

IN THE SUPREME COURT OF THE STATE OF NEVADA

Barry Harris,
Appellant

VS.

The State of Nevada,
Respondent,

) Supreme Court Case No.: 76774

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APPELLANT'S APPENDIX
Vol. IV

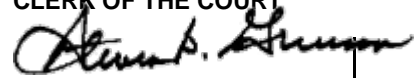
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-17-326569-1
)	
vs.)	DEPT NO. XX
)	
BARRY HARRIS,)	
)	
Defendant.)	Transcript of
)	Proceedings

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

WEDNESDAY, APRIL 11, 2018

APPEARANCES:

FOR THE STATE:	MICHELLE L. SUDANO, ESQ.
	GENEVIEVE C. CRAGGS, ESQ.
	<i>Deputy District Attorneys</i>

FOR THE DEFENDANT:	DAMIAN R. SHEETS, ESQ.
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RECORDED BY: ANGIE CALVILLO, COURT RECORDER
TRANSCRIBED BY: JULIE POTTER, TRANSCRIBER

AA702

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1 LAS VEGAS, NEVADA, WEDNESDAY, APRIL 11, 2018, 9:18 A.M.

2 (Outside the presence of the jury)

3 THE COURT: All right. Calling State of Nevada versus
4 Barry Harris, Case No. C326569. Counsel please note your formal
5 appearances for the record.

6 MS. SUDANO: Good morning, Your Honor. Michelle
7 Sudano and Genevieve Craggs for the State.

8 MR. SHEETS: Good morning, Your Honor. Damian Sheets
9 for Mr. Harris who is present in custody.

10 THE COURT: All right. We got the jury ready. Is
11 there anything I need to take up before we bring them in?

12 MR. SHEETS: Yes, Your Honor. Your Honor had kind of
13 held in abeyance a ruling on the photographs from the car from
14 yesterday. One of the bases you said you were inclined to
15 intentionally admit those was the exclusivity or the testimony
16 established exclusivity in terms of possession of that vehicle.

17 I have -- we went out last night. My private
18 investigator was able to locate the registered owner of the
19 vehicle. She's actually outside the courtroom today. She would
20 be willing to be sworn, if Your Honor wants to, prior to making
21 a ruling.

22 She'll be -- she would be able to testify that the
23 vehicle was used by Mr. Harris and several of her family members
24 on a regular basis, that it was -- that he primarily used it to
25 get to and from work and to and from Ms. Dotson's residence, but

1 that her family members, during the times that he wasn't using
2 it, were using it frequently for their own personal errands and
3 to get to and from work, and that was a regular thing. And she
4 would also testify, if necessary, that -- that she never saw
5 ammunition in the vehicle at the times that Mr. Harris had --

6 THE COURT: Never saw what?

7 MR. SHEETS: Ammunition in the vehicle at the times
8 Mr. Harris had possession of it.

9 THE COURT: Okay. All right. State's position?

10 MS. SUDANO: And Your Honor, she wasn't noticed as a
11 witness, so we would be objecting to having her testify. The
12 name was somebody that was listed in the discovery. Mr. Sheets
13 has had those photographs for months at this point, so he had an
14 ample opportunity to notice her as a witness if he intended to
15 call her.

16 It's not as though this was something that was just
17 sprung upon him. He knew about the search warrant, he knew
18 about the photos that were taken of the vehicle. So the State
19 is going to be objecting to having her testify, given the fact
20 that she was never noticed as a witness.

21 THE COURT: All right. Well, first, as I said
22 yesterday, we have testimony which relates to defendant's
23 exclusive use of the vehicle, and you got the letter and,
24 apparently, the letter in the vehicle. I think there is enough
25 there to allow the admission of the photographs for the jury's

1 consideration.

2 In view of the Court's ruling, if Mr. Sheets wants to
3 call this new witness, I -- I don't -- I will allow him to call
4 the witness and the jury can assess the credibility of both
5 testifying parties and make a determination as to what they feel
6 is appropriate as to how to treat the evidence from the vehicle.
7 So with that, anything else?

8 MR. SHEETS: No. I just -- again, for the -- just so
9 that the record is clear, the basis for my objection would be
10 that it has no probative value. In Gillespie v. Sheriff, there
11 was the instance where they were at a prison, during that time
12 period, the officer, about 9:00 a.m. or so, had seen the paper
13 towel holder with only paper towels in it, about 10:15 a.m. the
14 officer noticed paper towels and a bag of drugs.

15 During that time, three particular individuals had
16 gone into that particular bathroom. The Nevada Supreme Court
17 concluded -- they did arrest the last person who was in the
18 bathroom. They concluded that that was not -- there was not
19 even probable cause in that circumstance. So I just -- I want
20 to put that as kind of the primary basis for arguing. There's
21 -- there's no probative value and all prejudice, because they're
22 making that distinction.

23 THE COURT: Well, I mean you're talking about a case
24 there in terms of whether somebody is guilty or not guilty of a
25 crime. We're simply talking here about evidence. And I do

1 think there is probative value, and there is a basis for it to
2 have probative value, and the jury can decide whether or not
3 there is any probative value to the -- to that evidence. I
4 think there is some, I don't think it substantially -- I don't
5 think potential prejudice substantially outweighs the probative
6 value. So that's the order of the Court.

7 MR. SHEETS: Yes --

8 THE COURT: All right.

9 MR. SHEETS: -- Your Honor.

10 THE COURT: Let's bring in --

11 MS. SUDANO: Your Honor --

12 THE COURT: -- the jury.

13 MS. SUDANO: -- can I make one record? Ms. Towns, the
14 witness, was actually in here during the argument on that
15 motion, which I didn't realize.

16 MR. SHEETS: And I didn't, either, Your Honor.

17 MS. SUDANO: So now I'm going to be objecting on the
18 fact that she was here and heard, you know, what she is supposed
19 to testify to.

20 MR. SHEETS: I honestly didn't -- I didn't even know
21 she was in here. I told her --

22 THE COURT: I'm not going to --

23 MR. SHEETS: -- to sit outside.

24 THE COURT: We'll deal with that later, but you've
25 made your record. All right. Let's get the jury in.

1 (Inside the presence of the jury)

2 THE COURT: All right. Let the record reflect the
3 presence of the attorneys for both sides, the presence of the
4 defendant. Do the parties stipulate to the presence of the
5 jury?

6 MS. SUDANO: Yes, Your Honor.

7 MR. SHEETS: Yes, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, I really
9 do apologize for getting started late today. I had an 8:30
10 matter on my calendar, a different case, which was supposed to
11 get started at 8:30, and for logistic reasons we weren't able to
12 get started until about 20 minutes late. So I apologize for
13 that.

14 I do understand everybody made it here, even one
15 person who was struggling to get here but made it here on time.
16 I want to thank whoever that was who -- who got here, and I do
17 appreciate it. We won't -- we will try not to waste any more of
18 your time here today.

19 And State may call its next witness.

20 MS. SUDANO: Thank you, Your Honor. The state calls
21 Gabrielle Guerrero. May I approach the clerk, Your Honor?

22 THE COURT: Sure.

23 Ma'am, if you come up here to the witness stand.
24 There's a couple steps. When you get to the top, stay standing
25 for just a second and our clerk will swear you in.

1 THE WITNESS: Thank you, sir.

2 GABRIELLE GUERRERO, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated.

4 THE WITNESS: Thank you.

5 THE CLERK: Please state your name and spell your
6 first and last name for the record.

7 THE WITNESS: Gabrielle Guerrero; G-A-B-R-I-E-L-L-E,
8 Guerrero, G-U-E-R-R-E-R-O.

9 THE COURT: Go ahead, counsel.

10 MS. SUDANO: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MS. SUDANO:

13 Q Ma'am, how are you employed?

14 A I'm employed as a crime scene analyst with the Las
15 Vegas Metropolitan Police Department.

16 Q How long have you been a crime scene analyst?

17 A Since July 6th of 2015, just about 3 years.

18 Q Now, do you have any specialized training and
19 experience that qualifies you as a crime scene analyst?

20 A Yes. Prior to being a crime scene analyst I obtained
21 a bachelor's degree in anthropology. I was a former LVMPD
22 explorer with the CSI department. And after being hired, I
23 attended a three-month academy, three-month field training
24 program, and I had taken various courses, including basic death
25 investigations, blood stain pattern analysis, and incident

1 response to terrorist bombing.

2 Q Now, you mentioned something about the explorer
3 program. What is that?

4 A Yeah. So the explorer program is a volunteer program
5 as you are a teenager, from 16 to 21, where you're able to
6 attend either headquarters or -- the headquarters building or
7 the crime scene lab and learn the basics of what a crime scene
8 analyst does, what a police officer does. There's also a
9 program for dispatchers. I did that from 16 to 21 when I aged
10 out and was able to test right away for this position.

11 Q Can you walk through with the ladies and gentlemen of
12 the jury just what the general duties and responsibilities of a
13 crime scene analyst are?

14 A Yes. As a crime scene analyst, I respond to crime
15 scenes where I document scenes through my notes, photography,
16 sometimes a sketch or a diagram. I then identify items at scene
17 that could be potential items of evidence where I have the
18 opportunity to process, preserve, collect those items and
19 impound them pertaining to the case.

20 Q Now, do you also sometimes collect DNA or
21 fingerprints?

22 A Yes.

23 Q Are you trained to do that, as well?

24 A Yes, I am.

25 Q Okay. Now, can you explain how a crime scene analyst

1 is dispatched to a particular call?

2 A Yes. So we are requested to a call either by a police
3 officer, they put the request in through our dispatcher, or a
4 detective, they also can put that request in through the
5 dispatcher. We get the request and we assign ourselves to that
6 call once we have been given that call from our supervisor. And
7 then we arrive on scene and meet with those officers or
8 detectives that request us.

9 Q Now, were you working on August 22nd of 2017?

10 A Yes.

11 Q What was your shift at that time?

12 A I worked graveyard, which means I start my shift at
13 22:00, which is 10:00 p.m. at night on the 22nd, and I work the
14 early mornings of August 23rd, where I get off at 8:00 a.m.

15 Q Were you called out that evening to 3850 Mountain
16 Vista, Apartment 267?

17 A Yes.

18 Q Okay. What was the nature of the callout?

19 A The call was dispatched as a family disturbance, a
20 domestic violence call.

21 Q Now, when you -- did you respond to that call?

22 A Yes, I did.

23 Q When you responded, was there anybody else from LVMPD
24 that was already present at the scene?

25 A Yes.

1 Q Who was that?

2 A Police officer B. Ferron and police detective K.
3 Carey.

4 Q Did you have any conversations with either of those
5 individuals?

6 A Yes, I got a brief briefing, just a brief story as to
7 the incident or the scene that I'm about to investigate.

8 Q What is the purpose of that briefing?

9 A It's more of just a basic of what kind of scene that
10 you're about to investigate. Each -- each crime is different,
11 so we would like to have an initial briefing of why we are
12 requested to that scene, whether it's for documentation
13 purposes, whether we need to process or collect items of
14 evidence. So it's just a basic overview of what we are required
15 to do at the scene.

16 Q So it's hard to arrive at a call and know what is
17 relevant without knowing the background of the call itself?

18 A Yes, that's correct.

19 Q After you spoke with the officer and the detective,
20 was there anybody else that was present at that scene?

21 A Yes.

22 Q Who was that?

23 A The victim, Nicole Dotson.

24 Q Did you make contact with Ms. Dotson?

25 A Yes, I did.

1 Q What was her demeanor when you made contact with her?

2 A She was in distress. I had noticed that she had
3 obvious injuries to her face and she was upset over that.

4 Q What was your purpose for making contact with Ms.
5 Dotson?

6 A I saw that she had injuries, and that was part of my
7 briefing, that my victim would have injuries, so I wanted to
8 document that through my notes and my photography. So the
9 purpose of my interaction with her was to photograph her
10 condition.

11 Q All right. All right. Ma'am, I'm showing you
12 Exhibit 8. Do you recognize the -- the individual depicted
13 there in Exhibit 8?

14 A Yes, I do.

15 Q And who is that?

16 A Nicole Dotson.

17 Q And can you see the injuries that you are discussing
18 in this particular photograph here?

19 A Yes.

20 Q Specifically, what injuries can you see?

21 A She has swelling to her eye and then puffiness to the
22 other eye as well as some swelling.

23 Q So she's got an injury to her left eye in this
24 photograph; is that correct?

25 A Yes.

1 Q And then her right -- or her -- excuse me, her right
2 eye, you can see some swelling as well?

3 A Correct.

4 Q Can you tell whether or not she's crying in this
5 photograph?

6 A Yes.

7 Q And is she?

8 A Yes.

9 Q Okay. And then showing you Exhibit 3. Is that
10 another photograph of Ms. Dotson?

11 A Yes, it is.

12 Q And we see the same injuries and the same swelling
13 there?

14 A Yes.

15 Q Did you observe any injuries to any other areas of Ms.
16 Dotson's face?

17 A It was just around the eyes and just that area around
18 that side of the face that I saw the injuries, the swelling.

19 Q I'm going to show you Exhibit 12. Are we looking at
20 the other side of Ms. Dotson's face in Exhibit 12?

21 A Yes.

22 Q Okay. Do we see any small marks or abrasions on Ms.
23 Dotson in this photograph?

24 A Yes, she has some swelling to the right side of her
25 eye and some redness to her face, as well.

1 Q Now, in addition to those injuries on Ms. Dotson's
2 face, was she complaining of any other injuries or any other
3 pain?

4 A Yes, she was wanting medical attention at the time in
5 my photos, so she -- I knew she was upset and -- and complaining
6 of a lot of injuries to her face and her neck.

7 MR. SHEETS: Objection, Your Honor. Hearsay.

8 THE COURT: I am going to sustain that.

9 MS. SUDANO: Okay.

10 THE COURT: And order the jury to disregard the last
11 answer.

12 MS. SUDANO: Okay.

13 BY MS. SUDANO:

14 Q Now, ma'am, you had indicated that Ms. Dotson was, I
15 think you said, was your word in distress? I apologize.

16 A Yes.

17 Q Okay. Was she crying throughout the time that you
18 were taking the photographs of her?

19 A Yes.

20 Q As she was talking to you, was she explaining injuries
21 that she had?

22 A Yes.

23 Q What was her demeanor while she was talking to you
24 about those injuries?

25 A Very upset and -- yeah, she was just very upset.

1 Q Was she sitting or standing when you were taking these
2 photographs?

3 A She was near a vehicle. She was standing; however,
4 she was kind of leaning on that vehicle.

5 Q Did you notice anything about her demeanor or her
6 appearance as she was standing?

7 A That she was upset and crying.

8 Q Did she ever indicate to -- to you anything about
9 being uncomfortable while standing?

10 MR. SHEETS: Objection, Your Honor. Calls for
11 hearsay.

12 THE COURT: I'll sustain that.

13 MS. SUDANO: Okay. And Your Honor, at this point, I
14 believe I've laid foundation for an excited utterance as to the
15 statements that she's making at this point.

16 THE COURT: I'm -- I'll have a sidebar.

17 (Bench conference)

18 THE COURT: Okay. All right. My -- my concern at
19 this point is that we've gone beyond the initial contact with
20 the police officer, where he's asking her what happened and
21 what's going on. She's specifically there to document a crime
22 scene and to document for purposes of potential litigation
23 subsequent to this.

24 While I do think that you have laid a foundation,
25 arguably, for excited utterance, I am concerned at this point

1 with the application of Crawford whether or not we haven't
2 reached a point where this is, essentially, a police
3 interrogation. So I'm -- I'm not inclined to let her -- let her
4 go that route, but I'll let you put a record.

5 MS. SUDANO: And Your Honor, Crawford applies in a
6 situation where a victim has not testified. The victim did
7 testify, she was subject to cross-examination, she made a number
8 of statements that were inconsistent about a variety of
9 different things. So the fact that she is still upset about
10 this incident and she's still under the stress of this incident
11 I do think qualifies as an excited utterance.

12 I think the statements about her injuries at this
13 point are probably coming in as prior inconsistent statements,
14 or statements that are inconsistent with the medical records,
15 and I don't believe that Crawford would exclude application of
16 this because the purpose for Crawford is making sure that the
17 Sixth Amendment right to confront a witness is not violated,
18 which it has not been here because the victim did testify and
19 was subject to cross-examination.

20 THE COURT: Okay. Counsel?

21 MR. SHEETS: First, addressing the excited utterance
22 issue, I think that there is obviously a requirement that she be
23 excited, but there also be an utterance. I think there's no
24 question she was excited the whole evening, but I think an
25 utterance requires spontaneity, it requires non-solicitation, so

1 in -- in non-continuity or responsiveness to those -- those
2 questions. So I think in this particular circumstance these
3 weren't spontaneous statements, they were in response to
4 questions being asked. Again, this is over two hours later. In
5 fact, in the photographs, she has time to smoke a cigarette.

6 THE COURT: Let's deal with the issue as to whether or
7 not the Crawford issue is satisfied by the victim testifying and
8 your opportunity to cross-examine.

9 MR. SHEETS: I would argue no because the State never
10 actually asked her what she had said to this particular CSA, so
11 she didn't -- she's not indicating that she didn't say certain
12 things to the CSA, she hasn't established facts, so there's no
13 inconsistent statement about whether she recalled making these
14 statements. If there's statements about injuries, I don't
15 remember her -- I remember her saying that there were no
16 injuries to her neck, but at this point, quite frankly, in the
17 CSA's report she indicates not seeing any injuries in the neck.

18 THE COURT: Okay. All right. I think we may have
19 cured the Crawford issue, but what I do think you've got here is
20 an inconsistent statement with what was said to the medical
21 personnel, in which you did bring out on cross-examination,
22 which was the records where she doesn't report any -- anything
23 or minimal, other than a minimal reporting. And in terms of --
24 and she doesn't remember a lot in terms of what she -- her
25 condition. So I'm good going, at least as to this being an

1 inconsistent statement with her prior testimony. So I will
2 allow you to go forward with that questioning.

3 MS. SUDANO: Thank you, Your Honor.

4 THE COURT: Okay.

5 (End of bench conference)

6 MS. SUDANO: May I proceed, Your Honor?

7 THE COURT: Go ahead.

8 BY MS. SUDANO:

9 Q Okay. I don't remember exactly where we left off, but
10 I had asked you if you saw any other injuries, or if Ms. Dotson
11 was complaining of any additional injuries.

12 A Yes, she had an additional injury to her wrist. There
13 was redness on her wrist, and she was complaining of injuries to
14 her neck; however, I was not able to see injuries to the neck.

15 Q Okay. But she was, at that point, complaining of pain
16 to her neck; is that correct?

17 A That is correct.

18 Q And I'm going to show you now Exhibit 10. What are we
19 looking at there in Exhibit 10?

20 A That is just the overview of the top of her -- her
21 hand and her wrist.

22 Q And is that Ms. Dotson's right wrist?

23 A Yes.

24 Q And then showing you Exhibit 9. What are we looking
25 at there in Exhibit 9?

1 A That is just the interior palm, as well as the
2 interior of her wrist, as well.

3 Q And you indicated that you were able to see redness on
4 Ms. Dotson's wrist?

5 A Yes.

6 Q Can you see where that redness was in this particular
7 exhibit?

8 A Yeah, she has it just around her tattoo, kind of where
9 that sleeve it.

10 Q Okay. So on the inside of her wrist?

11 A On the inside, yes.

12 Q Now, you indicated that you didn't observe any
13 injuries on Ms. Dotson's neck, but did you take some photographs
14 of her neck anyway?

15 A I did.

16 Q And why were you taking photographs of her neck?

17 A Although there were no observed injuries, I still
18 wanted to document that she was complaining of injuries to her
19 neck. I do that with all of the persons that I photograph. The
20 next day they could wake up and possibly have an injury, so I
21 want to document that at that time. I did not see any, but that
22 there was the complaint of an injury there.

23 Q Now, as you were interacting with Ms. Dotson, was she
24 complaining about any other injuries or any other pain at that
25 point?

