: Okay. How do you know they were cops?

CH: Well shit...

CJ: Did you know they were cops when the shoot- shoot- shooting started?

CH: At first, no.

CJ: Okay. When did you find out they were cops?

CH: When I seen the lasers and they were talking about the K9 units.

CJ: Okay, so when the first shots started out, you didn't know who was shooting?

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CH: No.

CJ: Okay. So who shoot- who fired first? Through the door or you out here standing out here?

CH: I'm out - I'm - yeah, I'm out here standing right here.

CJ: Okay.

CH: Right...

CJ: There's that little wall that you were talking about and the little walkway that goes into the backyard. Okay. And then there's a little bit of little like bushes and stuff right - right in here. Right? Where were you?

CH: I'm like right here.

CJ: Okay. So who's right here?

CH: Chubz is still like kind of like low ball - low ball on the side of the window, you know?

CJ: Okay. So he's up close to the door?

CH: Closer to the door.

CJ: Okay. There's that - this door is actually a little closer to the wall right here.

CH: Uh-huh.

CJ: So he's right here.

CH: It be around right here.

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CJ: Okay. So Chubz is right here. Okay. Okay, so what's Chubz - which gun does Chubz got?

CH: The SK.

CJ: And you've got the shotgun right back here?

CH: Yeah.

CJ: So you got the shotgun? The shots started firing out, right?

CH: Mm-hm.

CJ: How many shots did you shoot with the shotgun?

CH: How many shots did I shoot with the shotgun?

CJ: Th- that's what I said.

CH: Shit, I don't think I shot with the shotgun.

CJ: Okay, think about it. How many shots did you shoot with that shotgun?

CH: If I did it was one.

CJ: Okay. One shot.

CH: If I did. I don't even know if I shot. I fell right over after I started getting, you know, shot at. And he had the SK.

CJ: So you were holding the shotgun, shots fired, you fire one shot. How many shots does Ch- Chubz shoot?

CH: I have no idea.

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STATEMENT OF: CLEMON HUDSON

CJ: Did you hear Chubz shoot?

CH: It was so loud he probably had.

CJ: Okay.

CH: And he disappeared so fast.

CJ: So now the - the third person, Trevon - Tre- not Trevon - Trevor, ah, somebody's first name starts with a T or an L. Lamar. Who's Lamar?

CH: Who's Lamar? That's my middle name.

CJ: Okay. Lamar is your middle name?

CH: Yeah.

CJ: All right. What's Chubz's middle name?

CH: I don't know. I have no idea, but all I know is by - his name is by Chubz Turner.

CJ: Chubz Turner?

CH: Yeah.

CJ: So it's C-H-U-B-Z is what you told me earlier, right?

CH: Yeah. Or that's what he has me say it. It could be C-H-U-B-S.

CJ: Okay. And his last name is Turner?

CH: Turner.

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STATEMENT OF: CLEMON HUDSON

CJ: Okay. You don't know his - you don't know his real name? You're taking the fall on this man all by yourself.

CH: If I knew - if I knew - if I knew his real name I would tell you.

CJ: Okay. So this third person then, so we - because we know you - we know you and Chubz were there, but we know there's a third person in this back yard when these shots are fired.

CH: When the shots were fired?

CJ: Yep.

CH: If it was, it was somebody that he brought.

CJ: Who would that be? Who would he have brought?

CH: A close friend. I have - I'm telling you I have no idea. I have no idea. I'm not lying to you. There's no reason to. I'm already screwed so.

CJ: Where did you get the shotgun? You brought it with you when you came? It was in your car? You're saying - you're nodding your head yes? You brought it with you in your car?

CH: Mm-hm.

CJ: Okay. Who else had a hold of that shotgun besides you?

CH: Chubz.

CJ: Okay. What about that third person?

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CH: I - I'm still confused on the third person.

CJ: Okay.

CH: If it was a third person, I would describe him. I - I would - it's - it's no, you know, I would tell. But a third person had to have come on the low or right after you guys left or something.

CJ: Okay.

CH: I, you know?

CJ: So you're saying there was no other people in that back side besides you and Chubz?

CH: Yes.

CJ: Okay. All right. And you brought the shotgun from where?

CH: You said I brought the shotgun from where?

CJ: I mean how long have you had the shotgun?

CH: Probably about a week.

CJ: Where did you get the shotgun?

CH: Where did I get the shotgun? From a friend named T.

CJ: Named T?

CH: Yeah.

CJ: And what you been using the shotgun for?

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CH: I haven't been using the shotgun.

CJ: How many times is - is - have you used it for a robbery or something like this?

?: Um, call your partner Patton or something. Yeah.

CJ: Okay. I will as soon as I'm done. Thanks. See those guys are there. We know that - we know there's a third person man. We know who that - we know that there was a third person back there with you guys.

CH: Chubz.

CJ: Chubz was the only guy?

CH: He's the only guy that I went with. I'm not saying that - this is what I'm saying. He could have - as soon as you - as soon as all that happened he could have got right on the phone and called somebody, trace back, you know, like anything.

CJ: Okay.

CH: But as far as at that time it was just me and Chubz.

CJ: Okay. When you fired the shotgun, what were you shooting at?

CH: I believe the - the bottom of the window.

CJ: Okay. Who was there?

CH: At the bottom of the window? No one at that time.

CJ: Okay. So the door - you don't know if the door was open or closed when you fired your shot?

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CH: I don't know if the door was open or closed. I believe it was closed.

CJ: Okay. So you shot. And then what did you do after you took that shot?

CH: What did I do? I fell. I - I took a shot after they started taking a shot.

CJ: So the shots started either from inside or outside. You don't know which are first, and you're saying that Chubz fired?

CH: Yeah.

CJ: And then you fired? Yes? Say yes for me man.

CH: Yeah.

CJ: You fired that shot. Then how - then how many shots did you fire after that?

CH: I didn't fire no shots after that. I don't even know if I fired the first one. That's what I'm saying.

CJ: Okay. So then you went...

CH: I fell - right after the gunfire I fell right on - over the brick.

CJ: Okay. So then you went down on the ground?

CH: Yes.

CJ: Okay. Tell me about the little gun that was right there with you, right where you were sitting. What did you - where did that little gun come from? It came out of your pocket didn't it?

CH: Out of my pocket?

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CJ: You had that little - little - little handgun, didn't you? I've already got your prints off of it, okay? So I'm just trying to help you out so the - so the fall isn't gonna be that bad, unless you can come up with not Lamar. You're Lamar. That number three person. Help me out with that number three person. But I know I've got your fingerprints all over that place. Tell me where the little gun came from. Did you see the helicopter that was flying around?

CH: Yeah.

CJ: Did you hear it?

CH: Yeah.

CJ: Was the lights on you? Okay. That little gun is right by you per those guys in that helicopter. They've got, ah, they've got the lights on you. They've got binoculars on you. They can see you with the shotgun and that little gun. Where did it come from?

CH: The shotgun and the little gun?

CJ: If there's not a third person and there's only the two of you, that saves you with that gun. Otherwise everything is going on you man.

CH: So what do I - so what am I saying? What are you saying?

CJ: Tell me where that third gun came from. The little gun, where was it? You had it or you did not have it? Don't lie to me. I know you had the shotgun. You told me that from the beginning.

CH: Mm-hm.

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CJ: Okay, and I appreciate that. Don't lie to me anymore. Tell me where the little gun was. You're nodding your head yes.

CH: It came with us.

CJ: You came with the little gun?

CH: It came with us.

CJ: You - you had it. You had a hold of that little gun?

CH: I touched it, yeah.

CJ: Where was it?

CH: Huh?

CJ: So was it in your pocket? Was it in your waist? Where was it?

CH: Well, it was in my pocket.

CJ: It was in your pocket? Okay. So you came with the little gun and the shotgun, right?

CH: No, I came with the shotgun.

CJ: I'm sorry?

CH: I came with the shotgun.

CJ: And the little gun was in your pocket?

CH: Yeah, after I got to the house.

CJ: So where did the little gun come from? How did that little gun get in your pocket?

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STATEMENT OF: CLEMON HUDSON

CH: With the SK.

CJ: And who had the SK?

CH: Chubz.

CJ: Chubz had the SK. So Chubz comes with an SK and a little gun and he gives you the little gun. Describe that little gun to me. What is it?

CH: I remember it was black. Shit, it was like deuce deuce. Shit.

CJ: Like a what?

CH: It was like a deuce deuce. It was small.

CJ: Little 22 caliber?

CH: That's what it looked like.

CJ: Okay. Semiautomatic or a wheel gun?

CH: What do you mean a wheel gun?

CJ: Like if - like the - the cylinder turns or was it a semiautomatic where the...

CH: Yeah, it was a sem-iauto.

CJ: Semi-auto, okay. So you walked - you - you have that when you get up to the house, going over the fence, into the backyard, all that stuff?

CH: I get that once I'm in the backyard.

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CJ: Chubz gives you that - give you that. Okay. So when - so when we go all through those fingerprints we're gonna find your fingerprints and Chubz, your DNA and Chubz's on that, right?

CH: Yes.

CJ: Okay. So you're telling me there's no third person in that backyard? Okay.

CH: If it was - if it was, he had to have brought him.

CJ: Chubz had to have.

CH: Chubz had to have brought him.

CJ: Who did you bring with you?

CH: Chubz, that's it.

CJ: So Chubz was riding in your car?

CH: No.

CJ: Okay.

CH: Chubz brought his own car. That's what I'm saying.

CJ: And got in - and got in.

CH: He could have been talking to anybody else, you know, told anybody else to do.

CJ: Okay. Let's go through this. Fresh sheet of paper, okay?

CH: Mm-hm.

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CJ: That's the cul de sac, all right? This is the house right here. Okay? You park your car over here on this side, correct?

CH: Mm-hm.

CJ: And then you meet up with Chubz over here on this opposite side, correct?

CH: Yes.

CJ: And at this point you've got your shotgun, correct?

CH: At this point, yes.

CJ: You - you brought our shotgun in your car?

CH: Yes.

CJ: And then you walked across the cul de sac, right? Over here to where Chubz is.

CH: Mm-hm.

CJ: And you meet up with Chubz. Chubz has an SKS, right? Or SK, correct? Say yes for me so we can all hear that.

CH: Yes. Yeah.

CJ: So Chubz has the SK and you say he's got this little 22 little - little gun, right?

CH: Yes.

CJ: And he gives it to you?

CH: Yes.

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CJ: And you put it in your pocket, correct? Okay. Then you both go now up in here and you jump the fence.

CH: Yes.

CJ: Into this backyard, right? Okay. How do all the guns get across that fence?

CH: How do they?

CJ: Yeah. Are you carrying - you get over by yourself with the gun or does - or what do you do with that?

CH: Chubz is already over. I gave him my shotgun.

CJ: So Chubz - Chubz went over the fence with the - with his SK, okay. And now you're on this side. You've got your shotgun and the little - little gun in your pocket. So what do you - how do you get over that fence, what do you do?

CH: I hand my shotgun to - to Chubz.

CJ: You hand your - you hand your shotgun to Chubz and then you climb the fence or what?

CH: Yes.

CJ: Okay. You climb the fence. And then what do you do? You go in the backyard? Where do you go?

CH: We go, you know, through the guard section or the pool, wherever it's at. We scope out everything to see if it's clear.

VOLUNTARY STATEMENT

PAGE 25

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Okay. You're in the backyard. Then where do you go? You go around to the side of the yard? Do you guys go check that back door right then?

CH: Ah, what you mean, check?

CJ: Do you check to see if it's open or locked in the backyard?

CH: Yeah, Chubz did.

CJ: So Chubz walks up and does the - checks the door?

CH: Yes.

CJ: Where do you go? Do you stay in the back or are you in the front or where do you?

CH: I'm - I'm just right on the side of him.

CJ: So then where do you go?

CH: Um, from that point?

CJ: You go around the side of the back. You're pointing around to the side.

CH: We went around like to the side.

CJ: Side of the house.

CH: The side of the house.

CJ: Okay. You're over on the side of the house.

CH: Yes. We checked and it's a back - and it's a back door back there.

CJ: Okay. You checked that door. You or Chubz checks that door?

VOLUNTARY STATEMENT

PAGE 26

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: Chubz did.

CJ: Chubz check the door. Is it open or locked?

CH: It's locked.

CJ: It's locked. So then where do you go?

CH: We go back around.

CJ: You go back around to the back. And now you're back over here by the doors or what?

CH: By the window.

CJ: There's a window right here by the door?

CH: Yes.

CJ: Okay. All right. Now where are you?

CH: Where am I?

CJ: Where are you standing with your shotgun?

CH: Right in front of the glass door.

CJ: Right in front of the glass door. Okay. And where's Chubz?

CH: By the window still.

CJ: By the window still. Okay. Then what happens?

CH: Then he pokes his head in, tries to see if it's clear, you know.

VOLUNTARY STATEMENT

PAGE 27

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Pokes his head in?

CH: The - the - the little gate, you know.

CJ: Okay.

CH: The window, to see if it's clear, blasé, blasé. He say, ah, he don't know if there's somebody in there. So, what did he say? He say, "We're not leav- we're not leaving 'til we get in the house." So five seconds after that, the shoot - this collage of gunfire.

CJ: Okay.

CH: Just came.

CJ: And you then do what? When the gunfire starts you fire your shotgun, right?

CH: I fire my shotgun.

CJ: And then where do you go?

CH: And then where do I go?

CJ: Yeah.

CH: I fall straight back.

CJ: Fall right down on the ground, straight back. Is that what you're saying?

CH: Mm-hm.

CJ: Okay. What do you - what - what happens with the shotgun?

CH: It just - I guess it fell with me.

VOLUNTARY STATEMENT

PAGE 28

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Okay.

CH: Or...

CJ: Did you fire any more shots?

CH: No sir.

CJ: Fired the one shot.

CH: One shot, and honestly I'm not even sure if I fired one shot.

CJ: Okay.

CH: I - it was so - it was so loud I might have fired one shot. I might have - I might have.

CJ: Okay. The little gun is where at this point?

CH: The little gun is on me.

CJ: Where?

CH: I believe in my pocket. Or was it in my shoe? I believe it was on my shoe.

CJ: On your - inside of your shoe?

CH: Yeah.

CJ: Okay.

CH: At that point Chubz - Chubz had asked for it back. At that point Chubz asked for it back. He did. He asked for the little gun back.

VOLUNTARY STATEMENT

PAGE 29

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Okay. And then Chubz takes off. You say - you told me earlier. You said Chubz took off. So he stuck around a while?

CH: What?

CJ: After the shots?

CH: Oh hell no.

CJ: He - he was gone?

CH: He was gone.

CJ: Okay. So you're laying down there with the shotgun and you've now got the little gun in your shoe. What happens - what happens with the little gun?

CH: I don't know. At - at that point I didn't have it in my shoe. I don't know if Chubz dropped it right there where I was.

CJ: Okay. When did Chubz get it? You said you had it.

CH: Huh?

CJ: You said you had it.

CH: Chubz brought it to me.

CJ: Right. Right. But you said you had it when you were in the backyard.

CH: Yeah.

CJ: So when the shots are fired, what happens to the gun?

CH: Before the shots were fired, Chubz asked for it back.

VOLUNTARY STATEMENT

PAGE 30

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: And then - but you still have it in your shoe? You didn't give it to him.

CH: No, he asked for it back, then he gave it back to me, then I put it back in my shoes.

CJ: Okay. So when you went down on the ground you still had the little gun?

CH: I believe so.

CJ: Okay.

CH: It - it might have been in my possession.

CJ: Okay. It might have been? Yes or no man?

CH: Yes.

CJ: Okay. So you had the gun. You had the little gun too?

CH: At that time, yeah.

CJ: Okay. So you go down on the ground. You're now waiting for officers, right?

CH: Yeah.

CJ: Are you talking to the officers? Are you saying anything to them?

CH: Yes, um, "Please don't shoot. My hands are up."

CJ: Okay.

CH: "Please don't shoot."

CJ: Okay. And then what happened?

VOLUNTARY STATEMENT

PAGE 31

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: Thank God I didn't die. Um, I was just, you know, stretched on the ground, hands like this, for a good five or ten minutes -- for a good five or ten minutes. And I'm pretty sure Chubz then already hit the wall before that and got to running, you know. 'Cause we're in the backyard, you know, just aiming at guns for a minute.

CJ: Okay. And then what happened?

CH: And then the K-9 came out. The K-9 dogs came out.

CJ: Okay. And then what happened when the K-9 came out?

CH: The dog found me, started biting the shit out of me and, you know. It was (unintelligible) from there.

CJ: Do you know they were officers that were in there yelling at you?

CH: Huh?

CJ: Did you know that they were officers there?

CH: At that time, yes.

CJ: How do you know?

CH: I could just tell by the tone of their voice, you know. The helicopters right over head. The speeding of the cars. I just knew.

CJ: Okay. So why didn't you get up and take off running?

CH: So I can die?

VOLUNTARY STATEMENT

PAGE 32

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Oh, no. I'm just curious. Just tell me why you didn't. I mean, Chubz is gone. Why didn't you run with him?

CH: Because after that first gunshot, like I said, I - I fell over that brick wall and I didn't want to take no chances of getting up behind from brick wall and just getting laid out.

CJ: Okay. Okay. So - so you're laying there 'til the canine comes, he bites you up, and what happens after he's - the dog is got ahold of you?

CH: Um, they put me in handcuffs. You know, they rough me up a little bit. Uh, and they take me to the ambulance.

CJ: Okay.

