

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

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 76621

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**APPELLANT'S APPENDIX**

**VOLUME 9**

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## **INDEX**

<b><u>Document</u></b>	<b><u>Page Nos.</u></b>
Ex Parte Application for Order Requiring Material Witness to Post Bail	vol. 1, 103-108
Information	vol. 1, 1-17
Instructions to the Jury	vol. 13, 3058-3116
Judgment of Conviction	vol. 14, 3291-3296
Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial	vol. 13, 3129-3177
Motion for Setting of Appeal Bail,	vol. 14, 3249-3253
Motion to Admit Evidence of M.S.'s Knowledge Of Sex Acts and Prior Sexual Conduct	vol. 1, 26-31
Notice of Appeal	vol. 14, 3294-3296
Notice of Motion and Motion to Preclude Karen Hughes, And Reference to Chief Deputy District Attorney Elizabeth Mercer and/or Christopher Baughman and/or Convicted Defendant Raymond Sharpe at Trial	vol. 1, 84-95
Notice of Motion and Motion to Use Reported Testimony	vol. 1, 18-25
Order Declaring Defendant Indigent	vol. 14, 3293
Order Denying Motion for Acquittal or, in the Alternative, Motion for a New Trial	vol. 14, 3245-3248
Order Requiring Material Witness to Post Bail	

Or Be Committed to Custody	vol. 1, 109-110
Reply to State's Opposition to Motion to Admit Evidence Of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 2, 274-276
Second Amended Information	vol. 2, 258-273
State's Notice of Motion and Motion in Limine re Raymond Sharpe	vol. 1, 32-33
State's Opposition to Defendant's Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial,	vol. 14, 3204-3221
State's Opposition to Defendant's Motion to Admit Evidence of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 1, 80-83
Transcript November 6, 2017	vol. 1, 34-79
Transcript November 15, 2017	vol. 1, 96-102
Transcript December 15, 2017	vol. 1, 120-140
Transcript January 3, 2018	vol. 13-14, 3178-3203
Transcript, January 10, 2018	vol. 14, 3222-3244
Transcript, May 21, 2018	vol. 14, 3254-3290
Trial Transcript, November 27, 2017	vol. 1-2, 111-257
Trial Transcript, November 28, 2017	vol. 2, 277-440
Trial Transcript, November 29, 2017	vol. 2-3, 441-639
Trial Transcript, November 30, 2017	vol. 3-4, 640-895
Trial Transcript, December 1, 2017	vol. 4-5, 896-1080

Trial Transcript, December 4, 2017	vol. 5, 1081-1246
Trial Transcript, December 5, 2017	vol. 5-6, 1247-1396
Trial Transcript, December 6, 2017	vol. 6-7, 1397-1551
Trial Transcript, December 7, 2017	vol. 7, 1552-1725
Trial Transcript, December 8, 2017	vol. 7-8, 1726-1979
Trial Transcript, December 11, 2017	vol. 8-9, 1980-2182
Trial Transcript, December 12, 2017	vol. 9-10, 2183-2389
Trial Transcript, December 13, 2017	vol. 10-11, 2390-2534
Trial Transcript, December 14, 2017	vol. 11-12, 2535-2811
Trial Transcript, December 15, 2017	vol. 12-13, 2812-3057
Verdict	vol. 13, 3117-3128

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ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

JOSHUA HONEA

MONIQUE A. MCNEILL  
State Bar # 9862

1 Q. Now, the words you used to describe this  
2 relationship as brother sister, mentor, helping her with  
3 school, is that what Mr. Honea told you?

4 A. Yes.

5 Q. Did you ever inquire of him during that course  
6 of time what his relationship was with this young girl?

7 A. No.

8 Q. Did you ever see, in the course of 2014 and  
9 2015, Josh Honea with a woman that was his own age?

10 A. Yes.

11 Q. In a dating situation?

12 A. It was a first date.

13 Q. When was that?

14 A. That was mid-2015, with Caterina. We went to  
15 McFlys.

16 Q. Was that after Josh left Metro?

17 A. Yes.

18 Q. So I'm talking about during the course of time  
19 when he was with Morgan --

20 A. Not while he was with Morgan.

21 Q. Did you watch Josh interact with Morgan on  
22 these occasions where you would eat dinner?

23 A. Yes.

24 Q. What can you tell me about their  
25 interaction?

1           A.       He provided a lot of advise, tried to convince  
2 her to do certain things to -- that -- for example, she  
3 shouldn't be going out to certain places or going with  
4 certain friends because they were a bad influence.

5           Q.       Would you characterize his interaction with  
6 Morgan as positive or critical or neutral or any of those  
7 things?

8           A.       It was a combination of positive and critical.  
9 She appeared somewhat submissive. She didn't say very  
10 much. It seemed like she took the advise.

11          Q.       Now, other than advise regarding who to hang  
12 out with and where to go, did they have opinions for her  
13 regarding other aspects of her life?

14          A.       I believe finishing school, working on school  
15 was one of those.

16          Q.       Were you aware in early 2015 late 2014, when  
17 Morgan quit speaking to Josh?

18          A.       Yes.

19          Q.       How did you become aware of that?

20          A.       He told me that he was not speaking to her,  
21 that she had blocked him.

22          Q.       Blocked him on her phone, blocked him on  
23 social media?

24          A.       Through her phone, she wasn't answering her  
25 texts -- sorry -- his texts.

1 Q. What was Joshes' reaction to that?

2 A. He was distraught.

3 Q. What, if any, efforts did Josh take to get  
4 back in communication with Morgan?

5 A. He tried calling her. He tried texting her.  
6 He had people that he knew try to contact her and text  
7 her.

8 Q. The people that he knew that he tried to get  
9 to contact Morgan, who was that?

10 A. I believe it was his parents, or his mother  
11 and possibly grandparents.

12 Q. Now, this kind of started near January of  
13 2015?

14 A. Yeah. Yes.

15 Q. Now, you characterized him as being  
16 distraught. Was that for a day, two days, or was that  
17 something that carried on for awhile?

18 A. It was ongoing. It was a lot of what he  
19 talked about.

20 Q. You said it was ongoing. How long did it  
21 last?

22 A. Indefinitely, until she responded.

23 Q. Did Josh talk to you about being confronted by  
24 other individuals within Metro -- Explorer supervisor,  
25 VPSR supervisors, or supervisors within the gang unit

1       that time --

2               MR. MACARTHUR:  Objection as to leading.

3               THE COURT:  I understand Mr. MacArthur.  I think  
4       though some of these are foundational and very hard to get  
5       at without some orientation as to time and scope.  I'm  
6       going to give a little leeway here.  I think Ms. Kollins  
7       is striking a good balance entering into that subject  
8       matter and questions.  Therefore, I'll give her some  
9       leeway.

10              MS. KOLLINS:  Thank you.

11       BY MS. KOLLINS:

12              Q.       During the course of this time when you  
13       describe Josh as distraught, does he speak to you at all  
14       about being counseled by VPSR supervisors, Explorer  
15       associates, or supervisors associated within the gang unit  
16       about Morgan?

17              A.       Yes.  Specifically Explorer advisors and a  
18       sergeant with the Enterprise Area Command.

19              Q.       So he discusses you with that people are  
20       talked him about Morgan?

21              A.       Yes.

22              Q.       What does Mr. Honea tell you regarding being  
23       talked to about Morgan?

24              A.       That they asked him if there was a deeper  
25       relationship then the friendship he claimed.

1           Q.       Did he talk to you about those types of  
2 conversations one time, more than one time?

3           A.       More than one time.

4           Q.       Through the course of early 2015?

5           A.       Yes.

6           Q.       Did you ever ask him what his relationship was  
7 with Morgan and why these people were so adamant?

8                   MR. MACARTHUR:  Objection, asked and answered.

9                   THE COURT:  Overruled.

10          BY MS. KOLLINS:

11           Q.       Did you ever ask Mr. Honea what was going on  
12 with Morgan and why these people were so interested in his  
13 behavior with Morgan?

14           A.       No because I thought I already understood that  
15 relationship.

16           Q.       Where did you get your understanding of that  
17 relationship?

18           A.       From the way he described it, and how I viewed  
19 the interaction between them.

20           Q.       You saw no hand-holding?

21           A.       Correct.

22           Q.       You saw no kissing?

23           A.       Correct.

24           Q.       Would it be safe to say that generally you  
25 were around Mr. Honea and Morgan Savage in public?

1           A.       Yes.

2           Q.       In 2015, when you say that Josh talked to you  
3 about being spoke to by somebody at Enterprise and some  
4 Explorer individuals, did he talk to you at all about  
5 following along with the Metro investigation?

6           A.       Yes.

7           Q.       What did he tell you about that?

8           A.       He stated that he called the detective who  
9 interviewed him to ask if he was still being  
10 investigated.

11          Q.       When was that?

12          A.       It was sometime in the spring of 2015.

13          Q.       Would it be before he departed from Metro?

14          A.       Yes.

15          Q.       Did Mr. Honea talk to you at all about the  
16 case notes or P-1 notes that were kept by Metro regarding  
17 his investigation?

18          A.       Yes.

19          Q.       What did he tell you about those?

20          A.       He mentioned that he viewed them, and that I  
21 was mentioned in them.

22          Q.       Now, up until this time have you had  
23 conversations at all with Josh Honea regarding an Officer  
24 Kevin Zafiris?

25          A.       Yes.

1           Q.       Prior to Morgan blocking Josh what was Joshes'  
2 relationship with Kevin Zafiriris like, if you know?

3           A.       It was similarly a mentorship, where Officer  
4 Zafiriris had -- his Explorer advisor.

5           Q.       You mean Joshes' Explorer advisor?

6           A.       Yes.

7           Q.       Before Morgan was blocking communication, is  
8 that a positive relationship for Josh? Is that how you  
9 would characterize it or something else?

10          A.       It was. I believe it was also -- he trained  
11 him while he was -- to become a voluntary patrol services  
12 representative.

13          Q.       But nothing -- anything that you recall from  
14 Josh regarding Kevin and he having a fallout prior to  
15 Morgan blocking him?

16          A.       Not prior.

17          Q.       Did Josh tell you about a trip that he took to  
18 Red Rock Casino with Officer Zafiriris, Officer Wirey and  
19 Officer Samples?

20          A.       Yes.

21          Q.       What did he tell you about that?

22          A.       He stated that they took him there to have  
23 some drinks, and I don't remember too many of the details  
24 but I believe it was to try to convince him to move on  
25 from Morgan.

1 Q. That's what Josh told you?

2 A. Yes.

3 Q. When he told that you these officers had taken  
4 him there to try to get him to move on from Morgan, did  
5 Josh have any further explanation for his behavior or say  
6 anything else?

7 A. Not at that time.

8 Q. What brought up the topic of this conversation  
9 that he needed to move on from Morgan and he had been  
10 given that information at Red Rock? What's the context of  
11 that conversation?

12 A. I believe it came from Officer Zafiridis  
13 counseling him before that meeting to move on from Morgan,  
14 and I actually witnessed one of those -- one of those  
15 interactions.

16 Q. You witnessed an interaction between Officer  
17 Zafiridis and Josh where the topic of Morgan was  
18 discussed?

19 A. Yes.

20 Q. Who was present for that conversation?

21 A. It was Officer Zafiridis and Josh Honea.

22 Q. And yourself?

23 A. Yes.

24 Q. Where were you when this conversation took  
25 place?

1           A.       This was a parking lot on the roof of Metro  
2 headquarters.

3           Q.       Was that during Joshes' employment of the gang  
4 unit?

5           A.       Yes.

6           Q.       What did Officer Zafiris tell Josh?

7           MR. MACARTHUR:  Objection as to hearsay for  
8 Officer Zafiris' portion of the conversation.

9           MS. KOLLINS:  It's not for the truth.  It's  
10 effect of hearing and Joshes' reaction.

11          THE COURT:  Can I have counsel at the bench.

12          (Discussion held at the bench.)

13          THE COURT:  Objection overruled with  
14 clarification by Ms. Kollins to follow up.

15          BY MS. KOLLINS:

16          Q.       Can you tell us when this conversation took  
17 place on roof of Metro?

18          A.       This was sometime during the spring of 2015.

19          Q.       Prior to Josh being fired?

20          A.       Yes.

21          Q.       Excuse me -- leaving metro.  Please strike the  
22 fired.

23          A.       Correct.

24          Q.       Was it after Morgan had blocked him, blocked  
25 the communication with him?

1           A.       Yes.

2           Q.       Without telling us what Officer Zafiris said  
3 what was Joshes' reaction to the information that was  
4 being relayed by Kevin Zafiris?

5           A.       At the time he was listening to what he had to  
6 say.

7           Q.       Did he communicate back with him?

8           A.       I don't remember much response.

9           Q.       Did you have a conversation with Mr. Honea  
10 following that meeting where you discussed what Officer  
11 Zafiris had to say?

12          A.       Yes.

13          Q.       Where did that conversation take place?

14          A.       At the Chilies' on Fort Apache and  
15 Charleston.

16          Q.       What was Joshes' reaction to the information  
17 or the warning that had been given to him by Officer  
18 Zafiris?

19          A.       I remember him still talking about wanting to  
20 interact with Morgan.

21          Q.       Did he tell you how he wanted to interact with  
22 Morgan?

23          A.       Not specifically.

24          Q.       Did he - during that conversation, did he talk  
25 about Morgan's age?

1           A.       No.

2           Q.       Did -- during that conversation did Josh have  
3 an opinion about Kevin Zafiris and what Kevin Zafiris had  
4 to say?

5           A.       I believe he did, but I don't remember what  
6 was said. I remember being surprised that he wasn't  
7 taking that advise directly, however.

8           Q.       Did Josh, during that conversation, speak to  
9 you at all about his career being jeopardized or his  
10 academy entry be jeopardized by his interaction with  
11 Morgan?

12          A.       Not at that time.

13          Q.       At any other time?

14          A.       Yes.

15          Q.       When was that and where was that?

16          A.       That was I believe in May or June when he  
17 expressed that he would have preferred his relationship  
18 with Morgan over a career in law enforcement.

19          Q.       Was that after he left Metro?

20          A.       Yes.

21          Q.       Were you present on the day that Josh Honea  
22 was interviewed by sexual assault detectives at Metro  
23 headquarters?

24          A.       Yes.

25          Q.       Tell me about that?

1           A.       I remember him being called to go downstairs  
2 and him coming up a long time later.

3           Q.       What was his demeanor when he came back up?

4           A.       He looked a little concerned.

5           Q.       Did you speak to him after that interview?

6           A.       Not in the office.

7           Q.       At another location?

8           A.       Yes.

9           Q.       Okay. Where was that?

10          A.       I don't remember where that was, but he told  
11 me briefly what they asked him.

12          Q.       What did he tell you he was asked?

13          A.       Whether, in general, whether there was any  
14 type of inappropriate relationship with Morgan.

15          Q.       In this conversation where Josh is telling you  
16 what was asked does he express concern about the  
17 investigation?

18          A.       Yes.

19          Q.       What does he say?

20          A.       Again, I don't remember specifically. But he  
21 was insistent -- he stated that he was insistent to them  
22 that nothing inappropriate was going on.

23          Q.       Now, after Josh left Metro did you continue to  
24 speak with him about an investigation?

25          A.       Yes.

1 Q. What means did you use to do that?

2 A. By text and spoken word.

3 Q. Did you provide a couple of text messages to  
4 my secretary regarding your communications with Josh about  
5 the investigation about Morgan?

6 A. I did.

7 MS. KOLLINS: Showing defense counsel what's  
8 marked for purposes of State's 115 and 116.

9 MR. MACARTHUR: No objection.

10 BY MS. KOLLINS:

11 Q. Showing you what's marked for identification  
12 only as 115 and 116. Can you tell me whether or not you  
13 recognize those two items?

14 A. I do.

15 Q. How do you recognize those?

16 A. These were texts sent to me by Josh.

17 Q. Josh Honea?

18 A. Yes.

19 Q. When were those sent?

20 A. In June of 2015.

21 Q. And is text communications some way that you  
22 regularly communicated with Josh in June of 2015?

23 A. Yes.

24 Q. Within State's 115 and 116, do those  
25 accurately reflect that conversation you had with Josh

1 Honea?

2 A. Yes.

3 MS. KOLLINS: State moves for the admission of  
4 115 and 116.

5 MR. MACARTHUR: No objection.

6 THE COURT: State's 115 and 116 are admitted.  
7 You may publish.

8 BY MS. KOLLINS:

9 Q. Showing you what's admitted as 115. Can you  
10 see that.

11 A. I can.

12 Q. Is this -- what is this? What is 115?

13 A. That is a screen shot of a Tweet sent by  
14 Morgan.

15 Q. That relayed from Morgan to you by Josh?

16 A. Relayed --

17 Q. Relayed to you from Josh?

18 A. Correct.

19 Q. Then showing you what's been marked as 116.

20 Is this also a text passage from Joshua in June 2015?

21 A. It is.

22 Q. Could you read that text from Joshua Honea?

23 A. Sure.

24 My text was WTF.

25 He said, so either I'm fucked, or I don't know.

1 And Morgan text me saying I have a feeling they are going  
2 to find out. It's reality. Then said, quote, think about  
3 it seriously. You have to face the reality of this, end  
4 quote.

5 Text when you are by my car.

6 Q. Where were you when you received these  
7 messages?

8 A. I believe I was at home.

9 Q. Did you have a face-to-face meeting with Josh  
10 after this text exchange?

11 A. Yes.

12 Q. Where was that meeting?

13 A. That was at Timbers on Cheyenne.

14 Q. Near the 215?

15 A. In that area. Yes, in that area.

16 Q. What was the follow-up conversation with Josh  
17 at Timbers?

18 A. He and Caterina and I met to discuss it. And  
19 I believe that we counseled him to stop communicating with  
20 Morgan.

21 Q. Both you and Caterina?

22 A. Yes.

23 Q. Did you have a discussion other than  
24 counseling him about stopping to see Morgan? Did you  
25 discuss the investigation with him?

1           A.       Not specifics.  Nothing specific about it.

2           Q.       How would you characterize Joshes' demeanor?

3           A.       Worried.

4           Q.       Worried to the point of like he was earlier in  
5 the year distraught or worried?

6           A.       He was stressed about it.

7           Q.       Did he tell you why he was stressed about  
8 it?

9           A.       No.

10          Q.       Did you find it curious that he was stressed  
11 about a relationship, if it was nothing but brother and  
12 sister?

13          A.       I'm sorry.  Repeat that.

14          Q.       Did you find it curious that he would be  
15 stressed out or worried about them discovering a brother  
16 sister relationship, if that's all it was?

17               MR. MACARTHUR:  Objection, your Honor.

18               THE COURT:  The basis of objection.

19               MR. MACARTHUR:  Misstates the testimony.

20               Permission to approach.

21               THE COURT:  You may.

22               (Discussion held at the bench.)

23               THE COURT:  Objection overruled.  You may answer.

24               If the attorney needs to repeat the question, I'm sure you  
25 will.

1 MS. KOLLINS: Do you need me to repeat the  
2 question.

3 THE WITNESS: I understand it now. I was  
4 somewhat curious, but it was also my assumption that she  
5 could wrongfully accuse him of something.

6 BY MS. KOLLINS:

7 Q. You were confidants?

8 A. Yes.

9 Q. Did Josh express to you any reason Morgan  
10 would falsely accuse him?

11 A. No.

12 Q. That never came up?

13 A. No. In fact he stated that he couldn't  
14 understand why she didn't want to even speak with him  
15 anymore.

16 Q. Did Josh talk to you about losing his  
17 virginity and making Morgan angry?

18 A. No.

19 Q. In your time that you were friends with Josh  
20 did you go places and take pictures?

21 A. Yes.

22 Q. Did you take pictures of you and Josh  
23 together?

24 A. Yes.

25 Q. Did you and Josh joke together?

1           A.       Yes.

2           Q.       What kinds of things did you joke about?

3           A.       All kinds of things. Whether it was something  
4 at work or something work-related something about our  
5 personal lives.

6           Q.       Were you and Josh ever in a dating  
7 relationship?

8           A.       We were not.

9           Q.       Is that something that was ever on your radar?  
10 Is that something that you wanted?

11          A.       No.

12          Q.       Did you guys ever make jokes about that?

13          A.       Yes.

14               MR. MACARTHUR: Objection, as to relevance.

15               MS. KOLLINS: If we can approach, I'll tell you  
16 why.

17               (Discussion held at the bench.)

18               THE COURT: Overruled.

19 BY MS. KOLLINS:

20          Q.       I think what I asked you, Mr. Belmonte, is  
21 whether there was chance of a dating relationship between  
22 you and Josh?

23          A.       No there was not.

24          Q.       And that was not something that you pushed for  
25 or pursued?

1           A.       No. It was something that we joked about  
2 because how often we spent time together.

3           MS. KOLLINS: Thank you, Mr. Belmonte.

4           THE WITNESS: Thank you.

5           THE COURT: Mr. MacArthur.

6                   CROSS-EXAMINATION

7 BY MR. MACARTHUR:

8           Q.       Good afternoon.

9           A.       Good afternoon.

10          Q.       Thank you for being here. I know you waited a  
11 long time to be called last week. My apologies. None of  
12 it was under our control.

13               Listening to your testimony as elicited from the  
14 State, let me back up and do this chronologically.

15               At some point you become aware that some personnel  
16 at Metro were curious or investigating whether or not  
17 there was a potentially improper relationship between Josh  
18 Honea and Morgan Savage; is that correct?

19          A.       Correct.

20          Q.       You've already testified the two of you were  
21 friends and confidants?

22          A.       Yes.

23          Q.       You, in fact, spoke with Detective Dicaro when  
24 he was doing his investigation, correct?

25          A.       I did.

1 Q. You were honest with him?

2 A. Yes.

3 Q. Isn't it, in fact, true when you spoke with  
4 him you really had no information that you could give on  
5 the issue of whether there had been any sort of  
6 inappropriate relationship?

7 A. Correct.

8 Q. That is did Detective Dicaro give you an  
9 opportunity to review his report?

10 A. No.

11 Q. Have you since been able to review the  
12 report?

13 A. No.

14 Q. You wouldn't be surprised if that is exactly  
15 what it says?

16 A. Yes.

17 Q. You would or wouldn't be surprised?

18 A. If it said what.

19 Q. You didn't have any information that would  
20 lead you to believe there was an inappropriate  
21 relationship?

22 A. That's what I would expect.

23 Q. Approximately how long did you have a working  
24 and personal relationship with Josh?

25 A. Total of about a year.

1           Q.       Part of the State's questions had been that  
2       related to your ability to observe Josh when he monitored  
3       Morgan?

4           A.       Yes.

5           Q.       You said that he frequently provided advice  
6       and direction on what she should do with regard to school,  
7       et cetera?

8           A.       Yes.

9           Q.       I would like for you to give the jury insight  
10      into Josh. Is that something he did for the people around  
11      him? Did he also provide you with recommendations or  
12      advice?

13          A.       Yes. He believed that I should not  
14      concentrate on college so much. I was in graduate school  
15      at the time. He believed and advised me that I should not  
16      do that and try to enter the Academy sooner instead.

17          Q.       That was his opinion?

18          A.       Yes.

19          Q.       Did you go on to continue your post --

20          A.       Graduate.

21          Q.       Did you continues to pursue your graduate  
22      degree?

23          A.       I did.

24          Q.       Because Josh said, yeah, you should focus on  
25      the Academy didn't change your course?

1           A.       No, it didn't.

2           Q.       You were free to accept or disregard the  
3 advice as he gave it?

4           A.       Correct.

5           Q.       Did he give you that advice more than once?

6           A.       Yes.

7           Q.       You disregarded it and did what you did  
8 best?

9           A.       Yes.

10          Q.       In fact, you graduated?

11          A.       I did.

12          Q.       Congratulations.

13          A.       Thank you.

14          Q.       Thinking about to 2015, do you recall whether  
15 you were aware of an individual by the name of Briza  
16 Perez? Does that name sound familiar at all?

17          A.       Sounds familiar, but I don't -- I did not meet  
18 her.

19          Q.       Even though you didn't know her could you  
20 orient me as to who is she and what does that name mean?

21          A.       I believe Josh went out on a date or several  
22 dates with her.

23          Q.       In fact, would that have been around June  
24 2015?

25          A.       May or June.

1 Q. Does that sound right to you?

2 A. That sounds right.

3 Q. But you never met her?

4 A. No.

5 Q. Did you know any particular details about her?  
6 What she looked like?

7 A. I believe he may have showed me her picture at  
8 one point.

9 Q. You said that as far as you could tell it was  
10 a dating relationship of some sort?

11 A. Yes.

12 Q. Now, the State showed us couple of screen  
13 captures that appeared to be text messages. Those are  
14 from your phone?

15 A. Yes.

16 Q. Now, there appears to be a social media post  
17 from Morgan; is that fair?

18 A. Yes.

19 Q. You said the date on that is June 21, 2017?

20 A. I didn't give a date.

21 Q. If you had you probably wouldn't have said  
22 2017 like I did.

23 But inside of the picture -- referring to State's  
24 115, this appears to be the same screen capture you  
25 discussed during your direct examination?

1           A.       Yes.

2           Q.       Can you tell from that what the date was of  
3 the social media post that Josh appeared to be referring  
4 to?

5           A.       Yes, June 21st, 2015.

6           Q.       This is right around the same time Briza Perez  
7 is an element in Joshes' circle?

8           A.       I believe so.

9           Q.       At the bottom -- so we are not leaving  
10 anything out -- it appears Josh said, but she text me  
11 something different to you, right?

12          A.       Yes.

13          Q.       You sent WTF?

14          A.       Yes.

15          Q.       What does WTF stand for?

16          A.       WTF means, what the fuck.

17          Q.       This may be your only chance to swear in  
18 court.

19               Referring to the next which is State's 116. This  
20 is a continuation of that same text conversation; is that  
21 correct.

22          A.       It is.

23          Q.       Based on what you already testified to you, in  
24 fact, did not know exactly what he meant by either I'm  
25 fucked or I don't know?

1           A.       No.

2           Q.       You didn't have any sense of what the fucked  
3 might be?

4           A.       No.

5           Q.       Were you aware of what kind of threats that  
6 Morgan may have been making to Josh on that particular  
7 day?

8                   MS. KOLLINS: Well, objection. Assumes facts  
9 not in evidence.

10                   THE COURT: Overruled. If he knows.

11                   MR. MACARTHUR: You understand the question.

12                   THE WITNESS: Repeat it.

13 BY MR. MACARTHUR:

14           Q.       As far as you're aware there's not been any  
15 sort of inappropriate relationship?

16           A.       Correct.

17           Q.       Josh sends you a screen capture of this social  
18 media post?

19           A.       Yes.

20           Q.       We can see the continuity of this relationship  
21 from the first screen capture to the second without  
22 interruption?

23           A.       Correct.

24           Q.       Isn't it true you're not aware of what kind of  
25 threats Morgan may have been making against him that

1 day?

2 A. No, but because of the investigation that had  
3 already started that was what I assumed.

4 Q. So by reading it you thought that this had  
5 something to do with the investigation or the terms  
6 therein?

7 A. Yes.

8 Q. But you had not heard Morgan threaten Josh?

9 A. No.

10 Q. You didn't receive any other information about  
11 things that Morgan was saying, did you?

12 A. No.

13 Q. And I think you probably testified to this  
14 previously. You and Josh also had a mutual friend?

15 A. Yes.

16 Q. Caterina Babbitt?

17 A. Yes.

18 Q. Was it the case that you would text her and  
19 you'd have individual conversations?

20 A. Yes.

21 Q. You were aware that Josh also had a friendship  
22 with her?

23 A. Yes.

24 Q. Clearly you and Josh had individual  
25 communication?

1           A.       Yes.

2           MS. MCNEILL:  No further questions.

3           THE COURT:  Any redirect, Ms. Kollins.

4                   REDIRECT EXAMINATION

5       BY MS. KOLLINS:

6           Q.       Based on your conversation with Josh was there  
7           anything else he -- he being Josh -- expressed that Morgan  
8           had hanging over his head other than an inappropriate  
9           relationship?

10          A.       No.

11          MS. KOLLINS:  Nothing further, your Honor.

12          THE COURT:  Mr. MacArthur.

13          MS. MCNEILL:  No follow up.

14          THE COURT:  Let's see by a show of hands if  
15          anyone has questions for this witness.  Seeing no hands,  
16          Mr. Belmonte, you are excused.

17          State may call their next witness.

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

22          THE WITNESS:  I do.

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

25          THE WITNESS:  Lawrence Samples, L-a-w-r-e-n-c-e,

1 S-a-m-p-l-e-s.

2 DIRECT EXAMINATION

3 BY MS. RHOADES:

4 Q. Sir, how are you employed?

5 A. I'm a detective Las Vegas Metropolitan Police  
6 Department.

7 Q. What unit do you work right now?

8 A. Right now I'm assigned to homicide, sex crime,  
9 sexual assault.

10 Q. How long have you been assigned to that  
11 unit?

12 A. 3 years.

13 Q. How long have you been with Metro?

14 A. 11 years.

15 Q. Before you were assigned to the unit you're in  
16 where did you work with Metro?

17 A. Prior to going to sexual assault I worked in  
18 Enterprise Area Command, problem solving unit, field  
19 training officer.

20 Q. Where were you in field training?

21 A. Enterprise Area Commands. Also I was a patrol  
22 officer at Enterprise Area Command.

23 Q. Do you know Josh Honea?

24 A. I do.

25 Q. Do you see him in the courtroom today?

1           A.       I do.

2           Q.       Can you point to him and indicate something  
3 he's wearing?

4           A.       He's wearing a dark suit with a blue shirt and  
5 tie.

6                   MS. RHOADES: May the record reflect  
7 identification of the Defendant.

8                   THE COURT: The record will so reflect.

9 BY MS. RHOADES:

10          Q.       When and how did you meet Mr. Honea?

11          A.       I met Mr. Honea when he became an Explorer  
12 with the Las Vegas Metropolitan Explorer Program of which  
13 I was an advisor.

14          Q.       You were an Explorer advisor as well?

15          A.       Yes.

16          Q.       Remember when that was?

17          A.       I would probably say best guest 2009, 2010.

18          Q.       At that time who else was an adviser with  
19 you?

20          A.       We went through a couple. So, for a period of  
21 time it was Officer James Wirey, Officer Kevin Zafiriz. I  
22 believe another officer, Mike Teal.

23          Q.       Did you have a work and a personal  
24 relationship with Mr. Honea?

25          A.       Just in the form of Explorer advisor.

1 Q. So describe your relationship with him.

2 A. So as an advisor it was kind of, I guess you  
3 could call it, part mentor, part trainer for juveniles who  
4 want to pursue a career in law enforcement when they  
5 become older.

6 Q. Is that how your relationship started with Mr.  
7 Honea?

8 A. Yes, that's how the relationship started.

9 THE COURT: Can I make sure you have the  
10 question complete. You are talk over each other. It's  
11 for the reporter to write it down. I want to make sure  
12 you have heard the full question.

13 THE WITNESS: Okay.

14 BY MS. RHOADES:

15 Q. Did you ever meet Morgan Savage?

16 A. I did.

17 Q. How is it you met her?

18 A. She began coming to meetings with Josh.

19 Q. Do you remember when?

20 A. Not too long after he began in the program, if  
21 I remember correctly.

22 Q. You recall it being around 2010?

23 A. Best of my knowledge.

24 Q. How long were you an Explorer advisor?

25 A. I'm still involved, so I would probably, at

1       this point, 10 years, 9 years.

2           Q.       How long was Josh an Explorer, do you  
3       recall?

4           A.       4 or 5 years, I believe.

5           Q.       How often would Josh bring Morgan to the  
6       Explorer meetings?

7           A.       Pretty regularly. You can pretty much count  
8       on Josh showing up if Morgan was there.

9           Q.       Was it common for Explorers to bring other  
10      people to those meetings?

11          A.       Occasionally an Explorer may bring a friend to  
12      show them what the program was about. But it kind of  
13      became a thing where if Josh was there Morgan was there,  
14      from whatever their relationship was.

15          Q.       What was your impression of their  
16      relationship?

17          A.       From understanding, his family had kind of  
18      taken her in, due to some personal issues she had had. So  
19      it was kind of described as a brother, sister type  
20      relationship to me.

21          Q.       Who described that relationship to you?

22          A.       Josh, as well as some other Explores.

23          Q.       When you saw Morgan and Josh together did you  
24      ever see them do anything inappropriate?

25          A.       No.

1           Q.       How would they interact with each other when  
2 they were around you at those Explorer meetings?

3           A.       They wouldn't interact too much. Josh was  
4 doing his Explorer thing. Morgan would come and volunteer  
5 time to help out and watch if she wasn't helping in any of  
6 the scenarios and stuff.

7           Q.       Besides the Explorer meetings did you ever  
8 have any occasion to see Morgan outside of those  
9 meetings?

10          A.       I can recall one time at a -- we were coming  
11 back from competition. We gave the Explores a party  
12 because they did really well. Morgan was there for  
13 that.

14          Q.       Do you remember when that was?

15          A.       2013, 2014 I would say.

16          Q.       Do you recall where the party was at?

17          A.       At Officer Zafiris' house.

18          Q.       When Morgan was there, did she come with  
19 Josh?

20          A.       She did.

21          Q.       Did you observe their interactions at the  
22 party?

23          A.       Very similar to how it would be at the  
24 meetings.

25          Q.       Any other time you saw Morgan outside of those

1 Explorer meetings?

2 A. No.

3 Q. At some point did Josh also become some sort  
4 of advisor?

5 A. Yes. He kind of -- I wouldn't qualify it as  
6 an advisor all the way, because he never became an  
7 official advisor. He could come in and help out with the  
8 meetings when we would have them.

9 Q. Did you ever hang out with him personally?

10 A. There was one time we'd seen each other and  
11 hung out outside of work, you can call it.

12 Q. Do you remember when that was?

13 A. 2014 I want to say. I was already in sex  
14 crimes at the time.

15 Q. Where was that?

16 A. We had taken him out to -- I'm drawing a blank  
17 on it -- Red Rock.

18 Q. Red Rock Casino?

19 A. A restaurants.

20 Q. When you say we, who is we?

21 A. Myself. Officer Zafiris, and Officer Wirey.

22 Q. Leading up to that, was there a purpose of you  
23 guys going out and taking him out on that day?

24 A. We'd become aware that he was spending a lot  
25 of time with the Explorers outside of the meetings and

1       there also were some rumors about over-stepping his bounds  
2       in regards to Morgan. And we had approached him about  
3       hanging out with kids his own age, such as us, adults. We  
4       offered the opportunity to have him come out with us and  
5       hang out with some adults.

6           Q.       What was his reaction to you guys?

7           A.       He was okay with it. He -- we all met at the  
8       restaurant at Red Rock and had dinner and a few drinks.

9           Q.       Was there any talk about Josh dating Morgan?

10          A.       It had come up during conversation. He had  
11       mentioned that he had a desire to begin a relationship  
12       whether her when she turned 16.

13          Q.       What was your reaction?

14          A.       I explained to him that in my opinion I  
15       believed it was inappropriate for somebody who is about to  
16       become a police officer, 21, 22 years old, being in a  
17       relationship with a 16 year old.

18          Q.       Before that gathering at Red Rock, did you  
19       personally observe anything concerning about Joshes'  
20       behavior toward Morgan?

21          A.       Nothing that I observed.

22          Q.       How about after that meeting at Red Rock?

23          A.       After that meeting we all went our separate  
24       ways. I kind of moved away from the Explorer program and  
25       stopped going to meetings. I hadn't seen interactions

1 after the fact.

2 Q. Did Josh talk to you about his relationship  
3 with Morgan?

4 A. Just in the aspect of brother sister  
5 relationship, taking her in with his family. That's  
6 really it.

7 Q. Were there any times where he was upset and he  
8 confided in you about something going on between him and  
9 Morgan?

10 A. He talked about -- that same night at the  
11 restaurant -- about moving her to a new school. He  
12 complained that he found out she had been smoking  
13 marijuana and he'd taken steps to remove her from that  
14 situations and move here into a different school.

15 Q. After that gathering at Red Rock was there a  
16 meet with you, Sergeant Jeff Clark, Kevin Zafirris, and  
17 James Wirey?

18 A. Not that I was at.

19 Q. You were not at that meeting?

20 A. I was not.

21 Q. Were you ever at a meeting where Sergeant  
22 Clark was present with Zafirris and Wirey?

23 A. I was not.

24 Q. At some point did you speak with Detective  
25 Dicaro?

1           A.       Yes.

2           Q.       What did you tell him about Morgan and Josh?

3           A.       Same thing as I testified to already. That to  
4 my understanding the relationship was a brother sister  
5 relationship. Aside from that, I didn't have information  
6 for them.

7           Q.       Did you participate in any other way besides  
8 that conversation in the sex assault investigation?

9           A.       No.

10          Q.       Did you participate in the internal affairs  
11 investigation?

12          A.       No.

13          Q.       When you spoke with Detective Dicaro, did you  
14 also let him know about that conversation about Mr. Honea  
15 expressing a desire to date Morgan when she was 16?

16          A.       Yes.

17               MS. RHOADES: I'll pass the witness, your  
18 Honor.

19               THE COURT: Thank you.

20               Mr. MacArthur.

21               MR. MACARTHUR: Thank you, Judge.

22                       CROSS-EXAMINATION

23           BY MR. MACARTHUR:

24           Q.       Good afternoon.

25           A.       Good afternoon.

1 Q. Have we ever met?

2 A. No, sir.

3 Q. Thank you for being here.

4 During your direct examination, you described that  
5 you were currently assigned to homicide, sex assault,  
6 correct?

7 A. Yes.

8 Q. Before those two you were still working sex  
9 assault?

10 A. Yes.

11 Q. To be more specific, you were working juvenile  
12 sex assault, correct?

13 A. Yes.

14 Q. We've had some testimony from other witnesses  
15 such as Detective Cho. You know who she is?

16 A. Yes.

17 Q. Detective Dicaro, who's already filled us in  
18 there being a difference between the way a juvenile or  
19 minor case might be investigated or interviewed versus  
20 that of an adult. You agree with that, there are  
21 differences?

22 A. There are.

23 Q. How long did you work in juvenile sexual  
24 assault?

25 A. 2 years 6 months.

1           Q.       Now, this might seem like an obvious question,  
2 but there is actually a skill or art to that, correct?

3           A.       To what?

4           Q.       Doing a juvenile sexual assault  
5 investigation?

6           A.       There is.

7           Q.       It's not something that any trained officer  
8 can step in and expect to do well without having received  
9 the same training and experience you have received?

10          A.       Correct.

11          Q.       You referenced an event that was held at  
12 Officer Kevin Zafiriris' house for the Explorers. You  
13 remember that question?

14          A.       Yes.

15          Q.       Wasn't that, in fact, in the summer of 2014?

16          A.       Potentially.

17          Q.       I believe you said that it was the summer of  
18 2013 or 2014?

19          A.       Yes.

20          Q.       If there were other testimony that said 2014  
21 is there any reason to think that wasn't true?

22          A.       I can't testify to other people's testimony.

23          Q.       I'm not asking you to. I'm saying if that was  
24 later established as a fact would you disagree with that  
25 at all?

1 A. No.

2 Q. Now, this event was, in fact, a party?

3 A. Yes.

4 Q. It was held at night?

5 A. Yes.

6 Q. You said that Josh Honea had attended?

7 A. Yep.

8 Q. And that you'd also seen Morgan Savage  
9 there?

10 A. Yes.

11 Q. There were many other people there?

12 A. Yes.

13 Q. If you could, just estimate for the jury how  
14 many people were present at Kevin Zafiris' house?

15 A. I would say between 8 to 12.

16 Q. Officer Zafiris as the host had done the  
17 inviting?

18 A. I couldn't tell you.

19 Q. I'm not asking like wedding planning, but he's  
20 opening his house to he other people that are coming  
21 there?