1 A No, just those injuries.

2 Q While you were taking photographs of Ms. Dotson, did
3 anyone else arrive on the scene?

4 A Yes, medical did arrive on scene.

5 Q After you finished your interaction with Ms. Dotson,
6 do you know where she went?

7 A I believe she went with medical, but I do not know
8 where she went after that.

9 Q Okay. But you saw her at least initially interacting
10 with the medical personnel at that time?

11 A Yes, that's correct.

12 Q Now, after you were finished with Ms. Dotson, did you
13 do anything else at this particular scene?

14 A Yes, I documented the apartment, photographed the
15 apartment.

16 Q And was that apartment 267?

17 A Yes.

18 Q Do you recall if that was an upstairs apartment or a
19 downstairs apartment?

20 A An upstairs apartment.

21 Q Showing you Exhibit 19. What are we looking at here
22 in Exhibit 19?

23 A This is just an overall view of the exterior of the
24 apartment, showing that it is a 2nd floor apartment.

25 Q Okay. And you actually see the apartment in this

1 photograph?

2 A Yes, it is the apartment up in the corner.

3 Q And you were indicating up in the top center of the
4 photograph?

5 A Yes, that is correct.

6 Q Now, when you document or photograph an apartment, is
7 there a sort of systematic way that you go about doing that?

8 A Yes. With all photography, we try to photograph all
9 overall -- the overall condition, the location, relationship
10 shots. Relationship shots meeting one room to the hallway, or
11 an item of evidence to another item of evidence. And again,
12 more identification shots, showing what we are showing in our
13 scene.

14 Q Okay. Do you recall how many -- or excuse me, how
15 many bedrooms were in the apartment?

16 A It was a two-bedroom apartment.

17 Q Can you walk us, just generally, through -- well,
18 actually, let me do this. All right. I'm going to show you
19 Defense C. And there's an apartment layout here in the middle
20 that's been circled.

21 A Yes.

22 Q Does that appear to be the layout of Ms. Dotson's
23 apartment?

24 A Yes, it does.

25 Q Okay. So when you walk in, you're looking at the

1 living room and the dining room; is that correct?

2 A Yes.

3 Q And then there's one bedroom off to the right?

4 A Yes.

5 Q And then another bedroom off to the left?

6 A Yes. This is just a flipped view, so yeah. Thank
7 you. Yes. So when you walk in, the living room, a kitchen, and
8 dining area are in your center. You have a bedroom and a
9 hallway bathroom on one end, and then like a master bedroom with
10 a master bathroom on the other end.

11 Q Okay. Showing you Exhibit 22. What are we looking at
12 here in Exhibit 22?

13 A So this is walking into the living room and basically
14 my view from the door, looking out -- or looking in.

15 Q And can you see a hallway in this photograph anywhere?

16 A Yes.

17 Q And if you would just mark that hallway.

18 A Yes. Right -- right here is here is the hallway.

19 Q Okay. And does that go to the master bedroom, or do
20 the other bedroom with the hall bathroom?

21 A I believe that is the other bedroom with the hall
22 bathroom.

23 Q Okay.

24 MS. SUDANO: And for the record, Your Honor, the
25 witness marked kind of the bottom left corner of the exhibit

1 there.

2 THE COURT: Thank you.

3 BY MS. SUDANO:

4 Q All right. And then I'm going to show you -- I'm
5 going to kind of skip around here, but I'm going to show you
6 Exhibit 24. What are we looking at there in 24?

7 A So this is that opposite corner again. I'm showing
8 the overall view of that living room, that walk-in area, the
9 living room, that kitchen area. So this is back in that corner,
10 and I'm just showing the front door, which is right here, and
11 this is the -- the -- one of the -- sorry, the master bedroom is
12 this one.

13 Q Okay. So in this photograph here, we've got the
14 entrance door to the apartment on the right, and the master
15 bedroom entrance on the left; is that correct?

16 A Yes, that is correct.

17 Q Okay. And then a photograph of what appears to be a
18 little girl up in the top left of that photograph; is that
19 correct?

20 A That's correct.

21 Q Okay. And then I'm going to show you Exhibit 25.
22 What are we looking at here in 25?

23 A So I'm actually standing in the same spot, I just
24 turned my body to photograph an overall view of the kitchen.

25 Q Okay. And then in the top right of Exhibit 25, do we

1 see that same photograph of the little girl?

2 A Yes.

3 Q Okay. So that kind of orients us?

4 A Yes.

5 Q Now, prior to entering the apartment, had you had a
6 conversation with the patrol officer and the detective about
7 some things of evidentiary value in the apartment?

8 A Yes. Again, just a brief -- a briefing over what the
9 apartment looked like, what was inside.

10 Q Okay. And I'm going to show you now Exhibit 26. Is
11 this just a somewhat closer shot of that kitchen?

12 A Yes.

13 Q Anything of evidentiary value as you were briefed in
14 Exhibit 26?

15 A Yes. There is an empty bottle that is on the counter.
16 I will circle that. That, that empty bottle.

17 Q All right. And that's sort of in the center of the
18 photograph?

19 A Yes.

20 Q All right. And you --

21 THE COURT: And you drew a circle around it?

22 THE WITNESS: Yes.

23 THE COURT: Okay.

24 BY MS. SUDANO:

25 Q I'm going to show you now Exhibit 28. Is that a

1 closeup of that bottle?

2 A Yes, it is.

3 Q Okay. And what type of bottle is that?

4 A It -- the bottle is a Sunkist Lemonade bottle,
5 however, I just referred it to a juice or soda bottle.

6 Q Okay. And it was your understanding that that was
7 potentially relevant to your investigation?

8 A Yes.

9 Q Okay. All right. Now, we're going to jump back to
10 some of your other photographs here. I'm going to go kind of
11 out of order. All right. Exhibit 39, what are we looking at
12 there?

13 A So this is a -- the bedroom on the -- on the other
14 side of the residence. I'm just showing an overall photo of
15 that bedroom.

16 Q Okay. And is this what you had described as like the
17 other bedroom, or the bedroom that was on the -- this side, with
18 the hall --

19 A Yes.

20 Q -- bathroom? Okay. So not in the master bedroom?

21 A Not the master bedroom.

22 Q Okay. And showing you Exhibit 40. Does this appear,
23 in the center left of this photograph, to kind of be a baby
24 carriage, a toy baby carriage?

25 A Yes.

1 Q Okay. And then the sheets and the blanket have kind
2 of cartoon characters on them, on the right side of the
3 photograph?

4 A Yes.

5 Q And then I'm going to show you Exhibit 41. What are
6 we looking at there in Exhibit 41?

7 A So this is the hallway bathroom. I'm just standing in
8 the doorway of that bedroom, the -- the child's bedroom, and
9 turning myself to show the door of the hallway bathroom.

10 Q Okay. So this is the bathroom that's on that side of
11 the apartment?

12 A Correct.

13 Q While you were being briefed by the patrol officer and
14 the detective, were you told that there was potentially anything
15 of evidentiary value inside the hall bathroom?

16 A Yes. And I was also able to observe what I saw in the
17 bathroom, as well.

18 Q Okay. Let me show you Exhibit 42. I know it's hard
19 to see, but is there anything of evidentiary value in this
20 particular photograph here?

21 A Yes. So on the floor there was apparent juice or soda
22 liquid on the floor.

23 Q All right.

24 A I know it's hard to see.

25 Q All right. We're going to do a couple more here.

1 Exhibit 43, what are we looking at there?

2 A I'm showing just an overall that there -- the tub, the
3 toilet -- of that and that there's, again, that apparent juice
4 or soda, on the toilet seat.

5 Q All right. And then Exhibit 44, is that just a
6 closeup view of that toilet seat?

7 A Yes.

8 Q All right. I'm going to zoom in here and see if we
9 can get it to show up on the screen. All right. Can you see
10 any of that apparent juice or soda here in Exhibit 44?

11 A Yes.

12 Q And can you just circle that or document it for the
13 jury?

14 A So it's on -- it was throughout the lid -- oh, I'm
15 sorry -- but there's some little stains that you can here and
16 then along the edge here.

17 Q Okay. And --

18 A I apologize. Tried to circle it, sorry.

19 Q Those are not quite precise.

20 A No.

21 Q What color was that liquid?

22 A It was a pink-ish, orange-ish color.

23 Q Okay. And was there some of that liquid on the floor,
24 as well?

25 A Yes.

1 Q Was the floor sticky?

2 A Yes.

3 Q And did that appear to be consistent with the bottle
4 that you had found in the kitchen?

5 A Yes, it did.

6 Q Okay. And that was an empty bottle in the kitchen?

7 A Yes, it was.

8 Q Okay. Now, did you have any additional information
9 from the patrol officer or the detective about things that might
10 be relevant inside the apartment?

11 A That was the basic briefing that I got. The apartment
12 was relatively empty. There was nothing in the living room, and
13 the bedroom on the same side as this bathroom, there was no
14 disturbances in the bedroom.

15 Q Okay. And you're talking about the child's bedroom?

16 A The child's bedroom.

17 Q Now, although you didn't have any specific
18 information, did you take additional photographs of the rest of
19 the apartment?

20 A I did.

21 Q What was your reason for doing that?

22 A I always want to show the overall of the apartment,
23 whether it was in my briefing or not. If there were any
24 additional disturbances that I could see, I photographed that.

25 Q Okay. Did you notice any other disturbances or

1 apparent disturbances inside the apartment?

2 A Yes.

3 Q What was that?

4 A In the master bedroom, the mattress was slightly off
5 of the -- the frame of the bed.

6 Q And showing you now Exhibit 30. Are we looking at
7 something in the master bedroom now?

8 A Yes. So this is just a closeup of that bed.

9 Q Okay. And then Exhibit 31, what are we looking at
10 there in Exhibit 31?

11 A So this is just -- I'm just showing the side of that
12 bed. The frame is along the bottom, and the mattress just --
13 it's just slightly off of the frame.

14 Q Okay. And can you demonstrate -- can you see it in
15 that photograph?

16 A Yes.

17 Q Can you demonstrate it, please?

18 A Yes. So the frame is right here, and the mattress
19 kind of goes to the side over here.

20 Q Okay. So it's just --

21 A It's just askew off of that.

22 Q Thank you. I could not come up with that word. Now,
23 showing you Exhibit 32. What are we looking at here in Exhibit
24 32?

25 A I'm just showing the other side of that bed, and it's

1 just an overall photo.

2 Q Okay. And is this the side of the bed that's closer
3 to the door where you enter this bedroom?

4 A No, it is closer to the window. The -- the photo that
5 you showed originally was the side closest to the door.

6 Q Okay. And you indicated that this side is closest to
7 the window. Can you see the window in this photograph here?

8 A The window curtains are just on the side, right here.

9 Q Okay. Just on the right side?

10 A Yes, those are the windows.

11 Q Okay. And then showing you Exhibit 33. What are we
12 looking at there in 33?

13 A So I'm standing in the corner of the bedroom, and I'm
14 just showing an overall view of that bedroom over the bed.

15 Q Okay. And showing you Exhibit 34. What are we
16 looking at here in 34?

17 A Again, another just overall photo of the bedroom,
18 including the closet and the master bedroom bathroom.

19 Q And then showing you 35. What is that?

20 A The master bathroom, the cabinet and vanity.

21 Q All right. And I'm going to jump out again. All
22 right. Showing you Exhibit 46. What are we looking at in 46?

23 A That is the linen closet inside of -- or it's outside
24 of that bedroom in the hallway.

25 Q And so this is somewhere off of the living room; is

1 that correct?

2 A Yes.

3 Q Okay. And then showing you again Exhibit 47. What is
4 depicted there?

5 A Just another view of the linen closet, just the
6 overall condition of that.

7 Q Now, we talked about one of your jobs being collecting
8 evidence. Did you collect any evidence at this particular
9 scene?

10 A No, I did not.

11 Q Okay. Did you take DNA or any fingerprints?

12 A No, I did not.

13 Q Okay. Any particular reason for that?

14 A The purpose was to document the scene and just show
15 the disturbances within the apartment, so I documented that
16 through photos and notes.

17 Q Okay. Other than your photos and notes, any other
18 follow up that you did on this particular call?

19 A We turn our photography and notes into a report where
20 we just type out what we observe on the scene and what we
21 observed in our photos into a report for court purposes or for
22 detective purposes.

23 Q So did you do that in this particular case?

24 A Yes.

25 MS. SUDANO: Court's indulgence.

1 THE COURT: Sure.

2 MS. SUDANO: Nothing further. Thank you, Your Honor.

3 THE COURT: All right. Cross-examination.

4 CROSS-EXAMINATION

5 BY MR. SHEETS:

6 Q Ms. Guerrero, when you originally arrived at the
7 location, you -- you had indicated that officers briefed you --

8 A Yes.

9 Q -- as to what occurred. So they -- it would be fair to
10 say they told you that they believed a domestic violence had
11 occurred?

12 A Yes.

13 Q That they believed that there had been strangulation?

14 A I wouldn't say strangulation. I didn't get that
15 information from the officers. That was more of me asking the
16 injuries to the victim.

17 Q Okay.

18 A As to what pain she was in.

19 Q Did they indicate to you that there was an allegation
20 of use of a firearm?

21 A I do not recall.

22 Q Okay. Now, you did prepare a report in this case; is
23 that correct?

24 A Yes, I did.

25 Q And when you prepared that report, you did not see any

1 injuries to Ms. Dotson's abdomen area; correct?

2 A No, I did not.

3 Q Her legs; correct?

4 A No.

5 Q The top of her head; correct?

6 A No.

7 THE COURT: I need you speak up just a little, ma'am.

8 THE WITNESS: Yes, sir.

9 BY MR. SHEETS:

10 Q You didn't see any injuries to her neck; correct?

11 A No, I did not.

12 Q And you photographed those -- you photographed her
13 neck, essentially, to document something that she claims that
14 there is pain to; correct?

15 A That is correct.

16 Q And those pictures accurately reflect the state of her
17 neck at that given time; correct?

18 A Correct.

19 Q And this was approximately 2:00 a.m.?

20 A Yes.

21 Q Did officers make you aware of the time that the
22 incident allegedly occurred?

23 A No, they did not.

24 Q Okay. Now, had officers told you that there was any
25 kind of struggle or fight inside the apartment -- inside of the

1 apartment?

2 A Yes, and I was able to, again, observe that, with that
3 mattress being askew, the mattress, I don't believe, was in that
4 position prior, and just based off of my photos and observations
5 I can see that it was moved. So indicative of some -- some sort
6 of struggle.

7 Q But your -- you did say that you don't know if it was
8 moved before, you don't know why it was moved, but you just know
9 it looked askew when you arrived; correct?

10 A Yes.

11 Q Okay. Showing you State's Exhibit 33. Would it be
12 fair to say there's two sets of pillows on that bed?

13 A Yes.

14 Q And showing you State's Exhibit 31. There is a
15 picture on the mantle; is that correct?

16 A Yes.

17 Q Did you get a chance to -- to look at that photograph
18 and see who it might depict?

19 A I do not believe I did.

20 Q Okay. Now, when you have an investigative report,
21 your investigative report lists several things that you could
22 look into; is that correct?

23 A Yes.

24 Q And that would include diagrams; correct?

25 A Yes.

1 Q And that would be a diagram that you would create;
2 correct?

3 A Correct.

4 Q Processing the area for fingerprints; correct?

5 A Yes.

6 Q Looking for firearms; correct?

7 A Yes.

8 Q Looking for other weapons; correct?

9 A Yes.

10 Q Looking for any footwear that might have -- have
11 evidentiary value; correct?

12 A Yes. Correct.

13 Q Looking for apparent blood; correct?

14 A Yes.

15 Q Taking DNA of those blood?

16 A Yes.

17 Q Correct. Okay. Now, looking at -- when -- when you
18 were in the apartment, can you tell me, did -- did it appear to
19 have tile and -- or carpet throughout, or was it a mix?

20 A It -- it was a mix. In the kitchen there was tile,
21 and throughout -- and in the bathroom it was tile, in the
22 bedrooms and living room it was carpet.

23 Q So showing you Defendant's Exhibit C. So you're
24 saying -- so this area here where the living room -- let's see
25 if I can zoom in. I'm not as proficient with this advanced

1 machinery as the State.

2 THE COURT: There is a light on that, if you think it
3 might improve it

4 THE RECORDER: It's at the top on the side.

5 MR. SHEETS: I truly am not as proficient at this.

6 THE COURT: Not a big help, but --

7 BY MR. SHEETS:

8 Q So as you're looking at this diagram here, so would it
9 be fair to say that this line right here, between the dining and
10 the living room, would be the separation between tile and
11 carpet?

12 A Yes.

13 Q Okay. So the whole living room is carpet, the
14 doorways and hallways are carpet, and the bedrooms are carpet?

15 A Yes.

16 Q And then the rest, it would be fair to say, is tile?

17 A Yes.

18 Q And showing you State's 40, which I now have to zoom
19 out. Showing you State's Exhibit 40. The carpet appears to be
20 normal; correct?

21 A Correct.

22 Q No lines; correct?

23 A No.

24 Q No scratch marks; correct?

25 A Correct.

1 Q No trails; correct?
2 A Correct.
3 Q Showing you State's 39. Same observations?
4 A Yes. The same -- yes, the same room, the same carpet.
5 Q Again, no trails; correct?
6 A Yes, that is correct.
7 Q No lines; correct?
8 A Yes.
9 Q The carpet appears normal; correct?
10 A Correct.
11 Q Showing you State's 22. And the living room, same --
12 same answers?
13 A Yes.
14 Q No trails --
15 A No.
16 Q -- correct?
17 A Correct.
18 Q No lines?
19 A Yes, that it correct.
20 Q And the carpet appears normal, and virtually
21 untouched; correct?
22 A Yes. That -- I didn't see any disturbances to the
23 carpet.
24 Q State's 24. Again, same question, no disturbances?
25 A Yes, that is correct.

1 Q Okay. And you didn't -- you did not locate a firearm
2 in the residence; correct?

3 A Yes, that is correct. I did not.

4 Q Now, showing you State's 22. Did the -- is there
5 anything that appears to be out of place in this particular
6 picture to you?

7 A There is a hairbrush on the carpet.

8 Q Did you feel the need to document that separately?

9 A I have it photo'd in my overall photo, and I believe
10 that is the only photo I have of it.

11 Q Showing you Defense Exhibit D. Is that a photograph
12 you took?

13 A Yes.

14 Q Okay. Did you -- did you feel the need -- I'll ask
15 you in time -- one more time, did you feel the need to take a
16 photo of just that hairbrush?

17 A I don't recall. I -- just my overall photo of the
18 hairbrush.

19 Q So -- so it would be --

20 A I apologize.

21 Q -- fair to say that you -- out of all the -- in all
22 the pictures you took that were overview pictures, you did take
23 specific pictures of things that you thought were important;
24 correct?

25 A Yes, that is correct.

1 Q Like, for example, the -- the toilet seat; correct?

2 A Correct.

3 Q And the -- and the stains that were on the toilet
4 seat; correct?

5 A Correct.

6 Q And in this particular instance, you also took a
7 picture individually of this hairbrush; correct?

8 A Yes.

9 Q So would it be fair to say that at the time you felt
10 that it might be of importance to single out this hairbrush?

11 A Yes.

12 Q Okay. Now, you -- you never -- and I don't mean any
13 disrespect, but you -- you're not a medical doctor; correct?

14 A Correct.

15 Q And you didn't study biology; correct?

16 A No.

17 Q And you didn't study types of injuries that can be
18 inflicted on a person and or -- or types of force that can be
19 used on people and the injuries that can occur medically;
20 correct?

21 A As a crime scene analyst, we get basic courses
22 explaining types of injuries or if anything can be used to cause
23 an injury, but it is a basic course, so we're able to document
24 or identify types of injuries on a person.

25 Q And that -- that's so you can identify if an injury

1 exists; correct?

2 A Yes, or what type of injury it is.

3 Q Okay. But you're not -- you're not necessarily
4 trained in what the potential causes of injuries are; correct?

5 A Not by -- no, not by a medical standpoint.

6 Q Okay. And -- and you -- you didn't major in
7 psychology or philosophy; correct?

8 A No.

9 Q So when you say that -- that she appeared visibly
10 upset, you're basing that just on -- on the physical signs that
11 you observed; correct?