CH: They cut my clothes off and take me to the ambulance.

CJ: Okay. Tell me about that shotgun. Describe it to me.

CH: It's a - it's a Mossberg.

CJ: Mossberg. What gauge is it?

CH: I believe it was a 12.

CJ: 12-gauge. How was it loaded? What kind of what rounds were in it?

CH: I believe just general buckshots.

CJ: Buckshots?

CH: Yeah, I believe so.

CJ: How many?

VOLUNTARY STATEMENT

PAGE 33

EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: Around like three. I have - I'm not sure. Around three.

CJ: Maybe three?

CH: Maybe three.

CJ: Okay. Is it - is it a semiautomatic or is it a pump?

CH: It's a pump.

CJ: It's a pump. So after you fired the shot, what happened? What'd you do with the shotgun?

CH: I fell down and dropped it.

CJ: Okay. So you didn't - so you just fell right there and dropped it?

CH: Right there.

CJ: Do you rack the round - rack a new round in it?

CH: No.

CJ: Okay.

CH: No. Was the shotgun fired?

CJ: You tell me, man.

CH: Honestly, I don't know.

CJ: Okay.

CH: I don't know. It was so much...

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Yeah, the shotgun was fired.

CH: It was fired?

CJ: It was fired, okay. Tell me the A- the SK. The more you can put on Chubz the better, you know that right?

CH: Yes.

CJ: So tell me everything you can tell me about Chubz and that SK?

CH: The SK was his.

CJ: Okay.

CH: And from start to finish. That was...

CJ: From what?

CH: From start to finish. That was all him.

CJ: Okay.

CH: You know, he had his hands on that the whole time.

CJ: Describe it to me.

CH: What color was it? Um, I think it was like a dark brown. No, no. Probably like a light brown. Light brown SK.

CJ: Okay. Semiautomatic or bolt?

CH: I'm not sure.

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Okay. Did you hold that gun?

CH: Yes, I did.

CJ: So your fingerprints will be on it right?

CH: Yeah.

CJ: So when...

CH: Before I even - we even came to the house though.

CJ: Okay.

CH: Yeah.

CJ: So where did you meet up to hold that gun?

CH: Um, out of a friend's house down the street on Eugene. His name is, uh, Big John.

CJ: Big John?

CH: Yeah. Yeah.

CJ: You...

CH: And then...

CJ: And what else you know about Big John? He lives on Eugene?

CH: Yeah, he...

CJ: What's his real name?

CH: John

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: I mean, last name.

CH: I don't - I'm not good with last names.

CJ: Okay.

CH: I can't, you know.

CJ: You guys all run with the same crew?

CH: No. Same area though.

CJ: What gang you run with?

CH: Me? I don't gangbang. I don't roll with no gang or nothing, sir.

CJ: What about - what about Chubz?

CH: Chubz, I don't know.

CJ: What about Big John?

CH: Big John, he might be a Crip. But, you know, he's low - he's low-key. He just, you know, someone we can chill with sometime.

CJ: Someone you what?

CH: Chill with sometime.

CJ: You chill out with him. Do you know where his house is? Is it on Eugene? Okay. You told - you showed me earlier that, uh, that, uh, Chubz lived two or three houses in. Is it on the same street?

CH: Yeah.

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: How far down the street?

CH: Probably around like three - three houses.

CJ: Okay. Let's look right here. Washington and Rainbow. So is it north of Washington?

CH: Is it the north of Washington?

CJ: This isn't showing the street view. It's okay. I got no signal in here. I can't do it. It's not gonna show up. So Big John lives on Eugene too. That's where you saw the SK. Was he - so was Big John that third guy with you guys?

CH: No. Trust me, he wasn't.

CJ: What time did you meet up with Big John and see that SK that...

CH: That was a couple days ago. Probably like a week ago.

CJ: So you were hanging out, chilling out with Big John. Chubz is there. You're there. And you're hanging out with - you got that - that SK?

CH: He has the SK, yes.

CJ: Where'd he get the SK?

CH: Where did he get it? I have no idea.

CJ: Okay. Did you ever shoot it?

CH: No. Never shot it.

CJ: Okay.

CH: Picked it up. Never shot it.

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CJ: Okay.

CH: Ah, man.

CJ: Anything else? Anything else that's gonna help you out? Where do you work?

CH: I work security at the Walmart.

CJ: Which one?

CH: Uh, 215 and Decatur.

CJ: Okay. You said Chubz works too?

CH: Yeah.

CJ: What does he do?

CH: He does - he sells shoes at a Nike outlet.

CJ: Okay. Hanging out at the Nike outlet. What about Big John?

CH: John doesn't work. He's on - he's disability.

CJ: For what?

CH: He has, like, a mental problem.

CJ: Okay.

CH: He gets - he real big guy so.

CJ: All right. So final thing here - two or three guys in that backyard. What is it? Two or three guys in that backyard?

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: Two that I know.

CJ: How about anybody in the front yard when you guys were in the backyard?

CH: It might have been. We were in that backyard honestly for a good seven, eight minutes.

CJ: Okay. So who's watching the front for you guys?

CH: Nobody that I know. If Chubz had somebody watching the front for us then he did but I don't know. Honest to God.

CJ: When you went over and met with Chubz over across the cul-de-sac, Chubz is the only guy there?

CH: Chubz is the only guy there.

CJ: Okay. Just think about this. We got - we got houses here, we got houses here, there's another house over here and there's another house down over here and then there's these houses that are as you come into the cul-de-sac. You're telling me that all of these people that we talked to around that neighborhood, they're all lying to me about that third person? They didn't - they have nothing holding on this. They have no interest in this at all other than somebody got shoot - trying to break into the house into their neighborhood. They're talking three people. Don't lie to me, man.

CH: I swear to God, I'm not lying to you. I'm not lying. We - it's to the point where I can go to whoever told you it was three people and we can get Chubz and everything. And I'll ask them who was the - who was the third person that you seen?

1 VIGIL, CODY - LVMPD P#14100
2 VILLAGRANA, Officer – LVMPD P#8426
3 VIRAY, PAUL-MICHAEL - LVMPD P#9981
4 WALKER, DARRIN - LVMPD p#8533
5 WALLACE, MARK A. – 6913 Acorns Ct., LV, NV 89145
6 WALT, MARK - LVMPD P#9828
7 WATKINS, GREGORY - LVMPD P#5471
8 WATTS, DAVID - LVMPD P#8463
9 WHEATLEY, DAVID - LVMPD P#5298
10 WOOLARD, BRYAN - LVMPD P#7558
11 WOOSNAM, JOHN - LVMPD P#6236
12 WRIGHT, RONALD - LVMPD P#7560

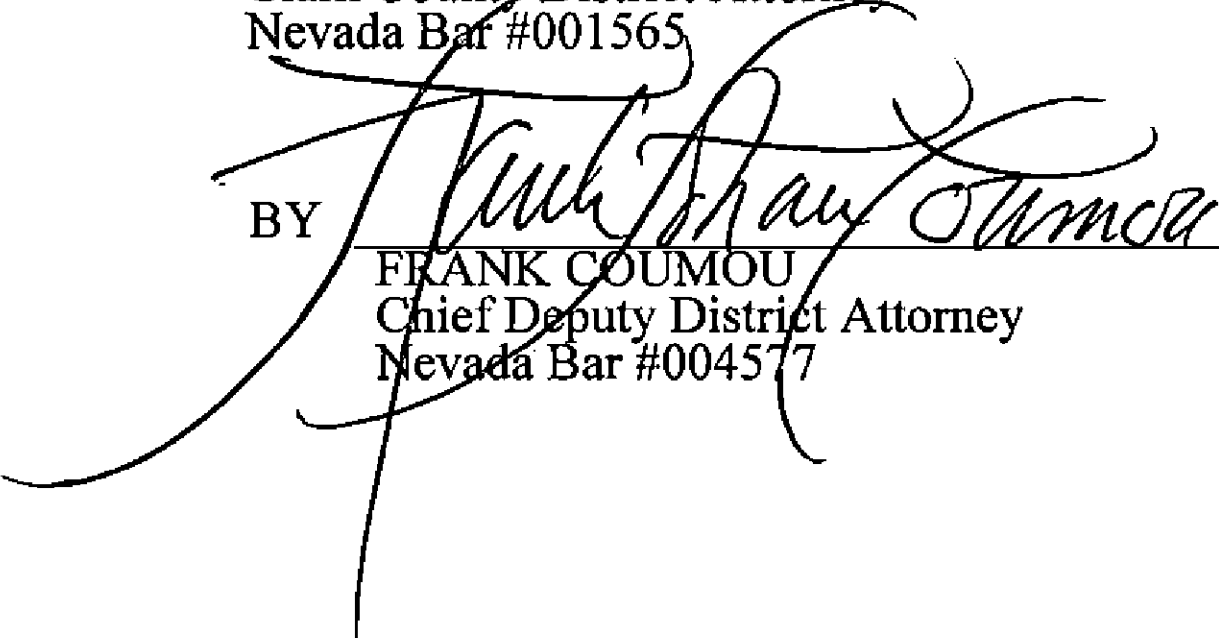
13 These witnesses are in addition to those witnesses endorsed on the Information or
14 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
15 Witnesses has been filed.

16 The substance of each expert witness' testimony and copy of all reports made by or at
17 the direction of the expert witness has been provided in discovery.

18 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

20 STEVEN B. WOLFSON
21 Clark County District Attorney
22 Nevada Bar #001565

23 BY

24 
25 FRANK COUMOU
26 Chief Deputy District Attorney
27 Nevada Bar #004577
28

CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of the above and foregoing, was made this 8th day of April, 2016, by facsimile transmission and/or e-mail to:

TEGAN MACHNICH, Dep. Public Defender
E-Mail: Tegan.Machnich@clarkcountynv.gov
E-Mail: pdclerk@clarkcountynv.gov

JESS MARCHESE, ESQ.
E-Mail: marcheselaw@msn.com

BY:


T. Driver
Secretary of the District Attorney's Office

tgd/MVU

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 11/26/13

Name: Anya Lester P#: 13771 Classification: Forensic Scientist II

Current Discipline of Assignment: Firearms and Toolmarks

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks	X	Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Oakland Fire Training Institute	2004-2005	Firefighter I and II	Certification, 2005
Henry Ford Community College	1998-2000	Emergency Medical Services - Paramedic	Certification, 2000
Edinboro University	1995-1997	Biology	Graduate courses
Michigan State University	1989-1994	Forensic Science	B.S., 1994

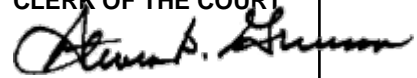
ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Toolmark Identification and Comparison Training	Ammendale, MD	07/30 - 08/03/2012
Southern CA Firearms Study Group - BB and Airsoft Training	Los Angeles, CA	12/08/2011
Hi-Point Firearms Armorer's Course	Chicago, IL	06/03/2011
BATFE Machine Gun Conversions/Silencers workshop	Chicago, IL	06/02/2011
AFTE Annual Training Seminar	Chicago, IL	05/29-06/03/2011

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Basic Shooting Reconstruction Course	Las Vegas, NV	01/24/11-01/26/11
ATF Serial Number Restoration Course	Las Vegas, NV	09/27/10-09/29/10
Colt .45/Model "O" and Colt M16/AR-15 Armorer's School	Las Vegas, NV	08/02/10-08/07/10
LAR Manufacturing Factory Tour	West Jordan, UT	07/14/10
North American Arms Factory Tour	Provo, UT	07/13/10
Barnes Bullets Ammunition Factory Tour	Mona, UT	07/13/10
Sig Sauer Classic Pistols Amorer's School	Las Vegas, NV	07/07/10-07/08/10
Sturm Ruger Firearms Factory Tour	Prescott, AZ	06/19/10
Dillon Precision Reloading Factory Tour	Scottsdale, AZ	06/18/10
Schneider Rifle Barrels Factory Tour	Payson, AZ	06/18/10
Benelli M1, M2, M4 Armorer's School	Las Vegas, NV	06/16/10-06/17/10
Beretta 90 Series and Px4 Armorer's School	Las Vegas, NV	06/14/10-06/15/10
AFTE Annual Training Seminar	Henderson, NV	05/02/10-05/07/10
Innov-x XRF Safety and Operator Training	Las Vegas, NV	04/08/10
ATF IBIS Data Acquisition Training	Largo, FL	01/24/10-01/29/10
Glock Armorer's School	Las Vegas, NV	01/20/10
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County District Court	Firearms Identification	3
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist I/II	10/2010 - present
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	10/2009-10/2010
Las Vegas Metropolitan Police Department	Forensic Laboratory Aide	12/2008-10/2009

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
College of Southern Nevada	American Heart Association Training Center Coordinator	11/2006-12/2008
College of Southern Nevada	Part-Time Instructor Healthcare Continuing Education	11/2006 - present
Oakland Community College	Laboratory Paraprofessional – Forensic Science and EMS Labs	2001-2006
Oakland Community College	Adjunct Faculty – Medical Terminology and EMS	2001-2006
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
Association of Firearm and Toolmark Examiners (AFTE) – Provisional Member	07/2011-present	
PUBLICATIONS / PRESENTATIONS:		
Poster Presentations, "Evaluation of the Forensics Source Short Length Ballistic Fiber Filled Bullet Catcher," "Remington HD Ultimate Home Defense 12 Gauge Shot Shell Ammunition," "Sub-Caliber Shenanigans," and "Proof of Concept (Preliminary) Results on a Method to Cross Check Chronograph Velocities Using Hi-Speed Video Camera," Association of Firearm and Tool Mark Examiners Annual Training Seminar, May 2010		
Accepted Presenter, "How the College of Southern Nevada Met Community Needs Using the American Heart Association Programs for Healthcare Professionals", National Council for Workforce Education Conference, Fall 2007		
Advanced Cardiac Life Support Presenter, Symposium on Emergency, Trauma, and Critical Care Medicine, Spring 2007		
Presenter Michigan EMS EXPO, "Pediatric IV/IO 'When You're More Scared Than They Are'", "Advanced Airway Seminar", "Advanced Patient Assessment", 2004, 2005, 2006		
OTHER QUALIFICATIONS:		
HAZMAT Awareness and Operations Certified		
Certified Paramedic, Certified Firefighter I and II – State of MI		
American Heart Association Instructor Certified – CPR and First Aid		
AHA Emergency Cardiac Care Regional Task Force Member, 2006-2012		

CURRICULUM VITAE: SANKO

AHA Training Center Faculty Member, 2006-present



PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 11642
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309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
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Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-15-309578-1
)	
v.)	DEPT. NO. XVIII
)	
STEVEN TURNER,)	
)	DATE: October 12, 2017
Defendant,)	TIME: 9:00 a.m.
_____)	

JOINDER TO CO-DEFENDANT CLEMON HUDSON'S MOTION TO SEVER

COMES NOW, the Defendant, STEVEN TURNER, by and through TEGAN C. MACHNICH, Chief Deputy Public Defender and respectfully joins the Co-Defendant, CLEMON HUDSON, by and through his attorney, CRAIG MUELLER, and hereby adopts said Motion as though fully set forth here in its entirety.

DATED this 12th day of September, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Tegan C. Machnich
TEGAN C. MACHNICH, #11642
Chief Deputy Public Defender

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1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Chief Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Steven Turner in the present matter;

3. While the Defendants' statements arguably implicate themselves in a robbery-type situation, both deny shooting the weapon that allegedly caused serious injury to the police officer in this case.

5. The law greatly disfavors limiting instructions when co-defendants statements are used at trial, as this Court is well aware. See Ducksworth v. State, 114 Nev. 951, 953 (1998) citing Bruton v. United States, 391 U.S. 123, 127-128 (1968).

7. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

///

1 I declare under penalty of perjury that the foregoing is true and correct. (NRS
2 53.045).

3 EXECUTED this 12th day of September, 2017.

4
5 /s/Tegan C. Machnich
6 TEGAN C. MACHNICH
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By: /s/ Erin Prisbrey
An employee of the
Clark County Public Defender's Office

EXHIBIT A

VOLUNTARY STATEMENT

PAGE 1

EVENT#: 150904-0516

SPECIFIC CRIME: OFFICER-INVOLVED SHOOTING (NON-FATAL)DATE OCCURRED: 09-04-15TIME OCCURRED: 0343 HOURSLOCATION OF OCCURRENCE: 6729 OVEJA CIR
LAS VEGAS, NV 89107

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: CLEMON HUDSON

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

HOME ADDRESS: [REDACTED]

PHONE 1: [REDACTED]

WORK ADDRESS:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE C. JEX, P# 5597, LVMPD FORCE INVESTIGATION TEAM, on 09-04-15, at 0627 hours. Also present is Detective J. Pannullo, P# 5455.

CJ: Sit right here. So your date of birth 6-12 of '95, right? Where'd you go to high school?

CH: I went to high school at Western.

CJ: At Western?

CH: And I went Cimarron, then I went to Desert Rose.

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STATEMENT OF: CLEMON HUDSON

CJ: Okay. All right. So tell me what happened tonight. What was going on. You said you want to tell me what's going on. We'll help you out. You said you were going after some weed, right?

CH: Yeah.

CJ: That's where you were going? Was it...

CH: To get some weed.

CJ: Was it, uh, uh, was it at that house, the - where this all happened?

CH: Yeah.

CJ: Who did you know...

CH: And...

CJ: ...there at that house?

CH: Me? Nobody.

CJ: Okay.

CH: The guy I was with said he knew a female or whatever that had a pound of weed or whatever and she usually leaves her house and this and this, this and that. Um, so...