22 A. Yes.

23 Q. Now, there were, in fact, alcohol and cigars  
24 for the adults present, right?

25 A. Yes.

1 Q. There were both adults and minors present?

2 A. Yes.

3 Q. Now, you'd had on more than one occasion the  
4 opportunity to see Josh Honea in a private and a work  
5 setting, correct?

6 A. More work than personal.

7 Q. But you'd had an opportunity to see both?

8 A. Yes.

9 Q. You'd seen him in a professional capacity?

10 A. Yes.

11 Q. You'd seen him in a personal capacity?

12 A. Yes.

13 Q. On more than one occasion you'd seen him in  
14 the company of Morgan Savage?

15 A. Yes.

16 Q. If you'd seen inappropriate conduct between  
17 them, you would have reported that to Detective Dicaro?

18 A. Yes.

19 Q. You probably wouldn't have to get to Detective  
20 Dicaro, you'd done something about that yourself, fair?

21 A. I would have.

22 Q. You are uniquely situated because of your  
23 experience, so you have some insight of child victims of  
24 sexual abuse?

25 A. Yes.

1           Q.       Now, think back to this counseling session  
2       that was had, I believe at Red Rock Casino?

3           A.       Yes.

4           Q.       You said yourself, Officer Wirey, and Officer  
5       Zafiriris were present?

6           A.       Yes.

7           Q.       If you would, how old are you?

8           A.       33.

9           Q.       So a couple of years ago, 2-and-a-half years  
10       ago you'd be around 31, 30?

11          A.       Yes.

12          Q.       Do you know how old Officer Wirey is?

13          A.       I don't.

14          Q.       Do you know how old Officer Zafiriris is?

15          A.       I don't.

16          Q.       Do you know if you're the oldest guy in the  
17       group?

18          A.       I don't.

19          Q.       Now, do you know a Detective Ramirez over in  
20       computer forensics?

21          A.       I do.

22          Q.       Thanks to him, we have I have a picture. Do  
23       you recognize the person depicted in that photo?

24          A.       I do.

25          Q.       Is that Josh Honea?

1           A.       Yes.

2           Q.       Does that appear to be at the Red Rock  
3 Casino?

4           A.       Yes.

5           Q.       Does this appear to be a picture that you took  
6 of him that night?

7           A.       That I don't remember.

8           Q.       Let me lay more foundation.

9                 You stated on direct examination that one of the  
10 objectives of meeting with Mr. Honea was to see if you  
11 could encourage him to let the Morgan thing go?

12          A.       Yes.

13          Q.       That if she's doing inappropriate things that  
14 at some point you've got let her be her?

15          A.       Yes.

16          Q.       You are becoming -- I don't want to put words  
17 in your mouth -- we've received testimony in fact in the  
18 case from Officer Wirey -- that you had instructed him  
19 that he had been an Explorer. He's aging out. Now he's  
20 sort of entering the adult police side?

21          A.       Yes.

22          Q.       And is it, in fact, true that at that point  
23 you decided to help Josh Honea develop an Ok Cupid and  
24 Tender profile online so he could date?

25          A.       I remember Tender but Ok Cupid I don't

1 remember.

2 Q. Is it true that the picture in front of you is  
3 the photo you used when you create that account as this is  
4 Josh to the world who is looking at the Tender account?

5 A. I believe so.

6 MR. MACARTHUR: I'll have this marked and move  
7 for admission of Defendant's W next in evidence.

8 THE COURT: Let counsel see it.

9 MS. RHOADES: No objection.

10 THE COURT: W is admitted. You may publish.

11 BY MR. MACARTHUR:

12 Q. Admitting Defense W, this is the same picture  
13 I presented to you up there at the stand?

14 A. It is.

15 Q. The best of your knowledge this appears to be  
16 the picture that you took of Josh and used in the creation  
17 of his Tender profile?

18 A. Yes.

19 Q. Remember what the date might have been or can  
20 you approximate as best you can?

21 A. No.

22 Q. Was it in 2015?

23 MS. RHOADES: Objection. He answered that  
24 question.

25 THE COURT: For clarification overrule. You may

1 answer.

2 THE WITNESS: Potentially.

3 BY MR. MACARTHUR:

4 Q. It was certainly before he was terminated from  
5 Las Vegas Police Department, right?

6 A. I don't know when he was terminated. I don't  
7 know any of that. I can't testify to that.

8 Q. I don't think we have to know that date. At  
9 some point he was fired from Metro?

10 A. I don't the know terms of the separation from  
11 Metro.

12 Q. Does he still work for Metro now?

13 A. No.

14 Q. Do you still have contact with him now?

15 A. No.

16 Q. Ar some point he ceased working for Metro?

17 A. Yes.

18 Q. And you haven't seen him since then?

19 A. Yes.

20 Q. So this would have been before that, fair?

21 A. Fair to say it was before that.

22 MS. MCNEILL: No further questions.

23 THE COURT: Ms. Rhoades, any further redirect.

24 REDIRECT EXAMINATION

25 BY MS. RHOADES:

1           Q.       Did you have occasion to see Mr. Honea with an  
2 age appropriate female?

3           A.       In what setting.

4           Q.       Anything, work, personal anything?

5           A.       No.

6           Q.       You are in sex assault. You have experience  
7 with juvenile sex assault cases, right?

8           A.       Yes.

9           Q.       Is it your experience that these crimes occur  
10 in secret?

11          A.       Yes.

12          Q.       Are you surprised you didn't see any  
13 appropriate behavior between Mr. Honea --

14               MR. MACARTHUR: Objection. Assumes there was  
15 inappropriate behavior.

16               MS. RHOADES: He was asked a lot about his  
17 experience in sex assault and what he does.

18               MR. MACARTHUR: Facts not in evidence.

19               MS. MCNEILL: Calls for a legal conclusion.

20               THE COURT: One at a time. Thank you.  
21 Sustained.

22               Rephrase. You may ask the question that doesn't  
23 require speculation.

24               BY MS. RHOADES:

25               Q.       In your experience as a sex assault detective,

1       how many years have you been in sex assault?

2           A.       3 years.

3           Q.       In your experience as a sex assault detective  
4       are you surprised you didn't see anything going on between  
5       Mr. Honea and Ms. Morgan?

6           A.       No, I'm not surprised.

7           MS. RHOADES:   Nothing further.

8           THE COURT:   Mr. MacArhtur.

9           MR. MACARTHUR:   No further questions.

10          THE COURT:   Let me see if our jurors have  
11       questions for this witness.   Seeing none, you are excused.

12          THE WITNESS:   Thank you.

13          THE COURT:   Let's have a brief recess before we  
14       call our next witness.   It's not quite a quarter to.

15                               JURY ADMONITION

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

25               You are further admonished not to form or express any

1 opinion on any subject connected with this trial until the  
2 case is finally submitted to you.

3 See you back at 3:00.

4 I believe there was a bench conference during the  
5 questioning of Detective Cho. I think it resulted in -- an  
6 objection was posed by the defense. Ultimately the State  
7 did not pursue the question further. I didn't write down  
8 the details. I apologize. If anybody can enlighten us as  
9 to that. It wasn't anything significant that I recall.

10 Okay.

11 During the questioning of Mr. Belmonte there were 3  
12 bench conferences relating to objections. The first  
13 objection posed by defense counsel was to the question  
14 asked regarding a statement by Officer Zafiris and asking  
15 about whether Officer Zafiris had, for lack of a better  
16 word, counseled defendant on certain things regarding  
17 Ms. Savage.

18 The objection was made that was hearsay as to  
19 statements of Officer Zafiris. The response at the bench  
20 was it was offered for effect on the listener. There was  
21 some discussion at the bench by the court as far as it's  
22 exempt from hearsay. You want to clear that up here, this  
23 objection, as it may be ongoing in these circumstances.

24 This is the situation where if it is offered for  
25 effect on the listener, which the court is persuaded, and

1       overruled the objection. Obviously, that is not hearsay.  
2       It is not an exception to hearsay. If the relevance of  
3       out or court statement is the fact that statement was made  
4       rather than the truth of the assertion contained in the  
5       statement, that is not something that's not hearsay.

6           And also as we discussed with regard to state of mind  
7       of the listener is not hearsay. It was offered to show  
8       the effect of the listener and the person who heard it for  
9       things such a proving notice of information, et cetera.  
10       Statements offered to someone to provide, again, notice of  
11       fact or condition or event are not being offered for the  
12       truth.

13           I believe both of these could be applicable or are  
14       applicable, such that it's not hearsay and that's why it  
15       was allowed.

16           Either side have information they'd like to add to  
17       that bench conference. I believe that was --

18           MR. MACARTHUR: I have nothing to add.

19           THE COURT: State.

20           MS. KOLLINS: No.

21           THE COURT: The second bench conference was  
22       ultimately -- the objection articulated at the bench by  
23       Mr. MacArthur indicated possibly foundation was a question  
24       regarding whether or not Mr. Belmonte was curious as to  
25       why the Defendant would be stressed as he described him

1 appearing when discussing the investigation if it was just  
2 a brother sister relationship.

3 The objection was posed to foundation for that  
4 question. I believe I ruled at the bench foundation had  
5 been laid that he had inquired of the Defendant as to what  
6 he was stressed about and the circumstances of the  
7 discussion of him observing the stress. I did overrule  
8 and allow that question to be asked.

9 Mr. MacArthur, anything further to that bench  
10 conference.

11 MR. MACARTHUR: No, your Honor.

12 MS. KOLLINS: No.

13 THE COURT: Last but not least. There was a  
14 question -- objection raised by Mr. MacArthur regarding  
15 the question asked of Mr. Belmonte whether or not there  
16 was any relationship between him or potential relationship  
17 between him and Defendant. Objection was posed as to  
18 relevancy. The discussion at the bench was there had been  
19 a communication with counsel about the possibility of  
20 opening the door to that circumstance. The State offered  
21 that they were anticipating potentially cross that might  
22 address a bias situation of being scorned or otherwise  
23 where that ultimately could go to bias and that inquiry  
24 should be allowed.

25 The counsel for defense Mr. MacArthur indicated that

1 he did not intend to make that inquiry and at that point  
2 asked if the objection either be sustained or the question  
3 withdrawn. The State, I don't know, responded to that,  
4 but the court determined that the question was  
5 legitimately asked of the witness in terms of those  
6 circumstances and to anticipated that line of questioning  
7 from defense. It did go to bias and/or motive to testify  
8 a certain way. And that it was allowed and defense could  
9 further develop into that if they wished to on cross.

10 Defense have anything further to add to that.

11 MR. MACARTHUR: No.

12 MS. KOLLINS: No, your Honor.

13 THE COURT: We have 10 minutes.

14 (Brief recess taken.)

15 THE COURT: Reassuming in the trial of State of  
16 Nevada vs. Joshua Honea. All counsel and Defendant are  
17 present.

18 State may call their next witness.

19 MS. KOLLINS: State calls Kevin Zafiris.

20 THE COURT: Officer Zafiris.

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

25 THE WITNESS: I do.

1           THE CLERK: Be seated. State and spell your  
2 name for the record.

3           THE WITNESS: Kevin Zafiridis, K-e-v-i-n,  
4 Z-a-f-i-r-i-s.

5           THE COURT: Ms. Kollins.

6           MS. KOLLINS: Thank you, your Honor.

7                         DIRECT EXAMINATION

8 BY MS. KOLLINS:

9           Q. Good afternoon, Officer Zafiridis. How are you.

10          A. Good. How are you.

11          Q. I'm well. Thank you.

12                 Obviously by your uniform you are employed with  
13 Metro.

14          A. Yes.

15          Q. How long have you been so employed?

16          A. It will be 10 years.

17          Q. In what capacity are you employed with Metro  
18 now?

19          A. I'm a police officer 2 in the training  
20 bureau.

21          Q. What do you do in the training bureau?

22          A. Reality based training is squad level use of  
23 force tactics, deescalation issues, command and control  
24 aspects on handling large scenes like barricades.

25          Q. How long have you been performing in that

1 capacity?

2 A. 3 years.

3 Q. Prior to that, what was your duty?

4 A. Field training officer.

5 Q. At Metro area commands, correct?

6 A. Yes.

7 Q. What area command were you a field training  
8 officer?

9 A. Enterprise Area Command.

10 Q. What -- where in the county is Enterprise?

11 A. Most people call it southwest.

12 Q. How long were you a field training officer at  
13 Enterprise?

14 A. Almost 2 years.

15 Q. Prior to that, what did you do?

16 A. Police officer, regular patrol.

17 Q. When you were a field training officer at  
18 Enterprise, who was your sergeants?

19 A. Jeffrey Clark.

20 Q. How long was Jeffrey Clark your sergeant?

21 A. For the duration of time at Enterprise, 2  
22 years.

23 Q. When you were a field training officer, were  
24 you involved with the Explorer Program?

25 A. Yes.

1 Q. In what capacity?

2 A. I was an advisor and eventually promoted to  
3 head advisor.

4 Q. How long, overall, were involved in the  
5 Explorer program?

6 A. 8 years.

7 Q. When to when?

8 A. Say 2009 to 2015-ish, about then.

9 Q. Upon your departure you were the head  
10 advisor?

11 A. Yes.

12 Q. That was for the Explorer program that was  
13 located at Enterprise?

14 A. There was a merge. All the area commands  
15 merged into one headquarters, so we ended up into phases.  
16 I was phase 2.

17 Q. In your capacity as advisor or head advisor,  
18 did you come into contact with Joshua Honea?

19 A. Yes.

20 Q. Do you see Joshua Honea present in court  
21 today?

22 A. Yes.

23 Q. Where is he seated and what is he wearing for  
24 the record today.

25 A. Directly in front of me, black suit, dark blue

1 shirt and a tie.

2 MS. KOLLINS: May the record reflect  
3 identification of Joshua Honea.

4 THE COURT: The record will so reflect.

5 BY MS. KOLLINS:

6 Q. When did you meet Josh Honea?

7 A. When I was an advisor at Enterprise Area  
8 Command early on. So probably between 2010 and 2011, I'm  
9 not sure. But it was when I was an advisor at  
10 Enterprise.

11 Q. As an advisor when you met Joshua Honea, what  
12 was your interaction with him? What kinds of things would  
13 you do?

14 A. The Explorer Program, you meet once a week for  
15 two hours on Wednesday night or Thursday night, when  
16 everyone can make it.

17 Q. What kind of things would you do?

18 A. We basically get them prepared for the Police  
19 Academy. Not that they are required to continue on and go  
20 to the Police Academy, but we want them to product  
21 citizens in whatever they decide to do.

22 We do teach them police tactics and codes and  
23 definitions to better prepare them for the Police  
24 Academy.

25 Q. The Explorer Program is completed in phases?

1           A.       Now, it is, yes.

2           Q.       When you would have these meetings on  
3 Wednesday nights, would those be at Enterprise Area  
4 Command?

5           A.       Yes.

6           Q.       Would Josh attend those meetings regularly?

7           A.       Yes.

8           Q.       Did he attend those meetings in the company of  
9 anyone?

10          A.       Yes.

11          Q.       Who is that?

12          A.       Morgan Savage.

13          Q.       Was Morgan Savage an Explorer?

14          A.       No.

15          Q.       What was her role attending those meetings?

16          A.       She would ride with him. It was brought to my  
17 attention he would pick her up from school and bring her  
18 with him to the Explorer meetings and then bring her  
19 home.

20          Q.       Showing you admitted State's 22. Do you see  
21 that on your screen, Officer?

22          A.       Yes.

23          Q.       Is that Morgan Savage with Josh Honea?

24          A.       Yes.

25          Q.       Now, what year did Josh begin bringing Morgan

1 to those meetings, do you recall?

2 A. I wouldn't be able to give you an exact  
3 date.

4 Q. Was it more than a year he brought her along  
5 with him to those meetings?

6 A. Yes.

7 Q. Would she participate in some of the role  
8 playing exercises?

9 A. Sure. Instead of having her sit around, we  
10 asked if she wouldn't mind role playing for us. She had  
11 no issues with that.

12 Q. During at least the initial portion of time  
13 where Mr. Honea is bringing this young woman to these  
14 meetings do you inquire of him at all what the  
15 relationship is or how Morgan is ending up there with him  
16 with such frequency?

17 A. We asked, but his mom actually told me the  
18 reason why.

19 Q. You had a conversation with his mother?

20 A. Yes.

21 Q. What did she tell you?

22 A. She told me that Morgan lives down the street,  
23 relatively close her family. Her parents, meaning,  
24 weren't the best of citizens, so they pretty much took her  
25 under their wing and treated her like a daughter.

1 Q. Did you have any reason to disbelieve that?

2 A. No.

3 Q. Did that dispel any concerns you had, given  
4 Joshes' age and this young girls age?

5 A. Yes.

6 Q. When you met Josh in the Explorer program did  
7 you eventually assist or encourage him to become a  
8 volunteer patrol service representative?

9 A. Yes.

10 Q. What is a VPSR?

11 A. A volunteer patrol services representative is  
12 basically a report taking. No suspect contact. It's a  
13 great position because it helps police officers handle the  
14 more violent or volatile situations. So VPSRs in plain  
15 cars can go take reports such as burglary reports or  
16 anything where there wouldn't be suspect contact at all.  
17 It helps out the parole officer greatly.

18 Q. Do you recall when Josh became involved in  
19 VPSR?

20 A. Towards the ends of his Explorer career, if  
21 not done already. It was pretty much the bridge gap  
22 between Explorers are getting ready for the Academy.

23 Q. Do Explorers have expiration dates in terms of  
24 age?

25 A. 21.

1           Q.       So once you turn 21, it's VPSR or the Academy  
2 or --

3           A.       Whatever it is you want to do.

4           Q.       So had Josh aged out of Explorers by the time  
5 he was doing VPSR?

6           A.       I'm not quite sure. I don't know.

7           Q.       Could there have been some overlap?

8           A.       Sure.

9           Q.       In what location, in terms of area command,  
10 did you know Josh to be involved as a VPSR?

11          A.       I trained with him while I was still at  
12 Northeast Area Command.

13          Q.       Northeast Area Command is located where?

14          A.       Basically close to Nellis Air Force Base.

15          Q.       You trained him at that location then you  
16 moved to Enterprise?

17          A.       Then I promoted to field training officer He  
18 worked for us as a VPSR at Enterprise also.

19          Q.       You your patrol officer career, was it  
20 Northeast Area Command when you became a field training  
21 officer and went to Enterprise?

22          A.       Yes. It's not uncommon to transfer.

23          Q.       Did you assist or encourage Joshua to move to  
24 Enterprise?

25          A.       Yes, I did.

1 Q. When did that happen?

2 A. Shortly after I became a field training  
3 officer at Enterprise, due to the very high call volume of  
4 reports that were tying up all the officers at Enterprise.  
5 I called for his position, what it does, would be very  
6 beneficial for him to get a lot of work in as a VPSR at  
7 Enterprise compared to Northeast.

8 Q. Was he amenable to that?

9 A. He wanted to stay at Northeast. It had more  
10 action more exciting things. But Enterprise was a better  
11 place for him to do his job.

12 Q. Now, Officer Zafiridis you say action and a lot  
13 of us think crime. So when you say action, do you mean --  
14 what do you mean?

15 A. High violent situations, driving code 3,  
16 dynamic calls, lots of suspect contact, lots of  
17 involvement with gang members.

18 Q. That was a little more exciting?

19 A. For a patrol officer.

20 Q. When Josh starts his volunteer patrol service  
21 representative stint at Enterprise is he still attending  
22 Explorer meetings?

23 A. Yes.

24 Q. Is he still bringing Morgan?

25 A. Yes.

1           Q.       Now, during these meetings do you have any  
2 one-on-one conversations with Morgan?

3           A.       No.

4           Q.       Turning your attention to spring of 2015. Do  
5 you recall that period of time?

6           A.       Sure.

7           Q.       Let me back up. Had you ever seen Morgan in a  
8 social setting?

9           A.       Yes.

10          Q.       What social settings?

11          A.       Either the San Gennaro Feast or the Greek Food  
12 Festival. I saw Morgan with Josh and Joshes' family.

13          Q.       Was there a function at your home some time  
14 during 2014 where there had been an Explorer competition  
15 and celebration afterwards?

16          A.       Yes. We did very well in the Explorer  
17 competition in Chandler, Arizona, so we had a family get  
18 together at my house.

19          Q.       Do you recall Morgan being at that with  
20 Josh?

21          A.       I do believe she was there.

22          Q.       Did you interact with her there?

23          A.       Nothing out of the ordinary, other than thanks  
24 for coming.

25          Q.       Up to this point, at least to this party, had

1       you seen Josh Honea with an age-appropriate female at any  
2       of the Explorer meetings, socially, or anything like  
3       that?

4           A.       No.    Just the other Explorers at the  
5       meetings.

6           Q.       Did you ever see him with any other female  
7       other than Morgan Savage?

8           A.       No.

9           Q.       Turning your attention to spring of 2015 --  
10      actually January 2014, spring of 2015.

11               Did some of Joshes' behavior cause you and some of  
12      your Explorer supervisors some concern?

13          A.       Yes.

14          Q.       Can you tell me about that.

15          A.       Joshes' role as VPSR, it's in policy that he  
16      has no suspect contact, whatsoever. He's not supposed to  
17      portray himself as a police officer. He just handles  
18      report calls, that's why he has a plain car, so there's no  
19      markings on it that would confuse him as a police officer.  
20      And he would bring magazines to work on his duty belt and  
21      that would kind of lead people to believe he may be a  
22      police officer, even though his uniform was slightly  
23      different. That is the first thing I remember.

24          Q.       When you say magazines, magazines that go --

25          A.       For a firearm.

1 Q. Did they contain ammunition?

2 A. Yes, they did.

3 Q. Was inquiry made to Josh as to why do you have  
4 those, since that's not part of your role?

5 A. I asked him.

6 Q. What was the result of you asking about  
7 that?

8 A. He said the reason why he had magazines was in  
9 case there was a mass shooting or what not, he'd be able  
10 to provide officers with magazines. I told him not every  
11 officer carries the same caliber of ammunition or the same  
12 magazines. The firearms, I understood where he was coming  
13 from, but I also told him that that's not your position  
14 with what you do.

15 Q. Is a VPSR a commissioned officer?

16 A. No.

17 Q. Do they ever carry a firearm?

18 A. No.

19 Q. You referenced report taking. Were these  
20 primarily their function?

21 A. They can handle report calls and control  
22 traffic with cones.

23 Q. So when you say report calls, what kind of  
24 calls are you talking about?

25 A. If someone's residence was burglarized, that

1 would be a perfect call for him to handle.

2 Q. Auto burglary?

3 A. Sure. As long as there's no suspect  
4 contact.

5 Q. Suspect contact you mean?

6 A. Any idea or hint that a suspect may be at the  
7 scene he would not respond to or be required to. Or if we  
8 have reason to believe throughout the investigation a  
9 suspect may return, he should not be there.

10 Q. You mention the issue with the magazines. Was  
11 there any others issues regarding Josh and his duties as  
12 VPSR that came to your attention in spring of 2015?

13 A. Yes. Over the radio I could hear a vehicle  
14 pursuit and I could hear Joshes' voice over the air so I  
15 knew it was him giving call signs. We all have our own  
16 individual call signs. He was calling out almost play by  
17 play turns of the vehicle. Obviously that vehicle is  
18 driven by a suspect who just committed a violent crime so  
19 he shouldn't be near the vehicle at all.

20 Q. Was that March 22nd, 2015?

21 A. I wouldn't know the exact date.

22 Q. Would it refresh your recollection to review a  
23 police report from that date?

24 A. Sure.

25 MS. KOLLINS: Approach the witness.

1 THE COURT: You may.

2 BY MS. KOLLINS:

3 Q. I should say police report dispatch log. View  
4 that to yourself and let us know if that refreshes your  
5 recollection.

6 Reviewing that police report, does that refresh  
7 your recollection as to the prohibited conducted that  
8 Mr. Honea was engaging in?

9 A. Yes.

10 Q. Does it refresh your recollection as to the  
11 date?

12 A. Yes.

13 Q. What is that date?

14 A. March 22nd.

15 Q. 2015?

16 A. Yes.

17 Q. What was the nature of the call?

18 A. Josh was at a gas station. We had a  
19 ride-along that day. That's fine too. Explorers are  
20 allowed to do ride along, VPSRs and police officers can do  
21 ride-alongs.

22 He is allowed to record checks on vehicle plates,  
23 which he did. He finds out the vehicle was stolen. There  
24 were two occupants in the vehicle and he stayed within  
25 close proximity of the vehicle with eyes n the suspect

1       until officers could arrive.

2           Q.       Is this the incident that you are referring to  
3       where he is calling radio traffic and describing car  
4       turns?

5           A.       No.

6           Q.       Was that -- what date was that?

7           A.       I don't know the date. That was in Northeast  
8       Area Command.

9           Q.       So prior to Enterprise?

10          A.       Yes.

11          Q.       How much prior to March -- spring of 2015 was  
12       that?

13          A.       No more than a year before I transferred to  
14       Enterprise.

15          Q.       Other than the performance issues you already  
16       discussed, was there anything that came to your attention  
17       about Joshes' interaction with Morgan in the spring of  
18       2015 that caused you and Officer Wirey and Detective  
19       Samples some concern?

20          A.       Yes.

21          Q.       What was that?

22          A.       Josh would tell us -- we could see him getting  
23       more frustrated with his friendship with Morgan, given  
24       things he was telling me was happening to her at school,  
25       his relationship was starting to not go the way he wanted

1       it to so he'd convey some of these things to me. I said,  
2       well, you are older than her. You are getting ready to  
3       embark on a career in law enforcement, if some of these  
4       things you are saying about her are true, you really need  
5       to distance yourself. We have policies with Metro. You  
6       have to distance yourself with people that are doing  
7       certain things. I don't know if they're true or not, but  
8       if that's the case, you need to distance yourself because  
9       you're about to go through the testing process and those  
10      questions will get asked. They will do background  
11      checks.

12           Q.       The things he's describing to you that Morgan  
13      was doing, were what?

14           A.       He mentioned she started smoking marijuana at  
15      school.

16           Q.       Did he describe for you whether or not she'd  
17      quit communicating with him in early 2015?

18           A.       If he did, I don't remember.

19           Q.       You described him as being frustrated with  
20      Morgan's conduct. Is that the word you used?

21           A.       Yes.

22           Q.       Did you give him advice regarding his  
23      frustration?

24           A.       You need to distance yourself from her. If  
25      you're planning on having a career with us, if that's the

1 path she's going to go, just distance yourself from her.

2 Q. Were these frustrations with Morgan repeated  
3 to you one time, more than one time by Josh?

4 A. Definitely more than once.

5 Q. For how long a period of time?

6 A. At least a couple of months. Because I was  
7 surprised and frustrated with Josh that I've already told  
8 him once, hey, if this is really what you want to do, its  
9 not worth it, just leave her alone.

10 Q. Did you have any conversations with Josh where  
11 you told him this isn't your place, let her parents do it.  
12 Anything in that regard?

13 A. Yes. He went on to tell me because of issues  
14 she was having at school he wanted to go talk to the  
15 guidance counselor or the principal -- I'm not sure. He  
16 wanted to get her removed from that school. I told him  
17 that completely sounds wrong. That's something her  
18 parents should handle. If anything is going on that bad  
19 at school, you have no place doing it. You are not her  
20 dad.

21 Q. Over the course of these couple of months when  
22 you have these conversations, did it seem like Joshua was  
23 heeding your advice or not so much?

24 A. No. I would hear from other Explorers he's  
25 still hanging out with her.

1           Q.       Now, at some point do you learn that Joshes'  
2       conduct may result in a restraining order?

3           A.       He did mention that at one of the Explorer  
4       meetings.

5           Q.       Did that cause you concern?

6           A.       Absolutely.

7           Q.       Did you talk to him about that?

8           A.       I used what he just told me to tell him, even  
9       more of a reason to leave her alone because you're getting  
10      ready to join the police department, even more of a reason  
11      to leave her alone.

12          Q.       Do you remember when that conversation took  
13      place?

14          A.       I couldn't give you an exact date. I don't  
15      know.

16          Q.       Was it somewhere in that 2 month time frame we  
17      were talking about where he was talking about Morgan's  
18      conduct and all of that?

19          A.       Sure. It was either at an Explorer meeting or  
20      at work.

21          Q.       Did the totality of these conversations that  
22      you had with Josh with Morgan's conduct, the retaining  
23      order, those type of things, did that lead you, yourself,  
24      Officer Wirey, Detective Sample to have a sit down  
25      conversation with Josh?

1           A.       Absolutely.

2           Q.       Where did that take place.

3           A.       In the Explorer meetings, that is when all  
4       three of us would be together. Since Officer Samples was  
5       going to be a detective, he was about ready to go. So it  
6       was at the Explorer meeting.

7           Q.       Did you also take him to -- being Joshua -- to  
8       the Yard House at Red Rock?

9           A.       Yes.

10          Q.       Was that a topic of conversation as well?

11          A.       Yes. We told him he needed to start hanging  
12       out with people his own age. Hanging out with the  
13       Explorers at a meeting is one thing because he was  
14       transitioning to be an advisor and help us out with that  
15       aspect. So we told him he needed to start hanging out  
16       with people his own age. We told him how at the Academy  
17       he's going meet people his own age. He'll make great  
18       friends through it. We told him to come out with us after  
19       an Explorer meeting and just hang out and get some dinner  
20       with us.

21          Q.       Okay. Did the topic of Morgan Savage come up  
22       with Josh at that sit down at the Yard House?

23          A.       Yes.

24          Q.       Tell me about that conversation.

25          A.       We asked him why he just wouldn't leave her

1 alone, or just stop hanging out with her. And he informed  
2 us that he had every intention of having a relationship  
3 with her when she became of age.

4 Q. What did he define as of age?

5 A. I'm assuming 18, when he said it.

6 Q. Do you recall saying previously he intended to  
7 date her when she was 16 in that conversation?

8 A. I don't remember.

9 Q. After that conversation were you prompted to  
10 write an e-mail to Sergeant Jeffrey Clark?

11 A. Yes.

12 Q. Was that subsequent to your conversation at  
13 the Yard House?

14 A. Yes, it was after.

15 Q. Okay. What about that conversation prompted  
16 you to give this information to your sergeant?

17 A. Talking to Josh and seeing the frustrations he  
18 was having with Morgan, the fact he disregarded any advice  
19 we gave him about hanging out with her, since there was so  
20 much on the line getting ready to go to the Academy, it  
21 struck me, why. I just don't get it. Why won't he just  
22 leave her alone. I get she's a friend. She's close to  
23 your family. I understand they took her under their wing.  
24 But if she's going be behaving the way she did -- I don't  
25 know if it's true or not -- if what Josh is telling me is

1 true, I don't get why he's so frustrated and so attached  
2 to her.

3 He told me how he would pay her cell phone bills  
4 and gym memberships. Once again that's not your place to  
5 do those things. That's not appropriate for you. It's  
6 not an appropriate relationship.

7 When he became more frustrated with me telling him  
8 these things that's when I really and I started putting a  
9 couple of things together, there has to be something  
10 wrong. This just isn't an appropriate relationship. So  
11 I did what I felt I had to do. I went and talked to my  
12 sergeant about it. On top of the issues we were having  
13 with work that we already talked about.

14 Q. Now, did you then draft a note to Sergeant  
15 Jeffrey Clark?

16 A. Yes. He told me to send an e-mail.

17 Q. Would that have been March 27th, 28th, 29th,  
18 2015?

19 A. It was after the incident on the 22nd. That  
20 sounds about right.

21 Q. So you drafted that and sent it to Jeff Clark;  
22 is that correct?

23 A. Yes.

24 Q. It's a couple of pages?

25 A. Yes.

1 MS. KOLLINS: Approach the witness, your  
2 Honor.

3 THE COURT: You may.

4 BY MS. KOLLINS:

5 Q. Showing you what's marked for purposes of  
6 identification State's Proposed 59. Do you recognize that  
7 2-page document?

8 A. Yes.

9 Q. How do you recognize that?

10 A. I typed it.

11 Q. You typed it and sent from your e-mail within  
12 Metro?

13 A. Yes.

14 Q. To Sergeant Clark?

15 A. Yes.

16 Q. Fairly and accurately depict it from what you  
17 remember?

18 A. Sure. You want me to read it.

19 Q. We'll get there.

20 MS. KOLLINS: State moves for the admission of  
21 59.

22 MR. MACARTHUR: No objection to 59.

23 THE COURT: State's 59 is admitted. You may  
24 further publish.

25 BY MS. KOLLINS:

1           Q.       You inform Sergeant Clark that Ms. Savage was  
2       currently 15 years old at the time you're drafting that  
3       e-mail?

4           A.       Yes.

5           Q.       You knew that Josh had known her since she was  
6       11?

7           A.       Yes.

8           Q.       Did you know that from Joshua?

9           A.       No, his mom.

10          Q.       You said that that made Josh 16 when she was  
11       11, correct?

12          A.       Yes.

13          Q.       Are you aware that Josh was 17 when Morgan was  
14       11?

15          A.       No.

16          Q.       So that's not direct information from Josh.  
17       That was from mom?

18          A.       It was me doing my math from what I was told  
19       by mom.

20          Q.       Up until the point you are seeing Joshes'  
21       behavior, but you haven't seen them holding hands or  
22       kissing or anything like that?

23          A.       No, nothing like that.

24          Q.       You mentioned that his frustration continued  
25       through March or through those months, correct?

1           A.       Yes.

2           Q.       Did you outline that for your sergeant?

3           A.       If I read it I can give you a more accurate  
4 answer.

5           Q.       Go ahead. In reviewing that did you  
6 previously state that Josh said to he had every intention  
7 of dating Morgan when she was 16?

8           A.       Yes.

9           Q.       When you said 18 before --

10          A.       I was me guessing.

11          Q.       Let's not guess. Okay.

12                 You mentioned that Josh had been counseled several  
13 times about his behavior. How many times do you think you  
14 counseled Josh?

15          A.       About a hard full. A couple times at  
16 Northeast. Just me and him. Then more formally when we  
17 were at Enterprise with sergeants involved.

18          Q.       At the bottom of your e-mail you reference the  
19 March 22nd incident, correct?

20          A.       Yes.

21          Q.       Then that's the one you spoke of before where  
22 you believed he was engaging in a vehicle pursuit?

23          A.       That was in Northeast. This is at the Chevron  
24 gas station with the stolen vehicle. We conducted a  
25 records check on the plate.

1 Q. Okay. That was March 22nd?

2 A. Yes, that one was.

3 Q. The police report I showed you, that is not  
4 that incident?

5 A. Not the same one at the Chevron incident.

6 Q. That is what asked you and you said it's not  
7 the same incident?

8 A. Sorry. The first one I talked about was early  
9 on when he was a VPSR in Northeast. Then the one you  
10 showed me the police report on and I references here is  
11 the Chevron incident on March 22nd.

12 Q. I was wondering if I got something totally  
13 confused.

14 You are referencing his conduct on March 22nd?

15 A. Yes.

16 Q. Now in regards to that incident, was Josh  
17 spoken to about that incident some time later?

18 A. Yes.

19 Q. Anything to do with that call where reports  
20 were made about your conduct, your behavior, your action  
21 on that call?

22 A. I have no idea what you are talking about.

23 Q. Are you aware whether or not Josh complained  
24 to anyone about your performance or interaction on that  
25 call? Are you aware of anything like that?

1           A.       No.

2           Q.       Were you reprimanded or spoke to about  
3 anything that had to do with that call?

4           A.       No.

5           Q.       Did you ever have to testify in a case that  
6 culminated from that arrest?

7           A.       No.

8           Q.       After you sent your e-mail to Sergeant Clark  
9 was there a meeting?

10          A.       Yes.

11          Q.       Who was at that meeting?

12          A.       Officer James Wirey, myself, and Sergeant  
13 Clark.

14          Q.       What was the purpose of that meeting?

15          A.       To counsel him, hopefully for the last time,  
16 about his conduct, what he is doing at work, what his job  
17 description is, what's expected of him when he's out on  
18 the streets with us.

19          Q.       Was there another topic also discussed?

20          A.       Morgan was brought up.

21          Q.       Who injected that topic of Morgan into the  
22 conversation?

23          A.       Sergeant Clark.

24          Q.       What was Joshes' reaction to the Morgan topic  
25 in front of Sergeant Clark and yourself and Officer

1 Wirey?

2 A. He seemed surprised and said no instantly.

3 Q. Said no instantly to what?

4 A. Sergeant Clark asked if he was having sex with  
5 Morgan.

6 Q. Now, the call, the March 22nd call where he  
7 engaged in activity he wasn't supposed to, is that  
8 concerning behavior for a VPSR?

9 A. Yes.

10 Q. Why is that?

11 A. The close proximity of suspects, in my  
12 training and experience and being a patrol officer almost  
13 10 years, people who steal cars tend to carry weapons and  
14 he cannot defend himself because he doesn't have any tools  
15 on his duty belt, so he's too close to suspect  
16 interaction. He knew there were suspects there with the  
17 vehicle, and he had to wait for officers to get there.  
18 It's too dangerous for him to be there. That's why we  
19 were so concerned about it. I wanted to help, but it's  
20 too dangerous for him to do that.

21 Q. Was Josh stubborn in that regard?

22 A. Yes.

23 Q. Now, that in combination with the Morgan  
24 issue, what happened to his VPSR status at Enterprise?

25 A. We asked him to leave. He was a volunteer

1           anyway, so we asked him not to come back.

2           Q.       Now, you and Josh shared communications  
3           outside of work; is that fair?

4           A.       Yes.

5           Q.       Did you -- you said you counseled him many  
6           times and were around him for awhile, what did you  
7           consider your responsibility to be towards Josh?

8           A.       As an advisor from the Explorer Program we're  
9           just trying to cultivate good citizens, trying to get  
10          these kids back on the right track. They all come from  
11          various background, some rich, poor, everything. It's a  
12          mixture of kids. We just want to surround them with good  
13          people. Tell them not that they need to be a cop, just be  
14          a good citizen. Do things the right way.

15          I did that with Josh when he was an Explorer. He  
16          was a good Explorer. Then Josh eventually was old enough  
17          graduate from the Explorer Program he became an advisor.  
18          That didn't mean my job stopped, I was trying to counsel  
19          him and advice him on the right way to do things.  
20          Especially getting ready for the Metro Academy, which he  
21          was about to do.

22          Q.       Did you advice him and encourage him regarding  
23          the Metro Academy?

24          A.       I wanted him to join.

25          Q.       Did you mention earlier -- if you didn't

1 please remind me. Did you encourage Josh from switching  
2 from Northeast to Enterprise?

3 A. Yes.

4 Q. But at that time he was still a volunteer?

5 A. Yes.

6 Q. Was he employed at the gang unit at that  
7 time?

8 A. Yes.

9 Q. In a part-time position?

10 A. I believe so.

11 Q. Getting back to your communications outside of  
12 work with Josh, did you have discussions with him via text  
13 message about changing area commands and things he was  
14 doing?

15 A. Sure. I wanted to recruit him to come to  
16 Enterprise and help out.

17 Q. Did you have text message discussions with him  
18 before his behaviors you were counseling him about?

19 A. I'm sure I did.

20 Q. I'm going to ask you to look at a portion of  
21 State's admitted 56 up there on your screen, Officer  
22 Zafiridis, to see if you recognize that text exchange  
23 between you and Josh Honea.

24 Can you see that?

25 A. I can't make out the word in green I. see the

1 black and white ones.