12 A Yes.

13 Q And you're just kind of giving a personal opinion as
14 to what her state of mind was; correct?

15 A She was in distress while I was photographing her. I
16 was explaining that I was going to take pictures of her and she
17 was physically upset over that, yes.

18 Q But -- but you -- you wouldn't have any idea of
19 knowing what's going through her mind other than what's been
20 told to you; correct?

21 A Correct.

22 Q All right.

23 MR. SHEETS: No further questions.

24 THE COURT: Redirect?

25 MS. SUDANO: Briefly. Thank you, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. SUDANO:

3 Q Ma'am, you were asked some questions about whether you
4 docked -- or excuse me, documented injuries to Ms. Dotson's
5 abdomen for instance. And you indicated you did not document
6 injuries to her abdomen; is that correct?

7 A That is correct.

8 Q Did she show you her abdomen?

9 A I do not -- I do not recall. I wanted to try to photo
10 her overall appearance. However, when -- when medical arrived
11 on scene, her well-being of being attended to by medical was
12 more important at that time.

13 Q Okay. Same question for her legs. Did you actually
14 have her lift up her pants and show you her legs, anything like
15 that?

16 A I did ask about her legs, and I do do an examination
17 of -- of their overall condition, but, again, with her wanting
18 to see medical, I did not -- I wasn't able to photograph that.

19 Q Okay.

20 MS. SUDANO: Nothing further, thank you, Your Honor.

21 THE COURT: Recross?

22 RECROSS-EXAMINATION

23 BY MR. SHEETS:

24 Q So it would be fair to say that the only injuries that
25 you observed on Ms. Dotson were the -- the injuries you talked

1 about to her face; correct?

2 A Correct.

3 Q And the injury to the wrist; correct?

4 A Correct.

5 Q And that was swelling to the left side of her eye,
6 with the eye swollen shut; correct?

7 A Yes.

8 Q What appeared to be redness and swelling on the right
9 side of the face; correct?

10 A Yes.

11 Q And what appeared to be redness on the right wrist;
12 correct?

13 A Yes.

14 Q No cuts?

15 A No.

16 Q No abrasions?

17 A No.

18 Q No bruises?

19 A No.

20 Q Okay.

21 MR. SHEETS: No further questions.

22 THE COURT: Redirect?

23 MS. SUDANO: No. Thank you, Your Honor.

24 THE COURT: Does any member of the jury have a
25 question for this witness? Not seeing any hands. All right.

1 Anybody? Okay.

2 Thank you very much for your testimony here today,
3 ma'am. You're excused.

4 THE WITNESS: Thank you, sir.

5 THE COURT: State may call its next witness.

6 MS. SUDANO: State calls Nicholas Bianco.

7 MS. CRAGGS: Your Honor, before we start with him,
8 could we approach?

9 THE COURT: Okay.

10 (Bench conference)

11 MS. SUDANO: This is our body camera officer, which is
12 why I wanted to make sure there were no objections to the edited
13 body camera before we get there.

14 THE COURT: All right. Any -- did she redact it in
15 accordance with how you understood that it was going to be
16 redacted?

17 MR. SHEETS: She provided a redacted copy. I don't
18 know if we actually affirmatively discussed redactions, but it
19 was yesterday morning, so I -- forgive me for kind of the late
20 response on it. The only objection I have is at one point she
21 says are you going to go find him, are you going to go find him,
22 and she's crying and distraught. I'm not really sure that
23 provides any relevant value, and I think it's more prejudicial
24 than probative. She's not talking about any of the injuries
25 that occurred, so I don't think it even meets the inconsistent

1 statement situation.

2 THE COURT: All right.

3 MS. SUDANO: Your Honor, I think that that obviously
4 goes to her credibility as a witness and the fact that, you
5 know, when she's here, she's saying, you know, not afraid of him
6 or indicating, you know, she still loves him, all of those
7 things. I think that her state of mind at the time that she's
8 making that statement is highly relevant. The fact that she's
9 frightened by him at the time she wants to see him arrested and
10 she's cooperative with the prosecution at that point I think is
11 highly relevant.

12 THE COURT: Well, it is also inconsistent because she
13 said that she didn't want anything to do with the police or any
14 charges to come out of it when this came up, so -- and you did
15 ask her about that during your cross-examination.

16 MR. SHEETS: And I think -- I'll accept that. Your
17 first body cam I think she says she doesn't want to be there, if
18 I remember right.

19 MS. CRAGGS: She does. I think she also says that
20 she's scared at that point, though.

21 THE COURT: All right. Well --

22 MR. SHEETS: It's very possible.

23 THE COURT: All right. I'll -- I'll go ahead and --
24 that's the only -- is that -- anything else?

25 MR. SHEETS: That was it.

1 THE COURT: Okay.

2 MR. SHEETS: I think she did a good job redacting
3 everything else.

4 THE COURT: All right. Okay.

5 MR. SHEETS: Thank you, Your Honor.

6 (End of bench conference)

7 THE COURT: Sir, can I ask you to stand up --

8 THE WITNESS: Yes.

9 THE COURT: -- briefly, and our clerk will swear you
10 in.

11 NICHOLAS BIANCO, STATE'S WITNESS, SWORN

12 THE CLERK: Please be seated.

13 THE WITNESS: Thank you.

14 THE CLERK: Please state your name and spell your
15 first and last name for the record.

16 THE WITNESS: Nicholas Bianco; N-I-C-H-O-L-A-S
17 B-I-A-N-C-O.

18 MS. SUDANO: I apologize. May I proceed --

19 MR. SHEETS: Sorry, Your Honor.

20 MS. SUDANO: -- Your Honor?

21 THE COURT: All right. Whenever you're ready.

22 MS. SUDANO: Thank you.

23 DIRECT EXAMINATION

24 BY MS. SUDANO:

25 Q Sir, how are you employed?

1 A With Las Vegas Metropolitan Police Department.

2 Q In what capacity?

3 A I'm a patrol officer.

4 Q How long have you been a patrol officer?

5 A A little over three years now.

6 Q And is the Metropolitan Police Department broken down
7 into what we call area commands?

8 A Yes.

9 Q What is an area command?

10 A Area command is a specific area of the valley that you
11 cover. For example, I used to work in southeast, everything
12 south of Sahara and east of Maryland Parkway.

13 Q Okay. So it's just a specific --

14 A Yes.

15 Q -- geographic region within the valley?

16 A Yes.

17 Q And is it bordered by Henderson on the other side?

18 A On the very south end, yes.

19 Q Okay. Were you working August 22nd of 2017?

20 A I was.

21 Q Were you working in that Southeast Area Command at
22 that time?

23 A I was.

24 Q Were you dispatched to a call at 3850 Mountain Vista?

25 A I was.

1 Q And is that an apartment complex?

2 A It is an apartment complex.

3 Q Did you have specific information about which
4 apartment at that time?

5 A From a call, yes. It came in from a neighbor that had
6 heard screaming.

7 Q Okay. And that was the information that you had at
8 the time?

9 A Yes.

10 Q All right. And that was Apartment 267; is that
11 correct?

12 A Yes.

13 Q Is that here in Las Vegas, Clark County, Nevada?

14 A It is in Clark County, Las Vegas.

15 Q Now, when you respond to a call, how is it that you
16 are dispatched out?

17 A Well, anything along the lines of that, screaming or
18 anything in trouble, two officers will respond, normally. So
19 myself and my partner responded, and all we had at the time
20 prior to our arrival was a female screaming for help with an
21 anonymous PR.

22 Q Okay. So you don't have a lot of information as
23 you're responding --

24 A No.

25 Q -- is that correct? And you said it's protocol for

1 two officers to respond --

2 A Yes.

3 Q -- to that type of call; is that correct? Who was
4 your partner at that time?

5 A Officer Ferron.

6 Q Okay. Is that Officer Blake Ferron?

7 A Yes, Blake Ferron.

8 Q Now, are there any additional protocols -- well,
9 actually, let me ask you this.

10 A Okay.

11 Q When you respond to a call such as this, are you and
12 Officer Ferron in the same car, or are you in separate patrol
13 cars?

14 A Separate patrol cars.

15 Q Okay. So are there any protocols about what you do
16 when you're arriving at a call like that?

17 A Well, once you're arrive, you're by yourself.
18 Protocol states you have to wait for your second unit to arrive
19 to approach the apartment or the house that you're going to.
20 Officer Ferron was there, he was waived down by a female in the
21 parking lot.

22 Q Okay. So would it be fair to say that Officer Ferron
23 was the first officer who arrived?

24 A Yes.

25 Q Did you arrive shortly after?

1 A Yes.

2 Q Do you recall about how much later you arrived?

3 A Two or three minutes.

4 Q Okay. So that two or three minutes, typically, he
5 would just be waiting for you before you initiate any contact --

6 A Yes.

7 Q -- with any of the individuals? Okay. Now, do you
8 recall about what time this call came out?

9 A A little before midnight. I'd say around 10:30,
10 11:00.

11 Q Okay. And do you recall the specific time?

12 A Not necessarily. I'd say 11:30.

13 Q Okay. When you're dispatched out to a call, is there
14 a system that dispatches you?

15 A Yes, CAD.

16 Q Okay. And is CAD just short for -- is it computer
17 aided dispatch?

18 A Yes.

19 Q Okay. Does that dispatch provide that little bit of
20 information that you have about a call in this case, unknown
21 disturbance called in by someone else in the complex?

22 A Yes. It logs everything that came over the phone and
23 whatever put over the radio.

24 Q Okay. And does it also log things such as the date
25 and the time --

1 A Yes.

2 Q -- of the incidence? Would looking at the CAD log
3 from this particular incident refresh your recollection as to
4 the time that the call came out?

5 A Yes.

6 MS. SUDANO: May I approach, Your Honor?

7 THE COURT: Sure.

8 BY MS. SUDANO:

9 Q Officer, I'm showing you the CAD log. Does that
10 appear to be the CAD log from this particular incident?

11 A This is it.

12 Q Okay. And go ahead and look at that, and let me know
13 if it refreshes your recollection as to the time the call came
14 out. And while I'm up here, I'm also going to ask you the time
15 that you responded and Officer Ferron responded.

16 A Okay. Looks like 23:23 hours the call was generated.

17 Q Okay. And --

18 THE COURT: Well, that's -- does it refresh your
19 recollection as to when you received the call?

20 THE WITNESS: Oh, yes. Sorry.

21 BY MS. SUDANO:

22 Q Can I take it away from you?

23 A Yep.

24 Q Okay. And so the call came out at you said 23:23?

25 A Yes.

1 Q And for the non-military kind of folks, that is 11:23?

2 A Yes.

3 Q Okay. What time did Officer Ferron arrive at that
4 call according to the CAD log?

5 A I don't recall from looking at it. I'd have to look
6 at it again. I apologize.

7 Q Would looking at it again refresh your recollection?

8 A Yes, it will.

9 MS. SUDANO: May I approach?

10 THE COURT: Go ahead.

11 BY MS. SUDANO:

12 Q All right. And then go ahead and look at that again
13 to yourself. Same thing, I'm going to ask you the time Officer
14 Ferron responded and the time you responded.

15 THE COURT: Let us know if that refreshes your
16 recollection.

17 THE WITNESS: I will. Okay. Now it refreshes.

18 BY MS. SUDANO:

19 Q Can I take it back from you?

20 A Yep.

21 Q Okay. What time did Officer Ferron respond?

22 A 11:31.

23 Q What time did you respond?

24 A 11:35.

25 Q Okay. So you responded about four minutes after

1 Officer Ferron?

2 A Yes.

3 Q And he responded, oh gosh, eight minutes after the
4 call came out; is that correct?

5 A Yes. Yeah. There -- yeah.

6 Q I know. Math is hard. I'm sorry. Now, while we're
7 on the subject of that, we talked a little bit about the CAD log
8 and how it logs everything that's going on with a particular
9 call.

10 A Yes.

11 Q Does that particular call correspond with any other --
12 any other set of numbers?

13 A An event number.

14 Q What is an event number?

15 A Event number is a specific number for a specific call.
16 I can describe how it's set up for you, if you'd like.

17 Q Yes, please.

18 A The way it's set up is it starts with LLV, the last
19 two digits of the year, so this -- that would be 17, the two
20 digits for the date, so we'll do today, 04, would be like the
21 month, the last two would be the day of the month, 11 would be
22 for today, 00, and that last four is that specific event number.

23 Q Okay. So for instance, if the event number in this
24 case were 170822-004075, then the first digits, 170822 would
25 correspond to the date; is that correct?

1 A Yes.

2 Q And then there's just two zeroes in the middle for
3 whatever reason, and then the last four digits are the 4075th
4 call that Metro responded to that day?

5 A Yes.

6 Q Now, you indicated that Officer Ferron beat you to
7 this particular call; is that correct?

8 A Yes.

9 Q Was there anybody else present other than Officer
10 Ferron?

11 A Throughout the whole call, or when we first got there?

12 Q When you first got there.

13 A Just Officer Ferron.

14 Q Okay. Now, when you responded about four minutes
15 later to the complex, did you see Officer Ferron?

16 A Yes, he's in the parking lot.

17 Q Was there anybody in the parking lot with him at that
18 point?

19 A Yes, a female.

20 Q Okay. And did you make contact with Officer Ferron
21 and that female?

22 A Yes.

23 Q Were you able to identify the female?

24 A Yes.

25 Q Who was that?

1 A Ms. Dotson.

2 Q And as you initially observed Ms. Dotson in the
3 parking lot, did she have any apparent injuries?

4 A Yes. Her left eye was swollen.

5 Q What was her demeanor as you approached?

6 A She was hysterical; she was crying.

7 Q Okay. Did you learn anything about a vehicle at that
8 time --

9 A Yes.

10 Q -- as you were approaching? And what did you learn
11 about that vehicle?

12 A I learned that once Officer Ferron arrived, a gray
13 sedan was leaving the parking lot, and Officer Ferron at the
14 time didn't know anything about the vehicle until he spoke to
15 Ms. Dotson.

16 Q Okay. Did Ms. Dotson, to your understanding, provide
17 some additional information about that vehicle?

18 A Yes.

19 Q Okay. And was that happening as you were responding?

20 A When she was speaking to Mr. Ferron?

21 Q Yes.

22 A I believe so.

23 Q Okay. And did you hear Ms. Dotson saying anything
24 about the vehicle upon your arrival?

25 A Yes, when I was speaking to her.

1 Q Okay. And what did she say about that vehicle?

2 A She said it was a gray Honda Civic.

3 Q Okay. Now, were you updating the information about
4 that vehicle in the CAD log over the radio?

5 A I was.

6 Q Okay. Anything weird happen with that gray Honda
7 Civic?

8 A I mistook a Honda Civic for a Hyundai Sonata.

9 Q Okay. And was that your mistake, or was that what Ms.
10 Dotson told you at the time?

11 A That was my mistake.

12 Q Okay. Did -- how did that mistake happen?

13 A So much going on in a given time. A Hyundai Sonata,
14 in my head, connected to a Civic --

15 Q Okay.

16 A -- and I just broadcasted it.

17 Q Did you just mishear or misunderstand?

18 A Misunderstood, yes.

19 Q Okay. Now, as you were arriving, did Ms. Dotson make
20 any statements about what had happened that caused police to be
21 at the apartment that evening?

22 A She stated that her boyfriend was there and got into a
23 physical altercation.

24 Q And did she describe any weapons being used during
25 that altercation?

1 A Yes, she did.

2 Q What did she say?

3 A Black in color handgun.

4 Q Okay. And what had happened with that black in color
5 handgun?

6 A She said that earlier in the night she got into an
7 argument with her boyfriend. He punched her in the face and
8 then took out a black in color handgun and put it in her mouth.

9 Q Okay. Was she able to provide you with any sort of a
10 description of that handgun?

11 A Yes.

12 Q What was that description?

13 A The way she described it, she said -- she used her
14 hand, it was a shorter barrel, black in color. I asked her if
15 it was similar to my handgun or anything like that. She said it
16 was more like a revolver type.

17 Q Okay. And did she describe the barrel part of the gun
18 being kind of skinny instead of --

19 A Yes.

20 Q -- like your gun?

21 A She described it with her hands.

22 Q Okay. And she was actually gesturing with you
23 while --

24 A Yes.

25 Q -- she was talking? Now, as you were interacting with

1 Ms. Dotson, what was her demeanor throughout?

2 A Very emotional, very -- crying a lot, so it was hard
3 to communicate on some aspects of it. I had to calm her down
4 quite a bit after what took place.

5 Q Okay. Were you having any sort of a conversation with
6 her about her staying somewhere else for the evening?

7 A Yes.

8 Q Okay. Initially what was that conversation about?

9 A For any kind of a domestic violence victim we offer
10 Safe Nest or Shade Tree. And what those are, alternative
11 housing for the night so she has somewhere safe to be so she
12 doesn't have to worry about her boyfriend or anyone coming back
13 to the apartment.

14 Q Okay. And was that a conversation that you had with
15 Ms. Dotson?

16 A Yes.

17 Q And did she indicate to you initially whether she
18 wanted to go to one of those locations?

19 A At first, yes.

20 Q Okay. And did something change with that eventually?

21 A Yeah, later throughout the night, through the
22 investigation, she wanted to go to her -- I believe her aunt's
23 house.

24 Q Okay. Now, as you're interacting with her, and your
25 -- proceeding through your investigation, are there any

1 additional steps that you were attempting to take with regards
2 to Ms. Dotson?

3 A Just figure out what elements of what crimes we have.

4 Q Okay. And how do you determine that?

5 A Just speaking to her. And first and foremost, most
6 importantly, I had to get her to relax so I could get the store
7 from her.

8 Q Okay.

9 A So I just had to recant the whole night's events, how
10 she was struck, how he put the gun in her mouth, exactly how she
11 felt, was she free to leave, was she not free to leave, does he
12 live there, does he not live there, how long have they been
13 together, are they in a domestic relationship, etcetera.

14 Q Okay. And initially was she doing that orally?

15 A Yeah. Well, yeah. A little all over the place at
16 first.

17 Q Okay. But she was doing it in an oral --

18 A Oh, yes.

19 Q -- conversation with you?

20 A I'm sorry. I didn't understand the question. Yes,
21 she was.

22 Q Okay. At some point did you ask her to recount what
23 had happened in a different way?

24 A Yes, on a statement.

25 Q Okay. A written statement?

1 A Voluntary statement.

2 Q Okay. Now, did you give her instructions about how to
3 fill out that statement?

4 A I was helping her with it, yes.

5 Q Okay. And when you say helping, are you telling her
6 what to write?

7 A No.

8 Q Okay. Are you giving her instructions about what
9 should be included in the statement?

10 A Yes.

11 Q Okay. And what type of instructions are you
12 providing?

13 A Well, I was explaining to her was to recant everything
14 she told me onto the statement and really emphasize her emotions
15 and her feelings at the time. So, for example, when she was
16 struck in the face, what led up to being struck in the face and
17 how she felt after that, and regarding to the firearm being put
18 in her mouth, what led to that, what gestures was he making with
19 the firearm, how did he put it in her mouth, and regarding to
20 the domestic relationship, also.

21 Q Okay. And why did you want her to recount those
22 particular details?

23 A Because those details will help with further
24 investigation and what crimes we have.

25 Q Okay. So your purpose for being there is to make a

1 determination of whether or not a crime has been committed --

2 A Yes.

3 Q -- is that correct?

4 MR. SHEETS: Objection. Leading.

5 THE COURT: I'll overrule.

6 MS. SUDANO: Okay. Thank you, Your Honor.

7 BY MS. SUDANO:

8 Q Now, you weren't there for anything that took place
9 between Ms. Dotson and her boyfriend; is that correct?

10 A Yes.

11 Q Okay. So without her version of events, you don't
12 really know what happened; is that right?

13 A Yes.

14 Q Okay. So you need to have that information?

15 A Yes.

16 MR. SHEETS: Objection. Leading.

17 THE COURT: Yeah, you are beginning to lead quite a
18 bit. I let you have a break the first time, but I'm going to
19 sustain that.