CJ: So there was just the two of you that went there?

CH: He decided to give me a call tonight and say, "Hey, bro, I think we need to go by and check out that house. I think it would be a good time," 'cause, you know, he worked, I worked. I mean, shit, just day-to-day job and, you know, we smoke and - and we

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just one of those things like well, if you can come up with some first (unintelligible) and all that, it wasn't even involved. Wasn't even involved. And, um...

CJ: Okay. I want to read this to you. Okay? Okay, I want to read this to you. I gotta make it right. Okay? I just want to read you your Miranda rights so you understand your Miranda rights. Okay? You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to an attorney. If you cannot afford one, one will be appointed. You understand those rights, right? Okay. So - so you guys - so the - there's just the two of you that walk up to the house.

CH: Mm-hm.

CJ: Who's the - who's your buddy that's with you?

CH: His name is Chubz. That's all I know.

CJ: Is what?

CH: Chubz.

CJ: Tubbs is his name?

CH: Chubz.

CJ: Chubz.

CH: C-H-U-B-Z.

CJ: C-H-U-B-Z. Is he a gang member?

CH: No.

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CJ: No. Where does he work?

CH: Well, not that I know of.

CJ: Do you know where he works?

CH: He works at Nike outlet.

CJ: The one out at, uh, bells - out at the outlet mall out there?

CH: I'm not sure if it's that one or another one, but it's a Nike outlet.

CJ: Okay. All right. So there was just the two of you that went to the house, right?
Okay. Now, you get up to the house. What happens?

CH: It was supposed to be - the door was supposed to be open. No one's supposed to
be there. We supposed to went through the back, got the weed, and - and exited.

CJ: So...

CH: I mean...

CJ: That's what you were supposed to do.

CH: There's...

CJ: You were supposed to be able to come up to the house, go in - go in the - you were
supposed to walk in the house and - and somebody was supposed to meet you
there?

CH: No. We...

CJ: Just...

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CH: We supposed to get the weed that he so-called said that was there.

CJ: Okay.

CH: And that wasn't part of the plan.

CJ: Okay.

CH: You know.

CJ: So you get to the house. The front door was locked?

CH: We get to the house and the front door is locked and we're pa- you know, we're going around to see if a door is open and all type of bullshit. And we're knocking on the door, see if someone's there. No one seemed like they were there. So I guess our plans were to, I guess, break in the back window. That was our plans, but it didn't happen. I mean, the next thing I know, I'm - it's bullets flying, you know, by my face. Thank God I didn't get hit.

CJ: Who...

CH: Thank God.

CJ: Who started shooting?

CH: It - out of me and him?

CJ: Yeah.

CH: Well, he had his SK. And he brought a shotgun with him.

CJ: So he had two guns?

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CH: Yeah, and the shotgun was supposed to be for me, but...

CJ: Were you carrying a shotgun?

CH: At first.

CJ: Yeah, in the back yard or...

CH: Yeah.

CJ: I mean, that's where it was when the - when the shots started flying, you had a shotgun?

CH: No.

CJ: So what - what...

CH: He had both of the guns.

CJ: He had both of the guns in the back yard.

CH: And loaded.

CJ: Okay.

CH: And then when the shots - and I'm next to him, you know, wondering how we gonna get in. And we were next to each other and all of a sudden, you know, that - that back door just boom, just shots - five or - I don't know how many shots came. And, um, I guess he just turned around and let a couple shots off and shit, dropped the guns and ran. I'm on the ground just like fuck, am I dead? Am I hit?

CJ: Did you get hit with any bullets or nothin'?

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CH: Uh, that's - that's when they asked me. I said I don't know. I was just, uh, I've never been in nothin' like that.

CJ: Okay.

CH: Ever in my life, not even close to nothin' like that.

CJ: Okay.

CH: So all I was thinkin' about was living.

CJ: Right.

CH: So I got on the ground. I was behind. I guess I was behind somethin' where they can't see me. And I had a camouflage, you know, long sleeve on. And I had a beanie on. So it was real hard for them to see me. And - and they kept the lasers and shit pointed right over my head. "If you move a fuckin' inch, I'll kill you." So I'm glued in one spot, you know. I'm not trying to get hit. That's all I'm worried about, is please don't shoot. And I guess the other dude, Chubz, uh, he - he must've hit a wall and - and, you know, did somethin' - backed off around the corner or somethin', but he got away. He - after he let them couple shots off, he dropped the gun. I fell somehow and...

CJ: So you stayed in that back yard?

CH: Hell yeah.

CJ: Okay. So you...

CH: I had lasers right over my head.

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CJ: Okay. All right.

CH: And the dude was screamin', "If you move, you're fuckin' dead." And I know no, I'm not gonna move.

CJ: Okay.

CH: And then that's when he sent the dogs out and I was like shit. The dogs passed me up a couple times but then once they spotted me, it was a wrap.

CJ: Okay. All right. So tell me Chubz. What do you know about him? How long you known him?

CH: Uh, for about a half a year.

CJ: Okay. How'd you get - how'd you get to know him?

CH: Through weed, rappin'. Just, you know, things black people do, drink, get together, you know, rap, smoke, talk shit, you know.

CJ: Where did you guys meet up tonight?

CH: Tonight? We met up, shit, at the alley. At the alley on Lake Mead and Jones.

CJ: Of Lake Mead and Jones?

CH: Uh-huh.

CJ: Did you - did you drive there?

CH: Hm?

CJ: Did you drive there?

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CH: Yeah, I did.

CJ: So your car was still there?

CH: Where?

CJ: At Lake Mead and Jones?

CH: No. My car was at home.

CJ: Okay. So you - you met up at Lake Mead and Jones...

CH: Yeah. We...

CJ: ...with him?

CH: Yeah.

CJ: And then - and then you went back home? Okay. And what was he driving?

CH: Chubz has a little Maxima.

CJ: A Maxima?

CH: Yeah. That's the - that's what he drive.

CJ: What color is it?

CH: Uh, it's white.

CJ: White one?

CH: Uh-huh.

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CJ: And so you - you got in his car and went to this house? Do you - where'd you guys park?

CH: We parked - well, we parked on the other side of the building. That's what...

CJ: There on the street?

CH: Hm?

CJ: On the street there?

CH: The other side. Of the - like the back side of that house.

CJ: Okay.

CH: So that's kind of where I think, you know, he hit the wall and he probably didn't go up to his car or probably just ducked off or whatever. But...

CJ: Okay. So - so, uh, um, tell me any- anything else you can tell me about Chubz. He works at the outlet mall, drives a white Maxima. What else?

CH: I mean, we run into each other when we smoke a blunt, talk shit. He raps. Turner Boy P is his - his page or...

CJ: So...

CH: ...his follow-up name.

CJ: His - his what?

CH: Follow-up name like, you know, you can hit him up on - I think he does have a Facebook. You can hit him up on Facebook.

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CJ: What's it called?

CH: Turner Boy P. That's...

CJ: Turner boy?

CH: Turner Boy P.

CJ: Turner Boy P as in the letter P?

CH: P.

CJ: That's on Facebook?

CH: Yeah.

CJ: Okay.

CH: Facebook, Sound Cloud. You know, he puts music under his - under his little page (unintelligible) like at least a song a week. So, you know, he's always active on that.

CJ: Do you know where he lives?

CH: Um, I know where his rellie lives.

CJ: Where his - where his what?

CH: His uncle lives. I don't...

CJ: His uncle? Where's that?

CH: Um, I - the exact street is Lake Mead and Jones.

CJ: Lake Mead and Jones area?

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CH: Uh-huh.

CJ: Okay. And he - is that where he lives? Is that where - where...

CH: That's where he's over.

CJ: He's over there all the time?

CH: He's over there a lot.

CJ: Okay. All right. Tell me about these guns. Was - the - your, uh, you had the shotgun and he had the AK?

CH: No, the SK.

CJ: SK? Okay. Uh, where - when you - where - where - what'd you do with the shotgun?

CH: What'd I do with the shotgun?

CJ: Yeah.

CH: I didn't have the shotgun at the time when both of us fired - when the fire was going on.

CJ: So - so you were in the back yard and he was holding both guns? Okay. All right. Did you - did you ever have the gun? Okay. So you don't know what happened to the two guns after the shots started going off?

CH: Shit, I guess - I know he didn't hit the wall with them.

CJ: Okay. So he le-

CH: They - they might still be...

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CJ: Do you think he left them there in the yard? Okay. When he went out - when he went out of the back yard, which way did he go, or did - uh, left - uh, east-west, left-right, what?

CH: Say this is a mirror, right.

CJ: Right.

CH: Right where we're lookin' at. And we were getting blasted, you know, through the mirror. I fell on the ground and I see him shoot to the right side of me. So I'm (unintelligible) shots on right side of me, and hit the back wall to go to a different neighborhood.

CJ: Mm-hm.

CH: 'Cause I know he didn't go back towards the front where you guys were. He just went, shot to the back.

CJ: Okay.

CH: Probably hit a different corner or hit behind somethin'. I don't know. But I know that's what he did.

CJ: Okay. Did you, uh, uh, did you break any windows on that door - on that house or anything like that?

CH: No.

CJ: Okay.

CH: Nothing. I didn't go through the window...

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CJ: So you tried the front door, though.

CH: Huh?

CJ: You tried to go through the front door.

CH: He sa- he said the door - he said the front door should be open. And once it wasn't open, he went through the back.

CJ: Who tried the front door? Who tried to open it?

CH: Chubz.

CJ: He did?

CH: That's when he came back and he told me that it was locked, we have to go through the back window.

CJ: Okay. How did you get into the back yard?

CH: We hopped the back yard.

CJ: Um, uh, so if you're - if you're looking at the house like this, you come to the front door, did you go out which side of the house, left or right?

CH: Left.

CJ: You went to the left?

CH: Yes. Yeah.

CJ: To get up on there. So then you go in the back door - back yard. Okay. Did you try the doors in the back yard?

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CH: Uh, the side door.

CJ: There's - is there a side door like on the side of the house?

CH: Yeah.

CJ: Uh, the...

CH: And we twisted it. We - we weren't - we weren't planning on breaking any doors or breaking any windows...

CJ: Okay.

CH: ...until, you know, we found out that all the doors were locked, then that's was his plan, was to break through a back window where a fan was spinning. And he was like, "Oh, bro, we can easily get in here." Two seconds after that, a collage of fuckin' gunfire came. And boom, he had both of the guns and I guess just backed up, boom, boom, dropped 'em and just left. And I'm on the ground already just like...

CJ: Mm-hm.

CH: Shit, am I hit?

CJ: Okay. I'm gonna, uh, I'm gonna draw a little picture here with this on my - on my notebook here, okay? This is the back of the house. Uh, this is the back over here. Let's u- let's use a different piece of paper so I can have some room on it. This is the back of the ho- this is the house, the front of the house. Where - show me where - just kind of point with your finger where the front door is on this place.

CH: The front door is right...

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CJ: About right there?

CH: About right there.

CJ: Okay. So the front door is right here. Okay. You guys go around the side, right?

CH: Yes, sir.

CJ: So you guys go around - around the left side here?

CH: The left side.

CJ: You say there's a door on this side?

CH: It's - it's not - no, it's not a door on that side. That's just where the wall is...

CJ: Okay.

CH: So we can hop to get...

CJ: Okay. And then you go into the back yard?

CH: Yeah.

CJ: Okay. Where - and there's a door in the back?

CH: Yes.

CJ: Is - is there one or two doors?

CH: No. It's - look. We walked around, boom. Nothin' back here, it's just patio.

CJ: Okay.

CH: It's a door right here, though.

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CJ: Okay. So you walked all the way around. Okay. So you walk all the way around the back and then over on to the right side of the house.

CH: We thought it - that door would be easy to open or it would be open.

CJ: So this - and it's here in the middle or somethin'?

CH: Yeah, we're right there. Right there. Right about there.

CJ: Okay. Door right here. And, uh, it's locked, right?

CH: It's locked.

CJ: Locked. So you - then you go back around to the back? Okay. So then you go back around the back. All right. And is it wa- is it just one big sliding door?

CH: It's a window.

CJ: It's a window?

CH: It's a window.

CJ: Slider door type thing or just a window?

CH: It's a slider door.

CJ: Okay. So we got a slider door there.

CH: It's a slider door right here, right. Uh, the slider door right here.

CJ: Okay.

CH: And on the side right here is a mini window.

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CJ: A small window right here.

CH: Mm-hm. But the slider doors are right there.

CJ: Okay.

CH: And we're look - we're looking at the - you know what I'm sayin'? This - the - the mini window. And I guess someone was by the sliding doors already peeping us out, whatever the case may be.

CJ: Okay. So - and then did you - so where di- if you're both here, are you both standing by this window?

CH: Yeah.

CJ: So you're both standing here by the window.

CH: Mm-hm.

CJ: Okay. All right. Then what happens?

CH: Then he has straps in his hand.

CJ: He has what?

CH: The guns in his hand.

CJ: Okay. Got you. Got you.

CH: And he turns around towards that front window.

CJ: Okay.

CH: You know. But...

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CJ: Turns around facing this?

CH: He turns around 'cause the - this window is aiming this way.

CJ: Okay.

CH: And the doors - the slide doors are this way.

CJ: Okay.

CH: They're right next to each other. He turns back around like, "Oh, I can get back in this way, dog." Two, three seconds later, someone's in here, just start thumpin', boom, boom.

CJ: So did you - did you see the door open?

CH: What?

CJ: The slider door, did you see it open?

CH: It didn't open.

CJ: It didn't open? They just started shooting through the door? So who sta- who started shooting first, do you know? Did he - did - did Chubz start shooting first or did somebody else?

CH: No. They started dumpin' first.

CJ: Okay. So officers started shooting first?

CH: They started dumping first.

CJ: Okay.

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CH: And it was so loud, like dude said, he dumped four, five or six shots.

CJ: At you guys.

CH: At us.

CJ: Okay.

CH: And then...

CJ: Okay.

CH: At that time, I don't know if Chubz let off both of the guns damn near at the same time...

CJ: Okay.

CH: ...or a second later. And then they're screaming, "Officers hit." I'm behind, you know, it's a little - it's about somethin' like this tall, right - right...

CJ: (Unintelligible).

CH: Right behind this.

CJ: Okay. So there's like a pony wall or somethin' like that?

CH: And I fall right behind it. And I'm stuck right there.

CJ: So you'd be right here.

CH: Thumped off right there.

CJ: Okay. So this is a little wall here.

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CH: Mm-hm. And I guess he must've just hit it and - he must've just hit - that's me. He must've just fired, dropped the weapons, and boom.

CJ: And then he went over this way.

CH: Yeah.

CJ: So...

CH: Hit a wall or did some- or - or he - he could've went that way. Or - 'cause it was two walls. He could've went that way, hopped in a different neighborhood, ducked off, or he could've went behind.

CJ: Okay.

CH: And then - but...

CJ: All right. Uh, and did you see the guns laying there on the ground?

CH: Yeah.

CJ: You saw both the guns right there?

CH: Yeah. They were right by me.

CJ: Okay.

CH: He dumped 'em right by me.

CJ: Okay. All right.

CH: Like I said, he took probably like one or two fires just to, I guess, get you guys off.

CJ: Okay.

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CH: Or whatever the case may be. And then he drop the weapons and run.

CJ: Okay. Um, do you know if Chubz was hit by gunfire?

CH: I have no idea.

CJ: You have no idea, 'cause you went right down.

CH: I went right down.

CJ: Okay. Tell me what else you can tell me about Chubz. He's a rapper. He works at the outlet mall. Have you - have you committed crimes with him before? (Unintelligible).

CH: No, sir.

CJ: Nothing like that?

CH: Nothing.

CJ: So why - why tonight? Why - what - why tonight was (unintelligible).

CH: Why tonight? Because I was (unintelligible) and I let somebody that didn't know what they was doin' hype me up.

CJ: Okay.

CH: Hype me up for nothin', for nothin' when I have everything for myself. Everything for myself, and a little bit of extra just messes me up. And, you know, that was always my problem. So I can't just blame him. I can blame myself too, 'cause I easy

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could've said, "No. I don't want to do this with you." You're not in the right frame of mind, but you know, that's life. I - I can get through it.

CJ: Do you know if Chubz has been arrested before?

CH: Pretty sure he has, yes.

CJ: Okay.

CH: Yes. I'm pretty sure.

CJ: Do you know what for or anything else?

CH: Um, I think traffic tickets, some like, you know, somethin' like that that turned into warrants.

CJ: Mm-hm.

CH: That's about it, you know, him being stupid in cars.

CJ: How - how old is he, do you know?

CH: Twenty-three, 24.

CJ: Twenty-three, 24?

CH: Yeah.

CJ: Describe him for me, what he was wearing tonight when you saw him.

CH: Purple shirt, black gym shorts.

CJ: Like what?

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CH: Black gym shorts.

CJ: Gym shorts?

CH: Uh.

CJ: You know what color they were?

CH: They were black Nike gym shorts.

CJ: Okay.

CH: Um, what ki- I don't - I don't know what kind of - did he have on chucks? He must've had on some chucks or somethin'.

CJ: Okay. All right.

CH: Um, and that's about it.

CJ: Okay.

CH: I mean, Chubz don't really wear that much, a shirt, socks, shorts, you know.

CJ: Okay. All right. All right. So Clemon let me just make sure we got this all squared away. Okay. You meet up with him. Uh, he's in a white Maxima. You guys drive in his car to - to that - to that area. You didn't park right on that street, right?