2 Q. If you would read that continues on the next  
3 page, read it to yourself to see if you recall that  
4 exchange.

5 A. Okay.

6 Q. So did you look at those two messages?

7 A. Yes.

8 Q. What is the nature of that conversation  
9 between you and Josh?

10 A. Josh wants to go back to Northeast while at  
11 Enterprise.

12 Q. And what is the decision or what's the  
13 discussion between both of you?

14 A. He conveyed to me he just didn't like it at  
15 Enterprise. He used the term paper pusher. He does one  
16 report after another. Enterprise has one of the largest  
17 call volumes in the metropolitan areas, which is a perfect  
18 reason to be there, because there are so many reports and  
19 calls to help us with. He made it clear he didn't want to  
20 be at Enterprise and be a paper pusher anymore because of  
21 call volume and he wanted to go back to Northeast where it  
22 was more exciting.

23 I told him it's not the wisest move for him to make  
24 because he is in a perfect spot with his job description.  
25 And he able to get away with more, meaning being closer to

1 suspects, calling out vehicles, calling out radio traffic  
2 during vehicle pursuits. He got away with more up there  
3 at Enterprise and that's why he wanted to go up there.

4 I told him if you do it, it's not safe for one. You  
5 are going get yourself or someone else hurt, and he could  
6 get himself in a jackpot, get himself in trouble  
7 administratively.

8 Q. Jackpot means what?

9 A. You screwed up, largely.

10 Q. At some point in that conversation you tell  
11 him he's making you look like an idiot?

12 A. Yes.

13 Q. What are you referring to?

14 A. I stuck my neck out for him and told everyone  
15 he's been a VPSR in Northeast, been an Explorer for years,  
16 he's helping me as an advisor now, he'd be a great asset  
17 for us at Enterprise. So I stuck my neck out saying we  
18 could really use this kid, because he does good work and  
19 he could rally help us out with the report calls so  
20 officers wouldn't have to anymore. And his behavior  
21 bringing magazines to work with ammunition, being  
22 counseled on that, being counseled again on be too close  
23 to suspect interaction potentially makes me look bad  
24 because here I told everyone this kid is squared away and  
25 can help us out, when, in fact, he was causing us more

1 issues cause we had to keep counseling him. Almost  
2 looking out for him because we want him to be safe, now we  
3 have to worry about someone else to keep safe on scene he  
4 shouldn't be at.

5 Q. Contributing to making you look like an idiot  
6 also includes the situation with Morgan and how many times  
7 he'd been counseled on that?

8 A. At the end, yes.

9 Q. But not in this conversation?

10 A. Not in this conversation.

11 Q. I guess in all candor your wife is also  
12 employed with Metro, correct?

13 A. Yes.

14 Q. What is her job?

15 A. Analyst for internal affairs.

16 Q. What does an analyst do?

17 A. There is various sections in internal affairs.  
18 She's under the Early Intervention Program section. So  
19 basically she reads statistics and tries to figure out --  
20 she could explain it way better than I could.

21 Basically look to see if there is patterns or  
22 issues with officers whether it's too much uses of force  
23 within a 6 month period and try to figure out why is that  
24 happening. She basically looks at numbers, statistics and  
25 generates reports for captains, sergeants, whatever

1 requests reports.

2 Q. Is her position investigative in nature in  
3 terms of investigating trends?

4 A. Just trends, more with numbers not  
5 investigating officers like a detective would. She is  
6 trying to identify trends and patterns, you know, why are  
7 violent crimes peaking in a certain area of town. Does it  
8 correlate with officers uses of force. She's basically  
9 looking at numbers.

10 Q. Has she met Josh?

11 A. Yes.

12 Q. At one of those gatherings you spoke about?

13 A. Explorer meetings and competitions many  
14 times.

15 Q. After this March 22, 2015 issue with Josh, did  
16 you have any communications with your wife, Ms. Zafiris,  
17 regarding prompting an investigation into Josh?

18 A. No.

19 MS. KOLLINS: Court's indulgence.

20 THE COURT: Yes.

21 MS. KOLLINS: I'll pass the witness.

22 THE COURT: Mr. MacArthur.

23 MR. MACARTHUR: Thank you, Judge.

24 CROSS-EXAMINATION

25 BY MR. MACARTHUR:

1 Q. Good afternoon.

2 A. Afternoon.

3 Q. We've never met?

4 A. No.

5 Q. I've been looking forward to meeting you for  
6 two weeks.

7 A. Okay.

8 Q. You were, in fact, started the ball rolling  
9 that resulted in Mr. Honea being terminated from LVNPD,  
10 aren't you?

11 A. Meaning I'm the one that brought it to my  
12 sergeant.

13 Q. Sure.

14 A. Yes, I told Sergeant Clark.

15 Q. That began with you, nobody before you,  
16 fair?

17 A. Fair.

18 Q. When did you first meet Josh Honea?

19 A. When did I?

20 Q. Yes.

21 A. At an Explorer meeting at Enterprise Area  
22 Command.

23 Q. What year that was?

24 A. I don't know. I wouldn't be able to give you  
25 an exact answer. He completed the whole program in its

1       entirety. He's been there a long time. It's a 4 year  
2       program.

3             Q.       So he did at least 4 years?

4             A.       Yes.

5             Q.       You were an advisor in that program?

6             A.       Yes.

7             Q.       You describe your relationship to him at some  
8       point as mentor, mentee?

9             A.       Yes.

10            Q.       And we've heard testimony from the State's  
11       questions that you were integral in certain points of your  
12       career helping to promote him. I don't mean by rank, but  
13       to promote his career?

14            A.       Sure.

15            Q.       I'm not doing this chronologically, but you'd  
16       helped bring him over to Enterprise Area Command?

17            A.       Yes.

18            Q.       That would be a good career move for him?

19            A.       Yes.

20            Q.       You surrounded him with other mentors who took  
21       interest in his career, namely Officer Wirey, Officer  
22       Samples?

23            A.       Yes.

24            Q.       There was reference to a time you guys went  
25       and had a counseling session with him at Yard House over

1       beers?

2           A.       Yes.

3           Q.       That was at Red Rock?

4           A.       Yes.

5           Q.       Do you remember when that was in 2015?

6           A.       I don't know.

7           Q.       It was before he was terminated from Metro?

8           A.       Yes.

9           Q.       Now, while he was in Explorers, I don't want  
10       to put words in your mouth, you said Josh established a  
11       reputation for doing good work?

12          A.       Yes.

13          Q.       Had some hustle, applied himself, showed  
14       initiative?

15          A.       Yes.

16          Q.       Before the incident that led to his  
17       termination, wasn't he in fact ranked number one to go  
18       next academy?

19          A.       I don't know. I don't know how well he  
20       tested. I don't know.

21          Q.       Okay. If we received that testimony from  
22       somebody else in this trial, would you have any reason to  
23       dispute that?

24          A.       No.

25          Q.       All right. Now, we've also had testimony --

1 I'll ask the same from you -- is it fair to say that Metro  
2 is all about documentation?

3 A. Yes.

4 Q. You learn how to write reports?

5 A. Yes.

6 Q. You try to be scrupulously accurate in those  
7 reports?

8 A. Yes.

9 Q. People transfer jobs through reports people  
10 make?

11 A. I don't know about the administrative process.  
12 I'm sure there is.

13 Q. People are arrested there's a report?

14 A. Yes.

15 Q. Property confiscated and held there's a  
16 report?

17 A. Yes.

18 Q. People are released from custody, there's a  
19 report?

20 A. Yes.

21 Q. Performance evaluation, there's a report?

22 A. Yes.

23 Q. Thinking about the counseling session that you  
24 had with Officer Wirey, Officer Samples, and Josh, if I  
25 might, I'm going to refer to Defense Exhibit W.

1           Received information that that was the same night  
2           at the Red Rock Casino. You recognize that?

3           A.       Yes.

4           Q.       Does that appear to you, not taking account  
5           anybody else's testimony, does that appear to you to be  
6           the same night where the counseling session involving  
7           Officer Wirey and Samples and Josh where you were  
8           encouraging to step away from the Explores and come over  
9           to the adult side of Metro because he's going to the  
10          academy. Does that sound about right?

11          A.       Yes.

12          Q.       Does that fairly and accurate represent the  
13          way Josh looked that evening when you had your  
14          conversation with him?

15          A.       Ye.

16          Q.       Now, your testimony has been that at least one  
17          of your reasons if not your primary reason for meeting  
18          Josh, you didn't think it was a good idea for him to have  
19          this undefined friendship, brother sister or otherwise,  
20          with Morgan Savage?

21          A.       Are you talking about the night at the Yard  
22          House.

23          Q.       Yes.

24          A.       Yes.

25          Q.       Officer Zafiridis, did you happen to document

1       that counseling session? Is there a paper trail you might  
2       be able to provide us with how that went?

3           A.       No.

4           Q.       Why not? How is it that that did not get  
5       documented?

6           A.       It wasn't an official counseling session like  
7       you would if a sergeant was providing and officer. It was  
8       just mentoring as humans.

9           Q.       So it was kind of informal enough where there  
10      didn't have to be documentation?

11          A.       Correct.

12          Q.       We wouldn't be able to go back ourselves to  
13      what was discussed, how heavily it was emphasized and what  
14      the understanding was when you walked away from that,  
15      right?

16          A.       Right.

17          Q.       Let's move forward. You describe during  
18      direct examination a counseling session that involved you,  
19      Officer Wirey and Sergeant Clark?

20          A.       Yes.

21          Q.       This would have been sometime after March 22,  
22      2015?

23          A.       Yes.

24          Q.       Again, he was counseled about, I believe,  
25      violations of the uniform, having to close a contact with

1 suspects, and, again, this friendship with Morgan,  
2 correct?

3 A. Yes.

4 Q. All right. Was that documented? Did you guys  
5 make a report of that counseling session?

6 A. I don't know if Sergeant Clark did any  
7 documentation. I don't know.

8 Q. You brought Josh over from Northeast Area  
9 Command?

10 A. Yes.

11 Q. You mentored him while he was an Explorer?

12 A. Yes.

13 Q. You were present for this meeting?

14 A. With Sergeant Clark.

15 Q. And Officer Wirey?

16 A. Yes.

17 Q. But you're not sure if it was documented?

18 A. No.

19 Q. You've never seen it?

20 A. No.

21 Q. So we've now discussed two counseling sessions  
22 where Josh was informally reminded that his conduct would  
23 need to change in order for him to have a future at  
24 LVNPD?

25 A. Yes.

1           Q.       We don't know exactly the date of Yard House,  
2       but we know that the second counseling session with you  
3       Clark and Wirey would have been after March 22, 2015  
4       because that was discussed, right?

5           A.       Yes.

6           Q.       Now, before I move on you said you counseled  
7       him a hand full of times. To be fair, I think you said  
8       you can think of two. Can you think of any more as you  
9       sit there?

10          A.       Not right this second, no. He worked with us  
11       for awhile.

12          Q.       Are you aware of any documentation for any  
13       other counseling sessions you may have purportedly had  
14       with Josh?

15          A.       Not aware of any.

16          Q.       Now, you not only have this professional  
17       relationship with Josh, but you also were able to text him  
18       privately?

19          A.       Yes.

20          Q.       You provided him guidance and advice, yes so  
21       far?

22          A.       Yes.

23          Q.       Would I be correct if I assumed that the  
24       invitation to come over might have been through text as  
25       opposed to announcing it in front of other officers?

1           A.       It could have been.   Sure.

2           Q.       Given what you've testified to under oath he's  
3 not supposed to have any direct contact with witnesses and  
4 take statements?

5           A.       With suspects.   He can talk to witnesses and  
6 take witness statements.   He can't talk to suspects.

7           Q.       You be sure to set me straight.   He's not  
8 supposed to talk to suspects?

9           A.       Right.

10          Q.       Not supposed to have any additional ammo  
11 clips, regardless of good reasons or not?

12          A.       Right.

13          Q.       Was there something else?   Not supposed to  
14 follow a car, something like that?

15          A.       No suspect contact whatsoever, whether on  
16 foot, car, house he should not have any suspect contact.

17          Q.       You would not have encouraged him to do any of  
18 those things because those would have been outside of  
19 policy, right?

20          A.       Right.

21          Q.       As you sit there now you're sure you didn't  
22 encourage him to do that?

23          A.       Right.

24          Q.       There may have been confusion about an  
25 incident March 22, 2015.   First the State asked you about

1       it. I believe your testimony was that what you were  
2       talking about were two different things. Then later in  
3       her direct you came back together and said that is the  
4       incident I was talking about, right. You know what I'm  
5       talking about?

6           A.       I know which two you're talking about.

7           Q.       You describe that as a Chevron station?

8           A.       Yes.

9           Q.       Is there also a McDonalds next to that?

10          A.       There may be, or a Jack-in-the-box. I know  
11       there is a burger place there.

12          Q.       This location is on Tropicana?

13          A.       Yes.

14          Q.       Do you remember if Officer Younger from your  
15       knowledge was present?

16          A.       He was on my squad, I worked with him.

17          Q.       Do you remember -- you clearly remember that  
18       Josh was the volunteer service representative?

19          A.       Yes.

20          Q.       Do you remember Sergeant Erickson being  
21       there?

22          A.       I remember Sergeant Erickson. I'm not sure he  
23       was there or not.

24          Q.       Do you remember rolling with Joe Belmonte that  
25       night?

1 A. I don't.

2 Q. You know who Joe Belmonte is?

3 A. Yes.

4 Q. As you sit there now you don't remember  
5 whether he was in your vehicle?

6 A. I don't know.

7 Q. When you communicate with Metro dispatch  
8 everybody has a unique call sign?

9 A. Yes.

10 Q. Are you 2P4?

11 A. That was my call sign when I was at  
12 Enterprise, yes.

13 Q. All right. Remember what Josh was?

14 A. Josh Younger or Josh Honea.

15 Q. I didn't know Mr. Younger's name was Josh. Do  
16 you know what Mr. Honea's call sign was at the time?

17 A. It would be VP something.

18 Q. Now, as you related to the jury you said that  
19 you recall Josh made some sort of hot plate read, that he  
20 checked the plate and it came back stolen?

21 A. Yes.

22 Q. You said he called that out on the radio?

23 A. Yes.

24 Q. You picked up that call from wherever you were  
25 and headed to that location, didn't you?

1           A.       I remember getting there.

2           Q.       You remember being there?

3           A.       Yes.

4           Q.       And you said you remember Officer Younger  
5 being there. Officer younger also picked up that call?

6           A.       I believe he did. He was there.

7           Q.       When you arrive didn't you in fact find a  
8 silver Audi occupied 3 times by one female and 2 males?

9           A.       I don't remember. I would have to read it  
10 again. It wasn't my call.

11          Q.       So as you sit there now you don't remember how  
12 many people it was occupied by, right?

13          A.       I don't know.

14          Q.       You testified it was 1 or 2, right?

15          A.       Yes.

16          Q.       Are you doing that from memory or are you  
17 doing that from having read something?

18          A.       I remember a lot of people being there,  
19 multiple people in handcuffs. I don't know the exact  
20 number.

21          Q.       In fact, you pointed a gun at some of the  
22 individuals inside of this car. That would be  
23 memorable?

24          A.       I don't remember if I did or not. I don't  
25 know.

1           Q.       Is drawing a weapon on suspects or civilians  
2 common to you enough to where it doesn't stand out?

3           A.       Unfortunately, I have had to draw my weapon  
4 more than I would like to in any career.

5           Q.       You remember one person was female?

6           A.       From reading the report I do.

7           Q.       Was the other person male? You said there was  
8 one or two people, was the other person male?

9           A.       I believe so. I don't remember. I would have  
10 to read the report.

11          Q.       Understood. You're saying it would refresh  
12 your recollection to review that incident report before  
13 you answered additional questions; is that correct?

14          A.       It would.

15          Q.       If you would Officer Zafiris, please  
16 familiarize yourself with the contents of the report.

17               THE COURT: Did we get specifics on the  
18 report.

19               Mr. MACARTHUR: Sure. I think that's  
20 appropriate. Before we get too far in, you did not write  
21 this report; is that correct.

22               THE WITNESS: I did not.

23               MR. MACARTHUR: Appears to be written by J.  
24 Blum.

25               THE COURT: Yes.

1 MR. MACARTHUR: Do you recall Officer Blum  
2 having been present.

3 THE WITNESS: I don't recall.

4 BY MR. MACARTHUR:

5 Q. These were events that took place that you  
6 were present for?

7 A. Yes.

8 Q. Resume.

9 A. Okay.

10 Q. Let the record I'm referring to  
11 LLV-150322002467.

12 A. Okay.

13 Q. Having reviewed that document does that  
14 refresh your recollection to some of the events that  
15 occurred at that location on March 22, 2015?

16 A. I remember the incident now.

17 Q. I'll go back to my previous question. Do you  
18 remember now drawing your weapon and pointing it at the  
19 occupants of a silver Audi?

20 A. I don't.

21 Q. You think you may have?

22 MS. KOLLINS: Objection, speculation.

23 THE COURT: Overruled.

24 THE WITNESS: It's possible on an incident like  
25 this. I've handled many before. It's possible. I just

1 don't know if I did on this incident.

2 BY MR. MACARTHUR:

3 Q. Going back to my questioning about  
4 documentation. Any time there is a use of force you have  
5 to document that; is that correct?

6 A. Yes.

7 Q. Would that include drawing your firearm and  
8 pointing it at another individual?

9 A. No.

10 Q. Just if the actual force is used?

11 A. Yes.

12 Q. Okay. Having refreshed your recollection, do  
13 you remember the female from the vehicle?

14 A. No. I just reading this I know there was a  
15 female.

16 Q. Having read that, do you remember the male  
17 referenced in that report having been in the vehicle?

18 A. I don't know. I just know there was a male  
19 there.

20 Q. Do you remember having made contact with  
21 Mr. Honea when you arrived?

22 A. Yes.

23 Q. Did he update you as to the information he was  
24 aware of to give a situation report?

25 A. A brief synopsis.

1 Q. Do you remember what that was?

2 A. Not word for word.

3 Q. Would you feel comfortable summarizing it,  
4 what was the spirit of it?

5 A. I believe he said he was getting gas. He was  
6 just running records check on plates, which he's allowed  
7 to do. The plate returned stolen. He call it on the  
8 radio. That's what prompted me to start heading that  
9 way.

10 Q. Well, moving forward were there in fact 4  
11 people inside that vehicle?

12 A. I don't know.

13 Q. Isn't it in fact true that the female occupant  
14 of the vehicle had spoken with Josh in the presence of  
15 Officer Younger?

16 A. I don't know.

17 Q. You weren't there for that or you don't  
18 remember?

19 A. If I was there I don't remember.

20 Q. Isn't it, in fact, true that you allowed 3  
21 members of that vehicle to leave the scene?

22 A. It isn't my call. I know I was there, but  
23 this isn't my call. I don't know what the officers did  
24 just what I read in the report.

25 Q. You don't remember that Joe Belmonte was

1       there, right?

2           A.       I've had many ride-alongs with me, I don't  
3       know if he was there or not.

4           Q.       Is that, no?

5           A.       I don't know.

6           Q.       You don't know if Sergeant Erickson was there,  
7       right?

8           A.       Just from reading the report -- I'm sorry, not  
9       the report. Can I look at it.

10          Q.       Sure.

11          A.       From the e-mail Sergeant Erickson was at that  
12       scene.

13          Q.       Excellent. Now Officer Zafiris, I take it  
14       that in your time with Metro -- how long?

15          A.       10 years.

16          Q.       You have written a report or two?

17          A.       Sorry what.

18          Q.       You've written a report or two?

19          A.       Yes.

20          Q.       Would including information such as how many  
21       times the vehicle was occupied typically be something you  
22       put inside a report?

23          A.       If I feel it's pertinent.

24          Q.       You might distinguish between the number of  
25       people placed in custody and other people who were

1 released from at the scene, correct?

2 A. It depends on the officer and if it's  
3 pertinent to the case they're handling.

4 Q. I'm talking about your practice?

5 A. My practice, we all write differently. It  
6 depends on the circumstances of the investigation what I  
7 need to write about or who I need to include.

8 Q. Okay.

9 A. I understand what you're asking. It  
10 depends.

11 Q. Quite all right.

12 Speaking about codes, would it be fair to say that  
13 Metro has codes that convey information the rest of the  
14 public may not be aware of?

15 A. You mean like our department IDF codes.

16 Q. Responding to a 187 or a 211?

17 A. Yes, we have 400 codes.

18 Q. This is a 411 A?

19 A. Yes.

20 Q. What is 411 A?

21 A. Recovery stolen vehicle.

22 Q. So would you agree with me the car comes back  
23 stolen, there is potentially a person or persons in  
24 possession of it?

25 A. Yes.

1 Q. In fact, there was an arrest made, correct?

2 A. Yes.

3 Q. That woman was charged with possession of  
4 stolen vehicle?

5 A. Yes.

6 Q. In fact, there was another man was also  
7 charged with possession of stolen vehicle?

8 A. Not sure of the charge. If I can recall it.

9 Q. Please do.

10 A. Okay. He was also.

11 Q. No mention of the two other suspects or people  
12 who may have been present and occupying that vehicle?

13 A. I agree with that.

14 Q. So based on this report we only know for sure  
15 there were two people, one male one female, right?

16 A. Based on what Officer Younger wrote, yes.

17 Q. You don't recall independently of that report  
18 there being two other people?

19 A. I don't remember.

20 Q. Okay. Is it, in fact, true -- before I get  
21 there. When was the end of your shift back then? When  
22 did you get off?

23 A. We were 6:30 to 4:30 at the time.

24 Q. 4:30 p.m.

25 A. Yes.

1 Q. 16:30?

2 A. Military time.

3 Q. Military time in police reports?

4 A. Yes.

5 Q. If you would, do you remember when you  
6 responded to this call?

7 A. I don't know when I responded, exact time.  
8 It's not written in here.

9 Q. It was sometime after the call initiated,  
10 right?

11 A. Yes.

12 Q. You agree with me the call initiated at 15:02,  
13 so 2 minutes after 3:00 o'clock?

14 A. From reading this report, yes, 15:02.

15 Q. That would be an-hour-and-a-half before you  
16 typically get off shift?

17 A. Yes.

18 Q. All right. Officer Zafiris, isn't it, in fact  
19 true, that the woman who was taken into custody provided  
20 certain information to Josh Honea and Officer Younger?

21 A. I don't know.

22 Q. You read the report. Didn't refresh your  
23 recollection?

24 A. I didn't write this report.

25 Q. But you were present?

1           A.       When this report was written?

2           Q.       No. You were present at the scene?

3           A.       Yes.

4           Q.       You saw the people who were also present at  
5 that the scene?

6           A.       There were lots of people there.

7           Q.       Sure. So my question is did reading that  
8 report refresh your recollection as to whether it was true  
9 that there was a woman who provided valuable information  
10 to Joshua Honea and Officer Younger?

11          A.       I don't remember any of that happening while I  
12 was there.

13          Q.       To be more specific, that woman was  
14 interviewed by Officer Younger?

15          A.       Yes. Sorry that's -- yes.

16          Q.       She described --

17               MS. KOLLINS: Objection, hearsay.

18               THE COURT: Mr. MacArthur.

19               MR. MACARTHUR: It's not for the truth of the  
20 matter asserted, Judge. It's not for the truth because it  
21 effects what he does next.

22               THE COURT: What this witness did next.

23               MR. MACARTHUR: Yes.

24               THE COURT: Can I have counsel at the bench,  
25 please, briefly.

1 (Discussion held at the bench.)

2 THE COURT: Objection sustained. Mr. MacArthur,  
3 lay additional foundation.

4 BY MR. MACARTHUR:

5 Q. Isn't it true that this woman present advised  
6 officers present that there were drugs in the car?

7 A. I would have to read the report. I'm not sure  
8 what she said to officers.

9 Q. I'm pretty sure you just did that. Having  
10 done that, isn't that in fact true?

11 A. There were drugs at the scene from her  
12 charges.

13 Q. Recovered from the vehicle, silver Audi,  
14 right?

15 A. I would have to read it to be sure.

16 Q. How about you read it now and when you are  
17 done you let me know when you understand what's in it.

18 A. Okay.

19 THE COURT: Read the report again. I'm going to  
20 need counsel back at the bench.

21 (Discussion held at the bench.)

22 THE COURT: You'll let us know when you are  
23 complete in reviewing the report to see what, if anything,  
24 the report refreshes in your recollection.

25 THE WITNESS: Okay.

1 BY MR. MACARTHUR:

2 Q. All right. Before get back into the chain of  
3 events, what was your role at responding to that scene,  
4 Officer Zafiris?

5 A. I was concerned that Josh was close to suspect  
6 interaction. That is why I left my beat to get to Josh.

7 Q. And once you arrived what was your role on  
8 investigating or responding to the dynamics at that  
9 scene?

10 A. I don't remember handling any of the  
11 investigation. I remember talking to Josh.

12 Q. Got it. Isn't it true that the woman  
13 identified a location where drugs could be found inside  
14 the vehicle?

15 A. Per the report, yes.

16 Q. Isn't it true that she informed officers  
17 present that she had --

18 MS. KOLLINS: Objection, hearsay.

19 MR. MACARTHUR: Your Honor, I'm not asking for  
20 what anyone else said, if it's true from his recollection.  
21 Just because he's going the say I don't remember doesn't  
22 make it inappropriate.

23 THE COURT: I'm going to do this. I would like  
24 to have the brief recess with the jurors for 5 minutes and  
25 maybe address the circumstances regarding the remainder of

1 the day.

2 JURY ADMONITION

3 During the recess, ladies and gentlemen, you are  
4 admonished not to converse among yourselves or with anyone  
5 else, including, without limitation, the lawyers, parties  
6 and witnesses, on any subject connected with this trial,  
7 or any other case referred to during it, or read, watch,  
8 or listen to any report of or commentary on the trial, or  
9 any person connected with this trial, or any such other  
10 case by any medium of information including, without  
11 limitation, newspapers, television, internet or radio.

12 You are further admonished not to form or express any  
13 opinion on any subject connected with this trial until the  
14 case is finally submitted to you.

15 (Brief recess taken.)

16 THE COURT: I just didn't want to keep having  
17 debates at the bench. We need to make this record here.  
18 So far this witness has indicated he did not have a role  
19 in the investigation. This is his testimony. I'm not  
20 saying one way or the other. He did not have a role in  
21 the investigation. He was there to speak with Mr. Honea.  
22 He didn't write the report. He doesn't know the  
23 circumstances that are in it.

24 And the objection being made to hearsay is that you  
25 are asking about a statement that's in it. And it does

1 appear you are eliciting for the truth of the matter  
2 that's in it, and the argument being made that it's for  
3 the affect on the listener, okay, but that's why I  
4 inquired the prior objection, are we talking about this  
5 listener because there hasn't been any foundation  
6 established he had any role in the investigation or the  
7 circumstances.

8 You have inquired of him already, did he release  
9 people from the scene. Did he do those things. You got  
10 those answers.

11 I'm going to want to allow whatever appropriate  
12 question there is but I'm not hearing where the hearsay  
13 exception comes in with this witness and these  
14 circumstances. I needed to discuss it more and this is  
15 the opportunity to go that.

16 MR. MACARTHUR: Thank you, Judge.

17 At this point I'm going to change grounds. It's  
18 clear that he's going to say I don't know anything and  
19 there's no amount of refreshing recollection that's going  
20 to change his answer. So I see the court's hearsay  
21 concern. At this point I'm going to rely on Davis vs.  
22 Alaska. I have a theory of the case, and I'm allowed to  
23 cross-examine. It's a constitutional right.

24 The State is objecting. I recognize the  
25 objection. Hearsay is a statutory prescription.

1 Constitution trumps hearsay. The defense believes and has  
2 a good faith basis that would be provided for in future  
3 testimony and exhibits that this officer was present at  
4 the scene and deviated from police policy in a way that  
5 was corrupt. And that the corruption has been  
6 meticulously been not documented. I intend to impeach  
7 him. In order to do that I need to explain the chain of  
8 events as they pertain to the impeachment. I get that I'm  
9 asking him for information that would be regarded as  
10 hearsay, but it's still my theory of defense. I have a  
11 constitutional right to cross. And it's only a statutory  
12 prescription that prevents the hearsay. I don't think he  
13 is going to give me an answer other than I don't know. I  
14 believe that will become abundantly clear why I'm asking  
15 questions and what my basis is.

16 THE COURT: I'm not surprised by anything you  
17 just said. I guess my question is this. We've already  
18 had some discussions in the case, not related to this  
19 witness but another witness, related to the idea of being  
20 able to seek to impeach or being able to inquire of  
21 information that may go to bias, motive to testify, et  
22 cetera. And, you know, again, related to a different  
23 witness, but I guess I'm wondering about how that inquiry  
24 gets made. The setting up of the foundation of  
25 circumstances or events and having a good faith belief to

1 ask questions, you know, you have a good faith belief to  
2 ask questions if the court allows.

3 The idea here is we're trying to get in the truth of  
4 the matter in the statements in the report when I'm not  
5 seeing that that's necessary to the other inquiry you want  
6 to make.

7 I don't know, and I guess at this point, why you  
8 can't simply ask the questions that you need to ask  
9 without first going through the report and then running up  
10 against hearsay exception. I'm very leery, and I'm going  
11 to be very candid to say, because the defense has a theory  
12 of the case hearsay goes out the window. I don't think  
13 there's any case that stands for that proposition. I  
14 don't think that's what you are asking.

15 I think what you're saying is I need to get to  
16 someplace with this line of questioning with this witness.  
17 I think you can go there without going through the report.  
18 You may not want to go there without going through the  
19 report, but that's my concern. So that's why we're having  
20 this discussion now this way not with the jurors or trying  
21 to do this at the bench.

22 Ms. Kollins.

23 MS. KOLLINS: Well, your Honor, I appreciate his  
24 right of confrontation. I don't think it abrogates the  
25 hearsay rule. I concur with the court in that.

1           You know, if he wants to allege corruption, I agree  
2           with you, he doesn't have to go line by line to one of the  
3           co-defendant's declaration of arrest to do it. If he  
4           wants to allege misfeasance, malfeasance, whatever, on  
5           behalf of Officer Zafiris, I think he can do it without  
6           this.

7                     MS. MCNEILL: Your Honor, can I respond, as  
8           well.

9                     THE COURT: Sure.

10                    MS. MCNEILL: The State is confused at this  
11           point. The line of questioning that's coming up is not  
12           based on the report. It's based on information that we  
13           believe what really happened at the scene and it's not  
14           going to be in that report.

15                    The question that was objected to is information  
16           that's not contained in the report, and it's going to be  
17           asked not for the truth of the matter as these are the  
18           things you heard, but for him to deny it.

19                    MR. MACARTHUR: Correct.

20                    THE COURT: Well, that's my point. Then go  
21           there. That's not where we have been yet. We've been  
22           didn't she -- isn't it in the report. You can read the  
23           report, read the report isn't that what it says and a  
24           focus on he's not remembering what's in the report. That's  
25           where it becomes she said this because it's in the report.

1 If you want to go there, go there.

2 MR. MACARTHUR: I see the problem now.

3 Perhaps I wasn't clear to court or to the jury.

4 I'm no longer asking isn't it true in the report.

5 THE COURT: That wasn't clear at all.

6 MR. MACARTHUR: I'm saying isn't it true she  
7 said this to you in the presence of Honea and Younger. I  
8 asked him, would it refresh your recollection earlier on,  
9 it's clear now that it doesn't. But I'm no longer asking  
10 him to rely on the report. I'm asking him do you recall  
11 this to be true, expecting the answer to be no, I don't  
12 remember. And I'm not going to refer to the report  
13 anymore.

14 THE COURT: Then I don't have a problem. I  
15 have -- we still have to balance things out. There's  
16 still potential for eliciting hearsay. There are ways you  
17 can ask these questions without eliciting hearsay.

18 I wasn't understanding you were not still going  
19 through the report. At the bench I was saying if we are  
20 going to through report that's not going to fly if it's  
21 not refreshing his recollection, et cetera. We're past  
22 the fact we're doing the report.

23 You want to respond how he might inquire on these  
24 issues.

25 MS. KOLLINS: I think he testified twice already

1 he doesn't know or was present for and doesn't remember  
2 what information was imparted by one of these  
3 co-defendants to the police officer who's ultimately  
4 responsible for this arrest. He said that a couple of  
5 times. I don't know if Mr. MacArthur wants to say isn't  
6 it true a conversation was had and this happened.

7 THE COURT: There is a good --

8 MS. KOLLINS: Please don't argue to me across  
9 the aisle.

10 THE COURT: I didn't hear what you said. Go  
11 ahead, Ms. Kollins.

12 MS. KOLLINS: If he wants to inquire as to his,  
13 again, misfeasance, malfeasance, he's already said he  
14 doesn't know what conversations were had with this woman  
15 to other officers. He said that twice, doesn't know if  
16 conversations were had.

17 He's had his recollection refreshed by the report.  
18 It doesn't work because he wasn't there for those. He  
19 doesn't remember them.

20 If they have specific information about a statement  
21 that they are trying to get to him, I would ask for an  
22 offer of proof as to what the question is, the content of  
23 what this woman was suppose to have said to other  
24 officers.

25 THE COURT: He indicated they have a good faith

1 belief to bring forward the question she said these things  
2 to Officer Zafiris not to the other officers. Am I  
3 mistaken.

4 MS. KOLLINS: I heard to a group of officers.

5 MR. MACARTHUR: I believe I did. I think I said  
6 Younger, Zafiris, and Honea. Not really an officer. But  
7 I know what you're talking about.

8 THE COURT: I wanted to break for scheduling.  
9 How much time do you have with this officer.

10 MR. MACARTHUR: Judge, I really hate to break  
11 this cross. I would like to start as quick as possible  
12 and if the court would give me some leeway until 5:30, I  
13 think I'd be done with him.

14 THE COURT: You're done at 5:30.

15 MR. MACARTHUR: Yes.

16 THE COURT: You still have redirect. We still  
17 have all of the jurors if they need to ask questions. We  
18 still have redirect. I can't keep this jury here till  
19 6:00 o'clock tonight. It's not an option.

20 MR. MACARTHUR: I'm concerned the officer gets  
21 to go home and do a little homework and buttress himself  
22 against impeachment.

23 THE COURT: I'm not going do this trial on some  
24 what we think nefarious action might be. He's under oath.  
25 He's got to do his job. You already suspect he's doing

1        what he's doing anyway. That's not going to drive the  
2        train today to keep us here till well after the 6 o'clock  
3        hour. I can't justify it on behalf of cost and expense.  
4        There are circumstances otherwise that are at play here in  
5        terms of us going that late. It's not an option.

6                But let's get back in here and get going and  
7        hopefully we'll get to a place where it makes sense to  
8        break. I don't have a problem going into the 5 o'clock  
9        hour, but I don't think we're going to complete today.

10               I have other concerns. I don't like the keep  
11        witnesses over night, especially some one in law  
12        enforcement. Can he return tomorrow at 1:00. Check with  
13        him.

14               MS. KOLLINS: May I.

15               THE COURT: Please.

16               MS. MCNEILL: Your Honor, our concerns aren't  
17        based on nothing. In fact after Detective Samples  
18        testified, he was in the room talking to Officer  
19        Zafiris.

20               THE COURT: Sorry.

21               MS. MCNEILL: Our concerns about what he might  
22        do, given a break, aren't unfounded. I caught him talking  
23        to Detective Samples after Detective Samples' testimony,  
24        before his testimony in the room. Witnesses are not  
25        supposed to be communicating with each other. The

1 concerns we have are based in --

2 THE COURT: Can he be back at 1:00 o'clock.

3 MS. KOLLINS: Yes, ma'am.

4 THE COURT: All right.

5 Bring the witness back in. I'm going to give you  
6 leeway Mr. MacArthur to ask your question and we'll deal  
7 with objections if they come along.

8 One second before we start with the jurors. Officer,  
9 because I want to do it now and I don't want to do it with  
10 the jurors presents, we are going to continue your  
11 testimony somewhat into the 5 o'clock hour today, but I  
12 don't think we're going to complete your testimony today,  
13 which is why I had the DA ask about your availability at  
14 1:00 o'clock tomorrow.

15 I do want to admonish you right now, you are not to  
16 speak about this case with anyone while you are still  
17 under oath pending testimony in the case. I guess I'll  
18 make sure you understand that and leave it at that.

19 Do you understand that.

20 THE WITNESS: Yes.

21 THE COURT: All right. I have you still under  
22 oath.

23 THE WITNESS: Yes.

24 THE COURT: Let's resume Mr. MacArthur, when you  
25 are ready.

1 BY MR. MACARTHUR:

2 Q. Thank you. Let me back up a little. In your  
3 10 years as a line officer for Las Vegas Metropolitan  
4 Police Department, you've testified in court before,  
5 right?

6 A. Yes.

7 Q. Multiple times?

8 A. Yes.

9 Q. Is it typical that the judge or the attorneys  
10 will remain you not to discuss the substance of the case  
11 or your testimony with any other witnesses outside?

12 A. Yes.

13 Q. Was it, in fact, the case before you came in  
14 here you were in the anti-room with Officer Samples --  
15 Detective Samples before you came in here to testify?

16 A. Today, yes.

17 Q. Would you understand that that is something we  
18 would typically discourage because witnesses are not  
19 supposed to talk to each other?

20 MS. KOLLINS: Objection, argumentative.

21 MR. MACARTHUR: That was the question.

22 THE COURT: You've already established his  
23 understanding.

24 MR. MACARTHUR: Did you think it was appropriate  
25 to have a conversation --

1 MS. KOLLINS: Objection, argumentative -- a  
2 conversation.

3 THE COURT: You may inquire with foundation what  
4 the question, if you wish to, what the conversation was  
5 about, but at this point I think it's an inappropriate  
6 question. Sustained.

7 BY MR. MACARTHUR:

8 Q. Before you testified you were in the anti-room  
9 right there, right?

10 A. Yes.

11 Q. With Detective Samples?

12 A. Yes.

13 Q. With the door closed?

14 A. It opened and closed many times.

15 Q. Whether it was opened and closed many times --

16 A. People were in and out.

17 Q. -- there was some time when you were in there  
18 with Detective Samples before you came to testify today  
19 with the door closed?

20 A. Yes.

21 Q. Going back to March 22, 2015. Is it true that  
22 this woman informed the officers present that she had a  
23 meth pipe in her vagina?

24 A. From reading the report that is not how I took  
25 it.

1           Q.       I'm not asking you from the report, since you  
2       were there with other officers present, you remember that  
3       having been a thing?

4           A.       It wasn't my role in the investigation.

5           Q.       A woman with a meth pipe in her vagina was  
6       sufficiently common where that didn't stand out in your  
7       mind?

8                   MS. KOLLINS:  Objection, argumentative.

9                   THE COURT:  Sustained.

10          BY MR. MACARTHUR:

11           Q.       Isn't it in fact true that this woman said  
12       drugs could be found inside the vehicle, the silver  
13       Audi?

14           A.       Per the report, yes.

15           Q.       But you don't have independent recollection of  
16       that?

17           A.       No.

18           Q.       Isn't it in fact true that you allowed two  
19       other individuals that previously had been inside of that  
20       stolen car to empty the trunk, removing, for lack of  
21       better term, gym bags?

22           A.       I don't remember.

23           Q.       Isn't it in fact true the woman advised the  
24       officer presents, including you, the gym bags also had  
25       drugs and gun in them?

1           A.       I don't know what she said to the officers.

2           Q.       You don't recall that having been a thing?

3           A.       Correct. I don't know what they said.

4           Q.       You've done a possession of stolen vehicle  
5 stop before in your career?

6           A.       Yes.

7           Q.       In fact, your direct testimony is that that's  
8 a volatile situation?

9           A.       Yes.

10          Q.       Because the occupants of the vehicle might  
11 have firearms?

12          A.       It's possible, sure.

13          Q.       You also testified that one of your reasons  
14 for responding to that call or picking it up was to make  
15 sure Josh was safe?