20 MS. SUDANO: Okay.

21 BY MS. SUDANO:

22 Q All right. Now, you indicated you did have Ms. Dotson
23 -- or you asked her to fill out a voluntary statement; is that
24 correct?

25 A Yes.

1 Q Did she fill out the voluntary statement in this case?

2 A Yes.

3 Q Was she willing or cooperative with the process at
4 that point?

5 A Yes.

6 Q And was she interested in going forward with
7 prosecution at that point?

8 A Yes.

9 Q You indicated, Officer, that at this point time you
10 were working in the Southeast Area Command; is that correct?

11 A Yes.

12 Q How much of your three years with Metro has been in
13 the Southeast Area Command?

14 A Almost about two years.

15 Q What are some common types of crime that you respond
16 to in the Southeast Area Command?

17 A Domestics, high rate of shootings, homicides.

18 Q Okay. And you indicated first domestic violence
19 calls.

20 A Yes.

21 Q How many of those do you respond to in a given shift
22 or a given week?

23 A Last I recall looking at the stats, I believe 86
24 percent of our call volume is domestic violence in the valley.

25 Q I'm sorry. Did you say 86 percent?

1 A Yes.

2 Q Okay. So that's one of the most common types of
3 crime, if not the most common type that you respond to; is that
4 correct?

5 A Most common, most violent.

6 MR. SHEETS: Objection. Leading. Relevance.

7 THE COURT: Sustained.

8 BY MS. SUDANO:

9 Q Now, is it common in domestic violence calls to make
10 contact with the person is reporting?

11 A Yes.

12 Q And is it common for the person reporting to --

13 MR. SHEETS: Objection, Your Honor. Leading.
14 Relevance.

15 MS. SUDANO: I didn't even finish the question.

16 THE COURT: Don't answer.

17 Go ahead and finish the question.

18 BY MS. SUDANO:

19 Q Is it common for individuals when you're responding to
20 a domestic violence call to state one thing to you initially,
21 and then later change their version of events?

22 THE COURT: Sustained.

23 BY MS. SUDANO:

24 Q Now, you did indicate, I believe, earlier that Ms.
25 Dotson was cooperative and wrote a voluntary statement at that

1 time; is that correct?

2 A Yes.

3 MR. SHEETS: Objection. Leading.

4 MS. SUDANO: I'm just going back.

5 THE COURT: To set -- to set the time, I'll overrule.

6 BY MS. SUDANO:

7 Q Can you explain for us how you had Ms. Dotson complete
8 that voluntary statement?

9 A Yes. I had her come to the front of my patrol car and
10 I advised her that my patrol car is her office, should could
11 inside, she could sit on it, use the hood as a desk, per se,
12 because she was really emotional and it was an extremely hot
13 night. So what I did, I grabbed a clipboard, and she decided
14 just to stand on the driver's side and use my hood and fill out
15 a statement.

16 Q Now, were you standing with her while she was filling
17 out that statement?

18 A On and off. I was with her with in some aspects, and
19 I was helping Ferron with other aspects while other resources
20 were being summoned.

21 Q Okay. Were you in any way dictating or controlling
22 what she put in that voluntary statement?

23 A No.

24 Q Where did that information come from?

25 A From -- on the statement?

1 MR. SHEETS: Objection. Vague as to information.

2 THE COURT: What was the question again?

3 MS. SUDANO: Where the information on the statement
4 came from.

5 MR. SHEETS: That -- that's more clear.

6 THE COURT: All right. And you're referring to the
7 written statement we're talking about?

8 MS. SUDANO: Yes, Your Honor.

9 THE COURT: All right. I'll overrule.

10 THE WITNESS: Ms. Dotson.

11 BY MS. SUDANO:

12 Q Okay. And she provided that information?

13 A Yes.

14 Q Okay. And after she provided that information, did
15 you have the opportunity to review the voluntary statement?

16 A Yes.

17 Q Okay. Other than yourself and Officer Ferron, was
18 anybody else present or around Ms. Dotson when she was
19 completing that voluntary statement?

20 A A little bit gray, I'm not sure if detectives were in
21 route or arrived yet. So I can't really say if the other
22 officers were there yet or not.

23 Q Now, do you recall reviewing that statement after she
24 wrote it?

25 A Of course.

1 Q And in that statement did she indicate that he was
2 waiting at the apartment when she got home?

3 A Yes.

4 Q And did she later clarify who that "he" was?

5 A Yes.

6 Q Did she indicate that that was Barry Harris, her
7 boyfriend of six years?

8 A Yes.

9 Q And did she indicate that they started to argue and
10 she had asked him to leave?

11 A Yes.

12 Q Did she indicate in the statement that he had refused
13 and started calling her bitches and hoes was how she phrased it?

14 A Yes.

15 Q Did she indicate in the statement that he had started
16 strangling her?

17 A Yes.

18 Q And that he then started punching her in the face?

19 A Yes.

20 Q And that he continued to put blows to her head?

21 A Yes.

22 Q And that he pushed her off the bed and then went to
23 get his gun?

24 A Yes.

25 Q Did she also indicate that he put -- put it in her

1 mouth?

2 A Yes.

3 Q And told her that if she screamed he would kill her?

4 A Yes.

5 Q Did she further indicate that he started to beat her
6 with the gun on top of her head?

7 A Yes.

8 Q And that he had kicked -- or he was kicking and
9 throwing her all over the place?

10 A Yes.

11 Q Did she indicate that he had yelled for help? Or,
12 excuse me, that she had yelled for help?

13 A Yes.

14 Q And that he had cocked the gun back and put it to her
15 head and told her she couldn't leave or he would kill her?

16 A Yes.

17 Q Did she finally indicate that he had said when the
18 police found out or if he knew that she had called the police
19 that he would kill her?

20 A Yes.

21 Q And those were all details that she had included in
22 her voluntary written statement; is that correct?

23 A Yes.

24 Q And she provided some or all of those statements to
25 you orally before she wrote this statement?

1 A Yes.

2 Q All right. Now, Officer, I want to talk a little bit
3 about body camera.

4 A Okay.

5 Q Do you have body camera footage?

6 A I do.

7 Q I guess let me rephrase that. Do you have body camera
8 while you're working as a police officer?

9 A I do.

10 Q Okay. And can you explain for the ladies and
11 gentlemen of the jury what body camera is?

12 A Our body camera system is set up so when we're
13 dispatched to a call, we activate it. While we're at the call,
14 we're supposed to record any interaction with the general
15 public.

16 Q Okay. So when you're dispatched out through that
17 catalog, you said you activate the body camera; is that correct?

18 A Yes.

19 Q Okay. So it's not automatically activated?

20 A No.

21 Q How do you activate it?

22 A What I do, I press a button and it activates it. And
23 the way it works, it's dated back 30 seconds. So when you turn
24 it on, it does 30 seconds before I activate it. So it's -- if
25 that makes any sense. I can describe it more.

1 Q Can you --

2 A Okay.

3 Q -- describe that a little more.

4 A So technically it's always on and running, but it's
5 not recording. So when I press the button to turn it on, it
6 shoots back 30 seconds prior. So the first 30 seconds of every
7 camera footage there's no sound, and the sound starts when I
8 turn on the button and it starts a recording.

9 Q Okay. And can you also turn that body camera off?

10 A Yes.

11 Q And when are you supposed to turn it off?

12 A When I'm done interacting with the general public, if
13 I'm doing something that's a little bit sensitive to the case.

14 Q Okay. Now, do you have any way of knowing whether or
15 not your body camera is activated or turned on?

16 A With that camera system I had at that time, there's a
17 light that would blinking red if it was recording. Ever since
18 then it's been updated and they vibrate now when they're
19 recording.

20 Q Okay. Is there any sort of beeping or sound
21 notification?

22 A There is.

23 Q Can you describe that?

24 A There's a high-pitched beep. I believe it's every 30
25 seconds, but I may be off.

1 Q Okay. And what's the purpose of the beeping?

2 A Just to remind you that it's recording.

3 Q And how do you hear the beeping?

4 A It's just an audio beep, similar to my mic, anything
5 that's loud.

6 Q Now, is this body camera recorded in any way?

7 A What was that? I'm sorry.

8 Q Is the body camera footage recorded in any way?

9 A Oh, yes.

10 Q Explain that for us a little bit, if you would.

11 A At the end of every shift, it's stored on my -- on the
12 camera itself. I plug it in at a docking station, it's kind of
13 like similar to that of a USB port for a computer, and it
14 automatically gets uploaded into our storage.

15 Q Now, is there any way when it's uploaded and stored
16 that you can link it back to a particular event number or call?

17 A Yes, I could.

18 Q And how is that?

19 A The way it was set up, I believe, at that time we had
20 to automatically link it to a call, but now it's set up where
21 it's automatically linked to every call that you turn it on. So
22 once you turn it on, that call is automatically linked to that
23 specific call and it gets generated automatically.

24 Q And is it linked back to the same event number as the
25 CAD, for instance?

1 A Oh, yes.

2 Q Okay. So is the purpose of having an event number
3 sort of so everything related to a particular call is stored in
4 a consistent way?

5 A Yep.

6 Q Okay. So things such as voluntary statements or
7 photos or body camera footage?

8 A Yes.

9 Q You can find and know that it is all associated to the
10 same call?

11 A Yes.

12 Q Now, you said that you dock your body camera at the
13 end of the shift and it's automatically uploaded to the event
14 number; is that correct?

15 A Yes.

16 Q Okay. Do you have any way to access the body camera
17 footage after you have uploaded it?

18 A I can at work on one of our desktop computers, there's
19 a website.

20 Q Okay. Do you have access to edit or delete that
21 footage?

22 A No.

23 Q Okay. Are you aware of whether or not you have body
24 camera footage from this particular event?

25 A I do.

1 Q Okay. And did you have the opportunity to review that
2 body camera footage?

3 A Yes.

4 Q Now, the version that you reviewed, had it been
5 edited?

6 A Yes.

7 Q Okay. And were we editing out parts of the call where
8 you were not interacting with Ms. Dotson?

9 A Yes.

10 Q Okay.

11 MS. SUDANO: And, Your Honor, at this time I would
12 move for the admission of Proposed 66, which is the body camera
13 footage.

14 THE COURT: Okay. Is there any objection to 66?

15 MR. SHEETS: Only that which was discussed at sidebar,
16 Your Honor.

17 THE COURT: Okay. On that basis I'll overrule the
18 objection and admit 66.

19 (State's Exhibit 66 admitted)

20 MS. SUDANO: And, Your Honor, may I have permission to
21 publish Exhibit 66?

22 THE COURT: Go ahead.

23 MS. SUDANO: Thank you.

24 BY MS. SUDANO:

25 Q And while this is loading, I think I actually have a

1 couple additional questions for you, Officer.

2 A Okay.

3 Q You indicated that your footage is recorded, and that
4 your camera is rolling when you're interacting with citizens; is
5 that correct?

6 A Yes.

7 Q Is there any limit to how long a particular video can
8 be?

9 A I think it just keeps going until the battery dies.

10 Q Okay. And, obviously, if you turn the camera off and
11 then turn it back on later, is that a separate video, or is it
12 all one particular video?

13 A Well, it will still be under the same event number,
14 but it will be separate parts.

15 Q Okay. So there would be separate videos under that
16 event number?

17 A Yes.

18 Q Okay. And did you have the opportunity to review two
19 separate videos in this case?

20 A Yes.

21 Q Okay.

22 MS. SUDANO: And, Your Honor, may I inquire of the
23 recorder, is the TV on for audio?

24 THE RECORDER: Yeah.

25 MS. SUDANO: It is? Okay.

1 THE RECORDER: Do you have the audio plugged in?

2 MS. SUDANO: I do.

3 BY MS. SUDANO:

4 Q All right. Officer Ferron -- or, excuse me, Officer
5 Bianco.

6 A Yes.

7 Q Does this appear to be the first body camera clip from
8 this particular case?

9 A Yes, that's me driving.

10 Q Okay.

11 (State's Exhibit 66 played)

12 BY MS. SUDANO:

13 Q And, now, Officer, you had indicated that there was a
14 second body camera video, as well; is that correct?

15 A Yes.

16 Q Okay.

17 THE COURT: Is this also part of Exhibit 66?

18 MS. SUDANO: That's correct, Your Honor.

19 MR. SHEETS: Correct, Your Honor.

20 (State's Exhibit 66 played)

21 BY MS. SUDANO:

22 Q Okay. And, Officer, that was your second video from
23 this event?

24 A Yes.

25 Q Okay. And those showed your interactions with Ms.

1 Dotson; is that correct?

2 A Yes.

3 Q Okay. Now, do you recall hearing Ms. Dotson say on
4 there as you were very first pulling up that he doesn't live in
5 that apartment?

6 A Yes.

7 Q And did you ask her if she -- if he had a key?

8 A Yes.

9 Q What was her response to that?

10 A He said he does.

11 Q Okay. Did you further hear her indicating that he was
12 not on the lease?

13 A Yes.

14 Q And we're talking right now about the first video,
15 just so we're clear. And when you were first responding did she
16 indicate anything to you or Officer Ferron on the video about
17 putting -- or having the gun put in her mouth?

18 A Yes. She described it to us, and she was making
19 gestures with her hands.

20 Q Okay. And she described it how?

21 A The firearm?

22 Q Yes.

23 A Black in color of a very long barrel, as you saw in
24 the video, and described the barrel being long and skinny. I
25 asked her in that case, from my experience, I'm like, okay, is

1 that a revolver? And that's what I imagine it to be.

2 Q Okay. And she indicated maybe or possibly something
3 along those lines?

4 A Yes.

5 Q Did she indicate on that video, the first video, what
6 happened when the gun was in her mouth?

7 MR. SHEETS: Objection, Your Honor. Best evidence
8 rule.

9 THE COURT: I'll sustain that. The video speaks for
10 itself.

11 BY MS. SUDANO:

12 Q Now, Officer, did you hear her saying something about
13 where Mr. -- or where the boyfriend was potentially going at
14 that point?

15 MR. SHEETS: Objection, Your Honor. Best evidence
16 rule.

17 MS. SUDANO: And this is for follow up, Your Honor.

18 THE COURT: Okay. I'll -- I'll overrule.

19 BY MS. SUDANO:

20 Q Was she providing information about where he was
21 potentially going?

22 A Yea, but I wasn't familiar with the area where he was
23 going.

24 Q Okay. Was it in the Southeast Area Command?

25 A No, it was in Bolden Area Command, I believe.

1 Q Did you take any steps once she described a potential
2 location or a potential area within Bolden Area Command?

3 A Yes, I called an officer I know who works down there
4 who knows the area quite well to see if he can help me pinpoint
5 the area better.

6 Q Through the assistance of that officer, were you able
7 to pinpoint the area that she was talking about?

8 A Sort of. It still wasn't 100 percent. We even used
9 maps, too, and it was still a little difficult.

10 Q Okay. Now, there was -- was there any other attempts
11 made to locate her boyfriend that evening?

12 A Other than officers driving around Boulder Highway
13 area, ATL in for the vehicle, I believe some patrol detectives
14 went over to Bolden and ATL-ed.

15 Q Okay. And what is ATL?

16 A Attempt to locate.

17 Q Okay. So basically looking for the car?

18 A Yes.

19 Q Okay. And we had -- or I had asked you a little bit
20 about that earlier. You initially called out the vehicle as a
21 Hyundai Sonata; is that correct?

22 A Yes, I did.

23 Q Did you eventually update the description to a
24 different vehicle?

25 A Yes, Honda Civic.

1 Q Okay. And was that information also called out over
2 the radio?

3 A Yes.

4 Q Do you recall about how much later that information
5 was corrected?

6 A It was most likely in CAD, but I do not remember the
7 exact time frame.

8 Q Would looking at the CAD log refresh your memory?

9 A Yes.

10 MS. SUDANO: May I approach, Your Honor?

11 THE COURT: All right. Go ahead.

12 BY MS. SUDANO:

13 Q All right. Officer, I'm showing you, again, the CAD
14 log from this event. Go ahead and look through that and let us
15 know if it refreshes your recollection.

16 A Yes, I have it now.

17 Q Okay. And did that refresh your recollection?

18 A It did.

19 Q About how much later was that information corrected?

20 A Almost -- not even ten minutes. Eight minutes. It
21 was at 11:45 at night.

22 Q Okay. So within under 10 minutes, you had updated
23 that information; is that correct?

24 A Yes.

25 Q Okay. So after that, were officers looking for the

1 Hyundai Sonata anymore?

2 A I believe there was a couple officers still looking.

3 Q Okay. But were they looking for the Hyundai, or were
4 they looking for a different vehicle?

5 A Well, until I updated it, they were looking for a
6 Hyundai. Once I updated it, I imagine they were looking for a
7 Civic.

8 Q Now, were there a couple moments in your body camera
9 video where you were asking Ms. Dotson to emphasize certain
10 things?

11 A Yes.

12 Q And what was the purpose of you doing that?

13 A For a victim, you need to emphasize specific elements
14 of a crime, so, for example, I've got to make sure how she felt
15 when she was punched in the face and what was the intention
16 behind her getting punched in the face, were they messing around
17 and it was an accident, or he intentionally punched her to cause
18 harm, did he throw her in the room and not let her leave, did he
19 put her in a room and walk away where she could easily leave of
20 her free will, so we could get -- figure out what crimes that we
21 have.

22 MS. SUDANO: Court's indulgence.

23 THE COURT: Okay.

24 MS. SUDANO: Nothing further. Thank you, Your Honor.

25 THE COURT: All right. I think this is -- before I

1 let you do cross-examination, I think this is a good time for us
2 to take a break.

3 Ladies and gentlemen, go to the restroom. As soon as
4 you get back we should be able to -- and get lined up. We
5 should be able to continue on and get -- get more testimony in
6 and keep things moving.

7 While you're out there, do not talk to each other
8 about the case or about anyone who has anything to do with it.
9 Do not talk with anyone else about this case or about anyone who
10 has anything to do with it. Do not let anyone talk to you about
11 the case or about anyone who has anything to do with it. If
12 someone should try to talk to you, please report it to me
13 immediately by contacting the marshal.

14 Do not read any news stories or articles, listen to
15 any radio or television reports about the case or anyone who has
16 anything to do with it. Do not visit the scene of any events
17 mentioned during the trial, or undertake any investigation,
18 experimentation, or research on your own, including use of
19 social media to in any way discuss the case, or the use of the
20 Internet or other reference materials to do any investigation or
21 research. And do not begin to form or express any opinion on
22 any subject connected with this case until it's finally
23 submitted to you.

24 Let me just take one brief second to emphasize, don't
25 talk to each other about this case. You can talk to anybody --

1 talk about anything else but this case. And that even includes,
2 you know, commenting on my tie or, you know, why -- why somebody
3 said something. Just -- just don't go anywhere with it.

4 It's very easy to think, oh, this is an innocent
5 question or an innocent point or an innocent comment to comment
6 on what somebody is wearing or why they might have asked a
7 question or something funny you thought happened during the
8 course of the case. Just don't go there. Don't talk to each
9 other about this case at all until you get back to the jury
10 deliberation room.

11 All right. We'll see you back as soon as we can.

12 (Jury recessed at 10:55 a.m.)

13 THE COURT: Okay. As soon as I get the word that
14 they're all back from a bathroom break, we will get started
15 again.

16 Do you need to use the restroom?

17 THE WITNESS: No, I'm all right.

18 THE COURT: You sure?

19 THE WITNESS: Yeah, I'm okay.

20 THE COURT: Okay.

21 THE WITNESS: Thank you.

22 THE COURT: All right. You want to just have him stay
23 here, or do you want him to go back to the jury deliberation
24 room?

25 THE WITNESS: I'll just hang out. I'm all right.

1 THE COURT: All right.

2 (Court recessed at 10:55 a.m., until 11:06 a.m.)