CH: Me?

CJ: I mean, him. Uh, you were both in the white Maxima, right?

CH: Yeah.

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CJ: You pulled up there. You don't park right on that street. You parked on another street.

CH: On - on the back se- on the back street.

CJ: On the back - back str- back street.

CH: Right. Not in that neighborhood.

CJ: And then you walk up, uh, walk up to the house. Do you know about what time it was when you guys started going over there?

CH: What time was it when we went over there? I know it was like probably around after 2:00.

CJ: About 2:00 am?

CH: Two - two somethin'.

CJ: Okay. So you get there. You go to the fro- you both go to the front door. Are you holding one of the shotgu- are you holding one of the guns when you go up to the house?

CH: Um, yeah, to carry it over the wall. He asked me to go to...

CJ: Okay. You carried the shotgun?

CH: He told me to throw it over the wall for him.

CJ: Okay. So you carry it up to the house. You go to the front door, right? You're both - you both have the gun...

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CH: No.

CJ: You come to the front door.

CH: No. He went to the front door just to see if anybody was there.

CJ: Okay. So you hang back.

CH: Yeah.

CJ: Okay. The door's locked.

CH: The door is locked.

CJ: Okay. Then you guys go around the - the left side of the house and go over the fence, right?

CH: Yes.

CJ: Now you're in the back yard. Both of you are in the back yard, right? Okay. So then you get around to the back yard. You go all the way around the back. Have you got the gun in the back yard?

CH: At that time, no.

CJ: No. Okay.

CH: He - we go to...

CJ: He's got both guns.

CH: We go ba- we go to the back yard.

CJ: All the way over to that door.

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CH: No. Bef- no. We hit the back yard because he parked in the back. Remember I told you?

CJ: Right.

CH: Then he dropped the guns.

CJ: Okay.

CH: And then hopped back over.

CJ: So you didn't have the guns when you first got in the back yard.

CH: No.

CJ: So he goes over to the back yard...

CH: Then gets the guns (unintelligible).

CJ: ...gets the guns, come back in the back yard. And you stayed in the back yard, he handed you the guns.

CH: Yes.

CJ: Okay. So then in the back yard, you go over to the side where the door is.

CH: It's locked.

CJ: It's locked. So now you go back to the back, where the slider and the little window is, right?

CH: That's locked.

CJ: Okay. Ha- who tried the door?

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CH: He did.

CJ: He tried the door, slider door and it was locked.

CH: Yeah.

CJ: And now you're standing at the window. He's deciding that somebody can go through that window. Is that what's going on?

CH: Yes.

CJ: Okay. And then, uh, then shots start.

CH: Yes.

CJ: And, uh, there are four or five shots from officers or somebody inside. And then Chubz starts shooting from the outside. You go down over the pony wall, correct?

CH: Yes.

CJ: And you stay on the ground. The officers are telling you stay to the ground. Chubz takes off. You're not sure if he goes over the back or out to the side. So is his car parked right out here on this street?

CH: Yes. On that street.

CJ: Right here on this street?

CH: Yeah.

CJ: Okay. Do you know the name of that street?

CH: I don't.

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STATEMENT OF: CLEMON HUDSON

CJ: Okay, that's cool.

CH: Because it was my first time going over there.

CJ: Okay.

CH: That's why I know he either - he must've hit the wall, ducked off this way or hit the wall...

CJ: The wa- he went off this side over here.

CH: Yeah, 'cause I know he wasn't coming back this way. You guys...

CJ: Right.

CH: ...were that way.

CJ: Right.

CH: He hit the wall, made a left, you know, 'cause he probably thought someone was by the car.

CJ: Okay.

CH: You know, hit the wall, probably ducked off over there or hit the wall, see cops weren't over there, then got in his car.

CJ: Okay.

?: Car's on the street behind the house.

CJ: Behind the house. Descri- is there anything special about his car? Any special rims, tint, uh, stickers or nothin'?

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: Ninety-five.

CJ: It's a '95 Maxima.

CH: Ninety-five. White.

CJ: Um, do you know what - do you - let me see how good you are. Can you tell me what his license plate is? Is it Nevada?

CH: I think it's San Diego.

CJ: Sa- it's a California plate?

CH: San Diego.

CJ: Okay.

CH: I mean, I don't know if it's a Nevada.

CJ: Okay. All right. Anything else you can tell me about him? Anything else that happened?

CH: Like I said, this is my first heist, robbery, whatever you call it. This is my first anything, man.

CJ: Okay.

CH: So I - I know I'm gonna be doin' probably some years for some bullshit, but - fuck, man.

CJ: Anything else you can tell me about Chubz? You - you're - you're helping yourself out. Anything you say about Chubz, anything - where else we might find him. You

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STATEMENT OF: CLEMON HUDSON

got this uncle - you got this uncle that lives somewhere around Lake Mead and Jones.

CH: Yes.

CJ: Would you be able to tell where that place is?

CH: If I go over there?

CJ: If I show - if I showed you on a Google map on my phone, would you be able to see that? You think you'd be able to find that? Okay, then - you - you say yes? Okay, let me get there. Um, let me get the maps. Going to Lake Mead and Jones. Hopefully we get some cell service in here.

JP: That him?

CJ: You got it?

CH: Uh, that's not Jones.

CJ: Okay. Here's Lake Mead. Um, Lake Mead and Decatur, Jones. Okay. Let me get to this right here. Here's Lake Mead and Jones, the intersection right here. Let's turn it this way so it opens up a little more. Lake Mead and Jones. If - okay, this is straight - going straight up north on Jones.

CH: Mm-hm.

CJ: Is it before Lake Mead or after Lake Mead?

CH: The one you make that right on Eugene.

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STATEMENT OF: CLEMON HUDSON

CJ: Right on - okay, one second. Let's get it opened up a little bit more. Come on. Str-
get the streets to come up. Right after - okay, here's the - here's the, uh, here's the
Mexican joint. Okay. Lake Mead, we're going up Jones, take the right - this right
right here?

CH: Yeah.

CJ: And that's - uh, and that's, uh, Eugene?

CH: Yeah.

CJ: It's not giving me the street.

CH: Right there.

CJ: And the - the san...

CH: At the top.

CJ: Right up here?

CH: Yeah. Scroll back up. Right there.

CJ: There's Eugene.

CH: Yeah.

CJ: Okay, we got Eugene. Turn right on Eugene, then where? Okay, I'm just writing this
down so I don't have to look back. Right on Eugene. Then where? The next one is
Mallard ca- Mallard street.

CH: You stay on Eugene.

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STATEMENT OF: CLEMON HUDSON

CJ: Stay on Eugene. We're going now - we're going east on Eugene, right?

CH: That's the house right...

CJ: Which one?

CH: It would be like a house. Damn, I wish I could see the...

CJ: So it's somewhere right along in here?

CH: It's - it's one of these houses.

CJ: Right - right after you turn off of Jones?

CH: Right af- you go about three houses down, three or four houses down.

CJ: Three or four houses down on Eugene on the - it's gonna be on the right side? Okay.

Do you know his uncle's name?

CH: Uh, I call him Yak.

CJ: Yak?

CH: Yeah.

CJ: Y-A-K?

CH: Mm-hm.

CJ: Okay. And is he white, black, Hispanic? What is he?

CH: He's black.

CJ: BMA?

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STATEMENT OF: CLEMON HUDSON

CH: Mm.

CJ: About how old is he?

CH: Like 43, 44.

CJ: Forty-three, 44? Okay.

CH: Oh, Yak? He's thirty- 37, 38. My bad. My bad.

CJ: Okay, 37, 38. Do you know - do you know, uh, ca- can you describe the house or the cars or anything like that?

CH: Yeah. Like I said whi- white Maxima.

CJ: Okay.

CH: Um, that might - he might be there in it, might not. Um, shit, they - do they usually have a - a set car that's in their parking lot all the time?

CJ: A white kind of car?

CH: No, I'm just thinking. It's usually - if it's not that Maxima in there, it's usually like a green Explorer, you know.

CJ: Green Explorer?

CH: Green Explorer that's just parked there. So...

CJ: Did you get that? The - Jones and Eugene. Turn right. Go east on Eugene. Third or fourth house on the right.

JP: So Jones, go...

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STATEMENT OF: CLEMON HUDSON

CJ: Go north on Jones, right on Eugene is east, and it's the two or - three or four houses in on the right is where the uncle lives is is where Chubz stays. It'll be - his white Maxa- Maxima or possibly a green Ford Explorer.

JP: So - so it's on...

CJ: It's on Eugene.

JP: It's on Eugene?

CH: Should be.

JP: You told me you live on Eugene.

CH: Hm?

JP: You told me you live on Eugene.

CH: Yeah. My parents live on Eugene. I live on Martitta, the other address. But I...

JP: So that's your parents' house?

CH: Yeah. But I...

CJ: So this is your parents' house right here?

CH: What?

CJ: Yeah, 'cause your parents.

CH: No.

CJ: No, no, you're down further.

VOLUNTARY STATEMENT

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EVENT#: 150904-0516

STATEMENT OF: CLEMON HUDSON

CH: No. Yeah, I'm down further.

CJ: Okay.

CH: That Martitta address, the 5908, that's my address.

JP: So your parents live on the same street as Chubz.

CH: Yes. Well...

JP: And then there's...

CH: ...Chubz' relatives.

CJ: Okay.

CH: Or...

JP: There's no street behind that house. Can you describe where exactly you parked that car? There's no street directly behind the house that you guys were at.

CH: What are you talkin' about?

JP: Where you went tonight. Yeah.

CJ: Let's pull this up again, look right here. Okay. We're gonna go back down. There's Jones. We're gonna go up Jones. Gonna get back over to Lake Mead. Uh, Lake Mead. There's the 95. Um, so we had to come back to Rainbow. Washington, Rainbow right there. Uh, there's - where'd my Rainbow go? All right. Washington. (Unintelligible) Rainbow - 159 is Rainbow, right? (Unintelligible). Okay. Washington there. Okay, right here is - what's - what's the address of this - this place? Uh, it's,

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STATEMENT OF: CLEMON HUDSON

uh, ova- Oveja, O-V-E-J-A? Let's just punch in that street right there. So - okay, uh, 6629. 6629 O-V-E-J-A, Las Vegas. I can't get cell service in here. That's not gonna help me. I can't get any cell service in here, so - unless you can.

JP: No.

CJ: Okay. Mine's not picking up any cell. Okay. So just - while we're talking about that, um, about - about Yak, okay. You - did they find the car?

JP: They found his. They got his phone and they're bringing it down for his number.

CJ: Okay. Okay. So, uh, Yak lives in this house. It's two or three houses in, three or four houses in on Eugene. Okay. And, uh, describe the house. What color is the house?

CH: White.

CJ: It's a white house?

CH: Mm-hm.

CJ: Okay. Who else lives there with Yak?

CH: Uh, it's a couple people. His son. His son, his auntie.

CJ: What's his son's name?

CH: I don't know the son's name.

CJ: You don't know that? Okay.

CH: His auntie.

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STATEMENT OF: CLEMON HUDSON

CJ: His auntie.

CH: Her boyfriend. It's like four or five people that live there.

CJ: Okay. So there's four or five people that live in the house.

CH: Mm-hm.

CJ: Okay. All right. All right. Do you know where he keeps his guns?

CH: Who?

CJ: Ye- uh, Chu- uh, Chubz, do you know where he keeps his guns? 'Cause that's - that's one of - kind of a big thing right now, is we want to keep everybody safe.

CH: Yeah.

CJ: We got you safe her now, right? We want to make sure everybody's safe. So we want to know about - anything we know about Chubz so nobody gets hurt. We already got one officer that got hurt, okay, he's been shot. And, uh, we want to make sure that everybody's safe, that chab- that Chubz doesn't hurt nobody else.

CH: Yeah.

CJ: So anything you can tell us about Chubz is gonna help us out. Where would he go if he wasn't gonna go to...

CH: To his - his uncle house.

CJ: If he wasn't gonna go to his uncle's house, where would he go?

CH: Then that would be the main spot he would probably go. But...

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STATEMENT OF: CLEMON HUDSON

JP: Green Ford Explorer, right?

CJ: Green Ford Explorer at the house.

CH: Let me think.

CJ: He's got a girlfriend?

CH: Mm-hm.

CJ: What's her name? Does she - she hang out with you guys when you're rapping and stuff?

CH: Yeah, she hangs out with us sometimes. He has a girlfriend. Damn (unintelligible).

CJ: Okay.

CH: If we ain't at the house (unintelligible) to the club, party. (Unintelligible).

CJ: What - say that again.

CH: I said to the club partying. He's...

CJ: What - what club do you guys party at?

CH: Uh, he usually goes to - well, I'm not 21, but he usually go, you know, to like a stripper, a stripper club or Little Darlin's (unintelligible).

CJ: Little Darlin's, he hangs out there?

CH: He hangs out there. Uh, (unintelligible).

CJ: You know where...

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IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN TURNER,)	No. 76465
)	
Appellant,)	Electronically Filed
)	Feb 04 2019 12:30 p.m.
v.)	Elizabeth A. Brown
)	Clerk of Supreme Court
THE STATE OF NEVADA,)	
)	
Respondent.)	
)	

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DARIN F. IMLAY	STEVE WOLFSON
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STEVEN TURNER
Case No. 76465

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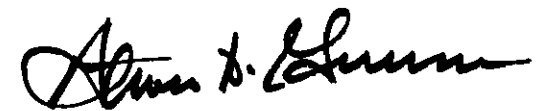
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CLERK OF THE COURT

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
TEGAN C. MACHNICH, CHIEF DEPUTY PUBLIC DEFENDER
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-15-309578-1
)	
v.)	DEPT. NO. II
)	
STEVEN TURNER,)	DATE: July <u>12</u> , 2016
)	TIME: 9:00 a.m.
Defendant.)	

MOTION FOR PRODUCTION OF DISCOVERY

COMES NOW, the Defendant, STEVEN TURNER, by and through TEGAN C. MACHNICH, Deputy Public Defender and hereby requests that the Court order the State of Nevada to produce the discovery discussed herein **at least 30 days before trial or reasonably soon thereafter** pursuant to NRS 174.235; NRS 174.285; Kyles v. Whitley, 514 U.S. 419 (1995); Brady v. Maryland, 373 U.S. 83 (1963) (and their progeny).

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 1st day of July, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Tegan Machnich
TEGAN C. MACHNICH, #11642
Chief Deputy Public Defender

DECLARATION

TEGAN C. MACHNICH makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Chief Deputy Public Defender for the Clark County Public Defender's Office, counsel of record for Defendant Turner, in the present matter;

2. I make this Declaration in support of Defendant's Motion for Production of Discovery;

3. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 1st day of July, 2016.

/s/ Tegan Machnich
TEGAN C. MACHNICH

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 **I. The State is required to provide Defendant with inculpatory and exculpatory**
4 **information, per Nevada statute, as well as under the United States and Nevada**
5 **Constitutions**

6 **A. Nevada Statutory Requirements**

7 Under NRS 174.235, the State is required to disclose evidence relating to the prosecution
8 of a defendant that is within the possession, custody or control of the State, including:

- 9 • written or recorded statements or confessions made by the defendant;
- 10 • written or recorded statements made by a witness the prosecuting attorney intends
11 to call during the case in chief of the State;
- 12 • results or reports of physical or mental examinations, scientific tests or scientific
13 experiments made in connection with the particular case; and
- 14 • books, papers, documents, tangible objects, or copies thereof, which the prosecuting
15 attorney intends to introduce during the case in chief of the State.

16 NRS 174.235(1)(a)-(c).

17 This includes medical data/imaging/films/reports and/or slides, histological, colposcopic,
18 or otherwise. The Sixth Amendment's right to counsel guarantees obligate defense counsel to
19 conduct "an adequate pre-trial investigation into medical evidence." Gersten v. Senkowski, 426
20 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical
21 imaging such as colposcopic slides, even when the State's medical expert has opined that the
22 medical examination(s) reveal no significant findings or are otherwise "normal." Id. at 605, 607-
23 10 ("If a medical examination of the alleged victim failed to reveal any evidence clinically
24 indicative of sexual penetration, that failure would constitute strong affirmative evidence that
25 forced sexual penetration did not occur."). Thus, the discovery obligation(s) set forth in NRS
26 174.235(2) require prosecutors to disclose otherwise invasive physical imaging and/or testing.

1 The District Court has authority to order the production of any non-privileged materials in
2 the possession, control or custody of the State¹ under NRS 174.235 if the evidence sought is
3 “material to the preparation of the defense”. Riddle v. State, 96 Nev. 589, 590 (Nev. 1980).

4 Based on NRS 174.235, Defendant requests that the State turn over all such information,
5 whether exculpatory or inculpatory, in the State’s custody or control.

6 B. Constitutional Requirements

7 The United States and Nevada constitutions require the State to provide the defense with all
8 favorable evidence in its actual or constructive possession prior to trial. Failure to do so results in
9 a violation of the Due Process clauses of the Fifth and Fourteenth Amendments of the United
10 States Constitution, and Article I, Section 8 of the Nevada Constitution. This rule applies
11 regardless of how the State has chosen to structure its overall discovery process. See Strickler v.
12 Greene, 527 U.S. 263 (1999); Kyles, 514 U.S. 419; Brady, 373 U.S. at 86; Jimenez v. State, 112
13 Nev. 610, 618 (Nev. 1996). The withholding of exculpatory evidence constitutes a due process
14 violation regardless of the prosecutor’s motive for doing so. Jimenez, 112 Nev. at 618 (“It is a
15 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for
16 doing so is immaterial . . . The prosecutor represents the state and has a duty to see that justice is
17 done in criminal prosecution.”); Wallace v. State, 88 Nev. 549, 551-52 (Nev. 1972).