16          A.       Yes.

17          Q.       Did we establish whether you remembered that  
18 Sergeant Erickson was there or not?

19          A.       He was there.

20          Q.       Is it in fact true that Josh made Sergeant  
21 Erickson aware of the fact you released two people with  
22 the guns and drugs purportedly in the bags?

23               MS. KOLLINS: Objection, hearsay.

24               MR. MACARTHUR: There is no hearsay. Do you  
25 recall that being a thing.

1           THE COURT: There is an objection. You don't  
2 direct the witness to respond until the court has made a  
3 ruling.

4           MR. MACARTHUR: I'm not asking him what anyone  
5 else said. I'm asking if he recalled doing that.

6           THE COURT: I'll allow it. You may answer.

7           THE WITNESS: I don't know what Josh said to  
8 Sergeant Erickson.

9 BY MR. MACARTHUR:

10          Q.       You weren't present when that was said by the  
11 Defendant to Sergeant Erickson?

12          MS. KOLLINS: Objection, hearsay.

13          MR. MACARTHUR: It's the Defendant's statement.  
14 Since we've already brought the Defendant's statement  
15 in --

16          THE COURT: Can I have counsel at the bench.

17               (Discussion held at the bench.)

18 BY MR. MACARTHUR:

19          Q.       Were you present when the Defendant informed  
20 the sergeant you had released two suspects from the  
21 vehicle that may have left with guns and drugs?

22          MS. KOLLINS: Objection, hearsay.

23          THE COURT: Overruled. I don't believe it's  
24 offered for the truth of the statement. It's offered for  
25 the effect on the listener in the event the listener

1 recalls the statement.

2 Overruled.

3 MR. MACARTHUR: Thank you.

4 Do you understand the question.

5 BY MR. MACARTHUR:

6 Q. Were you present when Josh Honea informs  
7 Sergeant Erickson you had released two suspects from the  
8 silver Audi with gym bags that may have contained drugs  
9 and guns?

10 A. I know I was at the scene. I don't know what  
11 Josh said to Sergeant Erickson. I don't know. My role at  
12 the scene, I went there to make sure Josh was okay. I  
13 know I was there, but I don't know what they said. I  
14 don't know when it happened during the investigation. I  
15 just know I was at the scene because I spoke with Josh.

16 Q. Based on your training and expertise, would  
17 you agree with me that it would not be policy to release  
18 any items from a vehicle -- stolen vehicle to other  
19 persons?

20 A. That's tough to say. It depends on the  
21 situation and circumstances.

22 Q. Based on the circumstances, as you recall  
23 them, would it have been appropriate to release any items  
24 from a suspect vehicle to a person that's been in it?

25 MS. KOLLINS: Objection, speculation.

1           THE COURT: Overruled. The form of the question  
2 is fine. You may answer.

3 BY MR. MACARTHUR:

4           Q.       Based on the circumstances as you recall them,  
5 would it have been appropriate to release any property  
6 from the suspect stolen vehicle to previous occupants of  
7 that vehicle?

8           A.       I didn't investigate the incident, so I don't  
9 know what my role was, what the officers decided, I don't  
10 know. I don't recall. It wasn't my investigation.

11          Q.       Okay. My question was would that have been  
12 appropriate. I'm not asking what anybody else did.

13               Based on your understanding of this situation,  
14 would you now think it appropriate to release property  
15 from the suspect vehicle to people previously in it?

16          A.       Honestly, it depends on the situation, what  
17 items are in question. I don't know. It depends on the  
18 officer and his investigation.

19          Q.       Would you agree with me your call sign was  
20 2P4?

21          A.       Yes.

22          Q.       Would you agree with me that Officer Younger's  
23 call sign at the time was 23P?

24          A.       I don't know his call sign, but that seems  
25 accurate. He was on my squad.

1           Q.       Would you agree that Josh Honea's call sign  
2 was VP27?

3           A.       Sounds right, VP call sign.

4           Q.       Voluntary patrol 27?

5           A.       Yes.

6           Q.       Would you recognize Sergeant Erickson as  
7 733?

8           A.       He was not my sergeant. I don't know what his  
9 call sign was when he worked there.

10          Q.       Let me ask you about that. He was the ranking  
11 person on site, correct?

12          A.       He was the only sergeant, yes.

13          Q.       But not your sergeant, right?

14          A.       No.

15          Q.       Your sergeant was Sergeant Clark?

16          A.       Clark, yes.

17          Q.       Okay. Do you know if 607 would have been  
18 swing shift sergeant at that time?

19          A.       I have no idea.

20          Q.       If you would please describe what a CAD report  
21 is to the ladies and gentlemen of the jury.

22          A.       A CAD report gives a chronological time line  
23 of who typed something on the computer or who showed up,  
24 when the keyed a mic, depending on how in depth the report  
25 is. It gives you an idea of who is there and

1 approximately when.

2 Q. Would a person obtain a CAD report by  
3 subpoenaing a certain event number, for example?

4 A. I don't have any person knowledge of it. I'm  
5 sure you could.

6 Q. Have you seen a CAD report?

7 A. A few times.

8 Q. Know how to read it?

9 A. Not accurately. It's been that few times.

10 Q. All right.

11 MR. MACARTHUR: Approaching with this document.

12 BY MR. MACARTHUR:

13 Q. Do you recognize that as a CAD report?

14 A. Yes.

15 Q. This is a log of communication through Metro  
16 dispatch?

17 A. Yes.

18 Q. And that it's chronologically based so we know  
19 who said what and when?

20 A. The dispatcher, when we say something on the  
21 radio, they are good at it, they're trying to type as fast  
22 as possible. Things may not get entered right that  
23 second, but they do a good job keeping up with what we say  
24 on the radio traffic.

25 Q. They put in information as is pertinent to the

1 scene as you tell them?

2 A. Yes.

3 Q. So we can look back in time and figure out the  
4 order in which events occur at a scene; is that fair?

5 A. Close to it, yes.

6 Q. Are they also coded by who said it? In other  
7 words if you did something it would be preceded by 2P4?

8 A. Correct.

9 Q. That would be true for everyone else. They  
10 have their own individualized call signs?

11 A. Yes.

12 Q. Now, given that you said that you don't  
13 necessarily recall the dynamic events of March 22, 2015,  
14 is there any way that you can refresh your recollection as  
15 to when this hot stop was initiated by Josh Honea?

16 A. I can review it and try to figure it out for  
17 you.

18 Q. Would you agree with me that 15:02 hours  
19 there's an entry that Josh initiated this traffic stop?

20 A. Yes.

21 Q. It's coded as 411A, possession of stolen  
22 vehicle?

23 A. Yes.

24 Q. Before we go further -- withdrawn.

25 Would you -- do you recall whether or not your

1 first entry into this scene occurs at 15:03 hours and 10  
2 seconds?

3 MS. KOLLINS: Objection, mischaracterizes the  
4 testimony.

5 THE COURT: Does it -- I guess I'm assuming  
6 there is something on the report that would refresh his  
7 recollection on that.

8 MS. KOLLINS: I guess it'd phraseology that's  
9 the issue. Logging on and entry are two different  
10 things.

11 MR. MACARTHUR: Would you be willing to  
12 stipulate to admission of the CAD and we can look at it as  
13 an exhibit.

14 MS. KOLLINS: The one you have in you hands.

15 MR. MACARTHUR: It's the same. I just  
16 highlighted it.

17 THE COURT: He's got a cad report up here. I  
18 know we would not typically put those in when it's to  
19 inquire to refresh. We can proceed with a stipulation or  
20 let the witness review it.

21 MS. KOLLINS: There's not a stipulation.

22 THE COURT: The witness may review and see if he  
23 can identify the information to help us understand to best  
24 answer the question.

25 Can Mr. MacArthur restate to the witness recalls the

1 questions.

2 BY MR. MACARTHUR:

3 Q. Do you recognize this as a document kept in  
4 the common course of business with Las Vegas Metropolitan  
5 Police Department?

6 A. Yes.

7 Q. You've seen one before?

8 A. Yes.

9 Q. Do you understand the majority of codes on  
10 it?

11 A. The majority. There are some dispatcher  
12 coding I don't know what it means, but I have an idea.

13 Q. On March 22, 2015 you pick up this call at  
14 15:03 hours in the area of Tropicana, Budget Suites,  
15 Pollara and McDonald?

16 A. Yes. I assigned myself.

17 Q. Didn't you in fact have the subjects inside of  
18 the silver Audi at gun point until they were compliant?

19 A. I don't remember what I did.

20 Q. Refresh with that document, midway down the  
21 first page.

22 A. Are you asking me who said that?

23 Q. I'm not asking you who said it. I'm asking  
24 did you have subjects at gun points on the northwest  
25 corner of MacArthur until they were compliant?

1           A.       I don't know if I did or not. I can keep  
2 reading to find out.

3           Q.       Tell the jury who was the first officer to  
4 find out on scene to assist Josh?

5           A.       Well, it's tough to say because some officers  
6 arrive on scene don't say anything on the radio. They  
7 don't hit the arrive button. I don't know who was there  
8 first. I don't know. I could tell you what it says. I  
9 don't know who was there first because of those reasons.

10          Q.       Would you be able to say whether that fairly  
11 and accurately represents the events as they arrived in  
12 dispatch?

13          A.       I don't know. It's possible. I could tell you  
14 if I hit the assigned button or in route button twice on  
15 our CAD system at the time, that could also says you're  
16 arrived on scene which may not be the case. Which you  
17 wouldn't know as a police officer because you're more  
18 focused on driving. That is why I honestly can't answer  
19 as you are asking me to. I don't know.

20          Q.       Would you agree with me that at 15:07 hours  
21 BP27, that's Josh, stated to dispatch that two people were  
22 in custody, a third was being taken into custody then?

23          A.       That's what this line says.

24          Q.       Any reason to think that's not true?

25          A.       No.

1           Q.       Would you agree with me at 15:09, that 2P4 --  
2       that's you, right?

3           A.       I'm 2P4.

4           Q.       Would you agree that you informed dispatch  
5       there were 4 people in custody and you are clearing the  
6       vehicle?

7           A.       That's what it says, yes.

8           Q.       Any reason to think that's not true?

9           A.       Well, I could have been assisting. I could  
10       have been just saying it over the radio depending where I  
11       was on scene. I don't remember what I did with this.

12          Q.       Would you have said it on the radio if it  
13       weren't true?

14          A.       No.

15          Q.       Given you would only say true things on the  
16       radio, can we assume you had 4 people in custody and you  
17       were clearing the vehicle?

18          A.       Correct.

19          Q.       Would you agree with me that Officer Younger's  
20       report doesn't seem to reflect there were 4 people taken  
21       into custody?

22               MS. KOLLINS: Objection, argumentive.

23               THE COURT: Overruled.

24       BY MR. MACARTHUR:

25          Q.       You need me to restate?

1           A.       Yes, sir.

2           Q.       Would you agree with me that Officer Younger's  
3 report does not reflect the other two people taken into  
4 custody?

5           A.       Correct.

6           MS. KOLLINS: It's Officer Blum's report.

7           MR. MACARTHUR: I apologize. I keep saying  
8 Younger when I needed to say Blum.

9           THE COURT: Similarly, apologizes from the  
10 court. The report is not connected to the name of the  
11 report, the report viewed by the witness earlier.

12 BY MR. MACARTHUR:

13          Q.       Do you -- restate. Isn't it in fact true that  
14 you had 4 people in custody?

15          A.       I don't know if we did. I'm assuming we  
16 did.

17          Q.       Isn't it in fact true that you kept the girl,  
18 identified with the pipe, and you released the 3 other  
19 people?

20          A.       I don't know what I did.

21          Q.       Isn't it true that female occupant of the  
22 vehicle was Mirandized at 15:29 hours?

23          A.       Yes.

24          Q.       Briefly explain to the jury what it means when  
25 you're giving somebody Miranda?

1           A.       You read Miranda rights when you're about to  
2 ask incriminating questions of the person in custody and  
3 they're not free to leave.

4           Q.       That happened at 15:29, known as 3:29 p.m.?

5           A.       Yes.

6           Q.       You already stated you don't remember whether  
7 you released the other 3 people?

8           A.       Right.

9           Q.       Isn't it true that these 3 people emptied the  
10 contents of the back of the car into a neighboring  
11 vehicle?

12          A.       I don't know. I don't recall.

13          Q.       Isn't it true that an hour later one of those  
14 men came back and started staring (sic) at the  
15 investigation?

16          A.       I don't know.

17          Q.       Isn't it in fact true that that man was  
18 subsequently arrested?

19          A.       I don't know.

20          Q.       Would it refresh your recollection to refer to  
21 that police report that you already read?

22          A.       Blum's report.

23          Q.       Yes. My question was there was a male that  
24 was arrested and you already said yes to that.

25          A.       Yes.

1 Q. Do you recall what time he was Mirandized?

2 MS. KOLLINS: Objection, vague. If we're  
3 talking about the original two people arrested or the  
4 third party. Which is he talking about.

5 MR. MACARTHUR: The two. There's a woman and a  
6 man identified in the police report. He said that that  
7 man was arrested. So I'm asking him a question with  
8 regard to him being Mirandized.

9 THE COURT: With that clarification of the  
10 individual referenced in the Blum report being arrested,  
11 if you know the times of Miranda, is that the question?

12 Do you recall when he was Mirandized.

13 THE WITNESS: No.

14 BY MR. MACARTHUR:

15 Q. Would it refresh your recollection to review  
16 the report?

17 A. Yes. I'm not sure if we're looking at the  
18 same report. I'm not seeing a male's name in this  
19 paragraph.

20 Q. Would you agree with me the male is Rudy  
21 Morano?

22 A. Yes.

23 Q. Would you agree with me he was Mirandized at  
24 16:31 hours?

25 A. That's a different document then the one I am

1 reading.

2 MS. KOLLINS: Mr. MacArthur, there is a report  
3 for each --

4 THE COURT: For the record, what document have  
5 you been looking at. I thought that was the CAD report.

6 THE WITNESS: I have a couple, your Honor. I  
7 have a CAD report. And I have a declaration of arrest  
8 along we the email to Sergeant Clark.

9 THE COURT: What record are we going to show him  
10 now.

11 BY MR. MACARTHUR:

12 Q. Now, looking at the same -- I'm looking at the  
13 declaration of arrest for Samantha Chavez?

14 A. All right.

15 Q. Totally my bad.

16 I'm going to direct you to the top paragraph of the  
17 second page, still asking for the same information?

18 A. He was Mirandized at 16:31 hours.

19 Q. Samantha Chavez, you already testified, was  
20 Mirandized at 15:29 or 3:29 p.m.

21 A. Yes.

22 Q. It appears that Mr. Morano was Mirandized,  
23 same scene, same people, an hour and two minutes later?

24 A. Yes.

25 Q. Do you remember what he was doing for an hour

1 and 2 minutes?

2 A. I don't know.

3 Q. Isn't it true he left the scene and came back  
4 and was Mirandized when he returned?

5 A. I don't know.

6 Q. Would you agree with me that when you reviewed  
7 the police report it didn't say anything -- well, that's a  
8 clumsy question. Withdrawn.

9 You stated that you didn't recall her saying she  
10 had a meth pipe in her vagina, right?

11 A. Correct.

12 Q. Would it refresh your recollection to review  
13 the CAD report from that incident, namely 15:56 hours?

14 MS. KOLLINS: Objection, hearsay. He doesn't  
15 remember nor is he testifying from the report.

16 THE COURT: Again, the witness cannot testify  
17 from the report. He can refresh his recollection or not,  
18 then you can ask if he's refreshed or not. We have had  
19 some inquiry of the CAD report and what it says and  
20 whether he has reason to question it.

21 Let me sustain, but let me let you rephrase.

22 Mr. MacArthur, if we're going to veer into a different  
23 line of questioning, I would like to break.

24 BY MR. MACARTHUR:

25 Q. Do you have any recollection about this woman

1 and the meth pipe in her vagina?

2 A. I can read this and see if there's --

3 Q. Highlighted in yellow.

4 A. Is this the same as what I have.

5 Q. Same document.

6 A. Can you ask the question again.

7 Q. Does reviewing the CAD record refresh your  
8 recollection involving the woman with the meth pipe in her  
9 vagina?

10 A. I still don't remember what happened on scene.  
11 All I can do is read this and tell you what it says.

12 Q. Okay. Well, you have at least testified that  
13 she was Mirandized at 15:29, right?

14 A. From the report, yes.

15 Q. That's 3:29 p.m.

16 A. Yes.

17 Q. We've already testified that the man, Morano,  
18 was Mirandized at 16:31?

19 A. Yes.

20 Q. Would you agree with me that 15:56 hours,  
21 which is 3:56, is between those two times?

22 A. Yes.

23 Q. Would you agree with me that when you read the  
24 police report you were aware that she gave the information  
25 as to where the drugs could be located at the same time

1 she was talking about the meth pipe in her vagina?

2 MS. KOLLINS: Objection, calls for hearsay  
3 response.

4 THE COURT: Overruled.

5 THE WITNESS: It was kind of long. I want to  
6 get it right.

7 BY MR. MACARTHUR:

8 Q. You agreed that 3:56 p.m. is between 3:29 and  
9 4:31?

10 A. Yes.

11 Q. Would you agree that according to the events  
12 the woman identified the location of the drugs at the same  
13 time she talked about where the meth pipe could be  
14 located, per the police report that you used to refresh  
15 your recollection?

16 A. The police report says she was sMirandized at  
17 15:29 hours. It doesn't have the time stamp like the CAD  
18 report does.

19 MS. KOLLINS: Objection. Assumes facts not in  
20 evidence. He didn't ask her any questions.

21 MR. MACARTHUR: Is it your practice --

22 THE COURT: Sustained. You may proceed.

23 BY MR. MACARTHUR:

24 Q. Do you typically Mirandize a suspect before  
25 asking questions that could inculcate themselves?

1           A.       Yes.

2           Q.       Saying you have a meth pipe in your vagina and  
3       you're in possession of drugs inculcates a person,  
4       right?

5           A.       Before or after Miranda.

6           Q.       Either way. I think it's inculpatory whether  
7       it's said before or after.

8           A.       Correct.

9           Q.       Would you agree with me that nobody could have  
10      questioned her before you responded to the scene?

11           MS. KOLLINS: Observation, speculation.

12           MR. MACARTHUR: Withdrawn.

13           THE COURT: Sustained.

14      BY MR. MACARTHUR:

15           Q.       What is a search incident to arrest?

16           THE COURT: Are we switching gears now.

17           MR. MACARTHUR: No, Judge.

18           THE COURT: I think it's a good time for the  
19      court to break. It's 5:15. We have discussed this. How  
20      much additional time do you have.

21           MR. MACARTHUR: If that's the court order,  
22      that's the ruling -- I would appreciate 5 additional  
23      minutes to see if I can get through the issue of the  
24      police report and the CAD.

25           THE COURT: 5 minutes.

1 BY MR. MACARTHUR:

2 Q. Isn't it true that the female occupant Chavez  
3 informed officers present there was a half ounce of meth  
4 in the trunk?

5 MS. KOLLINS: Objection, hearsay.

6 THE COURT: We were able to get through the  
7 other set of questions.

8 MR. MACARTHUR: I'm not relying on any one  
9 else's statement, just his recollection.

10 THE COURT: That's not how you asked the  
11 question. Sustained.

12 BY MR. MACARTHUR:

13 Q. You testified Sergeant Erickson is not your  
14 sergeant?

15 A. Correct.

16 Q. Sergeant Clark is your sergeant?

17 A. Yes.

18 Q. Was Sergeant Clark present?

19 A. I don't believe so.

20 Q. Does Sergeant Erickson out rank you?

21 A. Yes.

22 Q. Might one get in trouble with the powers that  
23 be for deviating from Metro policy as a Metro employee?

24 A. Yes.

25 Q. You in fact when you wrote the letter that was

1 admitted by the State referenced that car stop; is that  
2 correct?

3 A. Yes.

4 MR. MACARTHUR: If I could ask the State, what  
5 exhibit is that, the letter. Referring to State's 59.

6 MS. KOLLINS: It's admitted.

7 BY MR. MACARTHUR:

8 Q. State's 59, you referenced this stop inside  
9 your letter to Sergeant Clark; is that correct?

10 A. Yes.

11 Q. Remember the date you issued that letter to  
12 Sergeant Clark?

13 A. I do not.

14 Q. Do you agree with me when you wrote this  
15 letter it was closer in time to the events of March 22,  
16 2015?

17 A. It was after, yes.

18 Q. In fact, this letter was written somewhere  
19 between March 22nd and March 29th of that year, correct?

20 A. I don't know when I wrote this.

21 Q. We'll pick that up tomorrow.

22 Did you in fact tell Sergeant Clark that Josh drove  
23 past an occupied vehicle, occupied twice, and did so  
24 because he thought the vehicle looked suspicious?

25 A. Where are you reading.

1           Q.       Bottom paragraph. Is that what you said to  
2 Sergeant Clark?

3           A.       Yes.

4           Q.       Would you agree with me that that would be at  
5 odds with the CAD that said there were 4 people?

6           A.       I'm reading so I can accurately answer your  
7 question. It says here, vehicle occupied twice.

8           Q.       Would you agree with me that this is closer in  
9 time to the incident itself -- this letter was written  
10 closer in time to the March 22nd incident?

11          A.       It was written after, yes.

12          Q.       Do you feel like your memory of that incident  
13 would be better now or then?

14          A.       Probably then.

15          Q.       So the vehicle was only occupied by 2  
16 people?

17          A.       Yes.

18          Q.       So we are complete and I can come back to this  
19 tomorrow. You described why you wrote this letter to  
20 Sergeant Clark, but in the second sentence of the last  
21 paragraph you informed Sergeant Clark when you invited  
22 Josh over to Enterprise Area Command that he no called, no  
23 showed the first time but has since been volunteering his  
24 time regularly, correct?

25          A.       Correct.

1           Q.       Then you go in to how the car was occupied 2  
2 times?

3           A.       Yes.

4           Q.       That he conducted a records check and  
5 discovered the vehicle was stolen?

6           A.       Yes.

7           Q.       Then Josh assisted with what he could in the  
8 investigation but went a step further and began providing  
9 updating radio traffic during the time when officers were  
10 taking the subjects into custody?

11          A.       Yes.

12          Q.       So your statement through this letter to  
13 Sergeant Clark was that Josh deviated somehow, updating  
14 the dispatch records or using the radio at a time in which  
15 he was not supposed to do that?

16          A.       Correct.

17          Q.       Is that correct.

18          A.       Yes.

19          Q.       And lastly -- I appreciate the court's  
20 indulgence, Judge -- 55. Referring to one of pages of  
21 State's 55, do you recognize this as some text  
22 communication captured in a screen shot with Joshua Honea?

23          A.       Yes.

24          Q.       Unfortunately we don't have the date for  
25 everything on the screen, but there is a date here,

1       which -- that's horrible?

2               THE COURT: If you can identify the date, Mr.  
3       MacArthur, it's there.

4       BY MR. MACARTHUR:

5               Q.       Given it's a little fuzzy, please compare this  
6       document to that document, and let me know if it's the  
7       same one.

8               A.       Yes. This is zoomed in a little more, but  
9       it's the same document.

10              Q.       Would you agree with me that there is a time  
11       stamp here?

12              A.       Yes.

13              Q.       Do you recall what that time stamp was?

14              A.       Thursday, March 26th.

15              Q.       After the 22nd?

16              A.       Yes.

17              Q.       And that time stamp let's us know that  
18       everything below that happens after March 26th at 14:05  
19       hours, correct?

20              A.       Yes.

21              Q.       What is above that would have been before that  
22       time stamp, correct?

23              A.       Yes.

24              Q.       Would you agree with me that you commended  
25       Josh on great stop kid?

1           A.       Those words don't mean I'm commending him.  
2       It's just that it's a good, stop.

3           Q.       Were you sending it to somebody other than  
4       him?

5           A.       No.

6           Q.       You sent it to Josh, great stop kid?

7           A.       Yes.

8           Q.       And you're referring to the March 22nd,  
9       incident, right?

10          A.       Yes.   Reading the text message above it,  
11       yes.

12          Q.       And it's despite the fact he seemed to deviate  
13       from all of these policies you felt compelled, 3 days  
14       later, to give him an informal counseling statement on,  
15       right?

16          A.       I counseled him at the scene also.

17          Q.       Was Sergeant Erickson present for that?

18          A.       I don't know if he was or not.

19          Q.       But you remember the details of counseling him  
20       at the scene?

21          A.       I remember telling him he shouldn't have  
22       suspect contact, just like I told him before.

23          Q.       You remember that from March 22nd?

24          A.       Yes.

25               MR. MACARTHUR:   I'll see you tomorrow.   No

1 further questions.

2 THE COURT: Thank you. We'll excuse the witness  
3 at this time.

4 JURY ADMONITION

5 During the recess, ladies and gentlemen, you are  
6 admonished not to converse among yourselves or with anyone  
7 else, including, without limitation, the lawyers, parties  
8 and witnesses, on any subject connected with this trial,  
9 or any other case referred to during it, or read, watch,  
10 or listen to any report of or commentary on the trial, or  
11 any person connected with this trial, or any such other  
12 case by any medium of information including, without  
13 limitation, newspapers, television, internet or radio.

14 You are further admonished not to form or express any  
15 opinion on any subject connected with this trial until the  
16 case is finally submitted to you.

17 See you all tomorrow at 1:00.

18 Officer, see you tomorrow.

19 THE WITNESS: Thank you.

20 THE COURT: I don't have a bench conference I  
21 need to make a record of, but I have a concern in all  
22 candor of the questioning and the text that was covered  
23 and what it purports to mean. That's State's 59. I'm not  
24 sure how the raise it because I'm not here to comment on  
25 evidence or address evidence in the case, however, you

1 know this is evidence being put forward to jurors.

2 MS. KOLLINS: Are you talking about the e-mail.

3 THE COURT: I'm taking about 59, which is the  
4 letter.

5 MS. KOLLINS: It was done by e-mail.

6 THE COURT: The letter from the witness to  
7 Sergeant Clark. For the record, the witness is not in the  
8 room at this time. There was a great deal of time spent  
9 going over this last paragraph on the first page. I don't  
10 know, I'll mull it over tonight and see if there's a way  
11 to figure out the court's concern.

12 We're adjourned for the night.

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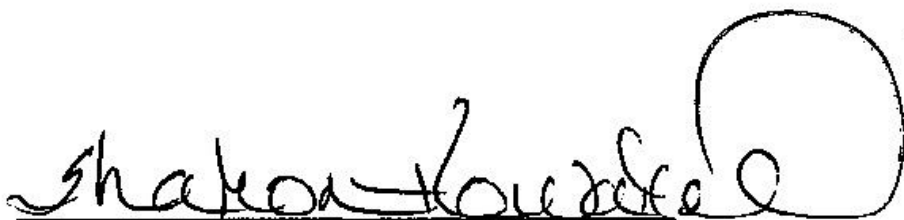
25

CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard  
C.C.R. #745

< Dates >.	11 49:14, 94:6,	.
DECEMBER 11, 2017	94:11, 94:14.	< 2 >.
1:27, 4:1.	115 34:8, 34:12,	2 58:25, 72:19,
January 2014	34:24, 35:4,	73:14, 73:21,
82:10.	35:6, 35:12,	74:16, 89:16,
July 22, 2015	44:24.	116:8, 116:14,
7:3.	115. 35:9.	124:13, 156:1,
June 2015 35:20,	116 34:8, 34:24,	162:15, 163:1.
43:23.	35:4, 35:6.	2-and-a-half
June 21, 2017	116. 34:12, 35:19,	62:9.
44:19.	45:19.	2-page 93:7.
June 21st, 2015	117 4:8, 4:9,	20 9:22.
45:5.	4:17.	2009 50:17,
March 22, 2015	12 60:15.	74:8.
104:15, 110:21,	14 9:22.	2010 50:17, 51:22,
112:3, 113:25,	14:05 164:18.	75:8.
118:15, 139:21,	15 8:8, 94:2.	2011 75:8.
147:13, 149:13,	15:02 124:12,	2013 53:15,
161:15.	124:14,	59:18.
March 22nd 85:14,	147:18.	2014 19:13, 20:15,
95:19, 96:1,	15:03 148:1,	21:10, 21:12,
96:11, 96:14,	149:14.	21:17, 22:8,
98:6, 161:19,	15:07 150:20.	23:16, 53:15,
162:10, 165:8,	15:09 151:1.	54:13, 59:15,
165:23.	15:29 152:22,	59:18, 59:20,
March 22nd, 2015	153:4, 155:20,	81:14.
84:20.	157:13,	2015 16:13, 17:4,
March 26th 164:14,	158:17.	17:19, 21:17,
164:18.	15:56 156:13,	22:9, 23:16,
March 27th, 28th,	157:20.	24:13, 26:4,
29th, 2015	16 3:8, 8:9,	27:2, 27:12,
92:17.	55:12, 55:17,	30:18, 34:20,
March 29th	57:15, 91:7,	34:22, 43:14,
161:19.	94:10, 95:7.	64:22, 82:9,
May 2015 17:18,	16. 9:15.	84:12, 85:15,
19:14.	169 3:30.	86:11, 86:18,
May, june, july	16:30 124:1.	87:17, 107:5.
16:13, 17:3.	16:31 154:24,	2015-ish 74:8.
November 28, 2017	155:18,	2015. 81:4,
4:10.	157:18.	82:10.
#745 168:28.	17 3:9, 6:16,	2017 44:22.
.	94:13.	21 55:16, 78:25,
.	18 3:13, 8:5,	79:1.
< 1 >.	91:5, 95:9.	211 122:16.
1 116:14.	187 122:16.	215 36:14.
10 52:1, 71:13,	1:00 5:4, 137:2,	22 9:22, 55:16.
72:16, 98:13,	137:14.	22. 76:20.
121:15, 138:3,	1:00. 136:12,	22nd 92:19,
148:1.	166:17.	164:15.
105 3:27.	.	23 10:6.

23. 9:22.	127:24, 136:8,	41:11, 77:2,
23P 144:23.	137:11, 159:22,	83:9, 101:25,
25 1:2.	159:25.	105:24, 110:2,
27 145:4.	55 163:21.	110:12, 112:17,
2P4 115:10,	55. 163:20.	130:20, 150:10,
144:20, 147:7,	56 100:21.	160:6.
151:1, 151:3.	58 3:21, 4:9,	above 164:21,
.	4:17.	165:10.
.	59 93:21, 93:22,	abrogates
< 3 >.	93:23, 161:5,	131:24.
3 49:12, 67:2,	161:8, 167:3.	Absolutely 89:6,
68:11, 73:2,	59. 93:6,	90:1.
80:15, 116:8,	166:23.	abundantly
120:20, 152:18,	5:15. 159:19.	130:14.
153:7, 153:9,	5:30 135:12,	abuse 61:24.
165:13.	135:14.	Academy 32:10,
3. 20:5.	.	42:16, 42:25,
30 62:10.	.	75:19, 75:20,
31 62:10.	< 6 >.	75:24, 78:22,
33 62:8.	6 3:7, 58:25,	79:1, 90:16,
3:00 124:13.	103:23, 136:2.	91:20, 99:20,
3:00. 68:3.	607 145:17.	99:23, 107:18,
3:29 153:4,	67 3:22.	109:10.
155:20, 157:15,	6:00 135:19.	accept 43:2.
158:8.	6:30 123:23.	according
3:56 157:21,	.	158:11.
158:8.	.	account 64:3,
.	< 7 >.	64:4, 109:4.
.	7 7:2, 7:18.	accurate 95:3,
< 4 >.	72 3:26.	108:6, 109:12,
4 8:8, 10:1, 52:4,	733 145:7.	144:25.
106:1, 106:3,	745 1:34.	accurately 34:25,
120:10, 151:5,	76 13:6, 13:7,	93:16, 146:9,
151:16, 151:20,	13:9, 15:4,	150:11, 162:6.
152:14, 162:5.	15:17, 15:19,	accuse 38:5,
40 3:14.	15:20.	38:10.
400 7:16,	76. 13:7.	across 134:8.
122:17.	.	action 5:23, 18:2,
411 122:18,	.	48:19, 71:22,
122:20.	< 8 >.	80:10, 80:12,
411A 147:21.	8 60:15, 74:6.	80:13, 96:20,
48 3:15.	.	135:24.
49 3:20.	.	activities
4:30 123:23,	< 9 >.	10:25.
123:24.	9 52:1.	activity 98:7.
4:31 158:9.	.	actual 119:10.
.	.	actually 29:14,
.	< A >.	59:2, 77:17,
< 5 >.	ability 42:2.	82:10.
5 8:8, 52:4,	able 11:25, 13:21,	adamant 26:7.

add 69:16, 69:18, 71:10.	23:10, 23:11, 32:7.	132:1, 143:17, 144:19, 144:22,
additional 5:5, 113:10, 117:13, 126:3, 159:20, 159:22.	advised 42:15, 126:5, 140:23.	145:1, 147:18, 150:20, 151:1,
address 70:22, 127:25, 166:25.	adviser 50:18.	151:4, 151:19,
adjourned 167:12.	advisor 28:4, 28:5, 50:13, 50:14, 50:25, 51:2, 51:24,	152:2, 154:20, 154:23, 156:6,
administrative 108:11.	54:4, 54:6, 54:7, 74:2, 74:3, 74:10, 74:17, 75:7,	157:20, 157:23, 158:11, 159:9, 161:14, 162:4,
administratively 102:7.	75:9, 75:11, 90:14, 99:8, 99:17, 102:16, 106:5.	162:8, 164:10, 164:24.
admission 4:15, 15:16, 35:3, 64:7, 93:20, 148:12.	advisors 25:17.	agreed 158:8.
admitted 9:22, 13:6, 13:9, 14:14, 14:15, 14:16, 14:18, 14:20, 15:20, 20:5, 35:6, 35:9, 64:10, 76:20, 93:23, 100:21, 161:1, 161:6.	affairs 4:12, 12:6, 12:7, 12:10, 12:19, 16:7, 16:12, 17:1, 17:4, 17:7, 57:10, 103:15, 103:17.	ahead 95:5, 134:11.
Admitting 64:12.	affect 129:3.	Air 79:14, 84:14.
admonish 137:15.	affidavit 4:18.	aisle 134:9.
admonished 67:17, 67:25, 128:4, 128:12, 166:6, 166:14.	afraid 10:21.	Alaska 129:22.
ADMONITION 67:15, 128:2, 166:4.	Afternoon 6:10, 40:8, 40:9, 57:24, 57:25, 72:9, 105:1, 105:2.	album 13:1, 13:12, 13:15, 13:22, 14:24, 15:5, 15:20.
adult 58:20, 63:20, 109:9.	afterwards 81:15.	alcohol 60:23.
adults 6:23, 12:13, 55:3, 55:5, 60:24, 61:1.	age 9:14, 22:9, 31:25, 55:3, 66:2, 78:4, 78:24, 90:12, 90:16, 90:17, 91:3, 91:4.	allege 132:1, 132:4.
advice 42:5, 42:12, 43:3, 43:5, 87:22, 88:23, 91:18, 99:19, 99:22, 112:20.	age-appropriate 82:1.	allow 70:8, 129:11, 142:6.
advise 23:1,	aged 79:4.	allowed 14:19, 69:15, 70:24, 71:8, 85:20, 85:22, 120:6, 120:20, 129:22, 140:18.
	aging 63:19.	allows 131:2.
	ago 62:9, 62:10.	Almost 12:24, 73:14, 84:16, 98:12, 103:1.
	agree 16:10, 58:20, 122:22, 123:13, 124:12,	alone 88:9, 89:9, 89:11, 91:1, 91:22.
		already 7:11, 14:16, 26:14, 40:20, 45:23, 47:3, 54:13, 57:3, 58:17, 78:21, 86:15, 88:7, 92:13, 129:8, 130:17, 133:25, 134:13,

135:25, 138:22,	APPEARANCES 2:1.	argumentative
142:14, 153:6,	appeared 21:23,	138:20, 139:1,
153:21, 153:24,	23:9, 44:13,	140:8.
155:19,	45:3.	argumentive
157:17.	appearing 70:1.	151:22.
amenable 80:8.	Appears 44:16,	Arizona 81:17.
ammo 113:10.	44:24, 45:10,	around 20:15,
ammunition 83:1,	64:15, 117:23,	26:25, 42:10,
83:11, 102:21.	155:22.	43:23, 45:6,
among 67:17,	applicable 69:13,	51:22, 53:2,
128:4, 166:6.	69:14.	62:10, 77:9,
amount 129:19.	applied 107:13.	99:6.
an-hour-and-a-half	appreciate 131:23,	arrest 97:6,
124:15.	159:22,	123:1, 132:3,
Analyst 103:15,	163:19.	134:4, 155:7,
103:16.	Approach 9:18,	155:13,
and/or 71:7.	13:2, 14:21,	159:15.
angry 38:17.	16:18, 37:20,	arrested 108:13,
announcing	39:15, 84:25,	153:18, 153:24,
112:25.	93:1.	154:3, 154:7,
answer 37:23,	approached 55:2.	154:10.
65:1, 95:4,	Approaching	arrive 20:10,
105:25, 129:20,	146:11.	20:12, 21:4,
130:13, 133:11,	appropriate 66:2,	21:5, 21:7,
142:6, 144:2,	66:13, 92:5,	86:1, 116:7,
148:24, 150:18,	92:6, 92:10,	150:6, 150:7.
162:6.	117:20, 129:11,	arrived 119:21,
answered 26:8,	138:24, 143:23,	127:7, 150:11,
64:23, 117:13.	144:5, 144:12,	150:16.
answering 23:24.	144:14.	art 59:2.
answers 129:10.	Approximately 7:2,	articulated
anti-room 138:14,	41:23, 146:1.	69:22.
139:8.	Ar 65:16.	Aside 57:5.
anticipated	Archi 21:3.	aspect 56:4,
71:6.	Area 20:1, 20:11,	90:15.
anticipating	25:18, 36:15,	aspects 23:13,
70:21.	49:18, 49:21,	72:24.
anybody 68:8,	49:22, 73:5,	assault 6:18,
109:5, 144:12.	73:7, 73:9,	6:22, 6:23,
anyway 99:1,	74:14, 75:7,	6:25, 7:18,
136:1.	76:3, 79:9,	7:20, 32:22,
apologies 40:11.	79:12, 79:13,	49:9, 49:17,
apologize 68:8,	79:20, 86:8,	57:8, 58:5,
152:7.	100:13, 104:7,	58:9, 58:12,
apologizes	105:21, 106:16,	58:24, 59:4,
152:9.	111:8, 149:14,	66:6, 66:7,
Apache 31:14.	162:22.	66:17, 66:25,
appear 15:5, 63:2,	areas 101:17.	67:1, 67:3.
63:5, 109:4,	argue 134:8.	asserted 125:20.
109:5, 129:1.	argument 129:2.	assertion 69:4.