3 (Inside the presence of the jury)

4 THE COURT: All right. Let the record reflect the
5 presence of the attorneys for both sides, the presence of the
6 defendant. Do the parties stipulate to the presence of the
7 jury?

8 MS. SUDANO: Yes, Your Honor.

9 MR. SHEETS: Yes, Your Honor.

10 THE COURT: Okay. I'll let everybody get seated, get
11 their notepads.

12 Go ahead and have a seat.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you for getting back so quickly.

15 All right. Go ahead, counsel. Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. SHEETS:

18 Q Officer, when -- when you first arrived on the scene,
19 you said that you were approached by Officer Ferron and Ms.
20 Dotson, or just Officer Ferron?

21 A When I arrived, Officer Ferron approached my driver
22 side window, and Ms. Dotson was right behind him.

23 Q Okay. And at that time you had testified for the
24 State that Officer Ferron didn't have any knowledge about the
25 specific type of vehicle or didn't relay that to you at that

1 time; correct?

2 A He said it was a gray sedan, and he had the license
3 plate number.

4 Q Okay. But he didn't specify Honda, Hyundai; correct?

5 A Yes.

6 Q All right. Now, at that point briefly thereafter, you
7 came into contact with Ms. Dotson?

8 A Yes. Sorry.

9 Q And Ms. Dotson, you immediately -- you had testified
10 earlier that -- that you invite somebody to go to a domestic
11 violence shelter when they -- when you believe they're a victim;
12 correct?

13 A Well, regardless of domestic violence, I personally
14 offer it to everyone regardless of signs of injury or not
15 because potential future injury is so high.

16 Q Okay. Now -- now, you said -- you testified that it
17 was your job to investigate, figure out what crimes were
18 committed; correct?

19 A We're both doing the investigation, yes.

20 Q Okay. Now, you had put out, you said, an attempt to
21 locate; is that correct?

22 A Yes.

23 Q And then was it you that called for detectives, or did
24 Officer Ferron call for detectives?

25 A I did not. I believe it was Officer Ferron or one of

1 my supervisors.

2 Q Okay. And at the time you were looking for
3 potentially my client, were you -- were you at that point
4 looking to take him into custody?

5 A We're investigating the crime at that time.

6 Q Okay. And at what point did you decide -- or did you
7 decide at any point that you believed or that there was probable
8 cause that my client committed an offense?

9 A We saw Ms. Dotson and her left swollen eye shut, and
10 she was saying that her boyfriend struck her in the face.

11 Q Okay. So at that point you believed you had enough to
12 take my client, or arrest my client if you were there?

13 A Yes.

14 Q Okay. And so would it be fair to say that that's why
15 you made the statement, trust me, it'll catch up to him?

16 A Yes.

17 Q Okay. And you had -- so you had made that conclusion
18 pretty much right after she had given you her first oral summary
19 of what had happened; correct?

20 A Yes.

21 Q Okay. So from that point on it was -- it was your
22 decision that you -- if my client had been present, that you
23 would have taken him into custody; correct?

24 A Yes. I was able to speak to him, too, and get his
25 side of the story.

1 Q Okay. And that was -- that was prior to you giving
2 Ms. Dotson that -- the blank voluntary statement form that you
3 had her fill out; correct?

4 A Yes.

5 Q Now, you had testified that when the State asked what
6 you had wanted emphasized, you indicated that you had spoken to
7 her about the need to talk about what gestures he was making;
8 correct?

9 A Yes.

10 Q And how you needed to flesh out how there was a
11 domestic relationship; correct?

12 A Yes.

13 Q And -- and then what events led up to him eventually
14 putting the firearm in the mouth; correct?

15 A Yes.

16 Q You don't actually hear you making those statements to
17 Ms. Dotson in the body cam footage, do you?

18 A I don't understand the question.

19 Q These -- these statements that you -- you just
20 affirmed to me, you didn't actually make those statements to Ms.
21 Dotson in the video we just saw, did you?

22 A Yes.

23 Q It's your position that you did?

24 A Yes.

25 Q Okay. All right. Did you participate in the initial

1 entry into the apartment?

2 A I believe myself and Officer Ferron and a detective
3 cleared the apartment, yes.

4 Q Okay. And by cleared, you meant made sure that there
5 was nothing that posed a danger to you or anybody; correct?

6 A Yes.

7 Q Okay. And when you went into that particular
8 apartment, you did not find a firearm; correct?

9 A Yes.

10 Q And --

11 MR. SHEETS: Court's indulgence.

12 THE COURT: Sure.

13 BY MR. SHEETS:

14 Q Showing you State's 23. Would it be fair to say the
15 apartment looked consistent with this photograph?

16 A Yes.

17 Q And same with State's 27?

18 A Yes.

19 Q And State's 36?

20 A Yes.

21 Q Defendant's D, as in delta?

22 A Yes.

23 Q State's 22?

24 A Yes.

25 THE COURT: Can I get you to move just a little closer

1 to the mic?

2 THE WITNESS: Oh, I'm sorry.

3 THE COURT: You're moving back and getting a little
4 quieter, so it's harder to hear you, so let's -- let's get
5 closer to the mic.

6 BY MR. SHEETS:

7 Q And State's 32?

8 A Yes.

9 Q State's 33?

10 A Yes.

11 Q State's 31?

12 A Yes.

13 Q State's 30?

14 A Yes.

15 Q State's 40?

16 A Yes.

17 Q State's 39?

18 A Yes.

19 Q And State's 24?

20 A Yes.

21 Q So it would be fair to say that these photographs of
22 the apartment are consistent with the state of the apartment and
23 the contents therein at the time you entered; correct?

24 A Yes.

25 Q And at the time you guys entered the apartment, the

1 television was on; is that correct?

2 A I don't recall.

3 Q Okay. To the best of your knowledge, do you recall
4 which detective cleared the apartment with you?

5 A No.

6 Q Okay. Fair enough. And I may have already asked
7 this, I'm sorry, but when you entered the apartment, you did not
8 find a firearm; correct?

9 A We were just clearing the apartment to see if Mr.
10 Harris was in there. We weren't looking for anything else.

11 Q Okay. Did you leave that responsibility for
12 documenting the apartment to CSAI?

13 A Yes, and detectives.

14 Q Okay. And the detectives, as well. Okay. Did you at
15 any point try to contact my client by phone?

16 A I don't recall.

17 Q Okay. If you had done so, would you have written it
18 in a report?

19 A Yes.

20 Q Do you recall having written it in any report?

21 A I didn't write the report.

22 Q Okay. So there's no report that reflects you tried to
23 contact my client; correct?

24 A Yes, there's no report.

25 Q And you have no independent recollection of trying to

1 contact my client; correct?

2 A No.

3 Q Okay. At what point did you clear yourself from the
4 investigation?

5 A I don't recall the time.

6 Q When detectives got involved, did you remain on the
7 investigation, or did you essentially let them take over?

8 A Well, when detectives arrive, protocol is they take
9 over the investigation. I standby if need be, but what I
10 remember now, Officer Ferron stayed, and I left and cleared.

11 Q Okay. So it's not like you were investigating this a
12 couple of days later. When detectives got there, you were
13 pretty much finished?

14 A Once I went to that call, I haven't heard about it
15 since today.

16 Q Okay. Thank you. No further questions.

17 A Okay. Thank you.

18 THE COURT: Redirect.

19 MS. SUDANO: Very briefly. Thank you.

20 REDIRECT EXAMINATION

21 BY MS. SUDANO:

22 Q Officer Bianco, you were asked some questions about
23 the type of car. Do you recall Ms. Dotson actually stating that
24 it was a Honda as you were pulling up to the complex?

25 A I do.

1 Q Okay. And was that apparent in the body camera?

2 A Yes.

3 Q Okay. So it was just your misunderstanding initially?

4 A Yes.

5 Q Okay. Now, you were asked some questions about
6 whether or not you tried to speak with Ms. Dotson's boyfriend
7 that evening. Do you recall those questions?

8 A I do recall the questions.

9 Q Okay. And you had indicated something about your
10 normal protocol regarding witnesses or parties involved in a
11 domestic dispute. What is that normal protocol as far as
12 speaking to the parties that are present?

13 A We would like to make contact with them to get their
14 side of the story.

15 Q Okay. So typically if both parties are still present,
16 will you speak with both parties?

17 A Yes. What we do is we separate both parties so they
18 can't influence one another, and we get both sides of the
19 stories and officers will get back together, compare stories,
20 and see what they have.

21 Q Are you able to speak to somebody if they're not
22 present when you arrive?

23 A The party who is still there I'll speak to. The other
24 half, we'll try our best, but if they're not there, we can't
25 speak to them.

1 Q Okay. And you had indicated that there were some
2 attempts to locate that vehicle or Ms. Dotson's boyfriend that
3 evening; is that correct?

4 A Yes.

5 Q And what were those steps again?

6 A I broadcasted -- at first I broadcasted, as we
7 discussed earlier, the Hyundai. So officers were ATL on Boulder
8 Highway all the way to the 95 for his vehicle. Also, I called
9 my one friend who -- an officer who works down in Bolden and
10 asked him about the general area of what she was describing to
11 me where he would be going because I am not familiar with Bolden
12 at all. I've never worked down there.

13 Q Okay. But there were efforts made to locate Ms.
14 Dotson's boyfriend that evening?

15 A Yes.

16 MS. SUDANO: Nothing further. Thank you, Your Honor.

17 THE COURT: All right. Recross.

18 RECROSS-EXAMINATION

19 BY MR. SHEETS:

20 Q And, Officer, just to clarify, and actually maybe --
21 is it detective now?

22 A No, officer.

23 Q Okay. Officer, while you testified that you generally
24 try to talk to both parties, in this case you had already made
25 the determination as soon as Ms. Dotson told you what happened

1 that you were going to arrest my client; correct?

2 A Yes.

3 Q So had my client spoken to you about the case, you
4 still intended to place him under arrest; correct?

5 A Unless he had a different story about what took place
6 that night, but with the evidence I had, her swollen eye, her
7 story.

8 Q Okay.

9 A So yes.

10 Q And the evidence that you had was the injury, correct,
11 to the eye?

12 A [Nods head yes].

13 THE COURT: You need to answer yes or no.

14 THE WITNESS: Oh. Yes.

15 BY MR. SHEETS:

16 Q And you didn't see any injuries to her neck; correct?

17 A Not what I can see, no.

18 Q Okay. And you didn't see any injuries to the top of
19 her head; correct?

20 A I don't recall looking at the top of her head.

21 Q And you didn't see any injuries to her legs; correct?

22 A I don't recall looking at her legs.

23 Q Okay. You don't -- you don't recall any injuries to
24 her arms or wrists; correct?

25 A The only injury I recall is the one to her eye.

1 Q Okay. And --

2 MR. SHEETS: No further questions.

3 THE COURT: Redirect.

4 MS. SUDANO: No. Thank you, Your Honor.

5 THE COURT: Does any member of the jury have a
6 question for this witness? Anybody? Going once, going twice.
7 All right.

8 Thank you very much for your testimony here --

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: -- today, sir. You're excused.

11 THE WITNESS: Thank you.

12 THE COURT: State may call its next witness.

13 MS. CRAGGS: The State calls Ken Krmpotich. If I
14 could approach the clerk, Your Honor.

15 THE COURT: Sure.

16 Sir, if you'd come up to the witness stand. There are
17 a couple steps. When you get to the top, stay standing for just
18 a second, and our clerk over here will swear you in.

19 THE WITNESS: Thank you, Judge.

20 KEN KRMPOTICH, STATE'S WITNESS, SWORN

21 THE CLERK: Please be seated.

22 THE WITNESS: Thank you.

23 THE CLERK: Please state your name and spell your
24 first and last name for the record.

25 THE WITNESS: I am Ken Krmpotich, first name, K-E-N,

1 last name K-R-M-P-O-T-I-C-H, Badge No. 5809. I am a detective
2 with Las Vegas Metro Police Department.

3 THE COURT: Go ahead.

4 MS. CRAGGS: Thank you.

5 DIRECT EXAMINATION

6 BY MS. CRAGGS:

7 Q So you said you're a detective with Las Vegas Metro
8 Police Department?

9 A Yes, ma'am.

10 Q Are you in a specific area?

11 A I am in Southeast Area Command.

12 Q What are the boundaries of that command?

13 A It's a big one. It's like 52 square miles. I don't
14 know the exact boundaries. DI to Russell. We pretty much go
15 all the way to the casino on the south side of the Henderson as
16 you're going down 95, and I think Eastern. No, I'm sorry,
17 Maryland Parkway. Split Maryland Parkway in half and we're on
18 the east side.

19 Q Okay. How long have you been with Metro?

20 A 19 years.

21 Q And how long have you been a detective?

22 A Probably going on eight or nine years.

23 Q And do you have any training and experience for your
24 current position?

25 A Yes.

1 Q And what is that?

2 A I've completed search warrant classes, I was a
3 detective in the gang until for probably five, six years, did
4 training there, so went to all the classes that I needed to go
5 to.

6 Q What kind of detective are you considered now?

7 A A general assignment detective. So we handle
8 everything from thefts to murders, attempted homicides, that
9 type of stuff.

10 Q And when you say you handle them, what do you do?

11 A We go out and process the scene, make sure that we're
12 getting all the information, conduct interviews, collect
13 evidence, make sure the evidence is collected right, and then
14 conduct an investigation afterwards.

15 Q I think you said you have some special training
16 regarding search warrants?

17 A Yes.

18 Q Okay. And what is that?

19 A I've taken search warrant classes, probably have done
20 about 20 search warrants.

21 Q So as part of your duty as a patrol detective, are you
22 contacted sometimes by other officers or detectives to help
23 author search warrants?

24 A Yes.

25 Q And do you recall being contacted by another officer

1 or detective to author a search warrant regarding a case
2 involving an individual named Barry Harris?

3 A Yes, I do.

4 Q And do you recall who it was that contacted you?

5 A It was Detective Kevin Carey.

6 Q Do you remember why Detective Carey asked you to help
7 him out?

8 A Yeah, he was sick or had something going on that day.
9 I think he had a sick day and asked me if I could draft a search
10 warrant and conduct a search on the vehicle that was impounded
11 at Ewing Brothers.

12 Q Okay. And do you recall if that was a silver Honda?

13 A Yes.

14 Q And do you recall if that was on August 29, 2017?

15 A I would have to look at the exact date, but --

16 Q Okay. Would looking at the time that you actually
17 applied or the date you actually applied for the search warrant
18 help you to recall the time and date?

19 A Yes.

20 Q Okay.

21 MS. CRAGGS: Your Honor, may I approach with a copy of
22 the search warrant?

23 THE COURT: Go ahead.

24 BY MS. CRAGGS:

25 Q Just take a look at this and let me know when your

1 memory has been refreshed, okay?

2 A Okay.

3 Q And then hand it back to me.

4 A Thank you. Yes, sir, it was August 29th.

5 Q Thank you.

6 A Uh-huh.

7 Q So when you were contacted by Detective Carey to help
8 him author this search warrant, what were the first steps that
9 you took?

10 A The first step I did is I wanted to get all the
11 information that he had, so he was email -- he was able to email
12 me all of his information that he had on the case that he had
13 gotten together from his investigation. I then took that and
14 used that for my probable cause and search warrant to get the
15 search warrant.

16 Q And what is the stuff that you take once you've
17 authored the search warrant? Do you need to get permission from
18 another entity?

19 A Yes, I have to go find a judge to get it signed.
20 There was no exigent circumstances, so usually we'll do a
21 telephonic if it's an exigent circumstance like we need to get
22 into the car now. But we didn't have to do that this time, so
23 when we do that, we have to go to a judge, call them up, go to
24 their house, come here, wherever we need to go. They read it,
25 they sign it, and then we -- we're good to go then.

1 Q Now, in this particular case did you get a judge to
2 look over your search warrant and then sign it?

3 A Yes, ma'am, I did.

4 Q Now, you said that there weren't exigent circumstances
5 in this particular case. Where was the vehicle?

6 A It was parked at Ewing Brothers. It was sealed and
7 parked -- sealed there at the scene, towed to Ewing Brothers and
8 parked in the lot.

9 Q So when you say sealed, is there a specific protocol
10 that Metro uses in order to seal these types of vehicles?

11 A Yes, ma'am. We have stickers that are evidence
12 stickers, and they are stuck on all of the seams on the doors
13 where entry could be made, and initialed and -- and whoever
14 seals it puts their initials and stuff on it, so --

15 Q What's the purpose of the seal?

16 A That is to make sure if someone goes to get in there,
17 they have to break that seal and we would know that it was
18 tampered with and that something was gone wrong.

19 Q And if, let's say, a seal is tampered with, do you
20 continue with the search at that point?

21 A No, I would not.

22 Q Okay. What would you do at that point?

23 A I would notify my supervisor and then go a different
24 route.

25 Q Okay. So in this case, once a judge signed your

1 search warrant, what steps did you take next?

2 A I grabbed my partner and I notified my supervisor. We
3 met out at the tow yard. And once everyone was there, we
4 started conducting the search -- or started the process of the
5 search.

6 Q Now, you said once everybody was there, who was all
7 present?

8 A It would be myself, Detective Loreson (phonetic), my
9 partner, and my supervisor at that time was Sergeant Lepore.

10 Q And just to be clear, you hadn't had any involvement
11 in this case prior to authoring the search warrant for Detective
12 Carey?

13 A The only -- the only thing I did when we were called
14 out to that scene, I got there, we were briefed, basically, from
15 patrol, and then I was -- my partner and I were given the
16 assignment of going and checking residences of his past
17 addresses to see if maybe he stopped there or went there to lay
18 his head. So we were looking for him. After that, we were
19 done.

20 Q Okay.

21 A So that was my little bit of involvement.

22 Q So you actually did go to that initial scene on August
23 22nd?

24 A Right. But I never was inside. It was just a
25 briefing out in the parking lot.

1 Q And then when you did go and check these residences,
2 were you ever able to locate the suspect?

3 A No, ma'am.

4 Q Okay. So then from that time until the time that you
5 were contacted by Detective Carey to help with the search
6 warrant, you didn't do any other investigation?

7 A No, I did not.

8 Q Okay. So you said you began once you arrived at the
9 two yard the process for searching the vehicle.

10 A Uh-huh.

11 Q Can you tell the ladies and gentlemen of the jury
12 what's the process you go through when doing a search?

13 A Yeah. The first thing we do is we contact the -- the
14 office, and they let us know where it is in the tow yard, and
15 it's in a secure area that's fenced in, and so we make -- made
16 our way to there. They showed us where it is. We ended up
17 taking picture of the car showing us that the seals haven't been
18 broken, and we document that it's still intact. And then after
19 that we -- we break the seals, and we start methodically searing
20 through the car.

21 Q Okay. And you said you take pictures. Who actually
22 took the pictures --

23 A Detective --

24 Q -- in this particular case?

25 A I'm sorry. Detective Loreson did.

1 Q Were you with Detective Loreson the entire time he was
2 taking these photographs?

3 A Yes, I was.

4 Q Okay. And were you present for the entirety of the
5 search?

6 A Yes, I was.

7 Q Okay.

8 MS. CRAGGS: Your Honor, may I approach the witness?

9 THE COURT: Sure.

10 BY MS. CRAGGS:

11 Q I'm handing you State's Proposed Exhibits 49 through
12 62.

13 A Okay.

14 Q I just want you to look through those and tell me if
15 you recognize what's depicted in those photographs.

16 A Yes, ma'am. Yes, ma'am.

17 Q And how do you recognize what's depicted in those
18 photographs?

19 A I was there when we took them.

20 Q Do they appear to be pictures that, I think you said
21 Detective Loreson took on August 29, 2017, when you were
22 searching the vehicle.