18 Under the law, the State must turn over all material evidence that is (1) favorable to the
19 accused, in that it is exculpatory or impeachment evidence, and (2) within the actual or
20 constructive possession of anyone acting on behalf of the State. See Banks v. Dretke, 540 U.S.
21 668, 691 (2004). Material evidence is evidence that is logically connected with the facts of
22 consequence or the issues in the case. Wyman v. State, 125 Nev. 592, 608 (Nev. 2009).

23 **II. The State is required to disclose both inculpatory and exculpatory information prior**
24 **to trial**

25 A. The State must disclose all inculpatory evidence, regardless of whether the material
26 is intended for use in the government’s case in chief

27 ¹ The State must turn over any documents, papers, or books related to the case that are in the possession,
28 control and custody of any government agent or agency. See Kyles, 514 U.S. at 437-38 (1995) (stating that
exculpatory evidence “cannot be kept out of the hands of the defense just because the prosecutor does not
have it”).

1 Prosecutors may not lawfully withhold inculpatory material and information from the
2 defense simply because they do not intend to present the material or information during the
3 government's case in chief. State v. Harrington, 9 Nev. 91, 94 (Nev. 1873); People v. Bunyard,
4 756 P.2d 795, 809 (Cal. 1988); People v. Carter, 312 P.2d 665, 675 (Cal. 1957). Any holding to
5 the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory
6 material from the government's case in chief, only to surprise the defense by using it in rebuttal.

7 B. The State must disclose all statements made by a defendant, regardless of whether
8 the statement(s) are reduced to writing

9 NRS 174.235 creates an affirmative duty for the State to disclose any statement allegedly
10 made by the defendant, or for which the defendant can be held vicariously liable. Courts have
11 recognized that there is a fundamental fairness involved in "granting the accused equal access to
12 his own words, no matter how the Government came by them." See, e.g., U.S. v. Caldwell, 543
13 F.2d 1333, 1353 (D.D.C. 1974). This "fairness" should extend not only to written or recorded
14 statements, but unrecorded oral statements as well as statements for which a defendant can be held
15 vicariously liable. Under NRS 51.035(3)(a)-(e),² a defendant can be vicariously liable for a
16 statement made by a third party. See also Fields v. State, 125 Nev. 785 (Nev. 2009) (finding
17 evidence of defendant's silence admissible following his wife's complaint that she was in jail
18 because his conduct constituted an adoptive admission). Thus, NRS 174.235 should be construed
19 to include within the definition of a defendant's "statement," both the words actually uttered by the
20 defendant and any statements for which the defendant may be held vicariously liable.

21 C. The State must disclose any/all rough notes prepared in connection with the
22 investigation of the instant matter

23 Raw notes made by any law enforcement officer or other prosecution agent in connection
24 with the investigation of instant matter must be disclosed to the defense. Notably, this does not
25 include information amounting to work product. In Hickman v. Taylor, 329 U.S. 495, 508-11
26 (1947), the United States Supreme Court recognized the privileged nature of discussions relating to

27 ² NRS 51.035(3)(b) excepts from the definition of hearsay a "statement offered against a party" that is "[a]
28 statement of which [the party against whom it is offered] has manifested his adoption or believe in its
truth."

1 the preparation of a case of trial.³ The “work product doctrine” announced in Hickman shelters
2 not only material generated by an attorney in preparation for trial, but by his/her agent, as well:

3 At its core, the work product doctrine shelters the mental processes of the
4 attorney, providing a privileged area within which he can analyze and
5 prepare his client’s case. But the doctrine is an intensely practical one,
6 grounded in the realities of litigation in our adversary system. One of
7 those realities is that attorneys often must rely on the assistance of
8 investigators and other agents in preparation for trial. It is therefore
9 necessary that the doctrine protect material prepared by agents for the
10 attorney as well as those prepared by the attorney as well as those
11 prepared by the attorney himself. Moreover, the concerns reflected in the
12 work-product doctrine do not disappear once trial has begun

13 U.S. v. Nobles, 422 U.S. 225, 238-39 (1975).

14 Codifying this, NRS 174.235(2) exempts from discovery by a criminal defendant:

- 15 (a) An internal report, document or memorandum that is prepared by or on
16 behalf of the prosecuting attorney in connection with the investigation or
17 prosecution of the case.
- 18 (b) A statement, report, book, paper, document, tangible object or any other
19 type of item or information that is privileged or protected from disclosure
20 or inspection pursuant to the constitution or laws of this state or the
21 Constitution of the United States.

22 Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted
23 from disclosure. Any other raw note(s) compiled during the investigation of this matter must be
24 turned over pursuant to the disclosure obligation conferred by NRS 174.235 or, in the case of
25 exculpatory material. Brady v. Maryland, 373 U.S. 83 (1963).

26 ³ “In performing his various duties, however, it is essential that a lawyer work with a certain degree of
27 privacy, free from unnecessary intrusion by opposing parties and their counsel . . . Proper preparation of a
28 client’s case demands that he assemble information, sift what he considers to be the relevant from the
irrelevant facts, prepare his legal theories and plan his strategy without undue and needless interference . . .
This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental
impressions, personal beliefs, and countless other tangible and intangible ways – aptly . . . termed . . . as the
‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of
what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate,
would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving
of legal advice and in the preparation of cases for trial. The effect on the legal profession would be
demoralizing. And the interests of clients and the cause of justice would be poorly served.” Hickman v.
Taylor, 329 U.S. 495, 508-11 (1947).

1 **III. The State must turn over all information that is favorable to the accused, whether or**
2 **not it is the subject of a specific discovery request**

3 The State’s constitutional obligation to produce material evidence exists whether or not the
4 defendant has filed a discovery motion or made specific discovery requests. See, e.g., U.S.
5 CONSTITUTION AMEND. V, VI, XIV; NEV. CONST. Art. 1, Sect. 8; Kyles, 514 U.S. at 434-35;
6 Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986); United States v. Bagley, 473 U.S. at 667, 682,
7 685 (plurality opinion) (1985); State v. Bennett, 119 Nev. 589 (Nev. 2003); Jimenez, 112 Nev. at
8 618 (stating that “It is a violation of due process for the prosecutor to withhold exculpatory
9 evidence, and his motive for doing so is immaterial . . . The prosecutor represents the state and has
10 a duty to see that justice is done in criminal prosecution”); Roberts v. State, 110 Nev. 1121 (Nev.
11 1994). Given the important rights involved and the strong potential for reversal if those rights are
12 violated, the United States Supreme Court has long counseled that “the prudent prosecutor will
13 resolve doubtful questions in favor of disclosure.” U.S. v. Agurs, 427 U.S. 97, 108 (1976).
14 Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S. at 281.
15 Accordingly, any question as to whether certain material, information, and/or evidence falls within
16 the purview of Brady should be resolved in favor of disclosure. Agurs, 427 U.S. at 108; See also
17 Kyles, 514 U.S. at 434 (“[A] prosecutor anxious about tacking too close to the wind will disclose a
18 favorable piece of evidence.”).

19 The State’s constitutionally-mandated Brady obligation arises regardless of whether a
20 Defendant specifically requests certain favorable evidence. See Kyles, 514 U.S. at 433 (stating
21 that “regardless of request, favorable evidence is material. . .”); Bagley, 473 U.S. at 680-82
22 (finding the prosecution’s constitutional duty to disclose favorable evidence is governed by the
23 materiality standard and not limited to situations where a defendant requests favorable evidence).
24 However, a specific Brady request will result in reversal “if there exists a reasonable possibility
25 that the claimed evidence would have affected the judgment of the trier of fact.” Roberts v. State,
26 110 Nev. 1121 (Nev. 1994); See also Jimenez, 112 Nev. at 619; State v. Bennett, 119 Nev. 589
27 (Nev. 2003). Absent a specific request, reversal is warranted, “if there exists a reasonable
28 probability that, had the evidence been disclosed, the result of the proceeding would have been

different.” Bagley, 473 U.S. at 667, 682, 685; Ritchie, 480 U.S. at 57. A “reasonable probability” is a probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685; Ritchie, 480 U.S. at 57; Roberts, 110 Nev. at 1129. The State must disclose all material evidence favorable to the defense, regardless of the nature of the instant request. Additionally, as more fully addressed below, the prosecutor must meet with detectives, crime scene analysts, investigators, and any other State actors and potential witnesses prior to trial to determine whether they possess evidence favorable to the accused. See, e.g., Strickler, 527 U.S. at 281.

A. Exculpatory Evidence

Exculpatory evidence is that which tends to favor the accused. Brady, 373 U.S. at 87. The Due Process Clause of the Fifth and Fourteenth Amendments require that the State disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v. Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992); See also Bagley, 473 U.S. 667. Impeachment evidence, therefore, is exculpatory evidence within the meaning of Brady. See Giglio v. United States, 405 U.S. 150, 154 (1972); see also Youngblood v. West Virginia, 547 U.S. 867 (2006); Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence). In other words, the State’s duty to disclose extends to evidence bearing on the credibility of its witnesses. The Nevada Supreme Court has interpreted the meaning of evidence “favorable to the accused” as evidence that “provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state’s witnesses” or evidence that may “bolster the defense case against prosecutorial attacks.” Mazzan, 116 Nev. at 67.

To be clear, exculpatory material includes all information that would tend to affect the reliability and credibility of a witness. Thus, information within government control, which shows that a witness gave inconsistent statements, had motive to lie, tried to recant, expressed reluctance to testify against the accused, received benefits as a result of his or her accusation, or other types of information affecting credibility and reliability, is Brady material and must be disclosed.

Prosecutors must disclose the identity of witnesses possessing exculpatory information, as no legitimate interest is served by precluding the defense from calling such witnesses for trial.

1 United States v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); United States v. Houston, 339 F.Supp.
2 762 (N.D. Ga. 1972).

3 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
4 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to allow
5 defendant to present evidence of third party guilt deprives him of a meaningful right to present a
6 complete defense under the 14th and 6th Amendment of the U.S. Constitution). Thus, prosecutors
7 must disclose any/all evidence that another perpetrator committed the charged crime(s). Lay v.
8 State, 116 Nev. 1185, 1195-96 (Nev. 2000) (finding that State's failure to disclose evidence of
9 another perpetrator violated Brady). This includes evidence that another individual was arrested in
10 connection with the charged crime. Banks v. Reynolds, 54 F.3d 1508, 1518 n.21 (10th Cir. 1995).
11 It also includes evidence of investigative leads pointing to other suspects. Jimenez, 112 Nev. at
12 622-23 (withholding evidence of investigative leads to other suspects, regardless of admissibility,
13 constitutes Brady violation). Finally, prosecutors must provide the actual documents, evidence,
14 and/or reports pertaining to evidence of third-party guilt; it is not enough for prosecutors to
15 provide the defense with a summary of the information relating to other suspects. Mazzan, 116
16 Nev. at 69 (summary of prosecutor's perspective on written reports relating to potential suspects
17 was constitutionally inadequate and reports should have been disclosed pursuant to Brady);
18 Bloodworth, 512 A.2d at 1059-60 (Md. 1986).

19 B. "Favorable evidence" includes impeachment evidence

20 The Due Process Clause of the Fifth and Fourteenth Amendments require that the State
21 disclose "any information about its witnesses that could cast doubt on their credibility." U.S. v.
22 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992); see also U.S. v. Bagley, 473 U.S. 667 (1985).
23 Accordingly, 'favorable evidence' includes impeachment information pertaining to any/all
24 government witnesses. Youngblood v. West Virginia, 547 U.S. 867 (U.S. 2006); U.S. v. Bagley,
25 473 U.S. at 676 (requiring disclosure of all impeachment evidence); Giglio v. U.S., 405 U.S. 150,
26 154 (1972).

27 The Nevada Supreme Court has directly addressed what is considered "favorable to the
28 accused." In Mazzan v. Warden, the Court stated:

1 Due process does not require simply the disclosure of “exculpatory”
2 evidence. Evidence also must be disclosed if it provides grounds for the
3 defense to attack the reliability, thoroughness, and good faith of the police
4 investigation, to impeach the credibility of the state’s witnesses, or to
5 bolster the defense case against prosecutorial attacks. Furthermore,
6 “discovery in a criminal case is not limited to investigative leads or reports
7 that are admissible in evidence.” Evidence “need not have been
8 independently admissible to have been material.”

9 116 Nev. 48, 67 (Nev. 2000) (citations omitted).

10 See also, Strickler, 527 U.S. at 281-82 (stating that a Brady violation occurs when (1)
11 evidence is favorable to the accused because it is exculpatory or impeaching; (2) evidence was
12 suppressed by the State, either willfully or inadvertently; and (3) prejudice ensued); Bloodworth v.
13 State, 512 A.2d 1056, 1059-60 (Md. 1986) (finding that the prosecution committed a Brady
14 violation when it failed to disclose a detective’s statement suggesting another possible suspect). In
15 Mazzan, the Supreme Court provided a non-exclusive list of the type of evidence that the State
16 must turn over:

- 17 1) Forensic testing which was ordered but not completed, or which was
18 completed but did not inculcate the defendant (e.g., fingerprint analysis
19 that returned as “inconclusive”);
- 20 2) Criminal records or other evidence concerning State’s witnesses which
21 might show bias, motive to lie, or otherwise impeach credibility (e.g., civil
22 litigation);
- 23 3) Evidence that the alleged victim in the instant case has claimed to be a
24 victim in other cases;
- 25 4) Leads, evidence, or investigations that law enforcement discounted or
26 failed to pursue;
- 27 5) Evidence that suggests an alternate suspect, or calls into question whether
28 a crime actually occurred;
- 6) Anything that is inconsistent with prior or present statements of a State’s
witness, including the initial failure to make a statement which is later
made or testified to.

1 In addition to the specific types of evidence listed above and discussed in Mazzan, the State is
2 obligated to turn over to Defendant any exculpatory or mitigation evidence.

3 C. Mitigation Evidence

4 Brady material applies not only to evidence regarding the defendant's innocence or guilt,
5 but also to **mitigation** evidence. For example: the victim of a robbery identifies a defendant as one
6 of two people who robbed her. The victim also tells police that this defendant actively prevented
7 his co-defendant from hitting her during the robbery. Although the victim's statement would
8 clearly go to establishing the defendant's guilt, it would also constitute Brady material because, if
9 he is ultimately convicted, the defendant's effort to aid the victim might justify the mitigation of
10 his sentence. Anything which could convince the court to impose less than a maximum sentence
11 or rebut alleged aggravating circumstances is relevant to punishment and, therefore, **must** be
12 produced by the State. See Jimenez, 112 Nev. at 619.

13 D. Cooperation Agreements and Benefits

14 Impeachment evidence includes any/all cooperation agreement(s) between a government
15 witness and prosecutors. Giglio, 405 U.S. at 154 (requiring disclosure of cooperation agreement
16 between government witness and prosecutors). It also includes benefits provided to a state
17 witness, regardless of whether an explicit deal is outlined. Browning v. State, 120 Nev. 347, 369
18 (Nev. 2004). It is the witness' own anticipation of reward, not the intent of the prosecutor, which
19 gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702, 726, 729-30 (11th Cir. 1987),
20 cert. denied, 481 U.S. 1054 (1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989)
21 (holding that agreements need not be express or formal arrangements, and understanding merely
22 implied, suggested, insinuated, or inferred to be of possible benefit to witness constitutes proper
23 material for impeachment). 'Benefits' are not limited to agreement made in relation to the specific
24 case at issue. Jimenez, 112 Nev. at 622-23. For example, prosecutors must disclose evidence that
25 a witness acted as a paid informant on one or more occasions. Bennett, 119 Nev. at 603.

26 Finally, 'benefits' can include, but are not necessarily limited to, travel and/or lodging
27 benefits, as well as counseling, treatment, or other assistance, including immigration assistance of
28 any kind, whether actual or anticipatory. This is relevant to issues regarding possible bias,

credibility, and motive to lie, all of which constitute impeachment evidence. See Davis v. Alaska, 415 U.S. 308 (1974).

E. Criminal Histories

Impeachment material includes evidence relating to a witness' criminal history. Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981) (under Brady, rap sheet useful to prove a witness' history or propensity for a relevant character trait should be produced). This encompasses information that is more than ten (10) years old. See Moore, 809 F.2d 702 (entire criminal record should be disclosed). It further includes criminal history information maintained by law enforcement agencies other than the Las Vegas Metropolitan Police Department,⁴ such as the federal government's National Crime Information Center ("NCIC") database.⁵

F. Evidence Contradicting Statements of Government Witnesses

Impeachment evidence encompasses prior statements and/or other evidence that contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent statements by key government witnesses. Lay, 116 Nev. at 1199. Prosecutors must also disclose statements

⁴ See Odle v. U.S., 65 F. Supp. 2d 1065 (N.D. Cal. 1999), *rev'd on other grounds by* Odle v. Woodford, 238 F.3d 1084 (9th Cir. 2001) (holding that "... knowledge may be imputed to the prosecutor, or a duty to search may be imposed, in cases where a search for readily available background information is routinely performed, such as routine criminal background checks of witnesses." Id. at 1072 (citations omitted) (emphasis added); United States v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting Fifth Circuit's rationale in requiring government to obtain complete criminal history on prosecution witness(es)); U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993) (prosecutor charged with producing impeachment evidence actually or constructively in his possession as "prosecutors have an obligation to make a thorough inquiry of all enforcement agencies that had a potential connection with the witnesses . . ."); Martinez v. Wainwright, 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government witnesses, including data obtainable from the FBI; prosecutor's lack of awareness of alleged victim's criminal history does not excuse duty to obtain and produce rap sheet). But cf. United States v. Blood, 435 F.3d 612, 627 (6th Cir. 2006) (no Brady violation where prosecutor did not produce to the defense the printout of the NCIC check but disclosed that the witness in question had no criminal history; "the Government is only required to disclose its informant's criminal history if he has one").