asset 102:16.	21:17, 23:16,	37:18, 130:2,
assigned 49:8,	23:19, 40:15,	130:15.
49:10, 49:15,	43:15, 46:5,	beat 127:6.
58:5, 149:16,	46:14, 46:24,	became 50:11,
150:14.	47:21, 54:24,	52:13, 54:6,
assignment 6:17,	94:13, 96:23,	78:18, 79:20,
6:21.	96:25, 112:12,	80:2, 91:3,
assist 78:7,	112:15, 119:24,	92:7, 99:17.
79:23, 150:4.	122:14, 141:21,	become 23:19,
assisted 163:7.	157:24.	28:11, 40:15,
assisting 151:9.	away 8:18, 55:24,	51:5, 54:3,
associated	101:25, 102:2,	54:24, 55:16,
25:15.	102:24, 109:8,	78:7, 130:14.
associates	110:14.	becomes 132:25.
25:15.	awhile 24:17,	becoming 63:16.
assume 151:16.	99:6, 112:11.	beers 107:1.
assumed 47:3,	.	began 51:18,
112:23.	.	51:20, 105:15,
Assumes 46:8,	< B >.	163:8.
66:14, 158:19.	B-e-l-m-o-n-t-e	begin 55:11,
assuming 91:5,	18:9.	76:25.
148:5, 152:15.	Babbitt 47:16.	beginning 11:13.
assumption 38:4.	background 87:10,	behalf 132:5,
ate 21:2.	99:11.	136:3.
attached 92:1.	bad 23:4, 88:18,	behaving 91:24.
attend 21:14,	102:23,	behavior 26:13,
76:6, 76:8.	155:15.	29:5, 55:20,
attended 60:6.	bags 140:21,	66:13, 66:15,
attending 76:15,	140:24, 141:22,	82:11, 94:21,
80:21.	143:8.	95:13, 96:20,
attention 7:3,	balance 25:7,	98:8, 102:20.
76:17, 81:4,	133:15.	behaviors
82:9, 84:12,	ball 105:8.	100:18.
86:16.	barricades	belief 130:25,
attorney 37:24.	72:24.	131:1, 135:1.
attorneys 5:18,	Base 79:14.	believed 42:13,
138:9.	Based 16:16,	42:15, 55:15,
Audi 116:8,	45:23, 48:6,	95:22.
118:19, 126:13,	72:22, 123:14,	believes 130:1.
140:13, 143:8,	123:16, 132:12,	belive 114:1.
149:18.	136:17, 137:1,	Belmonte 3:12,
audio 9:5.	143:16, 143:22,	18:8, 39:20,
Auto 84:2.	144:4, 144:13,	40:3, 48:16,
availability	146:18.	68:11, 69:24,
137:13.	Basically 8:18,	70:15, 114:24,
available 7:14.	75:18, 78:12,	115:2, 120:25.
aware 16:15,	79:14, 103:19,	below 164:18.
16:24, 17:3,	103:21, 103:24,	belt 82:20,
17:5, 17:6,	104:8.	98:15.
17:7, 17:17,	basis 16:17,	bench 30:11, 68:4,

68:12, 68:19,	bounds 55:1.	buttress 135:21.
68:21, 69:17,	BP27 150:21.	.
69:21, 69:22,	break 135:8,	.
70:4, 70:9,	135:10, 136:8,	< C >.
70:18, 125:24,	136:22, 156:23,	C-15-309548-1
126:20, 128:17,	159:19.	1:1.
131:21, 133:19,	bridge 78:21.	CAD 145:20,
142:16,	Brief 67:13,	145:22, 146:2,
166:20.	71:14, 119:25,	146:6, 146:13,
bench. 16:20,	127:24,	148:12, 148:17,
30:12, 37:22,	128:15.	150:15, 155:5,
39:17, 126:1,	Briefly 9:17,	155:7, 156:13,
126:21,	9:23, 33:11,	156:19, 157:7,
142:17.	125:25,	158:17, 159:24,
beneficial 80:6.	152:24.	162:5.
Besides 21:7,	Bring 12:21,	calendar 5:2.
53:7, 57:7.	12:23, 52:5,	caliber 83:11.
Best 43:8, 50:17,	52:9, 52:11,	called 9:10, 27:8,
51:23, 64:15,	76:17, 76:18,	33:1, 40:11,
64:20, 77:24,	82:20, 106:16,	80:5, 115:22,
148:23.	135:1, 137:5.	162:22.
better 68:15,	bringing 12:24,	calling 24:5,
75:23, 80:10,	76:25, 77:13,	84:16, 86:3,
103:20, 140:21,	80:24, 102:21.	102:1.
162:13.	Briza 43:15,	Calls 66:19,
bias 70:22, 70:23,	45:6.	71:19, 80:16,
71:7, 130:21.	brother 21:23,	82:18, 83:21,
bills 92:3.	22:2, 37:11,	83:23, 83:24,
birthday 21:14.	37:15, 52:19,	101:19, 102:19,
bit 8:7, 8:15,	56:4, 57:4,	158:2.
8:21, 11:14.	70:2, 109:19.	candid 131:11.
Bjs 21:14.	brought 12:9,	candor 103:11,
black 74:25,	13:12, 14:24,	166:22.
101:1.	29:8, 76:16,	capacity 61:9,
blank 54:16.	77:4, 97:20,	61:11, 72:17,
Blocked 23:21,	105:11, 111:8,	73:1, 74:1,
23:22, 30:24.	142:14.	74:17.
blocking 28:1,	Budget 149:14.	captains 103:25.
28:7, 28:15.	build 8:14.	capture 44:24,
blue 19:8, 50:4,	bureau 18:18,	46:17, 46:21.
74:25.	18:24, 72:20,	captured 163:22.
Blum 117:24,	72:21.	captures 44:13.
118:1, 152:6,	burger 114:11.	car 36:5, 82:18,
152:8, 153:22,	burglarized	86:3, 113:14,
154:10.	83:25.	113:16, 116:22,
Bocca 20:22.	burglary 78:15,	122:22, 126:6,
book 13:10.	84:2.	140:20, 153:10,
Bottom 45:9,	business 149:4.	161:1, 163:1.
95:18, 162:1.	button 150:7,	career 32:9,
Boulevard 7:17.	150:14.	32:18, 51:4,

78:20, 79:19, 87:3, 87:25, 106:12, 106:13, 106:18, 106:21, 117:4, 141:5. carried 24:17. carries 83:11. carry 83:17, 98:13. cars 78:15, 98:13. cases 66:7. Casino 28:18, 54:18, 62:2, 63:3, 109:2. Caterina 22:14, 36:18, 36:21, 47:16. caught 136:22. cause 4:24, 82:11, 89:5, 103:1. caused 86:18. causing 102:25. caution 12:14. ceased 65:16. celebration 81:15. cell 92:3. certain 23:2, 23:3, 23:4, 68:16, 71:8, 87:7, 104:7, 106:11, 124:20, 146:3. certainly 65:4. CERTIFICATE 168:1. CERTIFIED 4:10, 168:3, 168:8. certify 168:9. cetera 42:7, 69:9, 130:22, 133:21. chain 127:2, 130:7. chance 39:21, 45:17. Chandler 81:17. change 8:7, 42:25, 111:23, 129:17,	129:20. changing 100:13. character 14:9. characterize 23:5, 28:9, 37:2. characterized 24:15. charge 123:8. charged 123:3, 123:7. charges 126:12. Charleston 21:20, 31:15. Chavez 155:13, 155:19, 160:2. Check 95:25, 120:6, 136:12, 163:4. checked 14:20, 115:20. checks 85:22, 87:11. Chevron 95:23, 96:5, 96:11, 114:7. Cheyenne 36:13. child 61:23. Chilies 31:14. Cho 5:20, 5:21, 17:17, 58:15, 68:5. chronological 145:22. chronologically 40:14, 106:15, 146:18. cigars 60:23. circle 45:7. circumstance 20:2, 70:20. circumstances 68:23, 70:6, 71:6, 122:6, 127:25, 128:23, 129:7, 129:14, 130:25, 136:4, 143:21, 143:22, 144:4. citizen 99:14. citizens 75:21,	77:24, 99:9. civilians 117:1. claimed 25:25. clarification 30:14, 64:25, 154:9. clean 4:24. clear 5:2, 68:22, 101:19, 129:18, 130:14, 133:3, 133:5, 133:9. clearing 151:5, 151:17. Clearly 47:24, 114:17. clerical 18:20. CLERK 4:21, 5:22, 6:2, 18:1, 18:6, 18:10, 48:18, 48:23, 71:21, 72:1. clips 113:11. Close 77:23, 79:14, 85:25, 91:22, 98:11, 98:15, 102:22, 110:25, 127:5, 147:5. closed 17:19, 139:13, 139:14, 139:15, 139:19. closer 101:25, 161:15, 162:8, 162:10. clumsy 156:8. co-defendant 132:3. co-defendants 134:3. code 80:15. coded 147:6, 147:21. codes 75:22, 122:12, 122:13, 122:15, 122:17, 149:9. coding 149:12. cold 6:18, 6:19, 6:21, 7:19.
---	--	---

college 42:14.	99:2, 100:11,	conduct 61:16,
combination 23:8,	104:16.	87:20, 89:2,
98:23.	company 61:14,	89:18, 89:22,
comes 122:22,	76:8.	96:14, 96:20,
129:13.	compare 164:5.	97:16, 111:22.
comfortable	compared 80:7.	conducted 85:7,
120:3.	compelled	95:24, 163:4.
coming 33:2,	165:13.	cones 83:22.
51:18, 53:10,	competition 53:11,	conference 68:4,
60:20, 81:24,	81:14, 81:17.	69:17, 69:21,
83:12, 132:11.	competitions	70:10, 166:20.
Command 25:18,	104:13.	conferences
49:18, 49:22,	complained 56:12,	68:12.
72:23, 73:7,	96:23.	confidants 38:7,
73:9, 75:8,	complete 15:19,	40:21.
76:4, 79:9,	51:10, 126:23,	confided 56:8.
79:12, 79:13,	136:9, 137:12,	confiscated
79:20, 86:8,	162:18.	108:15.
105:22, 106:16,	completed 75:25,	confrontation
111:9, 162:22.	105:25.	131:24.
Commands 49:21,	completely	confronted
73:5, 74:14,	88:17.	24:23.
100:13.	compliant 149:18,	confuse 82:19.
commended	149:25.	confused 96:13,
164:24.	computer 62:20,	132:10.
commending	145:23.	confusion
165:1.	concentrate	113:24.
comment 166:24.	42:14.	Congratulations
commentary 67:21,	concern 11:7,	43:12.
128:8, 166:10.	33:16, 82:12,	connected 67:19,
commissioned	86:19, 89:5,	67:22, 68:1,
83:15.	129:21, 131:19,	128:6, 128:9,
committed 84:18.	166:21,	128:13, 152:10,
common 52:9,	167:11.	166:8, 166:11,
117:2, 140:6,	concerned 10:18,	166:15.
149:4.	10:19, 33:4,	consider 99:7.
communicate 8:17,	98:19, 127:5,	Constitution
31:7, 115:7.	135:20.	130:1.
communicated	concerning 55:19,	constitutional
34:22.	98:8.	129:23,
communicating	concerns 10:15,	130:11.
36:19, 87:17,	10:17, 11:15,	contact 17:8,
136:25.	78:3, 136:10,	24:6, 24:9,
communication	136:16, 136:21,	65:14, 74:18,
24:4, 28:7,	137:1.	78:12, 78:16,
30:25, 47:25,	conclusion	80:16, 82:16,
70:19, 146:15,	66:19.	84:4, 84:5,
163:22.	concur 131:25.	110:25, 113:3,
communications	condition 15:6,	113:15, 113:16,
34:4, 34:21,	15:13, 69:11.	119:20,

<p>165:22.  contacted 7:5,  7:8, 7:10.  contain 83:1.  contained 9:24,  69:4, 132:16,  143:8.  content 134:22.  contents 117:16,  153:10.  context 29:10.  continually  16:12.  continuation  45:20.  continue 33:23,  42:19, 75:19,  137:10.  continued 94:24.  continues 42:21,  101:2.  continuity  46:20.  Contributing  103:5.  control 40:12,  72:23, 83:21.  conversations  12:3, 26:2,  27:23, 47:19,  81:2, 88:10,  88:22, 89:21,  134:14,  134:16.  converse 67:17,  128:4, 166:6.  convey 87:1,  122:13.  conveyed 101:14.  convince 23:1,  28:24.  cop 99:13.  copy 4:10.  corner 149:25.  correctly 51:21.  correlate 104:8.  corrupt 130:5.  corruption 130:5,  132:1.  cost 136:3.</p>	<p>Counsel 5:17,  30:11, 34:7,  64:8, 68:13,  70:19, 70:25,  71:16, 97:15,  99:18, 125:24,  126:20,  142:16.  counseled 25:14,  36:19, 68:16,  95:12, 95:14,  99:5, 102:22,  103:7, 110:24,  112:6, 165:16.  counseling 29:13,  36:24, 62:1,  100:18, 103:1,  106:25, 108:23,  109:6, 110:1,  110:6, 110:18,  111:5, 111:21,  112:2, 112:13,  165:14,  165:19.  counselor 88:15.  count 52:7.  COUNTY 1:6,  73:10.  couple 4:7, 34:3,  44:12, 50:20,  62:9, 88:6,  88:21, 92:9,  92:24, 95:15,  134:4, 155:6.  course 8:1, 11:9,  13:24, 16:19,  22:5, 22:8,  22:18, 25:12,  26:4, 42:25,  88:21, 149:4.  courtroom 49:25.  covered 166:22.  create 64:3.  creation 64:16.  crime 49:8, 80:13,  84:18.  crimes 18:24,  54:14, 66:9,  104:7.  criminal 12:10,</p>	<p>12:18.  criminally  17:19.  critical 23:6,  23:8.  cross 70:21, 71:9,  130:11,  135:11.  Cross-examination  3:8, 3:14, 3:21,  3:27.  CROSS-EXAMINATION  16:1, 40:6,  57:22, 104:24.  cross-examine  129:23.  culminated 97:6.  cultivate 99:9.  Cupid 63:23,  63:25.  curious 37:10,  37:14, 38:4,  40:16, 69:24.  current 6:17.  Currently 6:18,  58:5, 94:2.  custody 108:18,  121:25, 124:19,  150:22, 151:5,  151:16, 151:21,  152:4, 152:14,  153:2, 163:10.  .  .  &lt; D &gt;.  DA 137:13.  dad 88:20.  dangerous 98:18,  98:20.  dark 50:4,  74:25.  date 22:12, 43:21,  44:19, 44:20,  45:2, 57:15,  63:24, 64:19,  65:8, 77:3,  84:21, 84:23,  85:11, 85:13,  86:6, 86:7,  89:14, 91:7,</p>
---	--	--

112:1, 161:11,	131:11.	9:12, 32:22.
163:24, 163:25,	define 91:4.	determined 71:4.
164:2.	Definitely 88:4.	develop 63:23,
DATED 1:27.	definitions	71:9.
dates 43:22,	75:23.	deviate 165:12.
78:23.	degree 42:22.	deviated 130:4,
dating 22:11,	DELANEY 1:24.	163:13.
39:6, 39:21,	demeanor 11:11,	deviating
44:10, 55:9,	14:9, 33:3,	160:23.
95:7.	37:2.	Dicaro 7:9, 15:3,
daughter 77:25.	deny 132:18.	15:10, 15:18,
Davis 129:21.	departed 27:13.	16:4, 16:11,
day 5:3, 13:13,	Department 6:14,	17:11, 40:23,
24:16, 32:21,	18:16, 49:6,	41:8, 56:25,
46:7, 47:1,	65:5, 89:10,	57:13, 58:17,
54:23, 85:19,	122:15, 138:4,	61:17, 61:20.
128:1.	149:5.	difference
days 24:16,	departure 74:9.	58:18.
165:13.	depended 11:21.	differences
deal 4:21, 137:6,	depending 145:24,	58:21.
167:8.	151:10.	different 12:12,
debates 128:17.	depends 122:2,	45:11, 56:14,
decentralization	122:6, 122:10,	82:23, 114:2,
18:22.	143:20, 144:16,	130:22, 148:9,
decide 75:21.	144:17.	154:25,
decided 63:23,	depict 93:16.	156:22.
144:9.	depicted 62:23.	differently 8:8,
decision 101:12.	DEPT. 1:2.	122:5.
Declaration 4:11,	depth 145:24.	dinner 22:22,
4:19, 132:3,	describe 11:10,	55:8, 90:19.
155:7, 155:13.	22:1, 25:13,	DIRECT 3:7, 3:13,
deeper 25:24.	51:1, 87:16,	3:20, 3:26, 6:8,
deescalation	106:7, 110:17,	18:12, 44:25,
72:23.	114:7, 145:20.	49:2, 58:4,
defend 98:14.	described 26:18,	63:9, 72:7,
Defendant 1:19,	52:19, 52:21,	94:16, 110:18,
2:5, 19:10,	58:4, 69:25,	113:3, 114:3,
50:7, 64:7,	87:19, 125:16,	141:7, 142:2,
68:16, 69:25,	162:19.	155:16.
70:5, 70:17,	describing 86:3,	directed 16:3,
71:16, 142:11,	87:12.	16:25.
142:13, 142:14,	description 97:17,	direction 42:6,
142:19.	101:24.	168:15.
Defense 5:17,	desire 55:11,	Directly 32:7,
34:7, 64:12,	57:15.	74:25.
68:6, 68:13,	despite 165:12.	disagree 59:24.
70:25, 71:7,	details 11:25,	disbelieve 78:1.
71:8, 71:10,	28:23, 44:5,	disclosure 10:12,
108:25, 130:1,	68:8, 165:19.	17:18.
130:10,	detectives 7:5,	discourage

138:18.	1:25.	117:1, 118:18,
discovered	diving 8:22.	119:7.
163:5.	division 18:17.	drinks 28:23,
discovering	document 13:22,	55:8.
37:15.	93:7, 109:25,	drive 136:1.
discuss 11:7,	118:13, 119:5,	driven 84:18.
36:18, 36:25,	146:11, 149:3,	driving 80:15,
129:14,	149:20, 154:25,	150:18.
138:10.	155:4, 157:5,	drove 161:22.
discussed 29:18,	164:6, 164:9.	drugs 11:3, 126:6,
31:10, 44:25,	documentation	126:11, 127:13,
69:6, 86:16,	108:2, 110:10,	140:12, 140:25,
97:19, 110:13,	111:7, 112:12,	141:22, 142:21,
111:21, 112:4,	119:4.	143:8, 157:25,
159:19.	documented 110:5,	158:12, 159:3.
discusses 25:19.	111:4, 111:17,	due 52:18, 80:3.
discussing 70:1.	130:6.	duration 73:21.
Discussion 12:7,	Doing 11:3, 40:24,	During 11:9,
16:20, 30:12,	53:4, 59:4,	13:15, 21:17,
36:23, 37:22,	63:13, 79:5,	22:5, 22:18,
39:17, 68:21,	87:6, 87:13,	25:12, 30:3,
70:7, 70:18,	88:19, 94:18,	30:18, 31:24,
101:13, 126:1,	97:16, 100:14,	32:2, 32:8,
126:21, 131:20,	106:15, 107:11,	44:25, 55:10,
142:17.	116:16, 116:17,	58:4, 67:16,
discussions	133:22, 135:25,	67:20, 68:4,
100:12, 100:17,	136:1, 142:5,	68:11, 77:12,
130:18.	155:25.	81:1, 81:14,
dispatch 85:3,	don'ts 87:7,	102:2, 110:17,
115:7, 146:16,	134:5.	128:3, 128:7,
150:12, 150:21,	done 7:25, 13:18,	143:14, 163:9,
151:4, 163:14.	60:16, 61:20,	166:5, 166:9.
dispatcher 146:20,	78:21, 126:10,	duties 84:11.
149:11.	126:17, 135:13,	duty 73:3, 82:20,
dispel 78:3.	135:14, 141:4,	98:15.
dispute 107:23.	167:5.	dynamic 80:16,
disregard 43:2.	door 70:20,	147:13.
disregarded 43:7,	139:13,	dynamics 127:8.
91:18.	139:19.	.
disrespectful	down 51:11, 68:7,	.
14:10.	77:22, 89:24,	< E >.
distance 87:5,	90:22, 149:20.	e-mail 91:10,
87:6, 87:8,	downstairs 33:1.	92:16, 93:11,
87:24, 88:1.	downtown 20:1,	94:3, 95:18,
distinguish	20:9.	97:8, 121:11,
121:24.	draft 92:14.	167:2, 167:5.
distraught 24:2,	drafted 92:21.	earlier 21:12,
24:16, 25:13,	drafting 94:2.	37:4, 99:25,
37:5.	draw 117:3.	133:8, 152:11.
DISTRICT 1:5,	drawing 54:16,	Early 23:16, 26:4,

75:8, 87:17,	51:4, 87:3,	eventually 74:2,
96:8, 103:18.	136:12.	78:7, 99:16.
eat 20:21,	engaged 98:7.	everybody 115:8.
22:22.	engaging 10:25,	everyone 75:16,
effect 30:10,	85:8, 95:22.	102:14, 102:24,
68:20, 68:25,	enlighten 68:8.	147:9.
69:8, 142:25.	enough 99:16,	everything 99:11,
effects 125:21.	110:9, 117:2.	163:25,
efficiency 4:16.	enter 42:16.	164:18.
efforts 24:3.	entered 146:22.	evidence 46:9,
Either 13:25,	entering 25:7,	64:7, 66:18,
35:25, 45:24,	63:20.	158:20, 166:25,
69:16, 71:2,	entirety 106:1.	167:1.
81:11, 89:19,	entry 32:10,	exact 77:2, 84:21,
159:6.	147:19, 148:1,	89:14, 105:25,
element 45:7.	148:9.	116:19, 124:7.
elicited 40:13.	Erickson 114:20,	exactly 8:18,
eliciting 129:1,	114:22, 121:6,	41:14, 45:24,
133:16,	121:11, 141:18,	112:1.
133:17.	141:21, 142:8,	EXAMINATION 3:7,
email 155:8.	142:11, 143:7,	3:9, 3:13, 3:15,
embark 87:3.	143:11, 145:6,	3:20, 3:22,
emotional 11:14.	160:13, 160:20,	3:26, 6:8,
emphasized	165:17.	17:15, 18:12,
110:13.	Especialy 99:20,	44:25, 48:4,
employed 4:12,	136:11.	49:2, 58:4,
6:12, 6:15,	ESQ 2:2, 2:3, 2:5,	63:9, 65:24,
18:14, 18:15,	2:6.	72:7, 110:18.
18:17, 49:4,	establish	example 23:2,
72:12, 72:15,	141:17.	146:3.
72:17, 100:6,	established 59:24,	Excellent
103:12.	107:10, 129:6,	121:13.
employee 160:23.	138:22.	exception 69:2,
employment 30:3.	estimate 60:13.	129:13,
emptied 153:9.	et 42:7, 69:9,	131:10.
empty 140:20.	130:21,	exchange 36:10,
encourage 63:11,	133:21.	100:22, 101:4.
78:7, 79:23,	evaluation	exciting 80:10,
99:22, 100:1,	108:21.	80:18, 101:22.
113:22.	evasive 11:23.	Excuse 17:18,
encouraged	evening 109:13.	30:21, 166:2.
113:17.	event 59:11, 60:2,	excused 17:23,
encouraging	69:11, 142:25,	48:16, 67:11.
109:8.	146:3.	exempt 68:22.
end 4:25, 36:3,	events 118:5,	exercises 77:8.
103:8, 123:21.	118:14, 127:3,	Exhibit 14:13,
ended 74:15.	130:8, 130:25,	108:25, 148:13,
ending 77:15.	147:4, 147:13,	161:5.
ends 78:20.	150:11, 158:11,	exhibits 130:3.
enforcement 32:18,	161:15.	expect 41:22,

59:8.	122:12, 147:4.	filled 58:17.
expected 97:17.	Fairly 93:16,	finally 68:2,
expecting	109:12,	128:14,
133:11.	150:10.	166:16.
expense 136:3.	faith 130:2,	find 11:23, 36:2,
experience 59:9,	130:25, 131:1,	37:10, 37:14,
61:23, 66:6,	134:25.	116:7, 150:2,
66:9, 66:17,	fallout 28:14.	150:4.
66:25, 67:3,	falsely 38:10.	finds 85:23.
98:12.	familiar 43:16,	fine 85:19,
expertise	43:17.	144:2.
143:16.	familiarize	finishing 23:14.
expiration	117:16.	firearm 82:25,
78:23.	family 52:17,	83:17, 119:7.
explain 103:20,	56:5, 77:23,	firearms 83:12,
130:7, 152:24.	81:12, 81:17,	141:11.
explained 55:14.	91:23.	fired 30:19,
explanation	far 44:9, 46:14,	30:22, 65:9.
29:5.	68:21, 112:21,	First 16:24,
Explorers 52:9,	117:20,	19:25, 22:12,
54:25, 59:12,	128:18.	46:21, 68:12,
78:22, 78:23,	Fashion 20:24.	82:23, 96:8,
79:4, 82:4,	fast 146:21.	105:18, 113:25,
85:19, 88:24,	Feast 81:11.	131:9, 148:1,
90:13, 107:9.	feel 120:3,	149:21, 150:3,
Explores 52:22,	121:23,	150:8, 150:9,
53:11, 109:8.	162:12.	162:23, 167:9.
express 33:16,	feeling 36:1.	Flip 10:1.
38:9, 67:25,	felt 10:25, 92:11,	fly 133:20.
128:12,	165:13.	focus 42:24,
166:14.	female 7:13, 66:2,	132:24.
expressed 32:17,	82:1, 82:6,	focused 10:15,
48:7.	116:8, 117:5,	150:18.
expressing	119:13, 119:15,	follow 8:4, 9:14,
57:15.	120:13, 123:15,	30:14, 48:13,
external 13:7.	152:21, 160:2.	113:14.
eyes 85:25.	Festival 81:12.	follow-up 36:16.
.	Few 6:20, 12:25,	following 27:5,
.	55:8, 146:7,	31:10.
< F >.	146:9.	Food 81:11.
face 36:3.	Field 49:18,	foot 113:16.
face-to-face	49:20, 73:4,	Force 7:1, 72:23,
36:9.	73:7, 73:12,	79:14, 103:22,
Facts 46:8, 66:18,	73:17, 73:23,	104:8, 119:4,
158:19.	79:17, 79:20,	119:10.
Fair 8:22, 44:17,	80:2.	foregoing 168:11,
61:20, 65:20,	figure 103:19,	168:15.
65:21, 99:3,	103:23, 147:3,	forensics 62:20.
105:16, 105:17,	147:16,	form 50:25, 67:25,
108:1, 112:7,	167:11.	128:12, 144:1,

166:14.	130:2.	137:5, 165:14.
formally 14:14,	fuzzy 164:5.	Given 29:10,
95:16.	.	31:17, 78:3,
Fort 31:14.	.	86:23, 113:2,
forth 168:12.	< G >.	136:22, 147:12,
forward 105:5,	gang 18:24, 19:17,	151:15, 164:5.
110:17, 120:10,	24:25, 25:15,	gives 145:22,
135:1, 167:1.	30:3, 80:17,	145:25.
found 56:12,	100:6.	giving 84:15,
127:13,	gangs 18:25.	152:25.
140:12.	gap 78:21.	God 5:25, 18:4,
foundation 16:16,	gas 85:18, 95:24,	48:21, 71:24.
63:8, 69:23,	120:5.	Graduate 42:14,
70:3, 70:4,	gathering 55:18,	42:20, 42:21,
126:3, 129:5,	56:15.	99:17.
130:24, 139:3.	gatherings	graduated 43:10.
foundational	104:12.	Gramaldi 20:23,
25:4.	gave 43:3, 53:11,	20:25.
frame 5:9,	91:19, 157:24.	grandparents
89:16.	gears 159:16.	24:11.
free 43:2,	general 33:13.	great 78:13,
153:3.	generally 8:3,	90:17, 102:16,
frequency 77:16.	26:24.	164:25, 165:6,
frequently 42:5.	generates	167:8.
friend 47:14,	103:25.	greatly 78:17.
52:11, 91:22.	Gennaro 81:11.	Greek 81:11.
friends 11:4,	gentlemen 67:16,	green 100:25.
23:4, 38:19,	128:3, 145:21,	grounds 129:17.
40:21, 90:18.	166:5.	group 62:17,
friendship 25:25,	gets 130:24,	135:4.
47:21, 86:23,	135:20.	guess 4:22, 51:2,
109:19, 111:1.	Getting 78:22,	95:11, 103:11,
front 13:10, 64:2,	86:22, 87:2,	130:17, 130:23,
74:25, 97:25,	89:9, 91:20,	131:7, 137:17,
112:25.	99:20, 100:11,	148:5, 148:8.
frustrated 86:23,	116:1, 120:5.	guessing 95:10.
87:19, 88:7,	girl 22:6,	guest 50:17.
92:1, 92:7.	152:17.	guidance 88:15,
frustration 87:23,	girls 78:4.	112:20.
94:24.	give 4:20, 5:23,	gun 116:21,
frustrations 88:2,	11:25, 18:2,	140:25, 149:18,
91:17.	25:6, 25:8,	149:24.
fuck 45:16.	41:4, 41:8,	guns 141:22,
fucked 35:25,	42:9, 43:5,	142:21, 143:9.
45:25, 46:2.	44:20, 48:19,	guy 62:16.
full 5:3, 51:12,	71:22, 77:2,	guys 39:12, 54:23,
95:15, 112:7.	87:22, 89:14,	55:6, 106:24,
function 81:13,	91:16, 95:3,	111:4.
83:20.	105:24, 119:24,	gym 92:4, 140:21,
future 111:23,	130:13, 135:12,	140:24, 143:8.

.	heard 47:8, 51:12,	hit 150:7,
.	69:8, 106:10,	150:14.
< H >.	132:18, 135:4.	holding 94:21.
half 160:3.	hearing 30:10,	home 36:8, 76:19,
hand 112:7.	129:12.	81:13, 135:21.
hand-holding	Hearsay 30:7,	homework 135:21.
26:20.	68:18, 68:22,	homicide 49:8,
handcuffs	69:1, 69:2,	58:5.
116:19.	69:5, 69:7,	honest 41:1.
handle 78:13,	69:14, 125:17,	Honestly 144:16,
83:21, 84:1,	127:18, 128:24,	150:18.
88:18.	129:12, 129:20,	Honor 13:3, 15:23,
handled 118:25.	129:25, 130:1,	37:17, 48:11,
handles 82:17.	130:10, 130:12,	57:18, 70:11,
handling 72:24,	131:10, 131:12,	71:12, 72:6,
122:3, 127:10.	131:25, 133:16,	93:2, 127:19,
hands 48:14,	133:17, 141:23,	131:23, 132:7,
48:15, 94:21,	141:24, 142:12,	136:16, 155:6.
148:14.	142:22, 156:14,	HONORABLE 1:24.
hang 20:3, 23:11,	158:2, 160:5.	hopefully 97:15,
54:9, 55:5,	heavily 110:13.	136:7.
90:19.	heeding 88:23.	horrible 164:1.
Hanging 48:8,	held 16:20, 30:12,	host 60:16.
55:3, 88:25,	37:22, 39:17,	hot 115:19,
90:11, 90:12,	59:11, 60:4,	147:15.
90:15, 91:1,	108:15, 126:1,	hour 136:3, 136:9,
91:19.	126:21,	137:11, 153:13,
happen 80:1,	142:17.	155:23,
109:25.	help 5:24, 18:3,	155:25.
happened 9:13,	48:20, 53:5,	hours 75:15,
98:24, 132:13,	54:7, 63:23,	147:18, 148:1,
134:6, 143:14,	71:23, 90:14,	149:14, 150:20,
153:4, 157:10.	98:19, 100:16,	152:22, 154:24,
happening 86:24,	101:19, 102:19,	155:18, 156:13,
103:24,	102:25,	157:20, 158:17,
125:11.	148:23.	164:19.
happens 164:18.	helped 106:16.	House 53:17,
hard 25:4,	helping 21:24,	59:12, 60:14,
95:15.	22:2, 53:5,	60:20, 81:18,
hate 135:10.	102:16,	90:8, 90:22,
He'll 90:17.	106:12.	91:13, 106:25,
head 48:8, 74:3,	helps 78:13,	109:22, 112:1,
74:9, 74:17.	78:17.	113:16.
headed 115:25.	hereby 168:9.	Howard 1:34,
heading 120:8.	herself 9:2.	168:27.
headquarters 7:16,	High 80:3,	humans 110:8.
12:10, 30:2,	80:15.	Hundreds 8:2.
32:23, 74:15.	Highlighted	hung 54:11.
hear 84:13, 84:14,	148:16, 157:3.	hurt 102:5.
88:24, 134:10.	hint 84:6.	hustle 107:13.

.	162:9, 162:10,	information 29:10,
.	162:12, 165:9.	31:3, 31:16,
< I >.	include 119:7,	41:4, 41:19,
I. 100:25.	122:7.	47:10, 57:5,
idea 17:10, 84:6,	includes 103:6.	67:23, 69:9,
96:22, 109:18,	including 67:18,	69:16, 91:16,
130:19, 131:3,	67:23, 121:20,	94:16, 109:1,
145:19, 145:25,	128:5, 128:10,	119:23, 121:20,
149:12.	140:24, 166:7,	122:13, 124:20,
identification	166:12.	125:9, 128:10,
19:9, 34:11,	incriminating	130:9, 130:21,
50:7, 75:3,	153:2.	132:12, 132:15,
93:6.	inculpate	134:2, 134:20,
identified 127:13,	158:25.	146:25, 148:23,
152:18, 154:6,	inculpates	155:17, 157:24,
158:12.	159:3.	166:12.
identify 104:6,	inculpatory	informed 91:1,
148:23, 164:2.	159:6.	127:16, 139:22,
IDF 122:15.	Indefinitely	142:19, 151:4,
idiot 102:11,	24:22.	160:3, 162:21.
103:5.	independent	informs 143:6.
Igor 7:9, 15:3.	140:15.	initial 77:12.
imparted 134:2.	independently	initiated 124:9,
impeach 130:6,	123:17.	124:12, 147:15,
130:20.	Index 3:30.	147:19.
impeachment 130:8,	indicate 14:4,	initiative
135:22.	50:2.	107:14.
impound 14:25.	indicated 16:3,	injected 97:21.
impression	16:6, 69:23,	input 5:8.
52:15.	70:25, 128:18,	inquire 22:5,
improper 40:17.	134:25.	77:14, 130:20,
in. 137:5.	individual 43:15,	133:23, 134:12,
inappropriate	47:19, 47:24,	139:3, 148:19.
33:14, 33:22,	84:16, 119:8,	inquired 70:5,
41:6, 41:20,	154:10.	129:4, 129:8.
46:15, 48:8,	individualized	inquiry 70:23,
52:24, 55:15,	147:10.	71:1, 83:3,
61:16, 63:13,	individuals 24:24,	130:23, 131:5,
66:15, 127:22,	27:4, 116:22,	156:19.
139:5.	140:19.	inside 44:23,
incident 86:2,	indulgence 14:12,	116:22, 120:11,
92:19, 95:19,	104:19,	121:22, 127:13,
96:4, 96:5,	163:20.	140:12, 140:19,
96:7, 96:11,	influence 12:15,	149:17, 161:8.
96:16, 96:17,	23:4.	insight 42:9,
107:16, 113:25,	inform 94:1.	61:23.
114:4, 117:12,	informal 110:9,	insistent 33:21.
118:16, 118:24,	165:14.	instantly 98:2,
119:1, 144:8,	informally	98:3.
156:13, 159:15,	111:22.	Instead 8:21,

42:16, 77:9.	17:8, 33:5.	issued 161:11.
instructed	interviewed 9:1,	issues 52:18,
63:18.	27:9, 32:22,	72:23, 77:11,
instructions	58:19, 125:14.	84:11, 86:15,
5:6.	interviews 7:25,	88:13, 92:12,
integral 106:11.	12:13, 12:17.	103:1, 103:22,
intend 71:1,	introduce 8:13.	133:24.
130:6.	investigate	it'd 148:8.
intended 91:6.	144:8.	items 12:21,
intention 91:2,	investigated	12:25, 34:13,
95:6.	27:10, 58:19.	143:18, 143:23,
interact 22:21,	investigating	144:17.
31:20, 31:21,	16:12, 17:4,	itself 13:11,
53:1, 53:3,	40:16, 104:3,	162:9.
81:22.	104:5, 127:8.	.
interaction 22:25,	investigation	.
23:5, 26:19,	8:22, 12:18,	< J >.
29:16, 32:10,	16:7, 17:5,	J-o-s-e-p-h
75:12, 86:17,	27:5, 27:17,	18:8.
96:24, 98:16,	33:17, 33:24,	J. 117:23.
102:23, 127:6.	34:5, 36:25,	Jack-in-the-box
interactions	40:24, 47:2,	114:10.
29:15, 53:21,	47:5, 57:8,	Jackpot 102:6,
55:25.	57:11, 59:5,	102:8.
interest 106:21.	70:1, 84:8,	jail 4:10.
interested	104:17, 122:6,	James 50:21,
26:12.	127:11, 128:19,	56:17, 97:12.
internal 4:12,	128:21, 129:6,	January 24:12.
12:6, 12:7,	140:4, 143:14,	Jeff 4:13, 56:16,
12:10, 12:19,	144:10, 144:18,	92:21.
16:7, 16:12,	153:15, 163:8.	Jeffrey 73:19,
16:25, 17:4,	investigative	73:20, 91:10,
17:7, 57:10,	104:2.	92:15.
103:15,	invitation	jeopardized 32:9,
103:17.	112:24.	32:10.
internet 67:24,	invited 20:3,	job 80:11, 97:16,
128:11,	162:21.	99:18, 101:24,
166:13.	inviting 60:17.	103:14, 135:25,
interruption	involved 16:11,	146:23.
46:22.	51:25, 73:24,	jobs 108:9.
Intervention	74:4, 78:18,	Joe 114:24, 115:2,
103:18.	79:10, 95:17,	120:25.
interview 7:6,	110:18.	join 89:10,
7:12, 7:19,	involvement	99:24.
7:22, 8:11,	80:17.	joining 7:1.
8:18, 9:14,	involving 109:6,	joke 38:25,
10:14, 11:9,	157:8.	39:2.
12:2, 12:5,	issue 41:5, 84:10,	joked 40:1.
13:16, 13:24,	98:24, 104:15,	jokes 39:12.
14:1, 16:4,	148:9, 159:23.	JONATHAN 2:6.