23 A Yes.

24 Q Do they appear to be fair and accurate copies of what
25 that vehicle looked like on that day?

1 A Yes.

2 MS. CRAGGS: Your Honor, I would request that State's
3 Proposed Exhibits 49 through 62 be entered into evidence.

4 THE COURT: Any objection?

5 MR. SHEETS: Yes, Your Honor. I'd ask for a sidebar.

6 THE COURT: All right.

7 (Bench conference)

8 THE COURT: Something new?

9 MR. SHEETS: Yeah, something new just came up. The
10 search warrant indicates that the Detective Krmpotich conducted
11 a recorded interview with Nicole Dotson, and then Sunrise is a
12 recorded interview, and now he's testifying that he did not
13 conduct a recorded interview. That's information that he gives
14 in support of his application and affidavit for a search
15 warrant. So I may actually have an issue as to the underlying
16 validity of the application or affidavit now that we're hearing
17 testimony that he didn't conduct a recorded interview.

18 MS. CRAGGS: Your Honor --

19 THE COURT: Okay.

20 MS. CRAGGS: -- if I can respond real quick.

21 THE COURT: All right.

22 MS. CRAGGS: Thank you. And, Your Honor, we didn't
23 speak with the detective about that particular issue. And his
24 understanding is that he was copy and pasting the report from
25 Detective Carey and realized after the fact that he simply -- if

1 you look at Detective Carey's report, it's literally verbatim
2 because he copy and pasted it into that search warrant. So I
3 can certainly clear that up with him, though the search warrant
4 is not in -- we're not trying to enter the search warrant into
5 evidence, so I'm not sure.

6 THE COURT: I don't think his issue is with the search
7 warrant. His issue is with the representations made in the
8 search warrant. I mean, you know, based on the representation
9 that's been made by counsel, I'm guessing it's a misstatement in
10 the warrant.

11 MS. CRAGGS: That's correct, Judge.

12 MR. SHEETS: In the application, and that's my concern
13 is, you know, who knows if the court that it was signed and the
14 warrant was signed might have had a different position. You
15 know, you don't know. I mean, they -- the affidavit himself is
16 saying that he personally had knowledge of this versus really
17 information from other folks.

18 And I can't -- I can't put out there whether or not I
19 believe Judge Delaney would have ruled differently on the search
20 warrant application if the information had been there.
21 Nonetheless, an application was, whether mistaken or not, was
22 submitted with incorrect or inaccurate information.

23 THE COURT: Well, I think case law as it relates to a
24 search warrant is whether or not the agent either recklessly or
25 -- intentionally or recklessly included false information or

1 omitted false information. Assuming that we treat this as
2 reckless false information, the position at that point in time
3 would be to look at it with the admitted information or the
4 misinformation corrected and determine whether or not the judge
5 would have signed off on the warrant.

6 In this instance, I would have -- I'm going to find
7 that Judge Delaney, if she had known that another officer had
8 taken a recorded interview and had -- and that this officer
9 included it in there, would have found the probable -- the same
10 thing for probable cause. So go forward on that basis now.
11 That's something that you can cross-examine him on if you want
12 to -- want to do that in terms of his credibility as a witness
13 in this matter.

14 MR. SHEETS: Yes, Your Honor.

15 THE COURT: All right.

16 MS. CRAGGS: Thank you.

17 (End of bench conference)

18 THE COURT: All right. Any objection to 49 to 62?

19 MR. SHEETS: Other than those at sidebar, no, Your
20 Honor.

21 THE COURT: All right. I'll overrule, and we'll admit
22 49 to 62.

23 (State's Exhibits 49-62 admitted)

24 MS. CRAGGS: Your Honor, may I publish to the jury?

25 THE COURT: Go ahead.

1 MS. CRAGGS: Thank you.

2 BY MS. CRAGGS:

3 Q I'm showing -- and you can look to the left.

4 A Okay.

5 Q Okay. You'll see State's Exhibit 49. What does this
6 appear to be, Detective?

7 A That appears to be the vehicle that we did the search
8 warrant.

9 Q Okay. And State's 50. What's that?

10 A Exact same thing. The vehicle we appeared to do a
11 search warrant on.

12 THE COURT: Can I get you to move a little closer to
13 the microphone, Detective?

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you.

16 BY MS. CRAGGS:

17 Q And State's 51?

18 A Yes, exactly. The same -- same vehicle.

19 Q The trunk of that vehicle?

20 A Yes, the trunk that we did the search warrant on.

21 Q And did you see those orange seals in all of the
22 photos that we just saw?

23 A Yes, I did.

24 Q And showing you State's 51. What is this depicting?

25 A I'm sorry. What did you say?

1 Q What does this show?

2 A This shows that the -- this shows the seal that we --
3 we put on there. It's put over the seam between the trunk and
4 the fender. It allows us to know that that hasn't been tampered
5 with. It's been signed by the -- the detective that --
6 detective or sergeant with the event number. If that is broken,
7 then we would not go forward.

8 Q Can you please just show us where it's signed by the
9 detective or sergeant?

10 A Yeah. Do I just touch it?

11 Q Yeah, please. You can actual circle it.

12 THE COURT: Circle it.

13 THE RECORDER: There's a stylus --

14 THE WITNESS: Circle?

15 THE RECORDER: -- below.

16 THE WITNESS: Okay. Here is the detective right here.

17 THE COURT: Okay. And you circled that?

18 THE WITNESS: Yes.

19 THE COURT: Okay. Thank you.

20 MS. CRAGGS: Your Honor, it's the lower right-hand
21 corner of the sticker. Okay. Thank you.

22 THE WITNESS: And then the other one is probably a
23 witness that is over here. It's another.

24 THE COURT: And that's a circle you just did to the
25 left?

1 THE WITNESS: Yes.

2 THE COURT: All right.

3 THE WITNESS: That's going to be two officers. Both
4 of them have our P-numbers and it's probably just a witness is
5 what I would be guessing.

6 BY MS. CRAGGS:

7 Q And none of the seals were broken on this vehicle;
8 correct?

9 A No, none of the seals were broken or looked like they
10 were tampered with.

11 Q All right. I'm showing you State's 53. What is that
12 picture of?

13 A That is the inside driver seat compartment of the
14 vehicle.

15 Q Okay. And 54?

16 A That is the backseat passenger side view.

17 Q And in terms of what you're taking pictures of at this
18 point, are you just documenting everything within the vehicle?

19 A Yes, ma'am.

20 Q And is this typically what you do when you do a search
21 of this type?

22 A Yes.

23 Q And I should have asked you this before. In regards
24 to the search warrant, what specifically were you authorized to
25 look for within this vehicle?

1 A I was looking for a firearm, a black firearm with a
2 brown handle with a skinny barrel, and then any ammo, gun parts,
3 anything to do with a firearm. I was also looking for paperwork
4 that would show that this belongs to Barry Harris, anything that
5 had his name on it in there and stuff like that.

6 Q Now, in regards to how you actually wrote the search
7 warrant, you said that Detective Kevin Carey sent you
8 documentation?

9 A Yes.

10 Q What is it that he sent you?

11 A Because this was, in our opinion, a violent crime, we
12 try to do as -- try to get this person in custody as quickly as
13 we can. So once the crime happened, he was working on the
14 search warrant and -- I'm sorry, arrest warrant, and his
15 probable cause for -- for that. He also -- we also involved our
16 criminal apprehension team, which is CAT team. When we are
17 looking for someone, these guys are experts at finding them.

18 MR. SHEETS: Objection, Your Honor. Relevance.

19 THE COURT: I think he's already gone through that and
20 up to that point in time. I'm not going to overrule it, but
21 let's be --

22 MS. CRAGGS: We'll move on, Judge.

23 THE COURT: -- more directed in terms of our
24 questions.

25 MS. CRAGGS: Yes. Thank you, Judge.

1 THE WITNESS: Sorry.

2 BY MS. CRAGGS:

3 Q So in terms of the actual documentation that Detective
4 Kevin Carey sent you --

5 A Yes.

6 Q -- did he send you his arrest report? What did he
7 actually send you?

8 A He sent me his -- it would be his either arrest report
9 or his warrant that he was working on for Mr. Harris.

10 Q Okay. And do you -- what do you do with that arrest
11 report and warrant in terms of your application for the search
12 warrant in this case?

13 A That was his -- basically his probable cause, so I
14 used his probable cause to get my search warrant.

15 Q So when you say used, what does that mean?

16 A I used his -- his language, what -- all of his
17 probable cause that he had doing his investigation from, you
18 know, from his meeting with the officers to his interview.

19 Q So when you say he used his language, did you actually
20 take the language out of the arrest warrant and put it into the
21 search warrant?

22 A Yes, I did.

23 Q Okay. And since you've been reviewing for your
24 testimony in this case, have you noticed that there were any
25 issues within your search warrant?

1 A I did.

2 Q And what were those issues?

3 A Can I look --

4 Q Well, if you need to have your memory refreshed, let
5 me know, okay.

6 A Yeah. Yeah, that would be great because I don't -- it
7 would be a little --

8 Q You need to look at your search warrant --

9 A Yes.

10 Q -- as to potential issues?

11 A Yes.

12 Q Okay.

13 MS. CRAGGS: May I approach?

14 THE COURT: Go ahead.

15 MS. CRAGGS: Thank you, Your Honor.

16 BY MS. CRAGGS:

17 Q So take a look, and then when you're done, hand it
18 back to me and then let me know --

19 A Sure.

20 Q -- what you see, okay? You've got to hand it back to
21 me first.

22 A Yes, ma'am. Sorry.

23 Q Thank you. Is your memory now refreshed, sir?

24 A Yes.

25 Q Okay. And what was the issue that you noticed when

1 you were prepping for your testimony?

2 A On page 3, I think it's the second paragraph there,
3 it's the beginning of the taped statement or the interview that
4 Detective Carey did with the victim. I did not change "I" to
5 "Detective Carey". It says "I", which I made the mistake. I
6 should have changed it to "Detective Carey". That was the
7 mistake that I made.

8 Q So just for -- to make sure I understand, when you
9 copy and pasted from his arrest warrant into your search
10 warrant, you didn't change "I" to "Detective Carey"?

11 A No.

12 Q Okay. And then do you actually sign the search
13 warrant?

14 A Yes.

15 Q Okay. So does it read as if you're the one who
16 actually did some of the things that Detective Carey did?

17 A Yes.

18 Q And specifically, took the recorded the statement?

19 A Right.

20 Q Okay.

21 A Right.

22 Q I want to get back to the photos. Let's look at
23 State's 55. Okay. What's depicted in that photo?

24 A It appears to be clothes.

25 Q And 56?

1 A That is the trunk of the vehicle with clothes and --
2 and boxes.

3 Q Okay. 57?

4 A That is the rear passenger seat floor.

5 Q Okay. And 58?

6 A That is the bag that was on the floor that was
7 containing ammunition.

8 Q Okay. And was this the same bag that's depicted in
9 58?

10 A Yes.

11 Q That's also depicted in State's 57?

12 A Yes.

13 Q Okay. And I'm pointing to the bottom right-hand
14 corner. Is that the bag we're talking about?

15 A Yes, ma'am.

16 Q Okay. And this is the back passenger seat of that
17 vehicle?

18 A Yes.

19 Q Okay. Now, I'm showing you State's 59. What's
20 depicted in 59?

21 A That is an extended magazine.

22 Q And where was this found, if you know?

23 A That was found in the trunk.

24 Q And I'm showing you State's 60. Do you know what that
25 is?

1 A Yes, that is a box of ammo that was found in the
2 trunk, also.

3 Q Okay. And State's 61, is that just another --

4 A That is -- that is another bag that was found with a
5 magazine in it. Oh.

6 Q And I think I actually --

7 A Yeah.

8 Q -- numbered these poorly.

9 A I'm sorry.

10 Q Does this appear --

11 A That was -- yeah, that was inside that bag. I'm
12 sorry. That -- the magazine was underneath the ammo with the
13 ammo on top of that magazine.

14 Q So just let me clarify here.

15 A Yeah.

16 Q So State's 61 is the same bag that's shown in State's
17 58?

18 A Yes.

19 Q Okay. And this -- there was a magazine and there was
20 ammo found in that bag?

21 A Yes, ma'am.

22 Q Okay. Now, did you find any firearms within the
23 vehicle?

24 A We did not.

25 Q Okay. Do you remember how many types of ammunition

1 and magazines that you did find in the vehicle?

2 A I do not.

3 Q Okay. Would looking at your search warrant return
4 help you to remember that?

5 A Yes.

6 Q Okay. And can you explain what a search warrant
7 return is?

8 A Yeah. The return is everything that we take out of
9 the vehicle we put on there. So if it's a box of miscellaneous
10 ammunition, it would be that. If we got a firearm, I would put
11 the firearm with the serial number, you know, and what kind it
12 was. So it's anything that we take with us, we document and
13 leave there with the vehicle letting them know what we have
14 taken.

15 MS. CRAGGS: May I approach?

16 THE COURT: Go ahead.

17 MS. CRAGGS: Thank you.

18 BY MS. CRAGGS:

19 Q So handing this to you.

20 A Uh-huh.

21 Q Again, take a look at it and hand it back to me when
22 you're done and let me know if your memory is refreshed.

23 A Yes.

24 Q Okay. What did you find within that vehicle?

25 A Two magazines, one was an extended magazine, and then

1 miscellaneous ammunition.

2 Q And when you say magazines, what does that mean?

3 A The magazine, or some people refer to it as a clip, it
4 goes inside the gun and that holds the ammunition that is loaded
5 into the gun when it is fired.

6 Q And then I'm showing you State's 62. I'll zoom in a
7 little bit. What is this picture depicting?

8 A That is paperwork that was found inside the vehicle
9 that was related to Mr. Barry Harris.

10 Q And what's the purpose of taking that type of
11 photograph when you're doing a search?

12 A That just shows that he has some type of ownership or
13 has been in that vehicle.

14 MR. SHEETS: I'm going to object as to speculation.

15 THE COURT: I'll overrule. You can deal with that on
16 cross-examination.

17 MS. CRAGGS: Thank you, Judge.

18 BY MS. CRAGGS:

19 Q Now, can you see what is noted on this particular
20 letter?

21 A Yes.

22 Q And what does it say?

23 A It's -- it's a letter for Barry R. Harris, with an
24 address of 5921 Smoke Ranch Road, No. C, Las Vegas, Nevada,
25 89108.

1 Q And is there also an insurance form right underneath
2 that?

3 A Yes.

4 Q Okay.

5 MS. CRAGGS: Court's indulgence.

6 THE COURT: Okay.

7 BY MS. CRAGGS:

8 Q And, actually, I didn't think you could see this, but
9 I think if I zoom in enough, you can. Can you tell what the
10 name is on the insurance form?

11 A Yes. Shelia Towns.

12 Q Okay. So you found documentation that went back to
13 Mr. Harris, but then also documentation that showed Shelia Towns
14 paid the insurance?

15 A Yes.

16 Q Okay.

17 MS. CRAGGS: Nothing further, Judge.

18 THE COURT: All right. Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. SHEETS:

21 Q In the vehicle, Officer, you actually found
22 registration for the vehicle and that registration said that it
23 was for Shelia Towns; correct?

24 A Yes.

25 Q Okay. Did you impound that in your return, sir?

1 A No, I did not.

2 Q Did you impound that insurance card in your return,
3 sir?

4 A I did not.

5 Q You also found other correspondence that were made out
6 to other individuals including Ms. Towns; correct?

7 A I'm sorry?

8 Q You found correspondence or documents that had other
9 individual's names on them besides my client; isn't that
10 correct?

11 A I don't remember, to be honest with you.

12 Q Okay. Turning your attention to State's Exhibit 57.
13 There were numerous documents in that center console; correct?

14 A Yes, sir.

15 Q And those have the names of individuals other than Mr.
16 Harris; isn't that correct?

17 A I don't know.

18 Q Now, you had testified earlier that your warrant
19 instructed you to search out for any possessory interest that
20 Mr. Harris might have in the car or the firearms; correct?

21 A Yes.

22 Q Isn't it true that the warrant actually instructs you
23 to seek out any items of personal property which would tend to
24 establish a possessory interest in the items seized?

25 A Yes.

1 Q Okay. So in this particular instance, the search
2 warrant authorized you to go collect these documents that would
3 show a possessory interest regardless of whether it's my client
4 or somebody else; correct?

5 A Right.

6 Q And in this circumstance, you're now testifying that
7 you saw an insurance card with somebody else's name on it;
8 correct?

9 A Right.

10 Q And my client's name was not on it; correct?

11 A I don't -- I don't -- I don't think so.

12 Q Okay. And you didn't impound that; correct?

13 A I took photos of it.

14 Q Okay. And -- and are these the extent of the
15 photographs that were taken, sir?

16 A I don't know. I'd have to go back and look.

17 MR. SHEETS: If I may approach, Your Honor.

18 THE COURT: Go ahead.

19 BY MR. SHEETS:

20 Q If you'd like to take a look through those and let me
21 know if there are any --

22 THE COURT: Are you showing the --

23 BY MR. SHEETS:

24 Q -- additional photographs that you took.

25 THE COURT: Are you showing the complete set of 49 to

1 62?

2 MR. SHEETS: Yeah, as the State had left it here.

3 Yes.

4 THE COURT: Okay. I just wanted to make sure we know
5 what you're showing him.

6 MR. SHEETS: May I approach again, Your Honor?

7 THE COURT: Go ahead.

8 BY MR. SHEETS:

9 Q So is that the complete set of photographs that were
10 taken?

11 A I don't -- to be honest with you, I do not remember.

12 Q Okay. So looking at it does not refresh your
13 recollection?

14 A No, sir.

15 Q But it's your testimony today that you took
16 photographs of the insurance card and the registration?

17 A Yes, sir.

18 Q Okay. So if there's no picture of the registration in
19 this photograph, then this would not be a complete -- in this
20 set of photographs, then this would not be a complete depiction
21 of the photographs; correct?

22 A I took -- we took picture of the insurance is what
23 you're saying?

24 Q And you took picture of the registration with Ms.
25 Towns' name on it, as well?

1 A I don't know. I don't know.

2 Q Did you take picture of the insurance card
3 individually?

4 A No, I -- to be honest with you, I don't know.

5 Q Okay.

6 A I wasn't in charge of taking pictures. My partner
7 was.

8 Q Okay. So you don't actually know what photographs
9 were taken?

10 A No, but I can remember what I saw there.

11 MR. SHEETS: Your Honor, I have an objection. Can I
12 get a sidebar? I going to move to strike the photographs.

13 THE COURT: Let's have a sidebar.

14 (Bench conference)

15 THE COURT: All right.

16 MR. SHEETS: We now have an officer who says he cannot
17 recall what documents, like all the documents, what names were
18 on documents, and you have him not sure that this is a complete
19 collection of the photographs. We have him not sure which
20 photographs were taken. At this point, Your Honor, I don't -- I
21 don't believe that he has the foundation to have admitted the --
22 gotten into these photographs in the first place.

23 He originally testified that they were complete and
24 accurate depictions, that he was present during all of it and
25 that they were accurate photographs, but now he's not sure which

1 photographs were taken and when they were taken because it was
2 just his partner doing that. And I have a real concern now as
3 to the validity of these exhibits, especially given that he's
4 now potentially indicating additional photographs were taken
5 that haven't been provided to me.

6 THE COURT: Well, in terms of --

7 MR. SHEETS: [Inaudible].

8 THE COURT: No, and I'm not -- but you don't need to
9 take the photograph or see the photograph being taken in order
10 to authenticate it. He said these were true and accurate
11 depictions of what he saw during the course of the search. So
12 the foundation for the photographs is -- is fine. In terms of
13 the issue of whether there's any other photographs out there,
14 then obviously, you know, that's -- that's something you can
15 bring up on cross-examination. And I have to admit, I'm
16 concerned, are there any?

17 MS. SUDANO: Michelle Sudano for the State. There are
18 a couple of photographs that we did not include. It was --
19 there's like a far away picture of that insurance card and that
20 letter, and the one that he's got in that packet is just zoomed
21 in. And then there's a couple like the warrant return that was
22 left on the seat of the car that we didn't include in the packet
23 because we didn't think that those were relevant.

24 MS. CRAGGS: Maybe one shot of the car [inaudible].

25 MS. SUDANO: Yeah, and then like a couple, you know,

1 because they take a million picture of the car around the car.
2 So we did not propose those as exhibits. Those were provided to
3 Mr. Sheets as far as that goes. So I don't think -- his issue,
4 I think, is that he doesn't know if we have included all of the
5 photographs and so that's why he's saying I don't know. But to
6 our knowledge, there are no additional photographs that have not
7 been turned over.