⁵ Federal law permits disclosure of NCIC information under circumstances such as that here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be disclosed. It provides for NCIC disclosure "... (1) To criminal justice agencies for criminal justice purposes..." 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as: "... (1) Courts; and [other entities set forth in that section]." Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the "performance of any of the following activities . . . adjudication" Therefore, the C.F.R. authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a criminal case adjudication.

1 and/or evidence that contradict(s) the testimony of other government witness(es). Rudin v. State,
2 120 Nev. 121, 139 (2004).

3 G. Confidential Records

4 A witness can be attacked by “revealing possible biases, prejudices, or ulterior motives of
5 the witnesses as they may relate directly to the issues or personalities on the case at hand. The
6 partiality of a witness is . . . always relevant as discrediting the witness and affecting the weight of
7 his testimony.” Davis, 415 U.S. at 354; See also Lobato v. State, 120 Nev. 512 (Nev. 2004)
8 (discussing the “nine basic modes of impeachment.”) Accordingly, impeachment evidence can
9 derive from otherwise privileged and/or confidential material. When this occurs, the privileged
10 and/or confidential nature of the material at issue must yield to a defendant’s constitutionally
11 secured right to confront and cross-examine those who testify against him. Davis, 415 U.S. at 356
12 (state’s interest in maintaining confidentiality of juvenile records must yield to defendant’s right to
13 cross-examine as to bias); See also United States v. Nixon, 418 U.S. 683, 713 (1974) (generalized
14 assertion of privilege must yield to demonstrated, specific need for evidence in a pending criminal
15 case). Thus, prosecutors must obtain and disclose privileged/confidential records pertaining to
16 government witnesses when the records contain information bearing on witness credibility.

17 This includes mental health records. See United States v. Lindstrom, 698 F.2d 1154, 1166-
18 67 (11th Cir. 1983) (requiring disclosure of government witness’ mental health records); United
19 States v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009) (requiring disclosure of material
20 portions of confidential informant’s mental health records); Wyman v. State, 125 Nev. 592, 607-08
21 (Nev. 2009) (trial court abused discretion by denying defendant’s request for certificate of
22 materiality to obtain accuser’s out-of-state mental health records); Burns v. State, 968 A.2d 1012,
23 1024-25 (Del. 2009) (defendant entitled to therapy records). It also includes Child Protective
24 Services (or the functional equivalent) and school records. See Ritchie, 480 U.S. at 60 (defendant
25 entitled to in camera review of Child and Youth Services records); State v. Cardall, 982 P.3d 79,
26 86 (Utah 1999) (defendant entitled to complainant’s school psychological records indicating she
27 had propensity to lie and had fabricated prior rape allegations). It further includes parole/probation
28 records, as well as jail/prison records. See United States v. Strifler, 851 F.2d 1197, 1201 (9th Cir.

1 1988), cert. denied, 489 U.S. 1032 (1989); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir.
2 1997) (requiring production of Department of Corrections file on principle government witness).
3 And it includes juvenile records. Davis, 415 U.S. at 356. See also Bennett, 119 Nev. at 603
4 (failure to disclose co-conspirator's juvenile records in penalty hearing amounted to Brady
5 violation). Thus, prosecutors cannot lawfully refuse disclosure of impeachment information on the
6 basis that the information is privileged and/or confidential.

7 H. Favorable evidence includes witnesses with exculpatory information

8 Prosecutors must disclose the identity of witnesses possessing exculpatory information, as
9 no legitimate interest is served by precluding the defense from calling such witnesses for trial.
10 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA
11 1972).

12 I. Favorable evidence includes evidence of third-party guilt

13 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
14 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to allow
15 defendant to present evidence of third party guilt deprives him of a meaningful right to present a
16 complete defense under the 14th and 6th Amendment of the US Constitution). Thus, prosecutors
17 must disclose any/all evidence that another perpetrator committed the charged crime(s). Lay v.
18 State, 116 Nev. 1185, 1195-96 (2000) (State's failure to disclose evidence of another perpetrator
19 violated Brady). This includes evidence that another individual was arrested in connection with
20 the charged crime. Banks v. Reynolds, 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes
21 evidence of investigative leads pointing to other suspects. Jimenez v. State, 112 Nev. 610, 622-23
22 (1996) (withholding evidence of investigative leads to other suspects, regardless of admissibility,
23 constitutes Brady violation). Finally, prosecutors must provide the actual documents, evidence,
24 and/or reports pertaining to evidence of third-party guilt; it is not enough for prosecutors to
25 provide the defense with a summary of the information relating to other suspects. Mazzan v.
26 Warden, 116 Nev. 48, 69 (2000) (summary of prosecutor's perspective on written reports relating
27 to potential suspects were constitutionally inadequate and reports should have been disclosed
28 pursuant to Brady); Bloodworth v. State, 512 A.2d 1056, 1059-60 (1986).

1 J. Favorable evidence includes any/all evidence that may mitigate a defendant's
2 sentence

3 Favorable evidence also includes evidence which could serve to mitigate a defendant's
4 sentence upon conviction. Jimenez v. State, 112 Nev. 610 (1996).

5 K. Any question as to what amounts to Brady material should be resolved in favor of
6 disclosure

7 Ultimately, prosecutors are tasked with a "broad duty of disclosure." Strickler v. Greene,
8 527 U.S. 263, 281 (1999); cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (finding that "the prudent
9 prosecutor will resolve doubtful questions in favor of disclosure"). As the Nevada Supreme Court
10 has explained:

11 Due process does not require simply the disclosure of "exculpatory"
12 evidence. Evidence also must be disclosed if it provides grounds for the
13 defense to attack the reliability, thoroughness, and good faith of the police
14 investigation, to impeach the credibility of the state's witnesses, or to
15 bolster the defense case against prosecutorial attacks. Furthermore,
16 "discovery in a criminal case is not limited to investigative leads or reports
17 that are admissible in evidence." Evidence "need not have been
18 independently admissible to have been material."

19 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (citations omitted). Significantly, the government's
20 disclosure obligation exists even "when the defendant does not make a Brady request."⁶ Bagley,
21 supra at 680-82. Accordingly, any question as to whether certain material, information, and/or
22 evidence falls within the purview of Brady should be resolved in favor of disclosure. U.S. v.
23 Agurs, 427 U.S. 97, 108 (1976) ("[T]he prudent prosecutor will resolve doubtful questions in favor
24 of disclosure."); See also Kyles v. Whitley, 514 U.S. 419, 439 (1995) ("[A] prosecutor anxious
25 about tacking too close to the wind will disclose a favorable piece of evidence.").

26 ⁶ However, a specific Brady request will result in reversal "if there exists a reasonable possibility that the
27 claimed evidence would have affected the judgment of the trier of fact." Roberts v. State, 110 Nev. 1121
28 (1994); See also Jimenez v. State, supra; State v. Bennett, 119 Nev. 589 (2003). Absent a specific request,
reversal is warranted, "if there exists a reasonable probability that, had the evidence been disclosed, the
result of the proceeding would have been different." U.S. v. Bagley, supra, 473 U.S. at 667, 682, 685
(1985); Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A 'reasonable probability' is a probability

1 **IV. The State is responsible for all evidence in its actual or constructive possession, and**
2 **has an affirmative duty to obtain such evidence**

3 In Kyles, the United States Supreme Court held that prosecutors have an **affirmative**
4 **obligation** to obtain Brady material and provide it to the defense, even if the prosecutor is initially
5 unaware of its existence. 514 U.S. at 433 (emphasis added). The Supreme Court noted that the
6 affirmative duty “to disclose evidence favorable to a defendant can trace its origins to early 20th
7 century strictures against misrepresentation and is of course most prominently associated with this
8 Court’s decision in Brady v. Maryland . . .” Id. at 432. As the Supreme Court made clear, this
9 obligation exists even where the defense does not make a request for such evidence. Id.

10 In finding that the State had breached its duty to Kyles, the Court discussed the
11 prosecutor’s “affirmative duty” in detail:

12 This in turn means that the individual prosecutor has a **duty to learn** of
13 any favorable evidence known to the others acting on the government’s
14 behalf in the case, **including the police** . . . Since then, the prosecutor has
15 the means to discharge the government’s Brady responsibility if he will,
16 any argument for excusing a prosecutor from disclosing what he does not
 happen to know about boils down to a plea to substitute the police for the
 prosecutor, and even for the courts themselves, as the final arbiter’s of the
 government’s obligation to ensure fair trials.

17 Kyles, 514 U.S. at 437-38 (citations and footnotes omitted) (emphasis added). See also Carriger,
18 132 F.3d at 479-82 (holding that “. . . the prosecution has a duty to learn of any exculpatory
19 evidence known to others acting on the government’s behalf.”) (citations omitted).

20 The Nevada Supreme Court addressed the prosecutor’s affirmative duty in Jimenez, stating
21 that, “It is a violation of due process for the prosecutor to withhold exculpatory evidence, and his
22 **motive for doing so is immaterial.**” 112 Nev. at 618 (emphasis added). Furthermore, the
23 affirmative obligation exists even if law enforcement personnel withhold “their reports without the
24 prosecutor’s knowledge,” because ““the state attorney is charged with **constructive knowledge**
25 **and possession** of evidence withheld by other state agents, such as law enforcement officers.”” Id.
26 at 620 (emphasis added). This existence of an “affirmative duty” means that individual
27

28 sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685; Ritchie, 480 U.S. at 57.”
 Roberts, *supra*, at 1129.

1 prosecutors cannot use ignorance as an excuse for failing to meet discovery obligations. A lack of
2 subjective knowledge on the part of a particular prosecutor does not excuse or assuage a discovery
3 violation because the individual prosecutor is legally responsible for contacting all State agents to
4 determine if they are in possession of Brady material.

5 The constructive knowledge imputed to a prosecutor applies even if the evidence is being
6 held by an out-of-jurisdiction agent that is cooperating with local law enforcement. In Bennett, the
7 Nevada Supreme Court ruled, “In this case, a Utah police detective was aware of the evidence.
8 We conclude that it is appropriate to charge the State with constructive knowledge of the evidence
9 because the Utah police assisted in the investigation of this crime” 119 Nev. at 603. Thus,
10 out-of-state police agencies, probation officers, welfare workers, employees of Child Protective
11 Services, jail personnel, and the like are all potential State agents from whom the prosecution must
12 affirmatively collect Brady material. “Exculpatory evidence cannot be kept out of the hands of the
13 defense just because the prosecutor does not have it, where an investigative agency does.” United
14 States v. Zuno-Acre, 44 F.3d 1420, 1427 (9th Cir. 1995).

15 When prosecutors fail to uphold this affirmative obligation, they violate constitutional due
16 process. See U.S. CONST. AMEND. V, XIV; NEV. CONST. Art. I, § 8. Thus, the disclosure
17 obligations outlined above extend not only to material directly in the possession of prosecutors, but
18 material of which prosecutors are in constructive possession, as well.

19 **V. The State cannot rely on an “Open File” policy to satisfy the constitutional duty to**
20 **obtain and turn over discovery**

21 The Clark County District Attorney’s Office has stated that they have no “open file
22 policy”. Given this fact, stating that the Defendant can view the file in a particular case does not
23 obviate the State’s duty to turn over material. Additionally, the prosecutor’s affirmative duty to
24 turn over Brady material, however, extends to all exculpatory and mitigation evidence in the
25 possession of any state agent or agency even if the evidence does not exist in the prosecutor’s file.
26 See Strickler, 527 U.S. at 283; Bennett, 119 Nev. at 603. In Strickler, the United States Supreme
27 Court explicitly held that a prosecutor’s open file policy **does not** substitute for or diminish the
28 State’s affirmative obligation to seek out and produce Brady material. 527 U.S. at 283 (emphasis

1 added). “If a prosecutor asserts that he complies with Brady through an open file policy, defense
2 counsel may reasonably rely on that file to contain all materials the State is constitutionally
3 obligated to disclose under Brady.” Id. at 283, n.23. See also Amado v. Gonzalez, 11-56420,
4 2014 WL 3377340 at 12 (9th Cir. July 11, 2014) (finding that defense counsel may rely on the
5 prosecutor's obligation to produce that which Brady and Giglio require him to produce.”); Furbay
6 v. State, 116 Nev. 481 (Nev. 2000) (discussing prosecution’s duty to provide all evidence in its
7 possession where it has promised to do so); McKee v. State, 112 Nev. 642, 644 (Nev. 1996)
8 (reversing a judgment of conviction based on prosecutorial misconduct where the prosecutor did
9 not make available all relevant inculpatory and exculpatory evidence consistent with the county
10 district attorney’s open file policy).

11 **VI. Defendant’s specific discovery requests**

12 The following specific requests are meant to help assist the State in its duty to find and turn
13 over the required material. The requests are not in any way intended to be a limit on, or a
14 substitute for, the generalized duties described above. Based on the foregoing legal authority,
15 Defendant requests that this Honorable Court enter an order directing prosecutors to disclose the
16 following⁷:

17 **1. Statements of the Defendant**

18 **All statements** made by the defendant, in any form, written or recorded, including
19 but not limited to:

- 20 a) Statements made at the time of arrest or during transport to the detention
21 center.
- 22 b) Any conversations, telephonic or otherwise, intercepted by any/all law
23 enforcement agencies, including federal authorities.
- 24 c) The substance of any statements made by the defendant and any co-
25 defendants which the prosecution intends to use as evidence at trial,
26 including but not limited to any conversations or correspondence overheard
or intercepted by any jail personnel or other inmates which have not been
recorded or memorialized.

27
28 ⁷ Significantly, this request is not in any way intended to be a substitute for the generalized duties described above.

- 1 d) Any notes made by State actors that contain details of statements by the
2 defendant or co-defendant.
3 e) If an audio or video recording exists of said statements, the recording must
4 be provided to the defense along with any associated notes and transcripts.
5 f) If a recording was made, but later lost, edited or destroyed, that fact must be
6 revealed, along with the circumstances surrounding the spoliation of
7 evidence.

2. Statements of Potential Witnesses

8 **All statements** of witnesses and potential witnesses, in any form, written or
9 recorded, including but not limited to:

- 10 a) Any **audio or video recording** collected by prosecutors, investigating
11 officers or any other law enforcement agent as part of the investigation of
12 this matter and any related matters. If a recording was made, but later lost,
13 edited or destroyed, that fact must be revealed, along with the circumstances
14 surrounding the spoliation of evidence.
15 b) Any **notes** of interviews that were not later recorded, such as notes of patrol
16 officers, or notes of phone calls made to potential witnesses, or attempts to
17 contact such witnesses. This also includes any police reports, notes, or other
18 documents that contain information pertaining to this case or any witnesses
19 in this case, no matter what the form or title of the report, including:
20 1) Case Monitoring Forms;
21 2) 911 recordings;
22 3) Relevant dispatch logs; and
23 4) Any report of information related to the case given by anyone to any
24 police department or crime tip organization such as Crime Stoppers,
25 and any reward or benefit received for such tip.

3. Crime Scene Analysis, Evidence Collection, and Forensic Testing

22 The State must produce all requests, results, reports, and/or notes of any and all
23 **crime scene analysis, evidence collection** and/or **forensic testing** performed in
24 this case.⁸ This includes, but is not limited to:

- 25 a) All photographs, videos, or audio recordings related to the collection and
26 testing of evidence.
27 b) All documents recording what physical evidence was taken in the case,
28 where it was stored, and any related chain of custody documents.

⁸ This is required under NRS 171.1965 1(b) and NRS 174.235 1(b).

- 1 c) Any reports and/or results from any medical, pathological, toxicological,
2 chemical, biochemical, laboratory, forensic or scientific examinations,
3 investigations or analyses.
- 4 d) **Fingerprints:** Photographs, reports, recordings and fingerprint exemplars
5 resulting from any attempts to collect fingerprints from the crime scene,
6 whether or not conclusive results were obtained.
- 7 e) **Testing Results:** The State must provide the results of any and all:
- 8 1) Fingerprint collection and comparison;
9 2) AFIS (Automated Fingerprint Identification System) searches and/or
10 results;
11 3) DNA testing;
12 4) CODIS (Combined DNA Index System) searches and/or results;
13 5) Toxicological analyses;
14 6) Footwear impressions;
15 7) Trace evidence analyses;
16 8) Any forensic analysis of cellular telephones;
17 9) Any requests for forensic analysis regardless of the outcome of such
18 request;
19 10) Neuropathological, toxicological, or other medical evaluations of the
20 named victim or percipient witnesses performed through this
21 investigation. This includes the complete case file for any testing
22 done, including, raw data, photographs, rough notes, draft reports,
23 recorded or otherwise memorialized notes relied upon by experts in
24 rendering an opinion in this case.

25 **4. Preservation of, and Access to, Raw Evidence**

26 Access to and preservation of any and all material collected in the investigation of
27 this case, included but not limited to:

- 28 a) Forensic material;
a) Raw data;
c) Video surveillance;
d) Photographic negatives;
e) Un-edited digital files;
f) Biological samples; and
g) Toxicological samples.