Joseph 3:12, 18:8.	< K >.	lack 10:22, 10:24, 68:15, 140:20.
Joshes 24:1, 28:1, 28:5, 30:3, 30:10, 31:3, 31:16, 37:2, 45:7, 55:19, 78:4, 81:12, 82:11, 82:15, 84:14, 86:17, 89:1, 94:20, 97:24.	K-e-v-i-n 72:3.	ladies 67:16, 128:3, 145:21, 166:5.
Joshua 1:17, 5:17, 11:7, 14:6, 19:10, 35:20, 35:22, 71:16, 74:18, 74:20, 75:3, 75:11, 79:23, 88:22, 90:7, 94:8, 125:10, 163:22.	KATHLEEN 1:24.	lady 7:6, 19:22.
Judge 1:25, 4:14, 57:21, 104:23, 125:20, 129:16, 135:10, 138:9, 159:17, 163:20.	keep 103:1, 103:3, 128:16, 135:18, 136:2, 136:10, 150:1, 152:7.	laid 70:5.
June 32:16, 34:20, 34:22, 43:25.	keeping 146:23.	lap 12:25.
jurors 5:15, 17:22, 67:10, 127:24, 131:20, 135:17, 137:8, 137:10, 167:1.	kept 27:16, 149:3, 152:17.	large 72:24.
JURY 1:14, 5:6, 42:9, 60:13, 67:15, 115:18, 128:2, 133:3, 135:18, 145:21, 150:3, 152:24, 166:4.	Kevin 3:25, 4:13, 12:3, 27:24, 28:2, 28:14, 31:4, 32:3, 50:21, 56:16, 59:12, 60:14, 71:19, 72:3.	largely 102:9.
justify 136:3.	keyed 145:24.	largest 101:16.
juvenile 58:11, 58:18, 58:23, 59:4, 66:7.	kid 102:18, 102:24, 164:25, 165:6.	Las 4:1, 6:13, 18:15, 49:5, 50:12, 65:5, 138:3, 149:4.
juveniles 6:23, 12:12, 51:3.	kids 7:22, 8:20, 55:3, 99:10, 99:12.	Last 15:6, 24:21, 40:11, 70:13, 97:15, 162:20, 167:9.
.	kind 8:15, 24:12, 46:5, 46:24, 51:2, 52:12, 52:17, 52:19, 54:5, 55:24, 75:17, 82:21, 83:23, 110:9, 158:5.	lastly 163:19.
.	kinds 39:2, 39:3, 75:12.	late 19:13, 23:16, 136:5.
.	King 7:17.	later 5:1, 33:2, 59:24, 96:17, 114:2, 153:13, 155:23, 165:14.
.	kissing 26:22, 94:22.	law 32:18, 51:4, 87:3, 136:11.
.	knowledge 51:23, 64:15, 114:15, 146:4.	Lawrence 3:18, 48:25.
.	known 94:5, 153:4.	lawyers 67:18, 128:5, 166:7.
.	knows 46:10.	lay 63:8, 126:3.
.	KRISTINA 2:3.	lead 41:20, 82:21, 89:23.
.	.	Leading 25:2, 54:22.
.	.	learn 20:16, 89:1, 108:4.
.	< L >.	least 70:13, 77:12, 81:25, 88:6, 106:3, 109:16, 157:12.
.	L-a-w-r-e-n-c-e	leave 15:13, 88:9, 89:9, 89:11, 90:25, 91:22, 98:25, 120:21, 137:18, 153:3.
.	48:25.	
.	L-i-z-a 6:4.	

leaving 14:1, 30:21, 45:9.	lives 39:5, 77:22.	80:12, 116:18.
led 107:16.	Liza 3:6, 6:4.	lots 80:16, 125:6.
leery 131:10.	LLV-150322002467 118:11.	Luann 19:20.
leeway 25:6, 25:9, 135:12, 137:6.	located 74:13, 79:13, 157:25, 158:14.	luggage 12:25.
left 22:16, 32:19, 33:23, 127:6, 142:21, 156:3.	location 18:23, 33:7, 79:9, 79:15, 114:12, 115:25, 118:15, 127:13, 158:12.	Luther 7:16.
legal 66:19.	log 4:9, 4:17, 85:3, 146:15.	LVNPD 105:9, 111:24.
legitimately 71:5.	Logging 148:9.	.
less 8:4.	long 6:15, 6:19, 6:25, 24:20, 33:2, 40:11, 41:23, 49:10, 49:13, 51:20, 51:24, 52:2, 58:23, 72:15, 72:25, 73:12, 73:20, 74:4, 84:3, 88:5, 106:1, 121:14, 158:5.	< M >.
letter 160:25, 161:5, 161:9, 161:11, 161:15, 161:18, 162:9, 162:19, 163:12, 167:4, 167:6.	longer 133:4, 133:9.	ma'am 5:14, 137:3.
level 8:17, 72:22.	look 20:5, 100:20, 101:6, 102:11, 102:23, 103:5, 103:21, 121:9, 147:3, 148:12.	Macarhtur 67:8.
life 23:13.	looked 12:24, 33:4, 44:6, 109:13, 161:24.	magazines 82:20, 82:24, 83:8, 83:10, 83:12, 84:10, 102:21.
limit 12:13, 12:16.	looking 64:4, 103:2, 104:9, 105:5, 154:17, 155:5, 155:12.	Major 18:18, 18:23.
limitation 67:18, 67:24, 128:5, 128:11, 166:7, 166:13.	looks 103:24.	majority 149:9, 149:11.
line 5:1, 71:6, 91:20, 131:16, 132:2, 132:11, 138:3, 145:22, 150:23, 156:23.	losing 14:6, 38:16.	Malcolm 4:11.
listen 67:21, 128:8, 166:10.	lot 23:1, 24:18, 30:1, 54:24, 66:16, 80:6,	male 117:7, 117:8, 119:16, 119:18, 123:15, 153:23, 154:18, 154:20.
listener 68:20, 68:25, 69:7, 69:8, 129:3, 129:5, 142:25.		males 116:8.
Listening 31:5, 40:13.		malfeasance 132:4, 134:13.
little 8:7, 8:15, 8:20, 8:21, 10:6, 10:9, 11:12, 11:14, 25:6, 33:4, 80:18, 135:21, 138:2, 164:5, 164:8.		man 123:6, 153:17, 154:6, 154:7, 157:17.

maturity 8:16.	53:9, 53:24,	105:3.
Mcdonald 149:15.	54:1, 54:8,	meth 139:23,
Mcdonalds 114:9.	54:25, 55:25,	140:5, 156:10,
Mcflys 22:15.	76:2, 76:6,	157:1, 157:8,
MCNEILL 2:5, 3:8,	76:8, 76:15,	158:1, 158:13,
15:25, 16:2,	76:18, 77:1,	159:2, 160:3.
16:15, 16:23,	77:5, 77:14,	meticulously
17:13, 48:2,	80:22, 81:1,	130:6.
48:13, 65:22,	82:2, 82:5,	Metropolitan 6:13,
66:19, 132:7,	89:4, 90:3,	18:15, 49:5,
132:10, 136:16,	104:13.	50:12, 101:17,
136:21.	members 80:17,	138:3, 149:4.
mean 28:5, 43:20,	120:21.	mic 145:24.
80:13, 80:14,	memberships	mid-2015 22:14.
84:5, 99:18,	92:4.	midway 149:20.
106:12, 122:15,	memorable	Mike 50:22.
165:1, 166:23.	116:23.	Military 124:2,
Meaning 77:23,	memory 116:16,	124:3.
101:25,	162:12.	mind 5:9, 69:6,
105:11.	men 153:14.	77:10, 140:7.
means 34:1, 45:16,	mentee 106:8.	minor 10:23,
102:8, 149:12,	mention 21:19,	58:19.
152:24.	84:10, 89:3,	minors 7:23,
meant 45:24.	99:25, 123:11.	61:1.
media 23:23,	mentioned 27:20,	minutes 71:13,
44:16, 45:3,	27:21, 55:11,	124:13, 127:24,
46:18.	87:14, 94:24,	155:23, 156:1,
medium 67:23,	95:12.	159:23,
128:10,	mentor 21:24,	159:25.
166:12.	22:2, 51:3,	Miranda 152:25,
meet 7:15, 9:16,	106:8.	153:1, 154:11,
19:24, 43:17,	mentored 111:11.	159:5.
50:10, 51:15,	mentoring 110:8.	Mirandize
56:16, 75:6,	mentors 106:20.	158:24.
75:14, 90:17,	mentorship 28:3.	Mirandized 152:22,
105:18.	merge 74:14.	154:1, 154:8,
meeting 29:13,	merged 74:15.	154:12, 154:23,
31:10, 36:9,	message 100:13,	155:18, 155:20,
36:12, 55:22,	100:17,	155:22, 156:4,
55:23, 56:19,	165:10.	157:13,
56:21, 63:10,	messages 34:3,	157:18.
89:19, 90:6,	36:7, 44:13,	mischaracterizes
90:13, 90:19,	101:6.	148:3.
97:9, 97:11,	met 10:7, 19:21,	misfeasance 132:4,
97:14, 105:5,	19:25, 20:9,	134:13.
105:21, 109:17,	20:11, 36:18,	missed 15:18.
111:13.	44:3, 50:11,	Misstates 37:19.
meetings 51:18,	51:17, 55:7,	mistaken 135:3.
52:6, 52:10,	58:1, 75:11,	mixture 99:12.
53:2, 53:7,	78:6, 104:10,	mom 9:15, 9:16,

10:18, 10:20, 10:21, 11:7, 11:14, 11:15, 77:17, 94:9, 94:17, 94:19. MONDAY 1:27, 4:1. MONIQUE 2:5. monitored 42:2. month 89:16, 103:23. months 6:20, 58:25, 88:6, 88:21, 94:25. Morano 154:21, 155:22, 157:17. morning 5:2. mother 24:10, 77:19. motive 71:7, 130:21. mouth 63:17, 107:10. move 28:24, 29:4, 29:9, 29:13, 56:14, 64:6, 79:23, 101:23, 106:18, 110:17, 112:6. moved 55:24, 79:16. moves 15:16, 35:3, 93:20. moving 18:22, 56:11, 120:10. Mt 21:20. mull 167:10. Multiple 116:19, 138:7. mutual 47:14. Myself 54:21, 97:12, 149:16. . . < N >. NAME 3:6, 3:12, 3:18, 3:25, 6:3, 7:6, 18:7, 19:22, 43:15,	43:16, 43:20, 48:24, 72:2, 115:15, 152:10, 154:18. namely 106:21, 156:13. Napier 4:11. narcotics 18:18. nature 85:17, 101:8, 104:2. Near 24:12, 36:14, 84:19. necessarily 147:13. necessary 131:5. neck 102:14, 102:17. need 4:20, 4:24, 38:1, 87:4, 87:8, 87:24, 99:13, 111:23, 122:7, 126:20, 128:17, 130:7, 131:8, 131:15, 135:17, 151:25, 166:21. needed 29:9, 90:11, 90:15, 129:14, 152:8. needs 37:24. nefarious 135:24. neighboring 153:10. Nellis 79:14. nervous 11:12. neutral 23:6. Nevada 1:6, 1:9, 4:1, 5:16, 71:16, 168:9. new 56:11. newspapers 67:24, 128:11, 166:13. next 5:19, 17:25, 45:19, 48:17, 64:7, 67:14, 71:18, 101:2, 107:18, 114:9, 125:21,	125:22. night 56:10, 60:4, 63:6, 75:15, 109:1, 109:6, 109:21, 114:25, 136:11, 167:12. nights 76:3. No. 1:1, 1:2, 1:34, 38:13, 40:1, 82:4, 88:24, 112:10, 119:14, 125:2. nobody 105:15, 159:9. None 17:23, 40:11, 67:11. nor 156:15. Northeast 79:12, 79:13, 79:20, 80:7, 80:9, 86:7, 95:16, 95:23, 96:9, 100:2, 101:10, 101:21, 102:15, 111:8. northwest 149:24. note 92:14. notes 27:16. Nothing 5:24, 17:13, 17:21, 18:3, 28:13, 33:22, 37:1, 37:11, 48:11, 48:20, 55:21, 67:7, 69:18, 71:23, 81:23, 94:23, 136:17. notice 69:9, 69:10. number 107:17, 116:20, 121:24, 146:3. numbers 103:24, 104:4, 104:9. . . < O >. o'clock 124:13,
---	---	---

135:19, 136:2, 136:8, 137:2, 137:11, 137:14.	odds 162:5.	127:7.
oath 113:2, 135:24, 137:17, 137:22.	offer 134:22.	one-on-one 81:2.
objected 132:15.	offered 55:4, 68:20, 68:24, 69:7, 69:10, 69:11, 70:20, 142:24.	one. 102:4, 164:7.
objecting	office 33:6.	ones 101:1.
129:24.	officers 29:3, 78:13, 80:4, 83:10, 85:20, 86:1, 98:17, 102:20, 103:22, 104:5, 104:8, 112:25, 120:23, 126:6, 126:8, 127:16, 134:15, 134:24, 135:2, 135:4, 139:22, 140:2, 141:1, 144:9, 150:5, 160:3, 163:9.	ongoing 24:18, 24:20, 68:23.
objections 68:12, 137:7, 168:13, 168:16.	official 54:7, 110:6.	online 63:24.
objectives	often 40:2, 52:5.	open-ended 11:19.
63:10.	Ok 63:23, 63:25.	opened 139:14, 139:15.
Observation	Okay 33:9, 51:13, 55:7, 68:10, 90:21, 91:15, 95:11, 96:1, 101:5, 105:7, 107:21, 118:9, 118:12, 119:12, 122:8, 123:10, 123:20, 126:18, 126:25, 129:3, 143:12, 144:11, 145:17, 157:12.	opening 60:20, 70:20.
159:11.	old 55:16, 55:17, 62:7, 62:12, 62:14, 94:2, 99:16.	opinion 11:10, 32:3, 42:17, 55:14, 68:1, 128:13, 166:15.
observe 42:2, 53:21, 55:19.	older 8:16, 51:5, 87:2.	opinions 23:12.
observed 55:21.	oldest 62:16.	opportunity 41:9, 55:4, 61:4, 61:7, 129:15.
observing 70:7.	Once 43:5, 75:14, 79:1, 88:4, 88:8, 92:4,	opposed 112:25.
obtain 146:2.		opposition 4:15.
obtained 15:9.		option 135:19, 136:5.
obvious 59:1.		order 89:2, 89:23, 111:23, 130:7, 147:4, 159:21.
Obviously 69:1, 72:12, 84:17.		ordinary 81:23.
occasion 7:19, 7:22, 9:8, 20:19, 53:8, 61:3, 61:13, 66:1.		orient 43:20.
Occasionally		orientation 25:5.
52:11.		original 154:3.
occasions 22:22.		others 84:11.
occupant 120:13, 152:21, 160:2.		otherwise 70:22, 109:19, 136:4.
occupants 85:24, 118:19, 141:10, 144:6.		ounce 160:3.
occupied 116:8, 116:12, 121:21, 161:23, 162:7, 162:15, 163:1.		ourselves 110:12.
occupying		outline 95:2.
123:12.		outside 4:5, 53:8, 53:25, 54:11, 54:25, 99:3, 100:11, 113:18, 138:11.
occur 66:9, 147:4.		over-stepping 55:1.
occurred 118:15.		overall 74:4.
occurs 148:1.		
October 20:15.		

<p>overlap 79:7.          overrule 64:25,              70:7.          Overruled 16:21,              26:9, 30:13,              37:23, 39:18,              46:10, 69:1,              118:23, 142:23,              143:2, 144:1,              151:23, 158:4.          own 22:9, 55:3,              84:15, 90:12,              90:16, 90:17,              147:10.          .          .          &lt; P &gt;.          P-1 27:16.          p.m. 123:24,              153:4, 155:20,              157:15, 158:8.          packaging 13:7,              15:4.          PAGE 3:6, 3:12,              3:18, 3:25,              3:29, 101:3,              149:21, 155:17,              167:9.          pages 92:24,              163:20.          Pam 17:8.          paper 101:15,              101:20, 110:1.          paragraph 154:19,              155:16, 162:1,              162:21, 167:9.          parents 24:10,              77:23, 88:11,              88:18.          Park 20:22.          parking 30:1.          parole 78:17.          Part 16:7, 42:1,              51:3, 83:4.          part-time 100:9.          participate 57:7,              57:10, 77:7.          particular 44:5,              46:6.          parties 67:18,</p>	<p>128:5, 166:7.          party 21:14,              53:11, 53:16,              53:22, 60:2,              81:25, 154:4.          partying 11:3.          pass 57:17,              104:21.          passage 35:20.          passing 15:21,              15:22.          past 133:21,              161:23.          path 88:1.          patrol 28:11,              49:21, 73:16,              78:8, 78:11,              79:19, 80:19,              80:20, 98:12,              145:4.          patterns 103:21,              104:6.          pay 92:3.          peaking 104:7.          pending 137:17.          Per 127:15,              140:14,              158:14.          Perez 43:16,              45:6.          perfect 84:1,              101:17,              101:24.          Performance 86:15,              96:24, 108:21.          performing              72:25.          Perhaps 133:3.          period 50:20,              81:5, 88:5,              103:23.          Permission              37:20.          person 9:24,              62:23, 67:22,              69:8, 117:5,              117:7, 117:8,              122:23, 128:9,              143:24, 145:11,              146:2, 146:4,</p>	<p>153:2, 159:3,              166:11.          personal 39:5,              41:24, 50:23,              52:18, 61:6,              61:11, 66:4.          personally 54:9,              55:19.          personnel 40:15.          persons 122:23,              143:19.          persuaded 68:25.          pertain 130:8.          pertinent 121:23,              122:3, 146:25.          ph 4:12, 19:20.          phase 74:16.          phases 74:15,              75:25.          phone 13:1, 23:22,              23:24, 44:14,              92:3.          photo 13:1, 13:12,              13:15, 15:5,              15:20, 62:23,              64:3.          photographs 9:21,              9:23.          photos 10:2, 10:7,              13:21.          phraseology              148:8.          pick 76:17,              149:13,              161:21.          picked 115:24,              116:5.          picking 141:14.          picture 20:6,              44:7, 44:23,              62:22, 63:5,              64:2, 64:12,              64:16.          pictures 38:20,              38:22.          pipe 139:23,              140:5, 152:18,              156:10, 157:1,              157:8, 158:1,              158:13, 159:2.</p>
---	---	---

Pizza 20:22.	149:24.	75:18.
place 20:22,	policies 87:5,	prescription
29:25, 30:17,	165:13.	129:25,
31:13, 80:11,	policy 82:15,	130:12.
88:11, 88:19,	113:19, 130:4,	presence 4:5,
89:13, 90:2,	143:17,	120:14, 133:7.
92:4, 114:11,	160:23.	presented 64:13.
118:5, 136:7,	Pollara 149:15.	presents 137:10,
168:12.	poor 99:11.	140:24.
placed 121:25.	portion 14:1,	pressured 14:2.
places 20:21,	30:8, 77:12,	Pretty 52:7,
23:3, 38:20.	100:20.	77:24, 78:21,
plain 78:14,	portray 82:17.	126:9.
82:18.	posed 68:6, 68:13,	prevents 130:12.
Plaintiff 1:11.	70:3, 70:17.	previous 9:7,
planning 21:20,	position 19:16,	10:12, 118:17,
60:19, 87:25.	78:13, 80:5,	144:6.
plate 95:25,	83:13, 100:9,	previously 9:22,
115:19, 115:20,	104:2.	47:14, 91:6,
120:7.	positive 23:6,	95:6, 140:19,
plates 85:22,	23:8, 28:8.	144:15.
120:6.	possession 122:24,	primarily 83:20.
play 84:16, 84:17,	123:3, 123:7,	primary 109:17.
136:4.	141:4, 147:21,	principal 88:15.
playing 77:8,	159:3.	Prior 6:21, 6:25,
77:10.	possibility	12:2, 12:5,
Please 30:21,	70:19.	13:25, 17:8,
100:1, 117:15,	possible 12:17,	18:22, 28:1,
123:9, 125:25,	118:24, 118:25,	28:14, 28:16,
134:8, 136:15,	135:11, 141:12,	30:19, 49:17,
145:20, 164:5.	146:22,	73:3, 73:15,
point 14:5, 37:4,	150:13.	86:9, 86:11,
40:15, 44:8,	possibly 24:11,	129:4.
50:2, 52:1,	69:23.	private 61:4.
54:3, 56:24,	post 42:19, 44:16,	privately
63:14, 63:22,	45:3, 46:18.	112:18.
65:9, 65:16,	potential 70:16,	Probably 44:21,
71:1, 81:25,	133:16.	47:13, 50:17,
89:1, 94:20,	Potentially 40:17,	51:25, 61:19,
102:10, 106:8,	59:16, 65:2,	75:8, 162:14.
129:17, 129:21,	70:21, 102:23,	problem 49:18,
131:7, 139:5,	122:23.	133:2, 133:14,
149:18.	pour 8:14.	136:8.
point. 132:11,	powers 160:22.	proceed 148:19,
132:20.	practice 122:4,	158:22.
pointed 11:20,	122:5, 158:21.	proceedings
116:21.	preceded 147:7.	168:11, 168:13,
pointing 118:18,	preferred 32:17.	168:17.
119:8.	prepare 75:23.	process 8:12,
points 106:11,	prepared 5:10,	15:19, 87:9,

<p>108:11. product 75:20. professional 61:9, 112:16. profile 63:24, 64:17. Program 50:12, 51:20, 52:12, 55:24, 73:24, 74:5, 74:12, 75:14, 75:25, 78:6, 99:8, 99:17, 103:18, 105:25, 106:2, 106:5. prohibited 85:7. promote 106:12, 106:13. promoted 74:2, 79:17. prompted 91:9, 91:15, 120:8. prompting 104:17. proof 134:22. Property 108:15, 144:5, 144:14. Proposed 5:6, 93:6. proposition 131:13. protocol 8:3. provide 34:3, 42:11, 69:10, 83:10, 110:2. provided 23:1, 42:5, 112:20, 124:19, 125:9, 130:2. providing 110:7, 163:8. proving 69:9. provisionally 14:14, 14:18. proximate 64:20. proximity 85:25, 98:11. public 26:25, 122:14. publish 35:7,</p>	<p>64:10, 93:24. purportedly 112:13, 141:22. purports 166:23. purpose 54:22, 97:14. purposes 34:8, 93:5. pursue 42:21, 51:4, 68:7. pursued 39:25. pursuit 84:14, 95:22. pursuits 102:2. pushed 39:24. pusher 101:15, 101:20. put 4:8, 63:16, 107:10, 121:22, 146:25, 148:18, 167:1. putting 92:8. . . &lt; Q &gt;. qualify 54:5. quarter 67:14. questioned 159:10. questioning 14:19, 68:5, 68:11, 71:6, 119:3, 131:16, 132:11, 156:23, 166:22. questions 11:17, 11:19, 11:20, 25:8, 42:1, 48:2, 48:15, 65:22, 67:9, 67:11, 87:10, 106:11, 117:13, 130:15, 131:1, 131:2, 131:8, 133:17, 135:17, 149:1, 153:2, 158:20, 158:25, 160:7, 166:1. quick 135:11.</p>	<p>quiet 11:12. quit 23:17, 87:17. Quite 12:25, 67:14, 79:6, 122:11. quote 36:2, 36:4. . . &lt; R &gt;. radar 39:9. radio 67:24, 84:13, 86:3, 102:1, 115:22, 120:8, 128:11, 146:21, 146:24, 150:6, 151:10, 151:12, 151:16, 163:9, 163:14, 166:13. raise 166:24. raised 70:14. rally 102:19. Ramirez 62:19. rank 106:12, 160:20. ranked 107:17. ranking 145:10. rapport 8:14. rather 69:4. reached 17:10. reaction 24:1, 30:10, 31:3, 31:16, 55:6, 55:13, 97:24. Read 35:22, 67:20, 93:18, 95:3, 101:2, 101:3, 115:19, 116:9, 116:17, 117:10, 119:16, 120:24, 124:22, 126:7, 126:15, 126:16, 126:19, 128:7, 132:22, 132:23, 146:8, 153:1, 153:21, 157:2, 157:11, 157:23, 166:9.</p>
---	---	--

Reading 47:4, 117:6, 119:14, 121:8, 124:14, 125:7, 139:24, 150:2, 155:1, 161:25, 162:6, 165:10.	93:6, 93:9, 100:22, 109:2, 129:24, 145:6, 146:13, 149:3, 163:21.	17:14, 17:15, 48:3, 48:4, 65:23, 65:24, 135:16, 135:18.
reads 103:19.	recollection	refer 108:25,
ready 6:6, 18:11, 78:22, 87:2, 89:10, 90:5, 91:20, 99:20, 137:25.	84:22, 85:5, 85:7, 85:10, 117:12, 118:14, 119:12, 124:23, 125:8, 126:24, 127:20, 129:19, 133:8, 133:21, 134:17, 140:15, 147:14, 148:7, 153:20, 154:15, 156:12, 156:17, 156:25, 157:8, 158:15, 160:9.	133:12, 153:20.
Reality 36:2, 36:3, 72:22.	recommendations	reference 95:18, 106:24.
really 41:4, 53:12, 56:6, 87:4, 88:8, 92:8, 102:18, 132:13, 135:6, 135:10.	42:11.	referenced 59:11, 83:19, 119:17, 154:10, 161:1, 161:8.
reason 7:4, 16:10, 38:9, 59:21, 77:18, 78:1, 83:8, 84:8, 89:9, 89:10, 101:18, 107:22, 109:17, 150:24, 151:8, 156:20.	Record 4:8, 6:3, 9:5, 18:7, 19:6, 19:9, 19:11, 48:24, 50:6, 50:8, 72:2, 74:24, 75:2, 75:4, 85:22, 118:10, 128:17, 155:4, 155:9, 157:7, 166:21, 167:7, 168:16.	references 96:10.
reasons 109:17, 113:11, 141:13, 150:9.	recorded 14:1, 14:5, 168:14.	referencing 96:14.
Reassuming 71:15.	records 95:25, 120:6, 163:4, 163:14.	referred 67:20, 128:7, 166:9.
recalled 142:5.	Recovered	Referring 44:23, 45:3, 45:19, 86:2, 102:13, 118:10, 161:5, 163:20, 165:8.
recalls 143:1, 148:25.	126:13.	reflect 19:9, 19:11, 34:25, 50:6, 50:8, 75:2, 75:4, 151:20, 152:3.
receive 47:10.	Recovery 122:21.	Refresh 84:22, 85:6, 85:10, 117:11, 118:14, 124:22, 125:8, 133:8, 147:14, 148:6, 148:19, 149:20, 153:20, 154:15, 156:12, 156:17, 157:7, 158:14.
Received 15:13, 36:6, 59:8, 59:9, 63:17, 107:21, 109:1.	recruit 100:15.	refreshed 119:12, 134:17, 156:18.
recess 67:13, 67:16, 71:14, 127:24, 128:3, 128:15, 166:5.	Red 28:18, 29:10, 54:17, 54:18, 55:8, 55:18, 55:22, 56:15, 62:2, 63:2, 90:8, 107:3, 109:2.	refreshes 85:4, 126:24.
recognize 9:24, 10:2, 13:7, 13:9, 34:13, 34:15, 62:23,	REDIRECT 3:9, 3:15, 3:22,	refreshing 129:19, 133:21.
		regard 42:6, 69:6, 88:12, 98:21, 154:8.

regarded 130:9.	remind 100:1.	response 11:21,
regarding 4:12,	reminded 111:22.	31:8, 68:19,
6:23, 11:6,	remove 56:13.	158:3.
23:11, 23:13,	removed 88:16.	responsibility
25:22, 27:16,	removing 140:20.	99:7.
27:23, 28:14,	Repeat 37:13,	responsible 14:25,
34:4, 68:14,	37:24, 38:1,	134:4.
68:16, 69:24,	46:12.	responsive
70:14, 84:11,	repeated 88:2.	11:17.
87:22, 99:22,	Rephrase 66:22,	rest 5:10,
104:17,	156:21.	122:13.
127:25.	REPORTED 1:34,	restate 148:25,
regardless	61:17.	151:25,
113:11.	REPORTER 51:11,	152:13.
regards 55:2,	168:3, 168:8.	Restaurant 21:15,
96:16.	REPORTER'S 1:12.	55:8, 56:11.
regular 73:16.	reports 78:15,	restaurants
regularly 34:22,	80:4, 96:19,	54:19.
52:7, 76:6,	101:18, 103:25,	restraining
162:24.	104:1, 108:4,	89:2.
related 42:2,	108:7, 108:9,	result 83:6,
115:18, 130:18,	124:3.	89:2.
130:19,	represent	resulted 68:5,
130:22.	109:12.	105:9.
relating 68:12.	representative	Resume 118:8,
relatively	28:12, 78:8,	137:24.
77:23.	78:11, 80:21,	resuming 5:16.
Relayed 31:4,	114:18.	retaining 89:22.
35:15, 35:16,	represents	return 84:9,
35:17.	150:11.	136:12.
release 129:8,	reprimanded	returned 120:7,
143:17, 143:23,	97:2.	156:4.
144:5, 144:14.	reputation	reverence 4:23.
released 108:18,	107:11.	review 9:7, 41:9,
122:1, 141:21,	requests 104:1.	41:11, 84:22,
142:20, 143:7,	require 66:23.	117:12, 147:16,
152:18, 153:7.	required 75:19,	148:20, 148:22,
relevance 39:14,	84:7.	154:15,
69:2.	residence 83:25.	156:12.
relevancy 70:18.	respectful 14:10,	reviewed 118:13,
rely 129:21,	14:11.	156:6.
133:10.	respond 84:7,	Reviewing 85:6,
relying 160:8.	132:7, 133:23,	95:5, 126:23,
remain 138:10.	142:2.	157:7.
remainder	responded 24:22,	RHOADES 2:3, 3:20,
127:25.	71:3, 124:6,	3:22, 49:3,
remembered	124:7, 159:10.	50:6, 50:9,
141:17.	Responding 122:16,	51:14, 57:17,
remembering	127:3, 127:8,	64:9, 64:23,
132:24.	141:14.	65:23, 65:25,

66:16, 66:24,	Sagetti 19:20.	127:3, 127:9,
67:7.	Salavessa-cho 3:6,	129:9, 130:4,
rich 99:11.	6:4.	132:13, 143:10,
ride 76:16,	Samantha 155:13,	143:12, 143:15,
85:20.	155:19.	147:1, 147:4,
ride-along	Sample 89:24.	148:1, 150:4,
85:19.	Samples 3:18,	150:6, 150:16,
ride-alongs 85:21,	28:19, 48:25,	151:11, 155:23,
121:2.	86:19, 90:4,	156:3, 157:10,
rights 153:1.	106:22, 108:24,	159:10, 165:16,
Rock 28:18, 29:10,	109:7, 136:17,	165:20.
54:17, 54:18,	136:23, 138:14,	scenes 72:24.
55:8, 55:18,	138:15, 139:11,	scheduled 5:11.
55:22, 56:15,	139:18.	scheduling 5:1,
62:2, 63:2,	San 81:11.	135:8.
90:8, 107:3,	Savage 4:9, 7:6,	school 21:25,
109:2.	8:24, 10:4,	22:3, 23:14,
role 76:15, 77:7,	14:24, 16:4,	42:6, 42:14,
77:10, 82:15,	17:8, 17:11,	56:11, 56:14,
83:4, 127:3,	19:22, 26:25,	76:17, 86:24,
127:7, 128:18,	40:18, 51:15,	87:15, 88:14,
128:20, 129:6,	60:8, 61:14,	88:16, 88:19.
140:4, 143:11,	68:17, 76:12,	scope 25:5.
144:9.	76:13, 76:23,	scorned 70:22.
rolling 105:8,	82:7, 90:21,	screen 20:6,
114:24.	94:1, 109:20.	35:13, 44:12,
roof 30:1,	saw 15:6, 20:13,	44:24, 46:17,
30:17.	20:17, 26:20,	46:21, 76:21,
room 9:2, 9:4,	26:22, 52:23,	100:21, 163:22,
13:25, 136:18,	53:25, 81:12,	163:25.
136:24, 167:8.	125:4.	screwed 102:9.
route 150:14.	Saying 36:1,	scrupulously
Rudy 154:20.	47:11, 59:23,	108:6.
rule 131:25.	87:4, 91:6,	search 159:15.
ruled 70:4.	102:17, 117:11,	seated 6:2, 18:6,
ruling 142:3,	128:20, 131:15,	19:5, 19:7,
159:22.	133:6, 133:19,	48:23, 72:1,
rumors 55:1.	151:10, 152:7,	74:23.
running 120:6,	156:9, 159:2.	seats 5:16.
131:9.	says 41:15,	second 46:21,
.	132:23, 150:8,	69:21, 112:2,
.	150:15, 150:23,	112:10, 137:8,
< S >.	151:7, 156:19,	146:23, 155:17,
S-a-l-a-v-e-s-s-a-	157:11, 158:16,	162:20.
-c-h-o 6:5.	162:7.	seconds 148:2.
S-a-m-p-l-e-s	scenarios 53:6.	secret 66:10.
49:1.	scene 84:7, 103:3,	secretary 34:4.
safe 26:24, 102:4,	120:21, 121:12,	section 103:18.
103:2, 103:3,	122:1, 125:2,	sections 103:17.
141:15.	125:5, 126:11,	Seeing 17:23,

48:15, 67:11,	66:3, 81:8,	35:19, 52:8,
91:17, 94:20,	130:24.	76:20, 93:5.
131:5, 154:18.	settings 81:10.	shown 4:14.
seek 130:20.	several 43:21,	sic 153:14.
seem 59:1, 88:22,	95:12.	side 12:10, 63:20,
151:20.	Sex 6:18, 6:22,	69:16, 109:9.
seemed 23:10,	6:23, 6:25,	sift 145:18.
98:2, 165:12.	49:8, 54:13,	sign 115:8,
seems 144:24.	57:8, 58:5,	115:11, 115:16,
seen 54:10, 55:25,	58:8, 58:12,	144:19, 144:23,
60:8, 61:9,	66:6, 66:7,	144:24, 145:1,
61:11, 61:13,	66:17, 66:25,	145:3, 145:9.
61:16, 65:18,	67:1, 67:3,	significant
81:7, 82:1,	98:4.	68:9.
94:21, 111:19,	sexual 7:18, 7:20,	signs 84:15,
146:6, 149:7.	32:22, 49:9,	84:16, 147:10.
send 92:16.	49:17, 58:23,	silver 116:8,
sending 165:3.	59:4, 61:24.	118:19, 126:13,
sends 46:17.	shall 5:23, 18:2,	140:12, 143:8,
sense 10:22,	48:19, 71:22.	149:18.
10:24, 46:2,	shared 99:2.	similar 53:23.
136:7.	Sharon 1:34,	Similarly 28:3,
sent 34:16, 34:19,	168:27.	152:9.
35:13, 45:13,	she'd 13:18,	simply 131:8.
92:21, 93:11,	87:16.	Sir 18:14, 49:4,
97:8, 165:6.	shift 123:21,	58:2, 152:1.
sentence 162:20.	124:16.	sister 21:24,
separate 55:23.	shirt 19:8, 50:4,	22:2, 37:12,
separation	75:1.	37:16, 52:19,
65:10.	shooting 83:9.	56:4, 57:4,
September 20:15.	shopping 20:11.	70:2, 109:19.
sergeants 73:18,	Shortly 80:2.	sit 77:9, 89:24,
95:17, 103:25.	shot 35:13,	90:22, 112:9,
series 9:21,	163:22.	113:21, 115:4,
9:23.	shouldn't 10:25,	116:11.
seriously 36:3.	23:3, 84:19,	site 145:11.
service 78:8,	103:4, 165:21.	situated 61:22.
80:20, 114:18.	Show 9:21, 13:21,	situation 22:11,
services 28:11,	20:24, 48:14,	68:24, 70:22,
78:11.	52:12, 69:7,	103:6, 119:24,
session 62:1,	155:9.	141:8, 143:21,
106:25, 108:23,	showed 44:7,	144:13,
109:6, 110:1,	44:12, 96:3,	144:16.
110:6, 110:18,	96:10, 107:13,	situations 56:14,
111:5, 112:2.	145:23,	78:14, 80:15.
sessions 111:21,	162:23.	skill 59:2.
112:13.	Showing 9:23,	slightly 82:22.
set 7:5, 113:7,	13:6, 15:4,	smirandized
160:7, 168:12.	20:5, 34:7,	158:16.
setting 61:5,	34:11, 35:9,	smoking 56:12,

87:14.	134:20.	47:3, 51:6,
social 23:23,	Specifically	51:8, 87:14,
44:16, 45:3,	25:17, 31:23,	92:8, 105:8,
46:17, 81:8,	33:20.	153:14.
81:10.	specifics 37:1,	starting 86:25.
socially 82:2.	117:17.	starts 80:20.
solemnly 5:22,	speculation 66:23,	stated 27:8,
18:1, 48:18,	118:22, 143:25,	28:22, 33:21,
71:21.	159:11.	38:13, 63:9,
solving 49:18.	spell 6:2, 18:6,	150:21, 153:6,
somebody 8:4,	48:23, 72:1.	156:9.
27:3, 55:15,	spending 54:24.	statement 68:14,
107:22, 152:25,	spent 40:2,	69:3, 69:5,
165:3.	167:8.	128:25, 134:20,
somehow 163:13.	spirit 120:4.	142:13, 142:14,
someone 69:10,	spoke 27:3, 40:23,	142:24, 143:1,
83:25, 102:5,	41:3, 57:13,	160:9, 163:12,
103:3.	95:21, 97:2,	165:14.
someplace	104:12,	Statements 68:19,
131:16.	143:15.	69:10, 113:4,
sometime 27:12,	spoken 34:2,	113:6, 131:4.
30:18, 110:21,	96:17, 120:14.	station 85:18,
124:9.	spot 101:24.	95:24, 114:7.
Sometimes 7:18,	spring 27:12,	statistics 103:19,
12:12.	30:18, 81:4,	103:24.
somewhat 21:23,	82:9, 82:10,	status 98:24.
23:9, 38:4,	84:12, 86:11,	statutory 129:25,
137:11.	86:17.	130:11.
somewhere 4:25,	squad 72:22,	stay 80:9.
89:16, 161:18.	114:16,	stayed 85:24.
sooner 42:16.	144:25.	steal 98:13.
Sorry 23:25,	squared 102:24.	stenographically
37:13, 96:8,	STACEY 2:2.	168:14.
121:8, 121:17,	staff 18:20.	step 59:8, 109:8,
125:15,	stages 8:11.	163:8.
136:20.	stamp 158:17,	steps 56:13.
sort 41:5, 44:10,	164:11, 164:13,	stint 80:21.
46:15, 54:3,	164:17,	stipulate 4:15,
63:20, 115:19.	164:22.	148:12.
sound 43:16, 44:1,	stand 45:15,	stipulation
109:10.	64:13, 117:2,	148:19,
Sounds 43:17,	140:6.	148:21.
44:2, 88:17,	stands 131:13.	stipulations
92:20, 145:3.	staring 153:14.	4:8.
southwest 73:11.	start 4:6, 8:18,	stolen 85:23,
Speaking 8:21,	90:11, 90:15,	95:24, 115:20,
23:17, 23:20,	120:8, 135:11,	120:7, 122:21,
122:12.	137:8.	122:23, 123:4,
specific 37:1,	started 5:13,	123:7, 140:20,
58:11, 125:13,	11:13, 24:12,	141:4, 143:18,

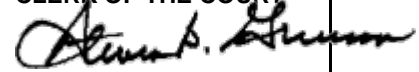
144:6, 147:21, 163:5.	74:25.	sustain 156:21.
stop 36:19, 91:1, 141:5, 147:15, 147:19, 161:1, 161:8, 164:25, 165:2, 165:6.	Suites 149:14.	Sustained 66:21, 71:2, 126:2, 139:6, 140:9, 158:22, 159:13, 160:11.
stopped 55:25, 99:18.	summarizing 120:3.	swear 5:22, 18:1, 45:17, 48:18, 71:21.
stopping 36:24.	summer 59:15, 59:17.	swing 145:18.
straight 113:7.	Summerlin 20:1, 20:9.	switching 100:1, 159:16.
street 77:22.	supervision 10:22, 10:24.	synopsis 119:25.
streets 97:18.	supervisor 19:19, 24:24.	system 150:15.
stress 70:7.	supervisors 24:25, 25:14, 25:15, 82:12.	.
stressed 37:6, 37:7, 37:10, 37:15, 69:25, 70:6.	suppose 134:23.	.
strike 30:21.	supposed 82:16, 98:7, 113:3, 113:8, 113:10, 113:13, 136:25, 138:19, 163:15.	< T >.
striking 25:7.	surprised 32:6, 41:14, 41:17, 66:12, 67:4, 67:6, 88:7, 98:2, 130:16.	tactics 72:23, 75:22.
struck 91:21.	surround 99:12.	taken. 71:14, 128:15.
stubborn 98:21.	surrounded 106:20.	talked 9:12, 12:11, 24:19, 25:20, 25:23, 27:2, 56:10, 92:11, 92:13, 96:8, 158:13.
stuck 102:14, 102:17.	Suspect 78:12, 78:16, 80:16, 82:16, 84:3, 84:5, 84:6, 84:9, 84:18, 85:25, 98:15, 102:23, 113:15, 113:16, 127:5, 135:25, 143:24, 144:6, 144:15, 158:24, 165:22.	teach 75:22.
stuff 11:4, 53:6.	suspects 98:11, 98:16, 102:1, 111:1, 113:5, 113:6, 113:8, 117:1, 123:11, 142:20, 143:7.	Teal 50:22.
subject 25:7, 67:19, 68:1, 128:6, 128:13, 166:8, 166:15.	suspicious 161:24.	teenager 11:15, 11:16.
subjects 149:17, 149:24, 163:10.		teens 8:16.
submissive 23:9.		television 67:24, 128:11, 166:13.
submitted 68:2, 128:14, 166:16.		tend 98:13.
subpoenaing 146:3.		Tender 63:24, 63:25, 64:4, 64:17.
subsequent 13:25, 91:12.		tenure 8:1.
subsequently 153:18.		term 101:15, 140:21.
substance 138:10.		terminated 65:4, 65:6, 105:9, 107:7.
substantially 15:6.		termination 107:17.
sufficiently 140:6.		terms 47:5, 65:10, 71:5, 78:23, 79:9, 104:3,
suit 19:7, 50:4,		