8 THE COURT: All right. So whatever photographs aren't
9 in the packet, Mr. Sheets was provided with those?

10 MR. SHEETS: Look at -- I have the summary printout of
11 all of them. If I can just look and make sure that those are
12 the only two that she's describing that are in that --

13 THE COURT: Well --

14 MR. SHEETS: -- breakdown they gave me. But, I mean,
15 if he's telling me there may have been photographs of
16 registration, I can tell you that's not in the packet.

17 THE COURT: Well, that's fine. I mean, you can say I
18 don't have -- you know, if I don't have -- if -- you can say if
19 the State has -- you know, you asked him, does he know if there
20 are any photos taken of the registration. He says he doesn't
21 know.

22 MR. SHEETS: Okay.

23 THE COURT: All right. I mean, you know, you've got
24 fodder for cross-examination here that seems sort of sloppy,
25 but, you know, so take the fodder and cross-examine. All right?

1 MR. SHEETS: Yes.

2 THE COURT: Let's keep going. All right.

3 (End of bench conference)

4 BY MR. SHEETS:

5 Q Officer -- or Detective, as a detective you are --
6 you're obligated to be as accurate as possible; correct?

7 A Yes.

8 Q And you're obligated to objectively investigate cases;
9 correct?

10 A Yes.

11 Q And part of that objectivity is to look at both
12 inculpatory, which -- to look at evidence which may incriminate
13 or de-incriminate somebody; is that correct?

14 A Yes, sir.

15 Q So when you're looking for an ownership interest in
16 certain things like vehicles, firearms, you're to be objectively
17 looking at all possible owners; correct?

18 A Yes.

19 Q And as part of that, you would be obligated to
20 document that; correct?

21 A Yes.

22 Q In this case you had a search warrant that authorized
23 you to impound any of these personal property items that -- that
24 -- or that showed a possessory interest; correct?

25 A Yes.

1 Q And -- and similarly to document some; correct?

2 A Yes.

3 Q In this particular case you testified that there was
4 registration with somebody else's name on it in the vehicle;
5 correct?

6 A Insurance, I think, is what that -- was on that card.

7 Q Okay. And I had asked you earlier about registration
8 and you had evidence that the vehicle was registered to somebody
9 else and you had said yes; correct?

10 A I would have to see what the registration was on the
11 -- on the vehicle, but it could be.

12 Q You did testify to that earlier, though; is that
13 correct?

14 A I was talking about the insurance --

15 Q Okay.

16 A -- card is what you were saying.

17 Q So when I asked you if there was registration,
18 Officer, and you said correct, that -- that was actually an
19 inaccurate statement?

20 A I was - well, I guess I was confused because I thought
21 you were talking about the photograph with the picture of the
22 insurance. Is that the insurance on there?

23 Q So -- but I had actually, Officer, asked you separate
24 questions on that; correct?

25 A I'm sorry. You what?

1 Q I asked you separately if you found insurance and
2 separately if you had found registration, and you affirmed both
3 of those; isn't that correct?

4 A I don't remember finding registration. I remember
5 finding and taking pictures of what we had.

6 Q Okay. And that includes all of the correspondence in
7 that center console, then?

8 A No, it does not.

9 Q Okay. So you didn't actually photograph all of the
10 documentation in the vehicle; correct?

11 A No, sir.

12 Q Okay. And you didn't actually impound that insurance
13 card, either, did you?

14 A No, I -- we took a photo of it and basically impounded
15 the photo --

16 Q Okay.

17 A -- into our system.

18 Q And nowhere in that document did it say -- did it
19 relate to the vehicle, did it?

20 A That was in the vehicle, is that what you're asking?

21 Q Correct. But it didn't -- nothing written in that
22 document actually related to ownership of the vehicle; isn't
23 that correct?

24 A No, I was just looking for his possessory items, which
25 is his stuff with his name on it in there.

1 Q Okay. So you weren't -- you were just looking for
2 anything that had my client's name on it; correct?

3 A Yes.

4 Q And you weren't looking for anything that might have
5 somebody else's name on it; correct?

6 A No, we did, and we took pictures of it.

7 Q You took a picture of at least the one --

8 A Right.

9 Q -- insurance card; correct? Now, it would it be fair
10 to say that my client's mail; correct?

11 A Yes, sir.

12 Q Now, you did the search on the vehicle on August 29th;
13 isn't that correct?

14 A Yes, sir.

15 Q And the date of the alleged offense was August 22nd;
16 correct?

17 A Yes.

18 Q And you have no personal knowledge of who was in
19 possession of that vehicle between August 22nd and August 29th;
20 correct?

21 A No, I did not.

22 Q Okay. You had no personal knowledge of who else may
23 or may not have been in that vehicle; isn't that correct?

24 A Yes.

25 Q Okay. And I'm going to State's Exhibit No. 57. So

1 this is the bag that you testified finding the --

2 THE COURT: Counsel, I'm not 100 percent sure you
3 referred him to the previous one which had the car insurance.
4 Could you just note for the record what the exhibit number was
5 that you showed him?

6 MR. SHEETS: It appears to be 62.

7 MS. CRAGGS: I'm sorry?

8 MR. SHEETS: It appears to be 62.

9 MS. CRAGGS: It is.

10 MR. SHEETS: Okay.

11 THE COURT: All right. And that's the --

12 MR. SHEETS: That would be the one containing the
13 letters.

14 THE COURT: Okay. All right. Thank you.

15 THE CLERK: Yes.

16 BY MR. SHEETS:

17 Q So looking at No. 57, this is the bag where you found
18 the .380 ammunition?

19 A Yes.

20 Q Now, you testified that you found, State's 59, you
21 found this magazine in the trunk; correct?

22 A Yes.

23 Q Okay. Now, State's 60, you testified that you saw
24 this ammunition in the trunk; correct?

25 A Yes.

1 Q Now, taking a look at State's 58, there appears to be
2 a white plastic bag inside that bag; correct?

3 A Yes.

4 Q And that white plastic bag is consistent in texture to
5 this ammunition, isn't that correct?

6 A I don't know.

7 Q Okay. Is it possible, Officer, that you're mistaken
8 and this was actually found inside that bag?

9 A No.

10 Q Okay. Now, Officer, what did the top of this bag say?

11 A Girl talk.

12 Q Okay. And that's a bag that you found ammunition in;
13 correct?

14 A Yes.

15 Q And when you entered the vehicle to search, that bag
16 was closed; isn't that correct?

17 A I don't remember. I don't know if it was --

18 Q Okay. So you're unaware as to whether it was zipped
19 shut or it was wide open?

20 A Yes.

21 Q Okay. But in this photo there doesn't appear to be
22 any ammunition hanging out of it; correct?

23 A No.

24 Q So you have a bag that says girl talk; correct?

25 A Yes.

1 Q In a car that has insurance linking it to the
2 ownership by another woman; correct?

3 A Yes.

4 Q All right. And you never made any attempt to contact
5 the registered owner of the vehicle; is that correct?

6 A I don't know if that was done. I did not.

7 Q Okay. And you did not find a firearm in that car;
8 correct?

9 A No, I did not.

10 Q And to your knowledge, you didn't run that ammunition
11 for fingerprints; isn't that correct?

12 A No, we did not.

13 Q Okay. Now, Officer, we talked a little bit about your
14 duty to be as objective as possible, but you also have a duty to
15 be as accurate in detail as possible; isn't that correct?

16 A Yes, sir.

17 Q And that includes when writing reports; correct?

18 A Uh-huh.

19 Q Taking statements; correct?

20 THE COURT: You need --

21 THE WITNESS: Yes.

22 THE COURT: -- to answer yes or no.

23 THE WITNESS: Yes, sir.

24 BY MR. SHEETS:

25 Q Testifying; correct?

1 A Yes.

2 Q Applying for things like search warrants; correct?

3 A Yes, sir.

4 Q And in this particular case, you've testified that you
5 submitted a search warrant indicating that you personally, your
6 affidavit for a search warrant indicating that you had
7 personally interviewed Ms. Dotson; isn't that correct?

8 A Yes.

9 Q And that -- that didn't actually happen; isn't that
10 correct?

11 A No, sir.

12 Q And this was the final document that you actually
13 submitted to the Court; isn't that correct?

14 A Yes, sir.

15 Q Okay. You didn't find any receipts dealing with that
16 ammunition in the car, did you?

17 A No, sir, I did not.

18 Q Okay. So you found -- so just so I make sure it's
19 right. You found documents with more -- with names other than
20 my client in the vehicle, and you found no documents that
21 affiliated the ammunition to my client; correct?

22 A The documents we found with the names on it were taken
23 picture of.

24 Q And -- and the only document inside the vehicle that
25 actually linked a name in that vehicle did not have my client's

1 name on it; correct?

2 A There were more documents in there with names on them.

3 Q Okay.

4 A But I only grabbed those two because those were the
5 names that were on the documents.

6 Q Okay. So there were other documents with Ms. Towns'
7 name on them, as well?

8 A There probably could have been. All I did was grab
9 the two names that we -- we saw on the documents to document
10 those were the names that we found, if that makes sense. Am I
11 confusing you?

12 Q So -- fair enough. So it would be fair to say that
13 there were documents with other names on them, but you don't
14 know what those other names were today?

15 A No, if there was another name in there, I would have
16 taken a picture of it if that's what you're getting at. The
17 name -- the documents were in there, if it had her name on it or
18 his name, we grabbed two that -- of the names that were on the
19 documents. If I found another name with John Smith on there, I
20 would have grabbed that and taken picture of it. I documented
21 that I had the two photos that we have right there are the names
22 that I found, we found during our search were the only two names
23 on the paper that were in there.

24 Q So if you found maybe four documents with Ms. Towns'
25 name on them and four documents with Mr. Harris's name, you --

1 you only photograph one of them or do you photograph all of
2 them?

3 A I usually just photograph one to show that there is
4 possessory in there, there's something with his name on it in
5 that car or house or --

6 Q So in that center console, those other documents that
7 you said you found may have had Ms. Towns' name on them or Mr.
8 Harris's name?

9 A Yes.

10 Q Okay. But you don't know how many of each of those
11 documents had whose name on them?

12 A I don't.

13 Q And you didn't document that in the return; correct?

14 A No, sir, I didn't, because --

15 Q You didn't impound those; correct?

16 A I did not.

17 Q And you didn't photograph those; correct?

18 A I just photographed the two with his name on it, sir.

19 Q So you didn't photograph the additional; correct?

20 A No, I did not.

21 Q Okay. And you had knowledge of who that registered
22 owner of that vehicle was; correct?

23 A Probably at that time, yes.

24 Q Okay. And your knowledge was that it was registered
25 to Shelia Towns; correct?

1 A I think so.

2 MR. SHEETS: No further questions.

3 THE COURT: Redirect.

4 MS. CRAGGS: Yes, Your Honor. Thank you.

5 REDIRECT EXAMINATION

6 BY MS. CRAGGS:

7 Q So, Detective, I want to just talk about what it is
8 that was actually impounded from the search. Did you impound
9 the letter that had Mr. Harris's name on it?

10 A I did not.

11 Q Okay. But what did you do in order to document that?

12 A I took photos of the -- the letter and his name on it.

13 Q Regarding the insurances information that had Shelia
14 Towns' name on it --

15 A Right.

16 Q -- did you impound that?

17 A I did not.

18 Q What did you do to document that her name was also
19 associated with the vehicle?

20 A I took photos of them.

21 Q Just to clarify, if there was a third or fourth name
22 that were on documents that were found in the vehicle, would you
23 have taken photos of that?

24 A Yes.

25 Q Is that a policy or is that training that you received

1 from Metro in terms of how to appropriately take photos during a
2 search?

3 A Training that I received.

4 Q Okay. So in every single search you do, you're going
5 to take photos that show anybody's name that's linked with that
6 vehicle?

7 A Yes.

8 Q And in this case there were two names?

9 A Yes.

10 Q Okay. Also, in terms of taking pictures of a vehicle,
11 what's the purpose of taking photos of all these different
12 things within the vehicle? Are you trying to find things
13 relevant to your search warrant?

14 A Yes, I'm documenting the scene. I am trying to find
15 anything that, like you said, is relevant to the search warrant,
16 and then anything that might help later on.

17 Q Okay. Did you, to your knowledge, and we can look at
18 the photos if you don't remember, but to your knowledge did you
19 find anything within the vehicle that you would associate with a
20 male individual?

21 A Yes.

22 Q And I believe you said that the -- if you could remind
23 me, what was found in the trunk that you actually impounded?

24 A It was the -- the two magazines -- or, I'm sorry, the
25 magazine and, I think, one box of ammo.

1 Q And I'm going to show you State's 56. What does it
2 appear to you and what you remember from your observations was
3 also found in the trunk?

4 A Okay. There were tools in there, there were male's
5 clothes in there, everything from socks to shirts, pants,
6 underwear.

7 Q What's -- can you see what's on that box? I'm
8 pointing at it in the top right corner.

9 A Yeah.

10 Q Okay. What does that appear to be?

11 A That was a Nike shoe box, and it had a pair of shoes
12 in there.

13 Q Okay. Do you recall if it was a man or woman's?

14 A They were men's.

15 MS. CRAGGS: Nothing further, Judge.

16 THE COURT: Recross.

17 RECROSS-EXAMINATION

18 BY MR. SHEETS:

19 Q What size were the shoes, Officer?

20 A That I do not know, sir.

21 Q What color were the shoes, Officer?

22 A I think they were red.

23 Q Okay. What type of shoes were they, Officer?

24 A I do not remember.

25 Q Okay. What size were the clothes?

1 A I do not know.

2 Q The shirts?

3 A I do not know.

4 Q You impounded those; right?

5 A I did not.

6 Q Okay. So we aren't able to examine those today;
7 correct?

8 A No.

9 Q Now, in the search warrant, isn't it true that you
10 were -- that the search warrant says you are hereby commanded to
11 search forthwith said premises for said property. Serving this
12 warrant between the hours of 7:00 a.m. and 7:00 p.m., and if
13 this property is there, to seize it, prepare a written inventory
14 of the property seized, and make a return for me within 10 days.

15 A Yes.

16 Q And that's signed by the judge; correct?

17 A Yes.

18 Q And listed in those items are limited items of
19 personal property, which would tend to establish a possessory
20 interest in the items seized pursuant to this search warrant;
21 correct?

22 A Yes.

23 Q Such as papers; correct?

24 A Yes.

25 Q Documents --

1 A Yes.

2 Q -- correct?

3 A Yes.

4 Q And effects which tend to show possession, dominion,
5 and control over said premises; correct?

6 A Yes.

7 Q Including cancelled mail envelopes; correct?

8 A Yes.

9 Q Rental agreements and receipts?

10 A Yes.

11 Q Utility and telephone bills?

12 A Yes.

13 Q Vehicle registration?

14 A Yes.

15 Q Items which tend to show identity of the perpetrator?

16 A Yes.

17 Q Insurance policies?

18 A Yes.

19 Q Objects which bear a person's name, phone number, or
20 address which are presently located at a 2000 Honda two-door,
21 gray, with the appropriate VIN number and plate number?

22 A Yes.

23 Q Okay. You did not seize that property, did you?

24 A No, I took photos of it.

25 Q So you did not follow the instructions of the search

1 warrant; correct?

2 A I took photos of it because when we --

3 Q Officer, that's not my question.

4 A Okay.

5 Q You did not follow the instructions of the search
6 warrant; correct?

7 A Yes.

8 Q Okay. You had testified with the State that you
9 photographed the documents that linked with that vehicle. What
10 in that document that you -- that you photographed that had Mr.
11 Harris's name on it, what about that document linked it to that
12 vehicle?

13 A It was in the vehicle.

14 Q So nothing else in that document linked it to the
15 vehicle?

16 A Not that I remember.

17 Q Okay. In fact, the document with Ms. Towns' name on
18 it was linked directly to that vehicle, isn't that correct?

19 A Yes.

20 Q It displayed the VIN number of that vehicle?

21 A Yes, sir.

22 Q No further questions.

23 THE COURT: Redirect?

24 MS. CRAGGS: One question, Judge.

25 THE COURT: Okay.

1 FURTHER REDIRECT EXAMINATION

2 BY MS. CRAGGS:

3 Q Detective, when Mr. Sheets was questioning you, he
4 asked you if you followed the instructions on the search
5 warrant. You were trying to explain why you took photographs.
6 Can you explain why you took photographs as opposed to
7 impounding?

8 A Absolutely. When we do search warrants -- if I -- if
9 someone did a search warrant on my house, there are so many
10 papers there with my name on it, my kids' names on it, my wife's
11 name on it. To impound all that stuff, we would just be -- I
12 mean, we would be walking out of there with boxes and boxes. So
13 what we do, we take photos of it and -- and put that into our
14 evidence file on base instead of impounding all of that stuff.

15 MS. CRAGGS: Nothing else. Thank you.

16 THE COURT: Recross.

17 FURTHER RECROSS-EXAMINATION

18 BY MR. SHEETS:

19 Q So you choose to take what you want instead of
20 following the specific instructions of the warrant; correct?

21 A I take pictures of what was there.

22 Q Okay. Instead of following the instructions?

23 A Yes.

24 Q And as a result, none of those other documents are
25 available; correct?

1 A They're in the vehicle.

2 Q Okay.

3 MR. SHEETS: No further questions.

4 THE COURT: Redirect.

5 MS. CRAGGS: No, Your Honor.

6 THE COURT: Any member of the jury have a question for
7 this witness? Okay. I see one hand. Write your question -- or
8 two hands. Write your question on a clean sheet of paper. Be
9 sure to put your juror number on it. Be sure to put the juror
10 number on it. All right. Anybody else? Oh, wait. There's
11 another one. All right. Anybody else?

12 Okay. Can I see counsel at sidebar.

13 (Bench conference)

14 THE COURT: Okay. Juror No. 5, what types of
15 ammunition was found, caliber and type?

16 MR. SHEETS: [Indiscernible] if it's relevant.

17 MS. SUDANO: I mean, I guess.

18 THE COURT: I think that that's relevant, it has some
19 arguable relevance. I don't see any problem with it. Is there
20 an objection, specific objection from the State?

21 MS. CRAGGS: Genevieve Craggs for the State, no
22 objection.

23 THE COURT: Defense?

24 MR. SHEETS: The reason for objection would be
25 relevance. There's been no discussion as to what caliber the

1 potential firearm was, so the caliber of the ammunition would
2 serve no purposes.

3 THE COURT: Well, the boxes were -- you know, the
4 boxes are there. The picture were introduced. I'll go ahead
5 and ask the question and overrule that objection on the basis of
6 relevance.

7 Juror No. 8, was the ammo in the car for a weapon
8 similar to the one Ms. Dotson referred to? He doesn't, I'm
9 guessing, know what --

10 MS. CRAGGS: He doesn't. Yeah, he doesn't have any
11 knowledge, Your Honor, of what she described. Because, as he
12 stated, he didn't speak to her at the scene or --

13 THE COURT: All right. Well --

14 MS. CRAGGS: I guess they can --

15 THE COURT: I guess he can ask if he knows. Well, if
16 he knows the ammo in the car or what kind of weapon did it go
17 to. I'll ask.

18 MR. SHEETS: My objection would be foundational. I
19 don't think there's a foundation for what type of weapon was
20 referred to because she was unable to characterize that in any
21 of her statements.

22 THE COURT: Well, that's why I'll just ask him what --
23 what kind of -- if he can tell what kind of weapon the
24 ammunition would be -- would be for.

25 MR. SHEETS: I would ask for a foundation for that

1 testimony, then, beforehand.

2 THE COURT: All right. Well, let's look at the next
3 question and we'll come back to that. Was there a reason the
4 ammo did not have fingerprints checked? I mean, if he knows.
5 Does the State have a problem with that?