29 **5. Electronic Communications and Associated Warrants**

- 30 a) Any and all intercepted electronic and/or oral communications and/or any
31 and all communications sent to and from handset and/or telephone and/or
32 computers pursuant to the investigation of this case or any related matters.

- 1 b) This requests includes, but is not limited to: Audio, Push to Talk, Data,
2 Packet Data, electronic messaging encompassing Global System for Mobile
3 Communications (GMS), Short Message Service (SMS), Multimedia
4 Messaging Service (MMS), and Internet Relay Chat, File Transfer Protocol
5 (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP),
6 Transmission Control Protocol (TCP) and electronic mail or other internet
7 based communications, obtained by any State actors, including federal
8 authorities, via subpoena, interception or other means.

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12 **6. Monitoring, Tracking, and Associated Warrants**

13 Any and all data, recordings, reports and documentation of voice monitoring
14 devices and/or geographic tracking devices and/or pen register and/or trap and trace
15 device installed pursuant to interception, warrant or other means, as obtained by any
16 law enforcement agency, including federal authorities, pertaining to the instant
17 matter or any related matter.

18
19 **7. All 911 and 311 Calls, Including Recordings, Reports & Transcripts**

20 This request includes, but is not limited to, car-to-car audio communications, car-to-
21 dispatch radio communications, and the Unit Log incident print out related to the
22 instant event.

23 **8. Alternate Suspect and Other Exculpatory Evidence**

24 Any and all information which shows that the defendant did not commit the
25 crime(s) alleged, or which shows the possibility of another perpetrator, co-
26 conspirator, aider and abettor, or accessory after the fact, including the name(s) of
27 those individual(s).

28 This includes, but is not limited to, any information concerning an arrest of any
other individual for the charged crime and any information suggesting a possible
perpetrator other than the defendant.

9. Identification and Mis-Identification

 All statements of identification associated with this case, including any information
concerning witnesses who who did not identify the Defendant as the perpetrator of
the alleged crime.

 This request includes:

- a) Any statements identifying another person as the perpetrator of this offense;
- b) Any prior statement by eyewitnesses who now identify my client as involved in this offense that they previously could not identify anyone;
- c) A copy of all photographic lineups shown to any witnesses for the purposes of identifying suspects in this case, including lineups created without the Defendant in them;
- d) Other identification procedures, if any, used to identify suspects in this case, including show-ups, lineups, photo-array lineups, single photo show-ups, photo compilations and composite drawings.

The State must also disclose:

- a) The identify of each witness who was shown an identification procedure;
- b) The date such procedure occurred;
- c) The time such a procedure occurred;
- d) The names of all persons who were present when the procedure took place;
- e) Instructions given to the witness prior to the procedure being conducted;
- f) The results of the procedure, including as exact a rendition as possible of what the witness said, how long the witness took to make the identification if it was made, and any hesitancy or uncertainty of the witness in making the identification; and
- g) Whether or not the witness before or after the procedure was informed that they had picked the suspect officers believed committed the crime.

10. Chain of Custody

All relevant reports of chain of custody, including reports of any destruction of any evidence in the case.⁹

11. Documents, Notes, and Reports Used by Witnesses to Prepare for Testimony

Any documents used to prepare State's witnesses for preliminary hearing or trial, including any and all notes and reports of any expert in the case, to include mental health workers.

This includes any preliminary reports or notes, not included in a final report.

12. Witness Contact Information

All updated witness contact information, to include last known address and phone numbers. This includes the names/contact information for witnesses who may have information tending to exculpate the instant defendant.

⁹ Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

1
2 **13. Notes and Reports Related to Police Investigation**

3 Any and all records of the Las Vegas Metropolitan Police Department and any
4 other law enforcement agencies involved in the investigation of this or any related
5 matter, including photocopies or other reproduction(s) of any and all handwritten or
6 other notes.

7 This also includes, but is not limited to, any notes documenting alternate suspects,
8 investigative leads that were not followed up on, or any other matter bearing on the
9 credibility of any State witness.

10 **14. Use of Police Informants**

11 The State must disclose whether any information obtained in this case came from a
12 “confidential” informant, or was developed based on leads provided by an
13 informant. This includes, but is not limited to, informants who purportedly
14 obtained information about this case while incarcerated, whether the information
15 came from the Defendant or another source, regardless of whether prosecutors
16 intend to use the informant-related information at the upcoming trial of this matter.

17 **15. Identity of Police Informants**

18 The defense requests any information that a witness was or is a police informant.¹⁰

19 This includes information that the witness or alleged victim acted as a police
20 informant from the time of the incident in this case up to and including the day(s) of
21 trial. If any witness is, or has been, an informant, then Defendant requests
22 disclosure of:

- 23 a) The length and extent of the witness’ informant status;
- 24 b) The nature and assistance provided by the informant in the past, including
25 the number of occasions and the form of help;
- 26 c) The monetary amounts paid to the informant;
- 27 d) Any non-monetary assistance provided to the informant, including, but not
28 limited to, assistance in avoiding or minimizing harm from pending charges
against the informant;
- e) All benefits or promises of benefits,¹¹ or statements that benefits would not
be provided without cooperation, which were made to the informant in
connection with the case, whether or not fulfilled;

¹⁰ NRS 174.235; Kyles, 514 U.S. 419, Brady, 373 U.S. 83 (and their progeny).

1 This request also includes all information obtained by the use of confidential
2 informants for any aspect of the investigation of this case, including informants
3 who purportedly obtained information about this case while incarcerated, whether
4 the information came from the Defendant or another source, regardless of whether
5 prosecutors intend to use the informant-related information at the upcoming trial of
6 this matter.

7
8
9 **16. Audio, Video, and Photographs**

10 Any and all photographs, video recordings, and/or audio recordings related to the
11 case within the possession or control of the State or any State actors.¹² This
12 includes, but is not limited to, witness interviews, bodycams and scene photos.

13
14 **17. Witness Compensation**

15 Disclosure of any and all compensation, express or implied, promises of favorable
16 treatment or leniency, or any other benefit that any of the State's witnesses may of
17 have received in exchange for their cooperation with this or any related prosecution.

18 This includes but is not limited to:

- 19 a) Any and all records and notes from the victim witness office of the District
20 Attorney, including any/all records of any expectation of any benefit or
21 assistance to be received, or already received by any witness in this case;
22 b) Any monetary benefits received as well as any express or implied promises
23 made to any witness to provide counseling and/or treatment and/or provide
24 immigration assistance (including, but not limited to, U-Visa
25 documentation) as a result of the witness' participation in this case;
26 c) The names of any and all agencies and workers or other referrals that were
27 given to any witness and/or his/her family member, relative or guardian in
28 connection with this case or any related matter;
d) An estimate of future benefits to be received by any witness during or after
the trial, including travel expenses.

18. Prior Statements

To the extent that it is not covered by prior discovery requests, defense requests
disclosure of any and all statements, tangible or intangible, recorded or unrecorded,
made by any witness that are in any manner consistent or inconsistent with the
written and/or recorded statements previously provided to the defense

¹¹ "Benefits" refers to any monetary compensation or assistance of the police, the prosecutor, or the court concerning pending charges against the informant, or any other sort of consideration of value.

¹² Id.

1 This includes, but is not limited to, any oral statements made to any employee or
2 representative of the District Attorney's office or any other government employee,
3 local or federal, during pre-trial conferences or other investigative meetings.

4 **19. Impeachment Information**

5 Any and all impeachment information located in the personnel files of any police
6 witness called to testify at trial or any pretrial hearing in this matter.

7 This includes, but is not limited to, any Statement of Complaint regarding the
8 witness or this investigation, any Employee Notice of Internal Investigation, any
9 Internal Affairs Investigative Report of Complaint, any witness statement, any
10 Bureau Investigation Supervisory Intervention, and any other document maintained
11 or generated by the Office of Internal Affairs, Critical Incident Review Panel, or
12 other investigative agency.

13 **20. Criminal Histories**

14 Criminal history information on any witness, actual or potential, relating to specific
15 instances of misconduct or from untruthfulness may be inferred and/or which could
16 lead to admissible evidence, impeachment or otherwise.

17 This includes, but is not limited to, NCIC data, juvenile records, misdemeanors,
18 out-of-state arrests and convictions, outstanding arrest warrants or bench warrants,
19 and cases which were dismissed or not pursued by the prosecuting agency, and any
20 other information that would go to the issue(s) of credibility and/or bias, or lead to
21 the discovery of information bearing on credibility/bias, whether or the information
22 is directly admissible by the rules of evidence.¹³

23 In addition those witnesses, actual or potential, known to the State or any law
24 enforcement agency involved in the investigation of this or any related matter, the
25 defense requests the above-referenced criminal history/impeachment information
26 for all lay-witnesses mentioned in the sections above.

27 In addition to any other requirements imposed by Brady, the defense requests that
28 the District Attorney be required to run the aforementioned witnesses, in addition to

24 ¹³ The State usually is under the mistaken impression that they only must disclose felony conviction s from
25 the last 10 years that can be used as impeachment under NRS 50.095. However, in Davis v. Alaska, supra,
26 the US Supreme Court found that a witness can be attacked by "revealing possible biases, prejudices, or
27 ulterior motives of the witnesses as they may relate directly to the issues or personalities on the case at
28 hand. The partiality of a witness is...always relevant as discrediting the witness and affecting the weight of
his testimony." Id. at 354. The court found that the State's policy interest in protecting the confidentiality of
a juvenile offender's record must yield to the defendant's right to cross-examine as to bias. Id. at 356. See
also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic modes of impeachment." Therefore,
juvenile records, misdemeanors and older criminal records may yield information relevant to many forms of
impeachment other than that outlined in NRS 50.095.

1 any other lay witnesses prosecutors intend to call or upon whose testimony or
2 statements the State will rely during either the guilt or penalty phases of trial,
3 through an NCIC check and allow defense counsel to review the NCIC reports on
4 those witnesses. The defense requests that the NCIC information be provided to
5 defense counsel as soon as possible. If there is no NCIC record for a particular
6 witness, the State can make that representation. While the defense is not insisting
7 that prosecutors run NCICs expert or law enforcement witnesses, the defense
8 requests that the State be ordered to comply with any Brady obligations with
9 respect to these witnesses.

10 **21. Any additional police reports or records not mentioned above that fall within**
11 **the scope of discovery.**

12 **REQUEST FOR TIMELY DISCLOSURE.**

13 NRS 174.285(2) mandates that “A party shall comply with a request made pursuant to NRS
14 174.235... not less than 30 days before trial or at such reasonable later time as the court may
15 permit. Accordingly, Defendant Steven Turner requests that this Honorable Court enter an order
16 directing prosecutors to provide the discovery sought herein within a reasonable time in advance of
17 trial so as to enable counsel to effectively prepare. Further, Mr. Turner requests that this Court
18 order that the State be precluded from admitting at trial any discovery/evidence not timely
19 produced. See NRS 174.295 (“If at any time during the course of the proceedings it is brought to
20 the attention of the court that a party has failed to comply with the provisions of NRS 174.235 to
21 174.295, inclusive, the court may order the party to permit the discovery or inspection of materials
22 not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence
23 the material not disclosed, or it may enter such other order as it deems just under the
24 circumstances.”) (emphasis added).

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DATED this 1st day of July, 2016.

By: /s/ Tegan Machnich
 TEGAN C. MACHNICH, #11642
 Chief Deputy Public Defender

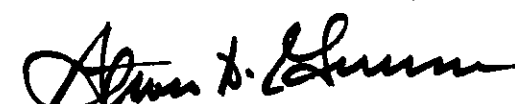
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 12 day of July, 2016, at 9:00 a.m.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/ Erin Prisbrey
Employee of the Public Defender's Office



CLERK OF THE COURT

1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LEAH C. BEVERLY
6 Deputy District Attorney
7 Nevada Bar #012556
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVEN TURNER,
#2717636

Defendant.

CASE NO: C-15-309578-1

DEPT NO: II

**STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRODUCTION OF
DISCOVERY**

DATE OF HEARING: 07/26/2016
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
through LEAH C. BEVERLY, Deputy District Attorney, and hereby submits the attached
Points and Authorities in Opposition to Defendant's Motion for Production of Discovery.

This Opposition is made and based upon all the papers and pleadings on file herein, the
attached points and authorities in support hereof, and oral argument at the time of hearing, if
deemed necessary by this Honorable Court.

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1 POINTS AND AUTHORITIES

2 ARGUMENT

3 **I. The State is in Compliance with Discovery Requirements**

4 The State agrees that its obligation to the Defendant in this and every other case is to
5 provide discovery pursuant to the provisions of NRS 174.235 et seq., together with any
6 exculpatory material under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. The State
7 does not agree, however, that it is under any affirmative obligation to root out or otherwise
8 seek discovery of information that defense counsel hopes might in some way aid in the
9 representation of his client.

10 It is the position of the Clark County District Attorney to permit discovery and
11 inspection of any relevant material pursuant to NRS 174.235; however, to the extent that
12 Defendant's request for discovery exceeds the statutory and legal requirements outlined in
13 Brady, the state objects to the defenses' motion for discovery.

14 The Rule of Brady, which requires the State to disclose to the defendant any
15 exculpatory evidence, is founded on the constitutional requirement for a fair trial. Brady is not
16 a rule of discovery, however. The United States Supreme Court has held that "there is no
17 general constitutional right to discovery in a criminal case, and Brady did not create one...
18 'the Due Process Clause has little to say regarding the amount of discovery which the parties
19 must be afforded....' Weatherford v. Bursy, 429 U.S. 545, 559 (1977). (quoting Wardius v.
20 Oregon, 412 U.S. 470, 474 (1973)).

21 The purpose of the discovery requirements outlined in Brady, *supra*, "is not to displace
22 the adversary system as the primary means by which truth is uncovered, but to ensure that a
23 miscarriage of justice does not occur. Thus, the prosecutor is not required to deliver his entire
24 file to defense counsel, but only to disclose evidence favorable to the accused that, if
25 suppressed, would deprive the defendant of a fair trial..." United States v. Bagley, 473 U.S.
26 667, 675 (1985). The rule is not absolute; the Court noted that too strict an interpretation of
27 Brady would "impose an impossible burden on the prosecutor and would undermine the
28 interest in the finality of judgments." Id. at 673.

1 Nevertheless, this case, like every other case in the District Attorney's office, is subject
2 to an open file policy. Everything in the State's file, with the exception of any deputy's
3 personal work product or that of an investigator in preparation for the trial of this matter, is
4 made available to defense counsel. As characterized in Strickler v. Greene, the Supreme Court
5 determined that the "[open file policy] may increase the efficiency and the fairness of the
6 criminal process." Strickler v. Greene, 527 U.S. 263, 283 (1999). Furthermore, the Court
7 determined that "defense counsel may reasonably rely on that file to contain all materials the
8 State is constitutionally obligated to disclose under Brady." Id.

9 The State's open file policy has always encompassed, and does here, everything the
10 State is obligated to disclose. If a prosecutor asserts that he complies with Brady through an
11 open file policy, defense counsel may reasonably rely on that file to contain all materials the
12 State is constitutionally obligated to disclose. Id.

13 Regarding many items requested, the State has provided copies. In addition to maintain
14 an "open file" policy whereby the defense can access non-privileged components of the State's
15 file at any time, the State in this case has furnished all reasonable material the defense has
16 requested. Notably, the State had already provided Defendant with all reports currently in the
17 State's file well before Defendant filed the Motion for Production of Discovery. The items
18 requested are listed below in bold, followed by the State's action:

- 19 1. **Statements of the Defendant:** The State has given all reports referencing any and all
20 statements Defendant has made to others.
- 21 2. **Statements of Potential Witnesses:** The State has provided with any and all
22 statements to Defendant. Should any more statements become available, the State will
23 provide a copy to Defendant.
- 24 3. **Crime Scene Analysis, Evidence Collection, and Forensic Testing:** The State has
25 provided any and all crime scene analysis, evidence collection, and forensic testing
26 results to Defendant. Should any more reports become available, the State will
27 provide a copy to Defendant.