136:5.	Thanks 62:22,	167:10.
tested 107:20.	81:23.	took 9:4, 23:10,
testified 40:20,	themselves	28:17, 28:22,
45:23, 47:13,	158:25.	29:24, 30:16,
57:3, 113:2,	theory 129:22,	63:5, 64:16,
116:14, 133:25,	130:10,	77:24, 89:12,
136:18, 138:4,	131:11.	91:23, 106:20,
139:8, 141:13,	thereafter	118:5, 139:24.
155:19, 157:12,	168:14.	tools 98:14.
157:17,	therein 47:6,	top 12:25, 92:12,
160:13.	168:12.	155:16.
testify 59:22,	Thinking 43:14,	topic 8:21, 29:8,
65:7, 71:7,	108:23.	29:17, 90:10,
97:5, 130:21,	third 150:22,	90:21, 97:19,
138:15, 139:18,	154:4.	97:21, 97:24.
156:16.	though 25:4,	Total 41:25.
testifying	43:19, 82:22.	totality 89:21.
156:15.	threaten 47:8.	Totally 96:12,
testimony 4:23,	threats 46:5,	155:15.
5:22, 18:1,	46:25.	tough 143:20,
37:19, 40:13,	three 90:4.	150:5.
48:18, 58:14,	throughout 16:13,	toward 55:20.
59:20, 59:22,	17:3, 84:8.	Towards 78:20,
63:17, 71:21,	Thursday 5:2, 5:3,	99:7.
106:10, 107:21,	75:15, 164:14.	town 104:7.
107:25, 109:5,	tie 19:8, 50:5,	track 99:10.
109:16, 114:1,	75:1.	traffic 83:22,
128:19, 130:3,	till 135:18,	86:3, 102:1,
136:23, 136:24,	136:2.	146:24, 147:19,
137:11, 137:12,	Timbers 36:13,	163:9.
137:17, 138:11,	36:17.	trail 110:1.
141:7, 148:4,	Today 7:5, 19:3,	train 136:2.
168:12,	19:5, 49:25,	trained 28:10,
168:16.	74:21, 74:24,	59:7, 79:11,
testing 87:9.	136:2, 136:9,	79:15.
Text 24:6, 34:2,	137:11, 137:12,	trainer 51:3.
34:3, 34:21,	138:16,	training 49:19,
35:20, 35:22,	139:18.	49:20, 59:9,
35:24, 36:1,	together 20:12,	72:19, 72:21,
36:5, 36:10,	20:13, 38:23,	72:22, 73:4,
44:13, 45:10,	38:25, 40:2,	73:7, 73:12,
45:20, 47:18,	52:23, 81:18,	73:17, 73:23,
100:12, 100:17,	90:4, 92:9,	79:17, 79:20,
100:22, 112:17,	114:3.	80:2, 98:12,
112:24, 163:21,	tomorrow 5:4,	143:16.
165:10,	136:12, 137:14,	transcribed
166:22.	161:21, 162:19,	168:15.
texting 24:5.	165:25, 166:17,	TRANSCRIPT 1:12.
texts 23:25,	166:18.	transfer 79:22,
34:16.	tonight 135:19,	108:9.

transferred 86:13.	79:1.	168:8.
transitioning 90:14.	turned 9:15, 55:12.	understand 25:3, 38:3, 38:14, 46:11, 91:23, 122:9, 126:17, 137:18, 137:19, 138:17, 143:4, 148:23, 149:9.
treated 77:25.	Turning 81:4, 82:9.	understanding 21:21, 26:16, 52:17, 57:4, 110:14, 133:18, 138:23, 144:13.
trends 104:3, 104:4, 104:6.	turns 84:17, 86:4.	Understood 26:14, 83:12, 117:11.
TRIAL 1:14, 5:16, 67:19, 67:21, 67:22, 68:1, 71:15, 107:22, 128:6, 128:8, 128:9, 128:13, 135:23, 166:8, 166:10, 166:11, 166:15.	Tweet 35:13.	Unfortunately 117:3, 163:24.
tried 23:1, 24:5, 24:8.	twice 133:25, 134:15, 150:14, 161:23, 162:7.	unfounded 136:22.
tries 103:19.	two 24:16, 34:13, 40:20, 58:8, 75:15, 85:24, 101:6, 105:6, 111:21, 114:2, 114:6, 117:8, 121:16, 121:18, 123:11, 123:15, 123:18, 140:18, 141:21, 142:20, 143:7, 148:9, 150:21, 152:3, 154:3, 155:23, 157:21.	uniform 72:12, 82:22, 110:25.
trip 28:17.	two. 112:8, 154:5.	unique 115:8.
trips 13:18, 13:22, 21:18.	tying 80:4.	uniquely 61:22.
Tropicana 114:12, 149:14.	type 21:24, 33:14, 52:19, 89:23, 146:21.	unit 18:25, 19:17, 24:25, 25:15, 30:4, 49:7, 49:11, 49:15, 49:18, 100:6.
trouble 10:21, 102:6, 160:22.	typed 93:10, 93:11, 145:23.	unrecorded 14:5.
trumps 130:1.	types 26:1.	until 24:22, 27:22, 68:1, 86:1, 94:20, 128:13, 135:12, 142:2, 149:18, 149:25, 166:15.
trunk 140:20, 160:4.	typical 11:16, 138:9.	update 119:23.
truth 5:23, 5:24, 18:2, 18:3, 30:9, 48:19, 48:20, 69:4, 69:12, 71:22, 71:23, 125:19, 125:20, 129:1, 131:3, 132:17, 142:24.	typically 121:21, 124:16, 138:18, 148:18, 158:24.	updating 163:9, 163:13.
try 8:3, 8:13, 8:20, 12:13, 24:6, 28:24, 29:4, 42:16, 103:23, 108:6, 147:16.	.	upset 56:7.
trying 14:4, 14:5, 99:9, 99:18, 104:6, 131:3, 131:20, 134:21, 146:21.	.	uses 103:22, 104:8.
turn 7:3, 15:9,	< U >.	using 163:14.
	Ultimately 68:6, 69:22, 70:23, 134:3.	.
	uncommon 79:22.	.
	undefined 109:19.	< V >.
	undersigned	vagina 139:23, 140:5, 156:10, 157:1, 157:9,

158:1, 159:2.	79:1, 79:5,	129:11, 132:4.
vague 154:2.	79:10, 79:18,	whatsoever 82:16,
valuable 125:9.	80:6, 82:15,	113:15.
various 20:21,	83:15, 84:12,	Whenever 6:6.
99:11, 103:17.	96:9, 98:8,	wherever 115:24.
veer 156:22.	98:24, 102:15.	Whether 21:18,
Vegas 4:1, 6:13,	Vpsrs 78:14,	33:13, 34:12,
18:15, 49:5,	85:20.	39:3, 39:21,
50:12, 65:5,	vs 1:14, 5:16,	40:16, 41:5,
138:3, 149:4.	71:16, 129:21.	43:14, 55:12,
vehicles 102:1.	.	68:15, 69:24,
versus 7:10,	.	70:15, 87:16,
58:19.	< W >.	96:23, 103:22,
via 100:12.	W. 108:25.	113:15, 115:5,
victims 7:19,	wait 98:17.	125:8, 139:15,
61:23.	waited 40:10.	141:17, 147:25,
video 9:4.	walked 110:14.	150:10, 153:6,
View 85:3.	wanted 5:7, 17:11,	156:20, 159:6.
viewed 26:18,	31:21, 39:10,	white 101:1.
27:20, 152:11.	80:9, 86:25,	whole 5:24, 18:3,
violations	88:14, 88:16,	48:20, 71:23,
110:25.	98:19, 99:24,	105:25.
violators 18:18,	100:15, 101:21,	wife 103:11,
18:23.	102:3, 135:8.	104:16.
violent 78:14,	wanting 31:19.	will 19:11, 37:25,
80:15, 84:18,	wants 4:8, 101:10,	50:8, 72:16,
104:7.	132:1, 132:4,	75:4, 87:10,
virginity 14:6,	134:5, 134:12.	130:14,
38:17.	warning 31:17.	138:10.
visitor 4:9,	watch 22:21, 53:5,	willing 148:11.
4:17.	67:20, 128:7,	window 131:12.
voice 84:14.	166:9.	wing 77:25,
volatile 78:14,	ways 55:24,	91:23.
141:8.	133:16.	Wirey 28:18,
volume 80:3,	weapon 117:1,	50:21, 54:21,
101:21.	117:3, 118:18.	56:17, 56:22,
volumes 101:17.	weapons 98:13.	62:4, 62:12,
Voluntary 28:11,	wearing 19:5,	63:18, 86:18,
145:4.	19:7, 50:3,	89:24, 97:12,
volunteer 53:4,	50:4, 74:23.	98:1, 106:21,
78:8, 78:11,	wedding 60:19.	108:24, 109:7,
80:20, 98:25,	Wednesday 5:4,	110:19, 111:15,
100:4, 114:18.	5:10, 75:15,	112:3.
volunteering	76:3.	wisest 101:23.
162:23.	week 40:11,	wish 139:4.
VP 115:17,	75:14.	wished 71:9.
145:3.	weeks 105:6.	Withdrawn 71:3,
VP27 145:2.	Whatever 5:4,	147:24, 156:8,
VPSR 24:25, 25:14,	52:14, 75:21,	159:12.
78:10, 78:19,	79:3, 103:25,	Within 24:24,

24:25, 25:15, 34:24, 85:24, 93:11, 103:23.	107:11, 134:18.	49:14, 52:1, 52:4, 55:16, 58:25, 62:9, 67:1, 67:2, 72:16, 73:2, 73:14, 73:22, 74:6, 94:2, 98:13, 102:15, 106:3, 121:15, 138:3.
Without 25:5, 31:2, 46:21, 59:8, 67:18, 67:23, 128:5, 128:10, 131:9, 131:17, 131:18, 132:5, 133:17, 166:7, 166:12.	work-related 39:4.	yellow 157:3.
witnessed 29:14, 29:16.	worked 6:22, 18:24, 18:25, 49:17, 79:18, 112:10, 114:16, 145:9.	Yep 60:7.
Witnesses 5:11, 58:14, 67:19, 113:3, 113:5, 128:6, 136:11, 136:24, 138:11, 138:18, 166:8.	world 64:4.	young 7:6, 19:21, 22:6, 77:13, 78:4.
woman 14:7, 22:9, 77:13, 123:3, 124:19, 125:9, 125:13, 126:5, 127:12, 134:14, 134:23, 139:22, 140:5, 140:11, 140:23, 154:5, 156:25, 157:8, 158:12.	Worried 5:7, 37:3, 37:4, 37:5, 37:15.	Younger 10:6, 10:9, 114:14, 115:14, 115:15, 116:4, 116:5, 120:15, 123:16, 124:20, 125:10, 125:14, 133:7, 135:6, 144:22, 151:19, 152:2, 152:8.
wondering 96:12, 130:23.	worry 103:3.	yourself 8:13, 16:11, 29:22, 61:20, 62:4, 85:4, 87:5, 87:6, 87:8, 87:24, 88:1, 89:23, 97:25, 101:3, 102:5, 117:16.
Word 3:30, 34:2, 68:16, 87:20, 100:25, 120:2.	Worst 4:24.	yourselves 67:17, 128:4, 166:6.
words 8:14, 22:1, 63:16, 107:10, 147:7, 165:1.	worth 88:9.	.
work 6:13, 6:18, 18:20, 18:21, 18:23, 18:25, 19:13, 39:4, 49:7, 49:16, 50:23, 54:11, 58:23, 61:4, 61:6, 65:12, 66:4, 80:6, 82:20, 89:20, 92:13, 97:16, 99:3, 100:12, 102:18, 102:21,	write 51:11, 68:7, 91:10, 108:4, 117:20, 122:5, 122:7, 124:24, 128:22.	.
	written 117:23, 121:16, 121:18, 124:8, 125:1, 161:18, 162:9, 162:11.	.
	wrongfully 38:5.	< Z >.
	wrote 123:16, 160:25, 161:14, 161:20, 162:19.	Z-a-f-i-r-i-s 72:4.
	WTF 35:24, 45:13, 45:15, 45:16.	zoomed 164:8.
	.	
	.	
	< Y >.	
	Yard 90:8, 90:22, 91:13, 106:25, 109:21, 112:1.	
	Ye 109:15.	
	year 21:10, 37:5, 41:25, 55:17, 76:25, 77:4, 86:13, 105:23, 106:1, 161:19.	
	years 6:16, 7:2, 7:18, 49:12,	



CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
JOSHUA HONEA, )  
)  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT  
OF  
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: TUESDAY, DECEMBER 12, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

## 1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4  
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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20  
21  
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23  
24  
25

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

NAME: KEVIN ZAFIRIS	PAGE
Con't Cross-Examianation By Mr. MacArthur	9
Redirect Examination By Ms. Kollins	70
Recross-Examination By Mr. MacArthur	79
NAME: JEFFREY CLARK	PAGE
Direct Examination By Ms. Kollins	92
Cross-Examianation By Mr. MacArthur	104
Redirect Examination By Ms. Kollins	108
NAME: RACHEL CALDERON	PAGE
Direct Examination By Ms. Rhoades	111
Cross-Examianation By Ms. McNeill	119
Redirect Examination By Ms. Rhoades	126
NAME: KEITH GROSS	PAGE
Direct Examination By Ms. Rhoades	128
Cross-Examianation By Ms. McNeill	140
ReDirect Examination By Ms. Rhoades	145
recross-Examinaction By Ms. McNeill	146
Word Index	PAGE 170

\* \* \* \* \*

1 LAS VEGAS, NEVADA; TUESDAY, DECEMBER 12, 2017

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

3 \* \* \* \* \*

4  
5 THE COURT: State of Nevada vs. Joshua Honea.  
6 Any matters outside the presence. I'm looking forward to  
7 wrapping this up.

8 Mr. MacArthur.

9 MR. MACARTHUR: I believe that CAD is admissible  
10 on multiple grounds, but before I get there I'd ask that  
11 the State stipulate to the admission of the CAD. The  
12 defense has reason to believe the State had already been  
13 in possession of it, but if they weren't they were when we  
14 gave them a copy. I got it from a subpoena from Las Vegas  
15 Metropolitan Police Department records division.

16 Now, I understand typically the way to do that would  
17 be by calling the custodian of records. I don't mind  
18 doing that, if that's what's necessary. But if that is  
19 going to be the case I would ask that we get the custodian  
20 of records over here as quickly as possible, take him out  
21 of order and admit this as an exhibit.

22 THE COURT: You are claiming the business  
23 records exception.

24 MR. MACARTHUR: It's essentially admissible  
25 under present sense impression, past recollection and

1 recorded general exception with indicia of reliability and  
2 state of mind NRS 51.135. Because they are not  
3 editorialized and they are contemporaneously recorded by  
4 dispatchers at Metro are all the grounds that would allow  
5 for the admission, in the absence of stipulation from the  
6 State. I would like to have them admitted before we  
7 resume with Officer Zafiris.

8 THE COURT: Ms. Kollins.

9 MS. KOLLINS: I believe the copy that  
10 Mr. MacArthur gave me was certified so it would be  
11 admissible.

12 THE COURT: It was a certified copy.

13 MR. MACARTHUR: It was.

14 THE COURT: We'll allow the admissibility of the  
15 CAD report. Is that what you had marked as W, or is that  
16 something else. It was used to refresh recollection.

17 MR. MACARTHUR: I'm going to remove the subpoena  
18 from the top of it, if it doesn't bother anybody.

19 THE COURT: We just need one to mark and admit.  
20 So certified copy of the CAD report -- is there a date on  
21 the CAD report.

22 MR. MACARTHUR: It says it was produced December  
23 5, but we requested it November 28th. And the record  
24 should reflect that the version we got did have a couple  
25 of lines of redactions. We don't know what would have

1       been in that place. We are not alleging that there is  
2       anything nefarious. There are a couple of lines of  
3       redactions.

4               MS. KOLLINS: My assumption is it would be  
5       identifying information of a suspects that were arrested.  
6       And the date is on the top portion. It says 2015, 3/22.

7               THE COURT: Where are the redactions.

8               MS. KOLLINS: No the redactions would be  
9       identifying information like date of birth, social, of  
10      people arrested.

11              THE COURT: Mr. MacArthur said a December 5th  
12      production date. When you say -- what date are you  
13      referring to.

14              MS. KOLLINS: I thought you were asking the date  
15      of the incident on there. I didn't know.

16              THE COURT: Like for identification of the CAD  
17      report, it was produced on such and such a date and  
18      reflects production date. Sorry for that confusion.

19              THE COURT: That has been admitted as  
20      Defendant's --

21              MR. MACARTHUR: Defendant's Y.

22              THE COURT: Okay.

23              MR. MACARTHUR: The second matter, if I may, is  
24      going to be Defendant's Proposed X. I'm showing it to the  
25      State now.

1           This is part of the warrant return for Josh  
2 Honea's arrest. This is a picture of materials in the  
3 console of his truck. We had some pictures from that same  
4 warrant execution presented by Officer Dicaro that  
5 appeared to be from inside of his room. We saw pictures  
6 of a drawer and pictures of a bed. They did not include  
7 anything that was recovered from the truck. This was part  
8 of the discovery that was provide by the State. And we  
9 are asking for its admission under the rule of  
10 completeness as that witness already testified.

11           THE COURT: Multiple photos.

12           MR. MACARTHUR: One photo.

13           THE COURT: Okay.

14           MR. MACARTHUR: I'm sure the State has a CSI or  
15 CSA coming in to verify any other evidence that might be  
16 coming in. I want to use this in cross of Zafiris, and I  
17 believe it's appropriate to bring in. I don't think the  
18 State will have any challenges that it's not a picture  
19 they gave us.

20           THE COURT: Any objection from the State on  
21 admission of this photo, Defendant's X.

22           MS. KOLLINS: No.

23           THE COURT: Defendant's X will be admitted.

24           MS. KOLLINS: They can lay a foundation with it  
25 to his client, if his client is going testify. I'm not

1 bringing in a CSI. Just trying to truncate wherever I  
2 can.

3 THE COURT: Is it admitted because it's one of  
4 the those photos taken.

5 MS. KOLLINS: It's fine, your Honor. I don't  
6 know how this -- I mean, obviously it doesn't mean I'm not  
7 questioning this witness with a search warrant picture for  
8 a search warrant executed in the interior of Mr. Honea's  
9 car that he wasn't there for, so that's a whole different  
10 issue.

11 THE COURT: As far as Defendant's X, it's  
12 admitted. To the extent you wish to question him on it  
13 and can overcome the objection you can publish.

14 MR. MACARTHUR: Thank you. That's all I have.

15 THE COURT: Anything from the State.

16 MS. KOLLINS: No, ma'am.

17 THE COURT: Let's get the jurors in and get  
18 started.

19 Resuming in the trial of State vs. Honea. I have  
20 counsel for the State and defense. Mr. Honea is present.  
21 Our jurors are present. While the jurors are taking their  
22 place, we do have, returning to the stand, Officer  
23 Zafiris.

24 Can I ask you, Officer, if you can acknowledge for  
25 the record you understand you are still under oath.

1 THE WITNESS: Yes.

2 THE COURT: Looks like our jurors are ready.

3 Mr. MacArthur, you may resume your  
4 cross-examination.

5 MR. MACARTHUR: Thank you, Judge.

6 CONTINUED CROSS-EXAMINATION

7 BY MR. MACARTHUR:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. All right.

11 When we left off yesterday we covered some events  
12 that occurred on March 22nd, 2015, correct?

13 A. Yes.

14 Q. Part of that discussion involved your review  
15 of a police report that had been drafted by officer  
16 Blum?

17 A. Yes.

18 Q. Also a CAD report that appeared to be  
19 generated by Las Vegas Metropolitan Police Department  
20 records, is that fair?

21 A. Yes.

22 THE COURT: I'll note for the record the CAD  
23 report is admitted into evidence as Defendant's Y.

24 BY MR. MACARTHUR:

25 Q. We left off, and since, we've admitted this

1 exhibit. Can you verify that these are substantially the  
2 same documents, one of which is highlighted, but the other  
3 one is not highlighted; is that fair?

4 A. Yes.

5 Q. You recognize them as being the same  
6 document?

7 A. Yes.

8 Q. You recognize that as being the same document  
9 that we were discussing in front of the jury yesterday?

10 A. Yes.

11 Q. All right.

12 I'm going to publish Defense Y. Let's try it with  
13 the light.

14 Now, this being the same document, the one that is  
15 on the overhead is actually highlighted, correct?

16 A. Yes.

17 Q. We have two different colors of highlights,  
18 yellow and pink?

19 A. Yes.

20 Q. You identified your call signal as being 2P4,  
21 correct?

22 A. Yes.

23 Q. If you could, could you circle one of the  
24 several pink 2P4s so the jury knows what you're talking  
25 about.

1           Above where you have circled, would this appear to  
2 be the beginning of the traffic stop initiated by Josh  
3 Honea, BP27, on March 22nd, 15:02 hours?

4           A.       Yes.

5           Q.       3:02 in the afternoon, right?

6           A.       Yes.

7           Q.       Beneath that we have 3 lines of Trop, Budget  
8 Suites, Pollars, W of McDonalds -- something like that?

9           A.       Yes.

10          Q.       Explain to the jury what that means. If you  
11 can clear the screen by touching the bottom left corner.

12               Why do we have 3 lines of that in a row?

13          A.       By reading this it seems like 3 different  
14 units were assigned to the call.

15          Q.       Would that be 2S, 2P4 and 2P3?

16          A.       Yes.

17          Q.       Who is 2S?

18          A.       I don't know.

19          Q.       Would it be correct that 2S, since it didn't  
20 have any numbers after it, would be the unit sergeant?

21          A.       No.

22          Q.       That's not correct?

23          A.       No.

24          Q.       Okay. Do you recall if -- all right. Do you  
25 recall if 2S may have been Officer Blum?

1           A.       I don't know.

2           Q.       Okay.  Officer Zafiris, what is a P number?

3           A.       Pretty much your personal ID number assigned  
4 by the department.

5           Q.       You get assigned that by Metro?

6           A.       You get that on your hire date, yes.

7           Q.       So they are in chronological order, the longer  
8 you've been at Metro the lower number you have?

9           A.       There is a thing called ghost P numbers.  
10 People change classifications, you can be a PN and you  
11 turn in PO, so you could be a senior officer with a higher  
12 P number depending on how you look at it.  But generally  
13 speaking you're correct.

14          Q.       Please state your P number?

15          A.       13-339.

16          Q.       And do you happen to know what Josh Honea's P  
17 number was?

18          A.       I have no idea.

19          Q.       Do you need to refer to Officer Blum's  
20 report?

21          A.       Yes.

22          Q.       See that indicated anywhere there?

23          A.       Yes.

24          Q.       What's his number?

25          A.       14-652.

1           Q.       From that might we assumed you'd been working  
2 for Metro longer than he had?

3           A.       Yes.

4           Q.       Okay.

5           All right. Officer, looking at 15:05, middle of  
6 the page, you see where it says 2BP39 has SPJS at gun  
7 point?

8           A.       Yes.

9           Q.       Does the SUBJS stand for subjects?

10          A.       Yes.

11          Q.       Has subjects at gun point, NW corner, McDees.  
12 Is that what it says?

13          A.       Yes.

14          Q.       Does the NW stand for northwest?

15          A.       Yes.

16          Q.       There's a space that says, complying now?

17          A.       Correct.

18          Q.       Moving further down the page, 2 minutes later,  
19 15:07:13, does there appear to be an entry that says BP27,  
20 2 in custody, taking 3rd in custody now?

21          A.       Yes.

22          Q.       So this would appear to reflect a radio call  
23 for dispatch with this information?

24          A.       Correct.

25          Q.       Is there any way for you to tell us who cued

1       that to dispatch, who made that radio call?

2           A.       All it says is BP27. So you would assume BP27  
3       is the one that said it.

4           Q.       Let me ask you something. These CADs, this  
5       information is available to you in real time in your  
6       vehicle, correct?

7           A.       In a different fashion, but, yes.

8           Q.       What are the terminals you use?

9           A.       MDT. Now that's what it is, MDT.

10          Q.       So this is information that you read on a  
11       regular basis, correct?

12          A.       Parts of it, yes.

13          Q.       I would like for to explain what is in this  
14       row, or what does that row of codes signify?

15          A.       The person that hit the keys or possibly  
16       spoke.

17          Q.       So that line is typically the person who hit  
18       the key or spoke, correct?

19          A.       Correct.

20          Q.       Well, in this line right here, isn't it  
21       blank?

22          A.       Yes.

23          Q.       If Josh had been the person making that  
24       call --

25                   MS. KOLLINS: I'm sorry, Mr. MacArthur. This

1 line here, can you make a record of which line it is.

2 MR. MACARTHUR: Sure. On the line that is  
3 15:00 hours, 5:29, it's blank, correct.

4 THE WITNESS: Yes.

5 BY MR. MACARTHUR:

6 Q. Okay.

7 So if Josh had been the person making that radio  
8 call, wouldn't it say BP27 in that space?

9 A. Dispatch does this. You're asking me to  
10 testify to something I don't create. I can only interpret  
11 what it says. So I don't know why it's blank. I don't  
12 know if it should be full. I don't know. I don't  
13 generate this report. I can just interpret it, like I do  
14 on my MDT and try and get information from it.

15 Q. Understood.

16 What was your P number again?

17 A. 13-339.

18 Q. 13-339. And you are not referenced at all in  
19 Officer Blum's police report, correct?

20 A. Well, that is a different report from what we  
21 were talking about yesterday. I don't know about that  
22 one.

23 Q. Based on what you recall having seen it  
24 yesterday, you didn't see your name in it anywhere?

25 A. No.

1 MS. KOLLINS: There were two police reports.  
2 Which are you handing him.

3 MR. MACARTHUR: He's looking at declaration of  
4 arrest, Samantha Chavez.

5 MS. KOLLINS: Thank you.

6 BY MR. MACARTHUR:

7 Q. You are not mentioned anywhere in there?

8 A. Correct.

9 Q. But in the CAD report you are referenced  
10 several times; is that correct?

11 A. My call sign is in here a couple of times.

12 Q. Look at the monitor, just on the first page.  
13 Would you agree with me -- I've highlighted it 6 times --  
14 just on the first page.

15 A. I see 5 times on my screen.

16 Q. You'd agree with me that is more than a  
17 couple?

18 A. Yes.

19 Q. We looked at 15:07:13, which you verified said  
20 2 in custody, BP27, which is Josh. Two in custody, taking  
21 3rd in custody now, right?

22 A. Yes.

23 Q. Even though it would normally be in this line  
24 that you're reading of that is that that's something Josh  
25 said on mic, right?

1           A.       Repeat your question. I'm not following  
2       you.

3           Q.       You were telling us that that middle row when  
4       it identifies a call signal, it's usually the person  
5       giving information?

6           A.       Or hitting button strokes.

7           Q.       They are the one initiating the information  
8       itself?

9           A.       Yes.

10          Q.       But there is a gap on 15:05:29, right?

11          A.       Correct.

12          Q.       It starts with BP27, as opposed to just the  
13       information. It starts with Joshes' call signal,  
14       correct?

15          A.       Correct.

16          Q.       You also said this that is dispatch and that  
17       they try to keep up and type in real time and that  
18       sometimes mistakes can be made. You said that yesterday,  
19       right?

20          A.       Uh-huh.

21          Q.       So after Josh is identified it says silver --  
22       sorry -- it says, 2 in custody, taking third in custody  
23       now, right?

24          A.       I lost a line. I can't see what you are  
25       pointing at. Which line again.

1 Q. Here, the bottom highlighted.

2 THE COURT: Reference the time.

3 MR. MACARTHUR: 15:07:13.

4 THE WITNESS: Yes, I see that.

5 BY MR. MACARTHUR:

6 Q. This is apparently knowledge that Josh had  
7 that he shared with dispatch?

8 A. Yes.

9 MS. KOLLINS: Objection, speculation.

10 THE COURT: The witness has already answered.  
11 Maybe the witness can clarify, when you say yes to that  
12 question, are you speculating or do you know that to be  
13 the case.

14 THE WITNESS: I'm speculating because on the  
15 right this is a P number, so I can see who is entering  
16 this information. So once again like we said yesterday,  
17 she could be catching up. I don't know. This isn't a  
18 report I generated.

19 BY MR. MACARTHUR:

20 Q. Let's go back up to the top of the page before  
21 we go to page 2.

22 At 15:02:39, you see where it says BP27PU?

23 A. Yes.

24 Q. Could you tell the jury what PU stands for?

25 A. I don't know.

1           Q.       Does it stand for picked up, like picked up  
2 the call?

3           A.       I don't know.

4           Q.       Is there a way to tell who the primary  
5 officers are based on this CAD?

6           A.       Primary unit for this report is DP39.

7           Q.       Do know who that was?

8           A.       No.

9           Q.       Page 2, now would you agree with me that I  
10 highlighted in pink placing where your call sign are  
11 present on the page?

12          A.       Yes.

13          Q.       I want to direct your attention to 15:09:04.  
14 See where it's highlighted in pink, 2P4?

15          A.       Yes.

16          Q.       By what you told us to expect, this would be  
17 you giving information to dispatch, right?

18          A.       Yes.

19          Q.       What information did you give to dispatch?

20          A.       4 in custody, clearing the vehicle.

21          Q.       Now, having read that, does that refresh your  
22 recollection as to whether there were 4 suspects and you  
23 were the one that was clearing the vehicle?

24          A.       That doesn't mean I cleared the vehicle.

25          Q.       I'm just asking you if it refreshed your

1 recollection?

2 A. Honestly, it doesn't.

3 Q. All right.

4 At 15:09:45, it looks like you say, shut down,  
5 units rolling code, sufficient coverage?

6 A. Correct.

7 Q. Could you tell the jury what that means?

8 A. Units rolling code, to a call like this, and  
9 since we have enough officers on the scene for safety,  
10 it's to tell the other officers rolling we don't need any  
11 more -- we don't need to roll a code 3, lights and sirens  
12 on the way to the call.

13 Q. Having read Officer Blum's report, would you  
14 agree with me that it makes no reference to anything more  
15 then 2 suspects?

16 A. Correct.

17 Q. Moving down just a little further I've now  
18 introduced an orange highlight, see it?

19 A. On the screen -- yes.

20 Q. On the left.

21 Do you recall yesterday having confirmed that  
22 Samantha Chavez was Mirandized at 15:29 hours?

23 A. Correct.

24 Q. Would you agree with me that that time 15:29  
25 would fall between those two entries?

1           A.       15:29 falls between which two.

2           Q.       The two in orange?

3           A.       Yes.

4           Q.       There is 4 more entries with abbreviations  
5       attributable to 2P4, right?

6           A.       Yes.

7           Q.       What does TWFRM, too fast, on 15:37:24? Is  
8       there any way to translate that for us?

9           A.       I don't know what that means.

10          Q.       Okay. Next line down, 15:37:45, EAC -- is  
11       that Enterprise Area Command?

12          A.       Yes.

13          Q.       That is repeated again at 15:50:04?

14          A.       Yes.

15          Q.       15:52:15 there's an entry but no  
16       information?

17          A.       Correct.

18          Q.       I would like to direct your attention to  
19       15:56:58. See it there on the bottom highlighted in  
20       yellow?

21          A.       Yes.

22          Q.       The substance of it when it says FEM stating  
23       she has -- is FEM short for female?

24          A.       Yes.

25          Q.       Stating she has a 413 inside of her. What is

1 a 413?

2 A. Firearm.

3 Q. Inside of her?

4 A. That's what it says.

5 Q. Does this refresh your recollection at all as  
6 to whether she had a firearm inside of her?

7 A. No. Because I was already gone.

8 Q. Okay. Please indicate how you know you are  
9 already gone?

10 A. On 15:37:45 the TO, which we're used to seeing  
11 on our MDT, right there TO, that means going somewhere  
12 else in my vehicle -- going somewhere else.

13 Q. Would that have been Enterprise Area  
14 Command?

15 A. Yes.

16 Q. Is that why it says EAC?

17 A. That's where I'm going.

18 Q. Now, moving forward it says she has a 413,  
19 which we've now identified as a firearm inside of her.  
20 There is a dot, dot, dot, POSS -- is that short for  
21 possession?

22 A. Depends on the person writing it. Possession  
23 or possible.

24 Q. Okay. Possession or possible, large amounts  
25 of 446. What is 446?

1 A. Narcotics.

2 Q. Large amount of drugs?

3 A. Yes.

4 Q. So this line referenced both a gun and  
5 drugs?

6 MS. KOLLINS: Objection, speculation.

7 BY MR. MACARTHUR:

8 Q. Is 413 a gun?

9 A. Yes.

10 Q. 436 drugs?

11 A. Yes.

12 Q. In this line both guns and drugs are  
13 referenced?

14 A. Yes.

15 THE COURT: Please let the court rule on the  
16 objection before you decide to rephrase the question.

17 MR. MACARTHUR: Yes, ma'am.

18 THE COURT: With rephrasing you clarified some  
19 questions. I'll sustain the objection as to prior form of  
20 the question in terms of the way it was asked.

21 MR. MACARTHUR: It was poorly phrased.

22 THE COURT: Proceed.

23 BY MR. MACARTHUR:

24 Q. In the vehicle also, right?

25 A. Yes.

1           Q.       So possibly possession a large amount of drugs  
2       in the vehicle also?

3           A.       Yes.

4           Q.       Now, just because you left the scene, are you  
5       no longer able to see these developments as they occur?  
6       Are you still able to see them on your MDT?

7           A.       I could look them up at a later date.

8           Q.       Do you remember doing that or not?

9           A.       No.

10          Q.       When you departed the court house did you see  
11       or recognize Joshes' family at the other end of the  
12       hall?

13          A.       I wouldn't recognize them by themselves.  
14       Given their proximity to the courtroom, I figured that was  
15       them.

16          Q.       You met them before, hadn't you. You said  
17       yesterday you knew what kind of people they were and how  
18       you happen to make their acquaintance?

19          A.       I don't know what kinds of people they are.

20                 MS. KOLLINS: Object as to compound.

21                 THE COURT: Sustained.

22       BY MR. MACARTHUR:

23          Q.       Is there a reason why you'd taken a picture of  
24       them leaving yesterday.

25          A.       I don't have a picture of anybody.

1           Q.       You don't have a picture of them on your phone  
2 right now?

3           A.       No.

4           Q.       Yesterday the State asked you if you ever had  
5 to come to court to testify on anything relating to the  
6 411 A stop on March 22nd, 2015, correct?

7           A.       Yes.

8           Q.       You said, no, you never had to come to court  
9 do that, correct?

10          A.       Correct. I don't believe so.

11          Q.       Isn't that in fact because the DA did not  
12 proceed on those charges?

13                 MS. KOLLINS: Objection. May we approach.

14                 THE COURT: You may.

15                 (Discussion held at the bench.)

16                 THE COURT: Sustained.

17 BY MR. MACARTHUR:

18          Q.       Is it true the charges against the male  
19 suspect, Rudy Morano, were not pursued by the DA?

20          A.       I don't know.

21          Q.       Would it refresh your recollection if you see  
22 the disposition date?

23                 MS. KOLLINS: Objection.

24                 THE COURT: Before we proceed, we had difficulty  
25 with this yesterday, so let's be clear. If the document

1       could refresh your recollection because he may know the  
2       information the document may be used to do so. But no  
3       document can be shown to a witness for information to  
4       impart upon them. Would this witness have any reason to  
5       know what the disposition was of that case.

6               MR. MACARTHUR: I believe he does.

7               MS. KOLLINS: He just said he didn't.

8               THE COURT: He said he didn't know the answer to  
9       the question asked.

10              Officer, do you believe there is information you may  
11       have had at one time if you review this document it would  
12       refresh your recollection.

13              THE WITNESS: I do not.

14              THE COURT: Mr. MacArthur, you can take back the  
15       document. And we'll not seek information that is not  
16       known to the officer.

17              MR. MACARTHUR: Permission to approach.

18              THE COURT: Yes.

19              (Discussion held at the bench.)

20              THE COURT: Counsel requested the court take  
21       judicial notice of the disposition of the State of Nevada  
22       vs. Rudy Morano. The court can take judicial notice of  
23       the document from the Justice Court, Las Vegas Township,  
24       indicating that the proceeding events, DA, denial review  
25       date 7/8/2015, State of Nevada vs. Rudy Morano.

1 I'll return the document to counsel when you're  
2 ready.

3 MR. MACARTHUR: Thank you, your Honor.

4 BY MR. MACARTHUR:

5 Q. All right.

6 From your testimony and response to the State's  
7 questions yesterday, is it fair to say you believe that  
8 Josh Honea was terminated from Metro's employ because of  
9 performance issues?

10 A. I don't know why he was terminated. I wasn't  
11 there for when the decision was made.

12 Q. Okay. Looks like 59. Referring again to  
13 State's 59, do you recognize that as the letter we  
14 discussed yesterday?

15 A. Yes.

16 Q. Sergeant Clark, yesterday I may have been  
17 unfair to you. I would like to allow you to correct me.

18 Do you recall me having placed your letter up on  
19 the overhead.

20 MS. KOLLINS: I'm sorry. You referred to him as  
21 Sergeant Clark.

22 MR. MACARTHUR: I'm horrible at this.

23 Officer Zafiris, you recall I put your letter up on  
24 overhead and highlighted a portion, correct.

25 THE WITNESS: Correct.

1 BY MR. MACARTHUR:

2 Q. This appears to reflect the same exhibit you  
3 have in front of you?

4 A. Yes.

5 Q. I would like to direct your attention down  
6 where it is orange at the bottom. See the highlighted  
7 orange portion?

8 A. Yes.

9 Q. Yesterday I believe I asked you if the vehicle  
10 that Josh drove past was twice occupied, meaning two  
11 occupants. But in reading this again last night, it would  
12 appear that that's not what you said. It looks like you  
13 said he drove past an occupied vehicle 2 times; is that  
14 fair?

15 A. Yes.

16 Q. I didn't want to do you a disservice. But  
17 otherwise, moving forward in this letter.

18 Going to the top of the next page, Officer Zafiris,  
19 going from the bottom of the first page to the top of the  
20 second page, you testified yesterday you were discussing  
21 the March 22nd, 2015 incident, right?

22 A. Yes.

23 Q. And your second sentence in there says,  
24 approximately 2 weeks ago, right?

25 A. Correct.

1           Q.       As you sit there now do you know whether that  
2 was true, that you were referencing something that  
3 happened two weeks ago?

4           A.       Well, Josh was counseled several times on  
5 several incidents where he was too close to suspect  
6 contact.

7           Q.       You are talking about the March 22nd incident,  
8 right?

9           A.       That's possible. I don't directly recall  
10 anything. It just says approximately 2 week ago.

11          Q.       But you're talking about Josh driving past the  
12 occupied vehicle twice. And did so because he thought the  
13 vehicle looked suspicious. Conducted a records check on  
14 the plate. Discovered that vehicle was listed as stolen.  
15 And that Josh did assist with what he could on the  
16 investigation, but went a step further and started  
17 updating radio traffic during time when officers were  
18 taking suspects into custody.