- 1 4. **Preservation of, and Access to, Raw Evidence:** The State has provided any and all
2 raw evidence to Defendant. When convenient to all parties, the State will schedule an
3 evidence viewing in the future should Defendant deem it necessary.
- 4 5. **Electronic Communications and Associated Warrants:** The State has provided
5 Defendant with any and all electronic communications and associated warrants.
6 Should any more communications become available, the State will provide copies to
7 Defendant.
- 8 6. **Monitoring, Tracking, and Associated Warrants:** The State is not aware of any
9 such evidence at this time. Should such evidence become available, the State will
10 provide copies to Defendant.
- 11 7. **All 911 and 311 Calls, Including Recordings, Reports, and Transcripts:** The State
12 has already provided all 911 and 311 calls to Defendant.
- 13 8. **Alternate Suspect and Other Exculpatory Evidence:** The State objects. This
14 request is overbroad and not specific enough.
- 15 9. **Identification and Mis-Identification:** The State has provided any and all statements
16 to Defendant. Should additional statements or tangible evidence become available, the
17 State will provide copies to Defendant.
- 18 10. **Chain of Custody:** The State objects. The reports that have been furnished or to be
19 furnished will provide chain of custody information. The State is not aware of any
20 destroyed evidence.
- 21 11. **Documents, Notes, and Reports Used by Witnesses to Prepare for Testimony:**
22 The State objects. This request is vague.
- 23 12. **Witness Contact Information:** The State has provided a witness notice to Defendant.
- 24 13. **Notes and Reports Related to Police Investigation:** The State has already provided
25 all reports to Defendant. If any additional reports become available, the State will
26 provide copies to Defendant. The State objects to the disclosure of notes because they
27 are privileged work.
- 28

- 1 **14. Use of Police Informants:** The State objects. Unless a confidential informant
2 becomes an essential material witness, the State is not prepared to disclose the use of
3 any informant who may have assisted law enforcement. In this case, the State is
4 unaware of any informant.
- 5 **15. Identity of Police Informants:** The State objects. Unless a confidential informant
6 becomes an essential material witness, the State is not prepared to disclose the
7 identity of any informant who may have assisted law enforcement. In this case, the
8 State is unaware of any informant.
- 9 **16. Audio, Video, and Photographs:** The State has provided any and all audio, video,
10 and photographs to the Defendant. Should additional material become available, the
11 State will provide copies to Defendant.
- 12 **17. Witness Compensation:** The State is not aware of any compensation or any other
13 type of benefits being given to any witness.
- 14 **18. Prior Statements:** The State objects. This request amounts to a fishing expedition.
15 The State has already provided all witness statements to Defendant.
- 16 **19. Impeachment Information:** The State is not aware of any such evidence at this time.
17 Should such evidence become available, the State will provide copies to Defendant.
- 18 **20. Criminal Histories:** The State objects to turning over this information. The State is
19 forbidden by law to release this information. If Defendant has a good faith belief that
20 a witness has a felony conviction, the State will verify and inform the Defendant as to
21 the conviction, case number, and jurisdiction.
- 22 **21. Any Additional Police Reports or Records Not Mentioned Above That Fall**
23 **Within the Scope of Discovery:** The State objects. This request is overbroad and will
24 force the State into a fishing expedition for “hoped for” evidence.

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1 CONCLUSION

2 Based on the above, the State respectfully requests that the Motion for Production of
3 Documents be denied.

4
5 DATED this 22 day of July, 2016.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10
11 BY 

12 LEAH C. BEVERLY
13 Deputy District Attorney
14 Nevada Bar #012556

15
16 CERTIFICATE OF ELECTRONIC MAIL

17 I hereby certify that service of the above and foregoing, was made this 22 day of
18 July, 2016, by facsimile transmission and/or e-mail to:

19
20 TEGAN MACHNICH, Dep. Public Defender
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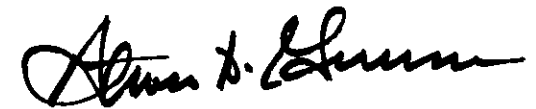
25 BY: 

26 T. Driver
27 Secretary of the District Attorney's Office

28 lb/MVU

1 NWEW
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 FRANK COUMOU
Chief Deputy District Attorney
4 Nevada Bar #004577
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5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 STEVEN TURNER,
#2717636
13 CLEMON HUDSON,
#7025101

14 Defendants.

CASE NO: C-15-309578-1
C-15-309578-2

DEPT NO: II

16 SECOND SUPPLEMENTAL
NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
17 [NRS 174.234]

18 TO: STEVEN TURNER, Defendant; and

19 TO: TEGAN MACHNICH, DEPUTY PUBLIC DEFENDER, Counsel of Record;

20 TO: CLEMON HUDSON, Defendant; and

21 TO: JESS MARCHESE, ESQ., Counsel of Record:

22 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
23 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

24 *Indicates Additions or Corrections

25 ABDAL-KARIM, SHAKEEL - LVMPD P#13724

26 *ADKISSON, JONATHAN - LVMPD P#14314

27 *ADCOX, MICHAEL - LVMPD P#8416

28 AGUILOS, JOSEPH - LVMPD P#15042

1 ALBERSON JR., WILLIAM – LVMPD P#8562
2 ALSUP, TREVER - LVMPD P#5782
3 ASHE JR., JAMES - LVMPD P#7302
4 BAKER, STEPHEN - LVMPD P#9136
5 BALDASSARRE, BENJAMIN - LVMPD P#13977
6 BARNETT, JOHN - LVMPD P#8733
7 BASILOTTA, EUGENIO - LVMPD P#8447
8 BASS JR., RICHARD - LVMPD P#6259
9 BATES, ANDRE - LVMPD P#6892
10 BECK, KEVIN J. - LVMPD P#9629
11 BELL, KENDALL - LVMPD P#6752
12 BELL, LEVAR - LVMPD P#13591
13 BELT, CHRISTIAN - LVMPD P#13694
14 BITSKO, JOSHUA – LVMPD P#6928
15 BONAGUIDI, JOSEPH - LVMPD P#7967
16 BORDEN, BRANDON - LVMPD P#7519
17 BOWERS, JEFFREY - LVMPD P#13419
18 BOWMAN, STUART - LVMPD P#10030
19 BRADSHAW, SARA - LVMPD P#4998
20 BRANDON, JOHN - LVMPD P#9631
21 BREWER, MICHAEL - LVMPD P#7426
22 BRICKER, ANTHONY - LVMPD P#6941
23 BROOKS, DAVID - LVMPD P#7947
24 BROWN, BOYD - LVMPD P#13080
25 BROWN, JAIR - LVMPD P#9182
26 BRUMAGHIN, ANTHONY – LVMPD P#13756
27 BUCHANAN, RUSSELL - LVMPD P#15094
28 BURNETT, ANDREW – LVMPD P#4907

1 BYRD, TRENT - LVMPD P#13958
2 CAINE, JASON - LVMPD P#6593
3 CALLEJA, ANTHONY - LVMPD P#9185
4 CARREON, ALBERT - LVMPD P#9025
5 CARRILLO, SAMUAL - LVMPD P#7165
6 CHIO, NATHAN - LVMPD P#5109
7 CHURCHES, JAMES - LVMPD P#6184
8 CLARKSON, ERIC - 6729 Oveja Cr., LV, NV 89107
9 COATES, LAURA - LVMPD P#8717
10 COLLINS, JOHN - LVMPD P#9322
11 COLLINS, MAURICE - LVMPD P#4719
12 COLON, MARC - LVMPD P#7585
13 CONAWAY, KEVIN - LVMPD P#8402
14 CONNELL, STEPHEN - LVMPD P#6991
15 *CONOVER, JONATHAN - LVMPD P#9344
16 CORDERO JR., DANNY - LVMPD P#13963
17 CROSBY, HOWARD - LVMPD P#6827
18 CRUZ, JOHN - LVMPD P#14742
19 CUSTODIAN OF RECORDS - Cricket Communications
20 CUSTODIAN OF RECORDS - LVMPD Dispatch
21 CUSTODIAN OF RECORDS - AT&T
22 *DAHN, ROBBIE - LVMPD P#5947
23 DALLEY, MICHAEL - LVMPD P#4218
24 DANNENBERGER, K. - LVMPD P#13772
25 *DAVIDEIT, SHAWN - LVMPD P#6246
26 *DIEBOLD, JUSTIN - LVMPD P#8790
27 DITMAR, SHAUN - LVMPD P#6404
28 DONALDSON, MATTHEW - LVMPD P#12935

1 *DONEGAN, CARMEN- LVMPD P#5591

2 DOWLER, CHRISTOPHER - LVMPD P#13730

3 DOWNING, MATTHEW - LVMPD P#8260

4 DRURY, ERIC - LVMPD P#15143

5 DUKES, JASON - LVMPD P#5656

6 ELLIS, JAMES - LVMPD P#9298

7 FARESE, NICHOLAS - LVMPD P#7313

8 FERNANDEZ, JOSEPH - LVMPD P#15132

9 FERNANDO, SHIRAN – 6805 White Sands Ave., LV, NV 89145

10 FETHERSTON, MONTY - LVMPD P#15022

11 *FIELDS, EARNEST – LVMPD P#14799

12 FITZ, MARKUS - LVMPD P#8564

13 FLETCHER, RICHARD - LVMPD P#4511

14 *FLETCHER, STEPHANIE – LVMPD P#6650

15 FONBUENA, RICHARD - LVMPD P#6834

16 FOSTER, MICHAEL - LVMPD P#13221

17 *FRASER, DOUGLAS - A medical doctor with the University Medical Center. He is
18 an expert in the area of emergency medicine and will give scientific opinions related thereto.
19 He is expected to testify regarding the observations, treatment, diagnosis and prognosis of
20 injuries sustained by the victim Officer Jeremy Robertson on September 9, 2015.

21 GARNER, DARRIS - LVMPD P#7077

22 GOMEZ, JASON – c/o Clark County DA's Office

23 GRAMMAS, KRISTIN - LVMPD P#7808

24 GRANTHAM, ROBERT - LVMPD P#9841

25 GREGO-SMITH, MALIK – LVMPD P#13451

26 *GRIMALDO, WILLOUGHBY – 6729 Oveja Cir., LV, NV 89107

27 GUYER, JEFFREY - LVMPD P#7430

28 HADFIELD, LAWRENCE - LVMPD P#7171

1 *HAKKI, NASER — A medical doctor with the University Medical Center. He is an
2 expert in the area of emergency medicine and will give scientific opinions related thereto. He
3 is expected to testify regarding the observations, treatment, diagnosis and prognosis of injuries
4 sustained by the victim Officer Jeremy Robertson on September 9, 2015.

5 *HANSBARGER, NEVIN - LVMPD P#5965

6 HANOFF, KEITH - LVMPD P#13739

7 *HANSEN, JASON – LVMPD P#7071

8 HARDWICK, JASON – LVMPD P#6056

9 HARPER, JEFF - LVMPD P#6471

10 HARRIS, JOSEPH - LVMPD P#9801

11 *HASKINS, ROGER - LVMPD P#5774

12 HEMSEY, THOMAS – LVMPD P#14040

13 HENRY, JACOB – LVMPD P#14753

14 HERNANDEZ, JOSE - LVMPD P#5850

15 HERRING JR., JOSEPH - LVMPD P#5241

16 HERRING, NOELLE - LVMPD P#9725

17 HEWES, JEFFREY - LVMPD P#6797

18 HIESTAND, RAMON - LVMPD P#15115

19 HINKEL, PATRICK - LVMPD P#15074

20 HOPSON, BEAUMONT - LVMPD P#8906

21 HORSLEY, RAY - LVMPD P#4652

22 HOWELL, THOMAS - LVMPD P#8907

23 HUBBARD, ALVIN - LVMPD P#13980

24 HUDSON, CLEMON – ID #7025101 – CCDC

25 HUDSON, KAREN – c/o Clark County DA's Office

26 HUGHES, PATRICK - LVMPD P#9084

27 JACKSON, BRIAN - LVMPD P#9690

28 *JAEGER, RYAN – LVMPD P#5587

1 JERABEK, JOSEPH - LVMPD P#13352

2 JEX, CRAIG – LVMPD P#5597

3 JOHNSON, G. – LVMPD P#10208

4 JONES, RICHARD - LVMPD P#8876

5 KABBANI, JOSEPH - LVMPD P#15078

6 *KELLER, THOMAS – LVMPD P#12750

7 KERNS, ERIC - LVMPD P#4331

8 *KOWALSKI, JOHN – LVMPD P#13399

9 KRUEGER, MICHAEL - LVMPD P#13512

10 KRYLO, JAMES – LVMPD P#5945 (or designee) - He is expected to testify regarding
11 the collection, comparison and analysis of firearms, ammunitions, ballistics and toolmark
12 evidence as it relates to this case.

13 KUNZ, PAUL - LVMPD P#10047

14 *KYGER, KYLE – LVMPD P#13430

15 *LANDERS, JEREMY – LVMPD P#8073

16 LEAMAN, VIRGIL - LVMPD P#9628

17 LEDOGAR, JAMES - LVMPD P#7411

18 LEE III, BERNARD - LVMPD P#9072

19 *LESTER, ANYA “SANKO” – LVMPD P#13771 (or designee):
20 FIREARMS/TOOLMARK EXAMINER with the Las Vegas Metropolitan Police Department.
21 She is an expert in the field of firearm and toolmark comparisons and is expected to testify
22 thereto.

23 LEVASSEUR, BRETT - LVMPD P#14163

24 *LINDBERG, ERIK - LVMPD P#14824

25 LINDSEY-THAYER, JOHN - LVMPD P#9171

26 LIPINSKI, JONATHAN - LVMPD P#15004

27 MAAS, STEVEN - LVMPD P#13015

28 MADLAND, MICHAEL - LVMPD P#9978

1 MARIN, JASON - LVMPD P#15026
2 MARLOW, MATTHEW - LVMPD P#6204
3 MARQUEZ, ALEX - LVMPD P#6240
4 MARSHALL, LUCAS - LVMPD P#13755
5 MARTINE, DARREN - LVMPD P#4751
6 MCCARTHY, MATHEW - LVMPD P#4431
7 MCHALE, SHANNON - LVMPD P#4750
8 MCLAUGHLIN, RANDAL - LVMPD P#4170
9 MCMAHILL, KELLY - LVMPD P#5307
10 MCMAHILL, KEVIN - LVMPD P#3948
11 MCMURTRY, TRAVIS - LVMPD P#8375
12 MCPHAIL, RANDALL - LVMPD P#3326
13 *MECKLER, KRISTEN - LVMPD P#14402
14 MELWAK, JOHN - LVMPD P#8060
15 MILLER, MONA - LVMPD P#8378
16 *MITCHELL, DREXEL - LVMPD P#643
17 *MOSES, MARC - LVMPD P#13637
18 MOSS, JOHN - LVMPD P#9212
19 MOYER, JASON - LVMPD P#7905
20 *NELSON, R. - LVMPD P#14002
21 NEVILLE, PATRICK - LVMPD P#2949
22 NIEVES, GEORGE - LVMPD P#13213
23 NOGLE, KENNETH - LVMPD P#8051
24 NOLAN, MICHAEL - LVMPD P#8794
25 *O'CONNOR, MATTHEW - LVMPD P#14817
26 *O'NEILL, TIMOTHY - LVMPD P#6067
27 ORTEGA, EDWARD - LVMPD P#6747
28 OSCAR, STEVEN - LVMPD P#14325

1 OVERSON, CORD – LVMPD P#6035
2 OWENS, JAMES - LVMPD P#3409
3 PANNULLO, JOSEPH – LVMPD P#5455
4 PARRISH, STEPHAN - LVMPD P#12899
5 PATTON, JOSEPH – LVMPD P#8289
6 *PAZOS, EDUARDO – LVMPD P#6817
7 PELLETIER, JOHN - LVMPD P#6433
8 PLUMMER, ROBERT - LVMPD P#4042
9 POULSEN, JOHN - LVMPD P#9023
10 PRALL, JEFFREY - LVMPD P#8714
11 *QUILES, ANDRE - LVMPD P#7433
12 QUINN, PETER - LVMPD P#4377
13 RACE, KYLE - LVMPD P#9196
14 RALYEA, CHARLES - LVMPD P#13357
15 RAVELO, ERIC - LVMPD P#6538
16 REDMANN, KATHRYN - LVMPD P#6478
17 RENFER, EDWARD - LVMPD P#13122
18 *ROBERTSON, JEREMY – LVMPD P#7626
19 RODRIGUEZ, MICHAEL - LVMPD P#12717
20 ROGERS, JESSICA - LVMPD P#13525
21 ROSE, DANNY - LVMPD P#9830
22 ROSE, MATTHEW - LVMPD P#13114
23 *ROWBERRY, JOSHUA – LVMPD P#13894
24 ROWE, MATTHEW – LVMPD P#13114
25 ROYBAL, JESSE - LVMPD P#7523
26 RUMERY, FRANK - LVMPD P#5817
27 *RUSSO, LOUIS – LVMPD P#14737
28 RYNDAK, ERIC - LVMPD P#13245

1 SCHMITT, RUSSEL - LVMPD P#14000
2 SCHULTZ, GREGORY - LVMPD P#4132
3 SCHUMAKER, STEPHEN - LVMPD P#9076
4 *SCOTT, JJEFFREY – LVMPD P#9618
5 SHANNON, JR., GILBERT - LVMPD P#4111
6 SHARK, ANDREW - LVMPD P#14815
7 SHATRAW, BRANDON - LVMPD P#7304
8 SHEAHAN, JOHN - LVMPD P#3989
9 SINK, JAMES - LVMPD P#8757
10 SKENANDORE, STEVEN - LVMPD P#13341
11 SMINK JR., JEFFREY - LVMPD P#6556
12 *SMITH, JEFFREY – LVMPD P#8177
13 SMITH, JOSEPH - LVMPD P#13218
14 SOKOLOWSKI, ERIC - LVMPD P#14190
15 *STEPHENS, EBONY – LVMPD P#6650
16 STODDARD, DAVID - LVMPD P#7419
17 TOMAINO, DANIEL - LVMPD P#8278
18 TOMPKINS, SCOTT - LVMPD P#13223
19 *TRUAX, MARIANNE – LVMPD P#13752
20 TURNER, STEVEN – ID #2717636 – CCDC
21 UMC TRAUMA DOCTORS - Will testify as a medical expert and to his/her
22 observations, treatment, diagnosis and prognosis of the injuries sustained by the victim Officer
23 Jeremy Robertson on September 9, 2015.
24 VALLE, ELVIN-RON - LVMPD P#12932
25 VANCE, JEREMY – LVMPD P#9004
26 *VAUGHN, TERRENCE – LVMPD P#8417
27 *VELICESCU, JAMES – LVMPD P#8410
28 VIDAL, LUIS - LVMPD P#14802