19                You said all that?

20          A.       Yes.

21          Q.       We can look at the CAD, right?

22          A.       Yes.

23          Q.       And all of those facts appear to be present  
24 inside of that CAD?

25          A.       Yes.

1           Q.       Okay. Now to be clear, you testified  
2 yesterday before we broke that you counseled him right  
3 there at the scene?

4           A.       Yes.

5           Q.       You also testified that you couldn't be  
6 certain whether Sergeant Erickson was there, correct?

7           A.       Correct.

8           Q.       Going to the second page. Officer Zafiris,  
9 does that refresh your recollection as to whether Sergeant  
10 Erickson was there?

11          A.       I wrote that he was so he must have been.

12          Q.       You also referenced Sergeant Clark?

13          A.       Yes.

14          Q.       So he would have been there as well?

15          A.       It's possible.

16          Q.       Then lastly you also referenced other officers  
17 on the scene, including yourself, right?

18          A.       Yes.

19          Q.       You were there?

20          A.       Yes.

21          Q.       All this was thought to be understood until  
22 the past weekend when I was informed by one of my  
23 Explorers who spent off time with Josh that Josh is upset  
24 and voiced his opinion on some topics, correct?

25          A.       Yes.

1           Q.       The Explorer you're referring to would have  
2       been Joe Belmonte, correct?

3           A.       I don't know.

4           Q.       Did you have other Explorers under your  
5       tutelage that spent a lot of time away from work with  
6       Josh?

7           A.       I don't know how much time they spent  
8       together. I know they were mostly close.

9           Q.       Were there other Explorers who spent time away  
10      from work with Josh that knew he was upset?

11          A.       I wasn't there.

12                 MS. KOLLINS: Speculation.

13                 THE COURT: Sustained.

14                 Officer, give a moment after the objection before you  
15      answer so the court can rule.

16                 THE WITNESS: Yes.

17      BY MR. MACARTHUR:

18           Q.       Are there any other potential Explorers, other  
19      then Joe Belmonte, you might have been talking about?

20           A.       Yes.

21           Q.       Give me an example?

22           A.       Austin Herrera, Austin Cane, Larry Jones,  
23      Stephanie Chavez, I'm not sure how many more I had at the  
24      time.

25           Q.       Each of these 4 spent his off time with

1 Josh?

2 MS. KOLLINS: Objection, speculation.

3 MR. MACARTHUR: Let me clean that up.

4 BY MR. MACARTHUR:

5 Q. You said spent his time with Josh, right?

6 THE COURT: Perhaps a better way to rephrase,  
7 but I appreciate you're making a more complete record.  
8 While it was speculation the way the question was asked,  
9 you recognized that. I'll sustain the objection, but you  
10 may proceed, of course, rephrase.

11 MR. MACARTHUR: Thank you.

12 BY MR. MACARTHUR:

13 Q. Your letter says Explorer spent time with  
14 Josh?

15 A. That is what the letter said.

16 Q. To the extent you included Explorer Stephanie  
17 somebody, that is not what you're talking about is it?

18 A. I don't know I wrote. This was a long time  
19 ago.

20 Q. So you might have referred to her as him?

21 A. It must have been one of the male Explorers.

22 Q. That's what I was thinking. Are you aware of  
23 any other male Explorers that spent their free time with  
24 Josh?

25 A. I don't know who spend time with Josh when I'm

1 not with him. I don't know.

2 Q. You knew at the time. You know who Joseph  
3 Belmonte is, don't you?

4 A. He wasn't an Explorer.

5 Q. I'll take your word for that. Wasn't Joe  
6 Belmonte in the car with you on March 22, 2015 at that  
7 stop?

8 A. As an Explorer advisor. I have several  
9 ride-alongs with me. I don't know don't or remember who  
10 was in the car with me that day. I don't know.

11 Q. All right. Now, in the final paragraph  
12 highlighted in yellow, you go on to say other officers and  
13 Explorers have talked with Josh countless times about his  
14 relationship with Morgan and his performance among other  
15 things at work?

16 A. Yes.

17 Q. You are not aware of any documentation of  
18 these counseling sessions, is that your testimony?

19 A. Correct.

20 Q. Going back to the top paragraph, Josh is  
21 counseled about his actions by Sergeant Erickson, Sergeant  
22 Clark and the officers on scene, right?

23 A. Yes.

24 Q. Isn't this letter to Sergeant Clark?

25 A. Yes.

1           Q.       So you're telling Sergeant Clark that he  
2 counseled Josh on March 22nd?

3           A.       Yes. He instructed me to write this.

4           Q.       Sergeant Clark instructed you to write this  
5 letter?

6           A.       Yes.

7           Q.       Didn't he, in fact, instruct you to write this  
8 letter on March 29th, 2015?

9           A.       I don't remember the date.

10          Q.       Let me see if I can jog your recollection?

11               Do you remember there being a counseling session  
12 with you, now Detective Samples, Sergeant Clark on March  
13 29th. I hope I'm not messing this up. Maybe I should  
14 leave Samples out of it, maybe we could be talking about  
15 Wirey.

16               You remember a counseling session with Sergeant  
17 Clark, yourself, Josh and one other person on March  
18 29th?

19          A.       I don't know the date, but I remember the  
20 counseling session.

21          Q.       So you do remember the counseling session?

22          A.       Yes.

23          Q.       Wasn't it immediately after that Sergeant  
24 Clark told you to write this letter?

25          A.       I don't know when he told me to write it, if

1       it was close in proximity.

2           Q.       Same day?

3           A.       Sorry?

4           Q.       Wasn't it in fact the same day?

5           A.       I don't know.

6           Q.       Didn't -- at that counseling session, isn't it  
7 true that Josh again brought up the circumstances of March  
8 22, 2015?

9           A.       I don't remember if he did. It's a long time  
10 ago.

11          Q.       You testified yesterday you remember  
12 counseling him not only at the scene on March 22nd in  
13 front of McDonalds but also at that counseling session  
14 that he had uniform dereliction, the clip?

15          A.       Correct.

16          Q.       That he had had too much contact with  
17 Morgan?

18          A.       Correct.

19          Q.       I believe there was too much contact with  
20 suspects at a scene?

21          A.       Yes.

22          Q.       Was there a fourth one, you remember?

23          A.       I know one that I talked about earlier was him  
24 chasing a stolen vehicles or a suspect vehicle that was in  
25 the northeast.

1           Q.       You said these things were violations and  
2 performance problems, right?

3           A.       Yes.

4           Q.       But didn't you also say in the letter that  
5 these were things that he was allowed to do in the  
6 northeast?

7                    I'm referring to the second page, middle paragraph.

8                    That's my mistake. That is not where it says it.  
9 Second to last paragraph of the first page. Again my  
10 apologies.

11                   That paragraph, didn't you in fact tell Sergeant  
12 Clark that up at Northeast Area Command Josh was permitted  
13 to do these things?

14           A.       The sergeants weren't as, I guess, cognizant  
15 of Joshes' action in Northeast compared to Sergeant  
16 Erickson and Sergeant Clark.

17           Q.       Is your answer consistent with that. You said  
18 they're not cognizant, meaning they didn't know he was  
19 doing it? Is that what you are saying now?

20                   MS. KOLLINS: Objection, speculation.  
21 Argumentative.

22                   THE COURT: Overruled. The witness may answer.  
23 You may need to clarify.

24           BY MR. MACARTHUR:

25           Q.       You say sergeants there were not cognizant,

1       they didn't understand he was doing that? You said that  
2       just now, right?

3           A.       I can't speak for them. Whether they  
4       counseled him or didn't counsel him.

5           Q.       Please listen to my question. Did you just  
6       say they weren't cognizant of it, did you just say that?

7           A.       Okay.

8           Q.       In the letter, the last sentence of that  
9       paragraph you said these practices were accepted at NEAC?

10          A.       Yes.

11          Q.       That's not the same as not being aware or not  
12       understanding it, is it. It's accepted?

13          A.       That is what I wrote, yes.

14          Q.       So if I understand you correctly Sergeant  
15       Clark is one other person who had a disciplinary  
16       counseling session for Josh doing something that  
17       heretofore he had been allowed to do, right?

18          A.       He's not supposed to do those things.

19          Q.       Regardless of whether he was supposed to do  
20       those things, you said they were accepted at NAC and  
21       having done them at Enterprise he then had a disciplinary  
22       meeting about doing the exact same things?

23          A.       I didn't discipline him. I counseled him at  
24       Northeast as well.

25          Q.       I asked you if you had a disciplinary meeting

1 about them?

2 A. I don't know if you call it a meeting. I  
3 counseled him and told him what he was doing was  
4 unacceptable.

5 Q. Was he getting an accommodation for having  
6 done these things?

7 A. I don't know if he ever received an  
8 accommodation.

9 Q. Was he discouraged from doing them?

10 A. Yes, because it's unsafe.

11 Q. So you might refer to that as a disciplinary  
12 action?

13 A. I don't know if he received any disciplinary  
14 action. I'm not sure you can as a volunteer.

15 Q. Well, he was terminated soon after, wasn't  
16 he?

17 MS. KOLLINS: Objection, misstates the  
18 evidence.

19 THE COURT: Sustained.

20 MR. MACARTHUR: Are you aware of a bulletin that  
21 stated that Josh Honea was not allowed inside of Metro  
22 buildings on May 18, 2015.

23 THE WITNESS: I don't remember the date. I do  
24 remember the bulletin.

25 BY MR. MACARTHUR:

1           Q.       Would you disagree or have any reason to think  
2       it wasn't true if I said it was May 18th?

3           A.       No reason to argue.

4           Q.       Would you agree that March 22nd and May 18th,  
5       2015 would be separated by a month and 3 weeks?

6           A.       Sure.

7           Q.       Now, yesterday I believe your testimony to the  
8       State that you drafted that letter soon after your  
9       counseling session with Josh at the Yard House?

10           MS. KOLLINS:  Objection, mischaracterizes the  
11       testimony.

12           THE COURT:  Sustained.  You may rephrase.

13       BY MR. MACARTHUR:

14           Q.       Did you draft the letter soon after the  
15       counseling session you, Officer Wirey, and Detective  
16       Samples at the Red Rock?

17           MS. KOLLINS:  Objection, mischaracterizes the  
18       testimony.

19           THE COURT:  At this point the court needs  
20       clarification.  You may answer.

21           THE WITNESS:  Can you ask it again, sir.

22       BY MR. MACARTHUR:

23           Q.       Sure.  Yesterday you testified?

24           A.       Yes.

25           Q.       The State asked you questions?

1           A.       Yes.

2           Q.       One of the questions was when did you write  
3 this letter, remember that?

4           A.       There were a lot of questions yesterday.

5           Q.       Does that sound familiar?

6           A.       Sure.

7           Q.       My question to you is did you testify  
8 yesterday that you wrote this letter soon after the  
9 counseling session at the Red Rock with Josh and the other  
10 guys?

11          A.       I'm not sure when the Red Rock was.

12          Q.       Officer Zafiris, isn't it in fact true you  
13 wrote this letter after you found that Josh was claiming  
14 that you had done improper things in regard to those  
15 suspects?

16                   MS. KOLLINS:  Objection, vague.

17                   THE COURT:  What's the time frame,  
18 Mr. MacArthur.  I don't believe there is evidence in the  
19 record with regard to that complaint.  You may clarify.

20                   Sustained.

21           BY MR. MACARTHUR:

22           Q.       We've spent a good amount of time talking  
23 about the possession of stolen vehicle stop March 22nd,  
24 right?

25           A.       Yes.

1           Q.       You referenced that vehicle stop in your  
2 letter, right?

3           A.       I reference a stop. It could have been that  
4 one. It could have been other ones he did the same  
5 thing.

6           Q.       You reference Sergeant Erickson was present?

7           A.       Yes.

8           Q.       Do you remember I asked you questions about  
9 things that might have been given to Sergeant Erickson by  
10 Josh or said to Sergeant Erickson by Josh?

11          A.       Which I don't know.

12          Q.       You remember that question?

13          A.       Yes.

14          Q.       Are you clear what incident I'm talking  
15 about?

16          A.       Yes.

17          Q.       Isn't it in fact true that you drafted this  
18 letter after Josh betrayed you by casting what you did at  
19 that scene as improper?

20               MS. KOLLINS: Objection, mischaracterizes the  
21 evidence in the record.

22               MR. MACARTHUR: I'm allowed --

23               THE COURT: Objection sustained. Mr. MacArthur,  
24 if wish to proceed to lay foundation for an additional  
25 line of questioning along these lines, you may.

1 MR. MACARTHUR: Yes, ma'am.

2 BY MR. MACARTHUR:

3 Q. Officer Zafiris, there were 4 suspects  
4 associated with that car on March 22, 2015, weren't  
5 there?

6 MS. KOLLINS: Objection mischaracterizes the  
7 evidence in the record.

8 MR. MACARTHUR: He can say yes or no, Judge.

9 MS. KOLLINS: Objection as to suspects.

10 THE COURT: Let's do this. Let's take a brief  
11 recess. It's been about an hour and folks need to use the  
12 restroom and we can resolve these concerns and make sure we  
13 can complete the process.

14 JURY ADMONITION

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

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

1 case is finally submitted to you.

2 See you back in 10 minutes.

3 (Brief recess taken.)

4 THE COURT: Couple things. One reason I wanted  
5 to call a recess was as I was thinking about you resuming  
6 questioning, Mr. MacArthur, certainly I recall sort of  
7 generalized questions from yesterday about if this had  
8 happened would that be improper and that type of thing. I  
9 don't know that that was tied up in a way -- and that  
10 sort of the basis of the bench conference -- that I didn't  
11 believe there had been a foundation laid for there having  
12 been improper conduct such that then there would be the  
13 foundation for the question you asked.

14 Plus I also didn't believe there had been in the  
15 record any evidence there had been a complaint made or  
16 brought to his attention based on his denial in questions  
17 like that yesterday.

18 So -- but I do not have a problem with you laying  
19 foundation. I think where we get into difficulty is I  
20 didn't expect you go back and try to lay the foundation  
21 from the beginning on the time of March 22nd and what  
22 occurred that day and all those things, then get to the  
23 question. I thought you were going to go to the question  
24 of, you know, reminding everyone this is what you said  
25 yesterday, was this improper, blah, blah, blah.

1 I'm not going tell you how to do your job, I just  
2 want to be get these objections because when you're  
3 rephrasing, paraphrasing, or summarizing for question  
4 purposes things that occurred in the testimony and they  
5 don't match exactly or they are literally so truncated we  
6 get objections, we're going be on a spinning wheel.

7 MS. MCNEILL: The objection is a little  
8 disingenuous. We already established there were 4 people  
9 taken into custody. They were arrested.

10 THE COURT: There is no record there were 4  
11 people in custody.

12 MS. MCNEILL: It's in the CAD. He told us  
13 yesterday and today --

14 THE COURT: Let's back up and remember what  
15 we're doing here. There is information in the CAD report.  
16 He identified that line. There is that information. I  
17 think we all yesterday -- give the court a little slack  
18 too. I'm doing my best to remember everything that come  
19 along, but I haven't lived this case every moment like  
20 each of you have. My recollection was two people were  
21 arrested. My recollection was there was some discussion  
22 about possibly a third being taken into custody then let  
23 go. There is discuss of whether there were 4 people, I  
24 don't know that a reasonable dispute there were 4 people,  
25 4 people arrested. I saw the CAD report today, but he

1       said he didn't know if he was clearing the car. He didn't  
2       follow up on the 4 in custody. We have that. Okay.

3               If we get past that hurdle of there being 4 in  
4       custody, again, we keep sort of dancing around. It's just  
5       not clear why we're not going to the heart of the  
6       question. If you have questions to ask just ask the  
7       questions. We're dancing around them with, I don't know  
8       how to articulate this anymore. I'm frustrated myself.

9               Take the CAD report back and evidence back. I see  
10       it. I don't believe the objection to be disingenuous  
11       because the problem is yesterday when Mr. MacArthur was  
12       asking a question about 3 people before he talked about 4  
13       people. It's all over the map here. So maybe we can  
14       clear it up with this guy and maybe that's the basis to go  
15       back and start from the beginning of time and reask the  
16       questions.

17              It's been confusing to the jury and sure as hell been  
18       confusing to me. I think when we have these summary  
19       questions the objections are valid. I want to get through  
20       them. We'll get where you need to go, I'm just trying to  
21       get us there.

22              Ms. Kollins, anything to add.

23                      MS. KOLLINS: I do, your Honor.

24                      In the interest of being genuine with the court  
25       being taken into custody and being arrested are two

1 different things. Often people are removed from a  
2 vehicle, handcuffed for security purposes. Because they  
3 were taken into custody does not mean they were ultimately  
4 arrested. And we know that the driver and the passenger  
5 were arrested and the case was denied against the  
6 passenger.

7 Possession of stolen vehicle requires actual or  
8 constructive possession of a vehicle with knowledge that  
9 it's stolen and the same elements apply to dope in the  
10 trunk. It's not unusual that they will pull everyone out  
11 of a car and not make arrests on the scene. So to call  
12 them suspects, just because they were taken into custody  
13 at some point is disingenuous in my mind. Those are  
14 apples and oranges to me.

15 MS. MCNEILL: Suspects mean you haven't yet been  
16 arrested and are suspicious they may have committed a  
17 crime, which you can't take somebody into custody unless  
18 you believe they committed a crime.

19 THE COURT: We're going to get where we need to  
20 go. How are we going to get there. What's the proffer  
21 Mr. MacArthur for the next line of questioning so we can  
22 get where we need go.

23 MR. MACARTHUR: The original question, Judge,  
24 was you wrote this letter because Josh ratted you out. To  
25 save time. Josh ratted you out, that's why you wrote the

1 letter. He says, no, I don't know what you're talking  
2 about. I take him back to the fact he is like, I don't  
3 know what violation you are talking about. We talk about  
4 the 22nd. You know that Josh used the radio and indicated  
5 there were 3, then 4 people taken into custody. None of  
6 that is inside the police report. You know there's a  
7 woman inside is the CAD said there is a gun inside me and  
8 there's drugs inside the vehicle. He says, I then left the  
9 scene. And I said, you can still track this information.  
10 He said I don't know whether I did or not. Then I asked  
11 him didn't you in fact authorize the release of the bags  
12 from the back of the car to the other two people who are  
13 not mentioned inside to police report.

14 I also referenced how Josh shared this information  
15 with Sergeant Erickson, who he said is not in his chain of  
16 command. His sergeant is Clark. I referenced how  
17 Erickson is referenced inside this letter then I'm going  
18 to tighten up the time as to when the letter is written  
19 because I know when it was sent on from Sergeant Clark to  
20 internal affairs.

21 I'm getting an objection literally every time I ask a  
22 question that the State doesn't want to hear the answer  
23 to. And I don't think it's because it's confusing. And I  
24 don't think somehow the questions are too broad. I'm  
25 relying on things established in the background. I don't

1 expect him to have a perfect memory, but if it's confusing  
2 it's because of the State's incessant objections not  
3 because I'm not being clear.

4 THE COURT: Respectfully, Mr. MacArthur, the  
5 court had a concern about your question too. I'm not  
6 going to try to burden our reporter to go back before we  
7 broke the witness to read the question, but the way you  
8 just rephrased the initial question wasn't the question  
9 you asked from the court's memory a moment ago. The  
10 question the court remembers was isn't it true you wrote  
11 the letter because you got in trouble for or some fashion  
12 it wasn't Josh ratted you out. It wasn't that set up. I  
13 think you can get there. If that is how you intend to get  
14 there, I think that those questions you can proceed with  
15 those. But, you know, again I've asked counsel to stop  
16 arguing and/or objecting and/or speculating about why  
17 either side is doing what they're doing because it doesn't  
18 get us anywhere.

19 I want basis of objection. I want response to  
20 objection. And either counsel can make the objection, if  
21 they have a valid basis. Each time they made one it's  
22 resinating with me, and I'm trying to get us where we need  
23 to go.

24 So I think we can resume. I think you regrouped that  
25 question. And I think you start going, and we'll see

1       where we end up. But I didn't hear that question, and I  
2       didn't hear the way the question was asked. I didn't  
3       recall there being a factual basis for it. Fair enough.  
4       Let's try to resume and get it done.

5               Ms. Kollins at the bench I would note she indicated  
6       the way in which the question asked that the State  
7       wouldn't object to that. That's not the question you led  
8       with.

9               Did you want to make any additional comment on what  
10      was discussed at the bench.

11              MS. KOLLINS: No, ma'am. Can we take a recess.

12              THE COURT: Let's take 7 minutes.

13                               (Brief recess taken.)

14              THE COURT: Resuming in State of Nevada vs.  
15      Joshua Honea. All counsel are present. Mr. Honea is  
16      present.

17              Officer, can you acknowledge you are still under  
18      oath.

19              THE WITNESS: Yes.

20              THE COURT: Mr. MacArthur, you may proceed when  
21      you're ready.

22      BY MR. MACARTHUR:

23              Q. I may need to clear some things up so we both  
24      know what we're talking about.

25              A. Yes.

1           Q.       Backing up a little. We talked about  
2 counseling with Josh on March 22nd after he gave the RSV  
3 stop and some other date you don't remember where Clark  
4 was present, right?

5           A.       Yes.

6           Q.       We talked about the things that he had been  
7 counseled about beside were uniform violation, contact  
8 with Morgan, too much contact with suspects, right?

9           A.       Right.

10          Q.       And wasn't it in fact it was for improper  
11 radio use?

12          A.       I'm not sure. Many things were discussed.

13          Q.       Do you remember that being an issue?

14          A.       Well, yes, in pervious incidents, yes.

15          Q.       That in mind let's revisit the facts we've  
16 established. You are not obligated to agree with me. You  
17 can answer yes or no.

18          A.       Okay.

19          Q.       March 22nd Josh made the PSV stop?

20          A.       Yes.

21          Q.       You testified yesterday that he did that while  
22 he was stopping to get gas?

23          A.       I believe so, yes.

24          Q.       You didn't say did it because he was going  
25 above and beyond what he's suppose to do. He said he

1       happened to run the plate while he was getting gas at  
2       Chevron?

3           A.       Yes.

4           Q.       Now, I asked you earlier today if you knew  
5       what PU meant and you said you did not, correct?

6           A.       Correct. I don't know what it means.

7           Q.       Then I asked you if you could, by using the  
8       CAD, identify who the primary units was and you said  
9       2DP39?

10          A.       Yes.

11          Q.       Would you agree with me that that is located  
12       there?

13          A.       Yes.

14          Q.       So you understand what PU means here, but not  
15       down here?

16          A.       The top of the page or on the screen for the  
17       jurors that looks consistent -- just that section, that  
18       column looks consistent with what I can see on the  
19       computer in the car.

20          Q.       Okay. So at the top of the page it says PU  
21       primary unit, right?

22          A.       Yes.

23          Q.       Does it also say here right after the call is  
24       initiated PU for Josh, volunteer patrol 27?

25          A.       Yes.

1           Q.       And then at 15:04:35, next to your call sign,  
2 does it say PU42P4?

3           A.       Yes.

4           Q.       Isn't it in fact correct that you became the  
5 primary unit at that time in that line?

6           A.       I don't know.

7           Q.       Okay. While you're at the scene Josh updates  
8 to dispatch that two people are in custody. And you're  
9 taking the third person in custody?

10          A.       Yes.

11          Q.       Later on he updates there are 4 people in  
12 custody and you're clearing the vehicle?

13               MS. KOLLINS: Objection, mischaracterizes the  
14 testimony.

15               THE COURT: Sustained. Show the entry please.

16 BY MR. MACARTHUR:

17          Q.       15:09:04, you are 2P4, right?

18          A.       Yes.

19          Q.       Says 4 in custody, you are clearing the  
20 vehicle, right?

21          A.       That is what it says. It doesn't mean I did  
22 it.

23          Q.       That's what your call signal reported to  
24 dispatch, right?

25          A.       Yes.

1           Q.       You would agree with me that the police report  
2 doesn't seem to reference any suspects other than the two  
3 arrested -- one female one male?

4           A.       Yes.

5           Q.       There is no record of the two other  
6 individuals in custody when you were cleaning the vehicle,  
7 correct?

8           A.       Okay.

9           Q.       You'd agree with me that the police report  
10 makes no record of any weapons such as guns, knives,  
11 firearms?

12          A.       It does.

13          Q.       It does?

14          A.       Yes.

15          Q.       Okay.

16               THE COURT: This is the report of --

17               MR. MACARTHUR: This is Officer Blum's report,  
18 declaration of arrest attributed to Samantha Chavez.

19 BY MR. MACARTHUR:

20          Q.       My question was isn't it in fact true that  
21 that report by Officer Blum doesn't reference any guns or  
22 firearms?

23          A.       There is a term in the report that is a street  
24 term used for firearm.

25          Q.       You mean burner?

1           A.       Yes.

2           Q.       That is the burner she said, the gun that was  
3 inside her?

4           A.       From reading this, that's what I'm assuming.

5           Q.       Okay. We know from the CAD that someone  
6 reported that to dispatch, right?

7           A.       Yes.

8           Q.       At 15:56:58?

9           A.       Yes.

10          Q.       The female stated she had a 413 inside of her.  
11 You said 413 was a gun. And possibly a large amount of  
12 446 -- being drugs -- in the vehicle also, right?

13          A.       Yes.

14          Q.       Okay. Lastly, you indicated that before that  
15 entry you left the scene, correct? You left or went to  
16 another assignment before that happened?

17          A.       Yes.

18          Q.       Isn't it in fact true, Officer Zafiris, you  
19 released the duffel bags in the trunk of that car to the  
20 other two occupants that are not referenced inside the  
21 arrest report?

22               MS. KOLLINS: Objection, facts not in  
23 evidence.

24               THE COURT: Overruled. The witness may  
25 answer.

1 THE WITNESS: Again, sir.

2 BY MR. MACARTHUR:

3 Q. Isn't it fact true that you released duffel  
4 bags that had been in the trunk of that car to the two  
5 other individuals that are not identified in that police  
6 report?

7 A. I don't know what I did at the scene.

8 Q. Okay. Do you remember now, as you sit there,  
9 whether these were the violations of policy on Joshes use  
10 of the radio?

11 A. You are saying these, I don't understand what  
12 you are asking.

13 Q. If transmissions that we just went over, the  
14 updates as to how many suspects were in custody, what it  
15 is you are doing, are these the violations, the ones that  
16 are made by Josh, are these the violations?

17 A. He's too close to suspect contact and he  
18 shouldn't be in the area.

19 Q. The question is, are these the violations on  
20 the use of calls you are talking about?

21 A. I counseled him on this, yes.

22 Q. Are those the violations you were counseling  
23 him about?

24 A. The radio traffic that he sent on this call?

25 Q. Yes.

1           A.       Yes among others.

2           Q.       All right.

3                 Isn't it in fact true that you had Officer Blum  
4 scrub this report for you so it didn't reference the two  
5 other people that had been taken into custody?

6           MS. KOLLINS:  Objection, argumentative.

7           THE COURT:  Overruled.

8           THE WITNESS:  You're asking if I had Officer  
9 Blum write this for me.

10          BY MR. MACARTHUR:

11           Q.       Or alter or modify it for you?

12           A.       He wrote this report.

13           Q.       Isn't it in fact true you had Officer Blum  
14 eliminate any information about the guns and the drugs  
15 referenced in CAD that were in the trunk of that car?

16           A.       I would never do that.

17           Q.       All right.  That brings us right before where  
18 we were before you left.

19                 You said you don't remember when you wrote the  
20 letter, right?

21           A.       Yes.

22           Q.       We know about the 3 -- the March 22, 2015?

23           A.       Yes.

24           Q.       We know that at some point before Thursday the  
25 26th of March, that you told Josh great stop kid, right?

1           A.       That what it says, yes.

2           Q.       We don't have a date for that, correct?

3           A.       Correct.

4           Q.       But at some point before the 26th you are  
5 commending him for a great stop, right?

6           A.       I don't know because I'm not seeing messages  
7 before that. It depends on the context. It was a good  
8 stop. We referred a stolen vehicle. That's great.  
9 Somebody gets their vehicle back so that's a get stop.  
10 People get their property back.

11          Q.       Okay. Then you appear to have a less pleasant  
12 conversation with Josh starting Thursday, March 26 at 2:05  
13 in the afternoon, right?

14               He's asking you if you mind if he went back to  
15 Northeast Area Command?

16          A.       Correct.

17          Q.       You ask him why he would do that?

18          A.       Yes.

19          Q.       You said he said he misses the area, but he  
20 likes the officers at Enterprise, but not the area,  
21 correct?

22          A.       Yes.

23          Q.       You said he only gave it a month. It's about  
24 to get real busy with summer around the corner, and you  
25 knew he was doing this because we spoke to you the other

1 day. I saw this coming.

2 Is that what you said?

3 A. Yes.

4 Q. You remember what that was about?

5 A. I said yesterday Josh felt like he was being a  
6 paper pusher at Northeast Area Command.

7 Q. Wasn't this, in fact, because he had ratted  
8 you out over the coms (ph) with regard to the 322 stop?

9 A. I don't know what you are talking about.

10 Q. He says, no, no. That's not why at all. That  
11 wasn't a big deal. I even told some people last week I  
12 wanted to go back. I was just afraid to tell you.

13 That's what he says?

14 A. Yes.

15 Q. You said, well, do whatever you want. They  
16 let you bend the rules over there. You'll eventually get  
17 hurt or ends up in a jackpot and get yourself in trouble  
18 for -- that's where it ends?

19 A. Yes.

20 Q. Continues on this page.

21 A. Yes.

22 Q. In trouble for the future. They treat you  
23 like shit and you go right back to them. We treat you  
24 like family over here and you have both me and Wirey over  
25 here. Whatever man.

1           Is that what you're saying?

2           A.       Yes.

3           Q.       Stuck my neck out for you thousands of times.

4       Thanks for making me like look an idiot.

5           How did he make you look like an idiot?

6           A.       Like I said yesterday, I told everyone before  
7       he came to Enterprise he's a good kid. He's going to work  
8       hard. Help us out with these calls, especially the report  
9       ones. And when he kept doing what he was doing like  
10      bringing magazines to work and getting too close to  
11      suspect contacts, it's creating issues. Now I'm concerned  
12      about his safety on top of officer safety at the scene --  
13      whatever scene he's on.

14          Q.       You agree with me your letter doesn't  
15      reference any magazines?

16          A.       Are we talking about this letter.

17          Q.       The letter doesn't mention anything about  
18      bringing magazines?

19          A.       I believe it does.

20          Q.       You agree it doesn't mention anything about  
21      your fear of him getting hurt?

22          A.       Correct.

23          Q.       Dude, seriously do what you want. You're a  
24      volunteer. I'm done giving you advice.

25               That's what it says?

1           A.       Yes.

2           Q.       So a little bit of a rift between you and Josh  
3 as represented on Thursday, March 26th?

4           A.       All I can do is advise him where I thought --

5           Q.       Is that a yes?

6           A.       What's the question, sir.

7           Q.       The rift between you and Josh on Thursday,  
8 March 26?

9           A.       Well, sure. It's a disagreement.

10          Q.       All right. You sent your letter to Sergeant  
11 Clark, right?

12          A.       Yes.

13          Q.       Showing you this e-mail. I understand it's  
14 drafted by Sergeant Clark. I'm not asking you about the  
15 substance of the e-mail.

16                Would you agree with me your letter is an  
17 attachment to that e-mail that he sent on up the chain?

18          A.       Well, the attachment is titled. There is  
19 nothing written on my letter, so, no, I don't know. I  
20 can't tell you what it says.

21          Q.       Turning the page you see your letter on the  
22 next page?

23          A.       Yes.

24          Q.       Would that appear to be the attachment he's  
25 talking about?

1           A.       Yes.

2           Q.       Is there something on that e-mail that would  
3 give you an idea as to when this was?

4           MS. KOLLINS:  Objection, foundation when  
5 Sergeant Clark sent the letter or e-mail.

6           THE COURT:  Are we asking the date in which the  
7 e-mail took place.

8           MR. MACARTHUR:  Yes.

9           THE COURT:  He wouldn't have known about the  
10 email.  We have that record.  I guess clarify your  
11 question, Mr. MacArthur.

12          BY MR. MACARTHUR:

13          Q.       We're on the topic of when you wrote your  
14 letter.

15          A.       Okay.

16          Q.       We know that there was an incident on March  
17 22nd, right?

18          A.       Yes.

19          Q.       That's the start time.

20          A.       Yes.

21          Q.       Because you referenced the incident?

22          A.       Yes.

23          Q.       Now, looking for the late as possible time.  
24 Is there information on that e-mail where Sergeant Clark  
25 forwards your concerns on up the chain, when did that

1       happen?

2           A.       The date on this sheet says Sunday, March  
3       29th, 20:15.

4           Q.       Would you agree with me March 29th is 7 days  
5       away from March 22nd?

6           A.       Yes.

7           Q.       Would you agree with me your letter to  
8       Sergeant Clark you referenced this happening a couple of  
9       weeks ago?

10          A.       I write those words. There are several  
11       incidents.

12          Q.       Would you agree with me that at the time you  
13       wrote that letter those events were recent in time?

14          A.       March 22nd one was, yes.

15          Q.       So would you agree with me that you would have  
16       to write the letter sometime after March 22nd, but before  
17       the time on that piece of paper on March 29th?

18          A.       Yes.

19          Q.       Sergeant Clark asked you to draft it, right?

20          A.       Yes.

21          Q.       You did that even though you don't know if you  
22       did it immediately the same day or you did that  
23       forthwith?

24          A.       Correct.

25          Q.       You agree with me that before the 26th, you

1 told Josh great stop?

2 A. The text message, yes.

3 Q. So it would appear as though the letter hadn't  
4 not written before the 26th, right?

5 A. I don't know the time stamp on the text.

6 Q. Would you agree the letter is written between  
7 the 26th and the 29th?

8 A. I don't know. It's possible. I don't know.

9 Q. Officer Zafiris, isn't it in fact true the  
10 reason Josh wants to go to Northeast Area Command was to  
11 get away from you?

12 MS. KOLLINS: Objection, speculation.  
13 Argumentative.

14 MR. MACARTHUR: If he knows.

15 THE COURT: Overruled.

16 THE WITNESS: Ask again, sir.

17 BY MR. MACARTHUR:

18 Q. Isn't it true Josh wanted to transfer back to  
19 Northeast Area Command to get away from you?

20 A. I don't know how Josh feels. He's a  
21 volunteer. He can make his own decisions.

22 Q. Yesterday during direct examination by the  
23 State I believe the question was prefaced with in an  
24 abundance of candor, you're married, yes?

25 A. Yes.

1 Q. Your wife works at internal affairs?

2 A. Yes.

3 Q. At that time wasn't the head of internal  
4 affairs division Karen Hughes?

5 A. I don't know.

6 Q. You don't know who your wife's boss was?

7 A. She worked for a sergeant. I don't know.

8 Q. Who is the sergeant?

9 A. I'm not sure. I know who her sergeant is  
10 now.

11 Q. Is it your testimony today you have no idea  
12 who Lieutenant Karen Hughes is?

13 A. I know who she is.

14 Q. Does she still work for Metro?

15 A. I don't believe so.

16 Q. Wasn't she in fact fired under allegations of  
17 police corruption?

18 MS. KOLLINS: Objection.

19 THE COURT: Mr. MacArthur, there's an objection.  
20 This witness indicates he doesn't know. Sustained.

21 MR. MACARTHUR: Officer Zafiridis, if you know, is  
22 Las Vegas Metropolitan Police Department Internal Affairs  
23 currently being investigated by --

24 MS. KOLLINS: Objection. May we approach.

25 (Discussion held at the bench.)

1 THE COURT: Objection is sustained.

2 BY MR. MACARTHUR:

3 Q. Something from yesterday stuck in my head.  
4 Would it be fair to say that to the extent we've talked  
5 about March 22nd, 2015 out there at Chevron and McDonalds,  
6 there is a lot of details you don't recall?

7 A. Yes.

8 Q. But before we broke last night, you said you  
9 specifically remembered counseling Josh at that scene,  
10 right?

11 A. Yes.

12 Q. You remember what you counseled him about?

13 A. Yes.

14 Q. You don't remember anything that happened?

15 A. Correct.

16 MS. KOLLINS: Objection, mischaracterizes the  
17 testimony.

18 MR. MACARTHUR: He already answered.

19 THE COURT: Overruled. The witness answered.  
20 You may proceed.

21 BY MR. MACARTHUR:

22 Q. You said that one of the reasons Josh was  
23 counseled is because he was having too much contact with  
24 suspects, right?

25 A. Yes.

1           Q.       But you didn't remember how many suspects  
2 there were at that scene?

3           A.       This is many years ago.

4           Q.       But you remember thinking he had too much  
5 contact, you remember that specifically?

6           A.       Because there were suspects at the scene. He  
7 shouldn't be there.

8           Q.       But you don't remember any conversations he  
9 had with the female, right?

10          A.       No.

11          Q.       The fact that they were reflected in a radio  
12 communication and in the CAD didn't refresh your  
13 recollection, did it?

14               MS. KOLLINS:  Objection.  Mischaracterizes what  
15 is in the CAD.  There's nothing in the CAD that he had a  
16 conversation was a female.

17               THE COURT:  Sustained.

18       BY MR. MACARTHUR:

19          Q.       Putting it a different way, you read the  
20 police report by Officer Blum, right?

21          A.       Yes.

22          Q.       You know when it was she was Mirandized?

23          A.       Yes.

24          Q.       You know when Rudy Morano was Mirandized?

25          A.       Yes.

1           Q.       You know there was an hour and 2 minutes in  
2 between those two people being Mirandized?

3           A.       Yes.

4           Q.       You know, in that hour and 2 minutes on the  
5 CAD is where the female advises she's got a burner in her  
6 and there's drugs in the car, right?

7           A.       From reading the report, yes.

8           Q.       So stands to reason that she gave that  
9 information to somebody for it to make it in the CAD,  
10 right?

11           MS. KOLLINS: Objection, speculation.

12           THE COURT: Overruled. He would be able to  
13 answer how things get into a CAD. He may answer.

14           BY MR. MACARTHUR:

15           Q.       Somebody said it or else they don't put it in  
16 a CAD, right?

17           A.       It's up to the officer if they say it over the  
18 radio or put it in the computer, it's up to the individual  
19 officer.

20           Q.       Clearly somebody did, right?

21           A.       Yes.

22           Q.       So that leads you to believe they got that  
23 information from the woman. Doesn't it say in the CAD it  
24 came from the woman?

25           A.       Yes.

1           Q.       Officer Zafiridis, you remember Sergeant Tray  
2       Getofer (ph)?

3           A.       Getoffer, yes.

4           Q.       And Officer Learner?

5           A.       Yes.

6           Q.       Wasn't there a time in which you had some sort  
7       of dispute with them and you made allegations that they  
8       were --

9                   MS. KOLLINS:  Objection.

10           THE COURT:  Counsel at the bench, please.

11                   (Discussion held at the bench.)

12           THE COURT:  Objection overruled.  Mr. MacArthur,  
13       you may restate the question, but rephrase where you left  
14       off.

15       BY MR. MACARTHUR:

16           Q.       I referenced Sergeant Getofer?

17           A.       Yes.

18           Q.       And Officer Learner?

19           A.       Yes.

20           Q.       Did you in fact report allegations that they  
21       are sexually harassing another officer by the name of  
22       Manfrey (ph)?

23                   MS. KOLLINS:  Foundation as to time and  
24       please.

25                   MR. MACARTHUR:  Mind sharing with us when that