6 MS. CRAGGS: No.

7 THE COURT: Defense?

8 MR. SHEETS: No.

9 THE COURT: Okay. We'll come back to the first
10 question again on No. 8. Juror No. 3, two boxes were found in
11 the vehicle, a box of Winchester .38. Was the box of Federal
12 ammo .38 or another caliber?

13 MS. CRAGGS: Maybe we should start with that one.

14 THE COURT: Okay. We'll start with -- with that.

15 MR. SHEETS: [Indiscernible].

16 THE COURT: Okay. I don't think I will ask what the
17 ammo in the car was a weapon similar to the one Ms. Dotson
18 referred to because I think the ammunition could go with either
19 a rifle or a -- or a handgun. So I'm not going to ask that one.
20 All right. I'll ask about fingerprints, what caliber was the
21 ammo, and what -- I think 5 might be subsumed in his answer to
22 -- to the other one.

23 MS. CRAGGS: And just so Your Honor knows, our doctor
24 is outside so we have her until like 1:00.

25 THE COURT: All right.

1 MS. CRAGGS: Okay.

2 THE COURT: We're going to move there immediately.

3 MR. SHEETS: Keep on trucking. Thank you.

4 (End of bench conference)

5 THE COURT: All right. Detective, two boxes were
6 found in the vehicle. A box of Winchester .38 caliber. Was the
7 box of Federal ammo .38 caliber or another caliber?

8 THE WITNESS: I'd have to look at the pictures. I
9 don't remember.

10 THE COURT: Do you we have the photographs? And what
11 picture are we showing?

12 MS. CRAGGS: I'm showing 60, Sate's 60, Judge. And I
13 can approach, Detective, if that would be helpful if you can't
14 see it very well.

15 THE WITNESS: It's -- the federal ammunition, I don't
16 remember what that caliber was.

17 THE COURT: All right. Let me ask you, do you
18 remember what types of ammunition were found in the vehicle?

19 THE WITNESS: I do not. I do not remember what kind
20 or types, but it is part of our evidence.

21 THE COURT: And was there a reason the ammunition did
22 not have any fingerprints checked?

23 THE WITNESS: We --

24 THE COURT: If you know. I mean --

25 THE WITNESS: I don't. I don't know.

1 THE COURT: All right.

2 THE WITNESS: I don't know.

3 THE COURT: Does that generate anything further from
4 the State?

5 MS. CRAGGS: Yes, Judge.

6 FURTHER REDIRECT EXAMINATION

7 BY MS. CRAGGS:

8 Q Now, we've talked about the search warrant return.
9 Did you also, when you impound evidence that you find, you also
10 do a property report?

11 A Yes, I do.

12 Q Okay. Does that property report contain more detailed
13 information?

14 A Yes.

15 Q And would looking at your property report help to
16 remind you specifically what ammunition was impounded?

17 A Yes.

18 MS. CRAGGS: Your Honor, may I approach?

19 THE COURT: Okay. Do you have a copy of that,
20 counsel?

21 MR. SHEETS: I may, Your Honor. It's just easier to
22 just review theirs in this circumstance.

23 THE COURT: Okay. All right. But I want to make sure
24 you do have a copy of that.

25 MR. SHEETS: I'm fairly certain I've seen it, Your

1 Honor.

2 THE COURT: Okay. All right. Go ahead. You may
3 approach.

4 MS. CRAGGS: Thank you.

5 BY MS. CRAGGS:

6 Q Did you yourself actually fill out this property
7 report?

8 A Yes, I did.

9 Q And is the purpose of filling that out just to
10 essentially put down the details of what it is you found so that
11 you know later?

12 A Yes.

13 Q Okay. And what is it that you put in your property
14 report?

15 A Did you want me to read everything?

16 Q Yes.

17 A Okay. There is one --

18 MR. SHEETS: I'm going to object, Your Honor. He can
19 testify from personal knowledge as it refreshes his
20 recollection.

21 THE COURT: If you're going to refresh his
22 recollection, fine. Otherwise, you're going to have to do it as
23 a recorded recollection.

24 MS. CRAGGS: That was what I was attempting to do,
25 Your Honor.

1 THE COURT: Okay. All right. So --

2 MR. SHEETS: As he wrote the report and said that he
3 put it down, that he wrote the details in it so he could
4 remember at a later date.

5 THE COURT: Well, I mean, there's actually a few more
6 steps to the foundation.

7 What's your position in terms of admitting the
8 information on the report as a recorded recollection?

9 MR. SHEETS: I'd like her to cure the foundational
10 problem, Your Honor.

11 THE COURT: Okay.

12 MS. CRAGGS: Okay.

13 THE COURT: All right.

14 MS. CRAGGS: Should I take it back, Your Honor? Or I
15 can ask him if he can remember.

16 THE COURT: Well, we had it just -- we were looking
17 just at the caliber of the -- does that refresh your
18 recollection as the caliber of the ammunition that was seized?

19 THE WITNESS: Yes.

20 THE COURT: All right. Why don't you just ask him
21 what -- what's the caliber of the Federal ammunition that was
22 seized.

23 MS. CRAGGS: Yes, Judge.

24 BY MS. CRAGGS:

25 Q What's the caliber of the Federal ammunition that was

1 seized without looking at your property report?

2 A There was a .380 caliber and a 9-millimeter caliber.

3 Q Okay. Thank you. And if you know, are there any
4 limits for detectives regarding what can be submitted to the lab
5 in terms of ammunition and magazines for fingerprints or DNA?

6 A I don't.

7 Q You don't know. Okay. Thank you.

8 THE COURT: Does that generate anything further from
9 defense?

10 FURTHER RECROSS-EXAMINATION

11 BY MR. SHEETS:

12 Q So there were two different types of ammunition in the
13 car?

14 A Yes, sir.

15 MR. SHEETS: No further questions.

16 THE COURT: All right. Anything further from the
17 State?

18 MS. CRAGGS: No, Your Honor. Thank you.

19 THE COURT: All right. Thank you very much, sir, for
20 your testimony. You're excused.

21 THE WITNESS: Thank you, sir.

22 THE COURT: State may call its next witness.

23 MS. CRAGGS: Dr. Lisa Gavin, Your Honor. If I could
24 approach the clerk, Judge.

25 THE COURT: Okay.

1 MS. CRAGGS: Thank you.

2 THE COURT: All right. If you would come on up to the
3 witness stand. There are a couple of steps. When you get to
4 the top, stay standing for a second, and our clerk will swear
5 you in.

6 LISA GAVIN, STATE'S WITNESS, SWORN

7 THE CLERK: Please be seated. Please state your name
8 and spell your first and last name for the record.

9 THE WITNESS: Good afternoon. I'm Dr. Lisa Gavin;
10 L-I-S-A G-A-V-I-N.

11 THE COURT: Go ahead.

12 MS. CRAGGS: Thank you.

13 DIRECT EXAMINATION

14 BY MS. CRAGGS:

15 Q What do you do for a living, Doctor?

16 A I am a forensic pathologist medical examiner here in
17 Clark County.

18 Q And what exactly does that mean?

19 A I determine the cause of death and manner of death in
20 sudden unexpected deaths here in Clark County, as well as for
21 several adjacent counties.

22 Q And do you have any education in training in order to
23 hold that position?

24 A Yes.

25 Q Can you tell me what that is briefly?

1 A I went to medical school at the University of
2 Connecticut School of Medicine. I did a pathology residence
3 program at Hartford Hospital in Connecticut. I did a surgical
4 pathology fellowship at Hartford Hospital in Connecticut. I did
5 a forensic pathology fellowship at the Office of the Medical
6 Investigator in New Mexico, and then I came here to Clark
7 County. I have a medical license to practice in the State of
8 Nevada, and I am board certified in anatomic pathology and
9 forensic pathology.

10 Q What is pathology and forensic pathology?

11 A Pathology in general covers many things. The
12 pathologist is the doctor that kind of determines what's going
13 on with the body, what might be happening with the body. An
14 example would be is if you went to have a biopsy performed
15 either on a breast for the woman or prostate for the men, and
16 that biopsy would be sent to the pathologist, and that
17 pathologist would determine whether or not there's cancer or
18 inflammation or what's going on with that tissue and report that
19 back.

20 Other things that might fall under pathology include
21 clinical pathology where you'd have your blood drawn and then it
22 would be analyzed. Another example would be heme pathology
23 where you're having something analyzed in your blood or your
24 lymph nodes like leukemias and lymphomas. Amongst the
25 pathologists, there are also people that are forensic

1 pathologists. And they kind of look at the body as a whole, if
2 someone has died, how did that person die, and that's a branch
3 of pathology as a whole.

4 Q Now, do you also engage in consulting regarding
5 strangulation cases?

6 A Yes.

7 Q And is that primarily on individuals who are alive or
8 who have already died?

9 A These are live consultations, but I've also consulted
10 on some dead cases, as well, individuals who have died
11 potentially of strangulation.

12 Q Now, do you consult solely for the State, or also for
13 the defense if asked, as well?

14 A I have done both.

15 Q And have you testified previously before regarding
16 cases that involved strangulation?

17 A Yes.

18 Q Do you know about how many times?

19 A About 28.

20 Q Okay. Thank you. Now, you said you also have
21 consulted or you've seen cases where individuals have been
22 strangled who have died. How often does that occur?

23 A It's actually very rare for someone to die by
24 strangulation. Most people are using firearms to kill other
25 people, so that's probably the most common form of homicide.

1 Amongst people that are dying related to strangulation, it tends
2 to be maybe 1 percent or 2 percent.

3 Q Now, do you have any specific training that involves
4 solely strangulation?

5 A Yes. During my forensic pathology training, as well
6 as during my residency in forensics, I did a lot of studying on
7 strangulation. Currently, it happens to be an area of interest,
8 and I have spoken at the strangulation seminar that's occurred
9 here a couple years in a row now in Las Vegas, and it happens to
10 be an area of interest for myself.

11 Q So what is strangulation, medically speaking?

12 A Pardon me. Forensically, strangulation means
13 compression of the outside of the neck. It's different than
14 most people commonly think of as choking. Forensically, choking
15 is when you have an obstruction that's occurred of the airway
16 itself, so like a child has gotten something stuck in their
17 throat or someone has gotten some food stuck in their throat.
18 That's considered forensically choking. Strangulation is that
19 there's been a compression that's occurred to the outside of the
20 neck.

21 Q Are there different kinds of strangulation?

22 A Yes.

23 Q What are those?

24 A There's ligature strangulation where some object is
25 used against the neck to compress the neck. It could be rope,

1 it could be scarf, it could be some kind of bar or something
2 that's used to compress, an object that's used to compress
3 against the neck. Then there's manual strangulation where it's
4 -- generally manual refers to hands, but it doesn't have to be
5 hands. It could be an arm, it could be a leg, it could be some
6 body part that's compressing against the outside of the neck.

7 Q Now, what is being compressed in order to stop the
8 oxygen?

9 A The issue becomes two-fold. When you have compression
10 occurring of the neck, you're concerned about the vessels in
11 particular being compressed. On either side of -- on either
12 side of your windpipe, which is in the center of your neck, on
13 either side there are vessels, and those vessels are responsible
14 for bringing blood up to the brain and taking blood down from
15 the brain. With that blood travels the oxygen and various
16 nutrients. If you stop the flow of blood, you stop the flow of
17 oxygen up to the brain. And because of that, people become
18 hypoxic, lack of oxygen.

19 So when you have compression occurring to the neck, it
20 could be quite concerned regarding the compression of those
21 vessels in particular. In addition, if you're compressed -- if
22 the compression is hard enough, then you get concerned about
23 whether or not you're compressing that windpipe, that center
24 trachea area because then you've not enabled the person to bring
25 air into their body through that windpipe, and, therefore, get

1 that air into the blood, and then, therefore, the oxygen up to
2 the brain. So when you have compression and strangulation
3 occurring to the neck, you're worried about the vessels, and
4 you're worried about the windpipe.

5 Q Now, what are the specific veins that are carrying the
6 blood that we get concerned about if -- if they're compressed?

7 A On each side of the neck you're going to have a
8 jugular vein which is going to take the blood down from the
9 vein, and you're going to have a carotid up to the brain, so
10 it's going to take the oxygen up. Compression of those vessels
11 can cause a lack of oxygen getting up to the brain.

12 Q Now, do you know how much pressure it takes,
13 essentially, in order to compress the jugular vein?

14 A To compress the jugular vein, it takes about 4.4
15 pounds of pressure. That would be the equivalent if you took
16 like an empty soda can and crushed it between your fingertips.
17 That's about 4 pounds of pressure. To compress the carotid
18 artery, it takes about 11 pounds of pressure, so almost three
19 times as much. To compress the trachea, it takes about 30
20 pounds of pressure.

21 Q Okay. Now, I want to talk to you about some of the
22 injuries that you might see on somebody who was strangled. Can
23 you tell me what you would typically see?

24 A Sometimes you can see absolutely no injuries
25 physically when you look at the person on the outside when

1 you're looking at them. Some of the common things that people
2 talk about, though, are something called petechial hemorrhages.
3 Petechial hemorrhages are little burst blood vessels that occur
4 kind of on the face or in the whites of the eyes or inside the
5 inner mucosa of the lips.

6 Petechial hemorrhages occur because you've stopped the
7 blood flow and those -- those vessels will burst. Some people
8 may have even experienced them if you've had a really bad cold
9 and you're coughing very vigorously and you may have burst blood
10 vessels from that, for example. So petechial hemorrhages are
11 sometimes -- sometimes seen, if not commonly spoken about
12 regarding strangulation.

13 Other things that can occur is you could actually have
14 injury to the skin surfaces that are present on the person where
15 the object or the hands or body part are being laid. It could
16 result in contusions, which are bruises. It could result from
17 abrasions, which are scrapes. Sometimes you can see abrasions
18 that occur that have like a little moon shape to them where
19 somebody may be having their nails digging into the person's
20 neck, or the person themselves that's being assaulted is
21 grabbing on to whatever is there and trying to remove it off of
22 their neck.

23 When you go to an internal examination, you can also
24 see, if you're to go to the doctor, and you can see swelling of
25 the back of the throat, you can see swelling of the vocal cords

1 if they're examined from the internal perspective, as well. So
2 there are injuries that you can see externally.

3 Q Now, you said that some people won't have any signs of
4 strangulation, but there may be other people who do. Why does
5 that occur in different people, if you know?

6 A It depends on a variation of things. One, it depends
7 on the interaction between the two individuals, how long is that
8 compression occurring to the neck, in what way is it occurring,
9 is that person who is the victim in that situation struggling
10 against that assault and, therefore, there's minimal amounts of
11 time or decreased amount of times when things are happening to
12 that person's neck. The force that's used for the assault may
13 be varied, and because of that you may or may not see injuries
14 occurring to that area.

15 Q How long does it take if either the vessels or the
16 windpipe is being compressed for somebody to lose consciousness?

17 A If you're compressing any area of the neck and you
18 decrease that oxygenation and it's steady compression that's
19 occurring, particularly to the vessels, someone can lose
20 consciousness within 10 to 15 seconds. If you continue with
21 that constant pressure, someone can die within two minutes. The
22 issue, then, becomes as people generally are struggling against
23 that, and so there are intermittent times that people are still
24 gaining oxygen up into their brain so that prolongs that period
25 of time that they're able to remain conscious or possibly die.

1 Q So we talked about the injuries that you might -- you
2 may or may not see. How about any sort of lasting effects or
3 symptoms that might occur if someone has been strangled for a
4 period of time?

5 A Symptoms can vary. There can be symptoms that are
6 occurring during the event, and then there could be symptoms
7 that occur later on. During the event, somebody can have a
8 sense of shortness of breath, someone can feel like they can't
9 catch their breath, they can have a sense of dizziness or like
10 the things are getting black in the room and getting dark in the
11 room, people can have ringing in the ears, people can have pain
12 that's occurring in that -- that region, some people can go --
13 become incontinent and urinate or defecate. Lots of things can
14 vary during that time period.

15 Later on, if they survive the event, some people can
16 have a sense of like something stuck in their throat, like a
17 scratchy throat or a cough, some people lose their voice. Some
18 people can have very detrimental effects where they'll actually
19 have -- later have strokes or cerebral vascular accidents. They
20 can have damage to those vessels occur. They can actually have
21 memory loss that occurs as a result of it, as well.

22 Q Now, regarding this specific case that involves an
23 individual named Nicole Dotson, did you review any photographs
24 that involved that particular individual?

25 A Yes.

1 Q And was the purpose of you reviewing those photographs
2 to determine if you could see any visible injuries?

3 A Yes.

4 Q And I'm showing you State's 14. Were you able to make
5 a determination whether you could see any visible injuries on
6 Ms. Dotson?

7 A I was not able to see injuries on the anterior aspect
8 of her neck here.

9 Q 15 is just a closer view of that.

10 A Again, the same.

11 Q Okay. And then left is 16.

12 A Again, the same. I was not able to see injuries in
13 that area.

14 Q And 17, as well?

15 A Yes, that is correct. Not able to see injuries.

16 Q Does that tell you conclusively that Ms. Dotson was
17 not strangled because you could not see injuries in the
18 photographs?

19 A No, that's not conclusive.

20 Q And you said that some people will have no bruising at
21 all; is that right?

22 MR. SHEETS: Objection, Your Honor. Leading. Asked
23 and answered.

24 THE COURT: I think it has been asked and answered,
25 but I'll -- I'll -- it doesn't require a specific answer. I'll

1 overrule it this time, but I don't want to go back over the same
2 stuff again.

3 MS. CRAGGS: Yes, Your Honor. Yes, Your Honor.

4 BY MS. CRAGGS:

5 Q So some people will not have any signs in terms of
6 bruising on their neck after they've been strangled?

7 A That's correct.

8 Q Okay. Now, did you also review medical records
9 involving Ms. Dotson?

10 A Yes.

11 Q And do you recall was it one set, two sets?

12 A Honestly, I don't recall.

13 Q Do you recall when you were looking at those medical
14 records if there was anything that seemed to you relevant as to
15 whether or not Ms. Dotson showed signs of strangulation?

16 A If I recall there was some mention of incontinence for
17 her, but that's all I recall from anything that would be related
18 to this.

19 Q Okay.

20 MS. CRAGGS: Court's indulgence.

21 THE COURT: Sure.

22 MS. CRAGGS: Nothing further.

23 THE COURT: All right. Cross-examination.

24 MR. SHEETS: Court's indulgence. Your Honor, may I
25 approach the witness with Exhibit 63 and 64?

1 THE COURT: You want to show the witness Exhibit 63
2 and 64?

3 MR. SHEETS: Yes, Your Honor.

4 THE COURT: Okay. Go ahead.

5 CROSS-EXAMINATION

6 BY MR. SHEETS:

7 Q Ms. Gavin, I'm showing you Exhibits 63 and 64. Are
8 those the medical records you examined?

9 A [Witness reviews records].

10 THE WITNESS: My apologies, Your Honor.

11 THE COURT: That's all right.

12 THE WITNESS: I did not see the Clark Medic West
13 records. I did --

14 THE COURT: Can you identify which exhibit you're --

15 THE WITNESS: Oh, my apologies. Yes, Your Honor. I
16 did not see Exhibit 63. I did see Exhibit 64.

17 MR. SHEETS: If I may approach again, Your Honor.

18 THE COURT: Sure. It's on, I think. Put your hand
19 under there for a second.

20 MR. SHEETS: Probably not. Well, I think I'll just
21 set it there.

22 THE COURT: Well, I'd rather you not put it on there
23 unless you're referring to it. If you want to pull out that --
24 or we can turn it off, whichever is easier for you.

25 MR. SHEETS: This will be fine.

1 BY MR. SHEETS:

2 Q All right. So you testified you believe you saw
3 something about incontinence in there. Do you have a specific
4 recollection of seeing anything about incontinence in the
5 medical records?

6 A Yes, I saw it again.

7 Q Okay. Can you please refer me to where that was?

8 A Uh-huh.

9 MR. SHEETS: If I may approach again.

10 THE COURT: Okay.

11 BY MR. SHEETS:

12 Q If you can just look up to me when you get there.

13 A [Witness reviews records].

14 THE COURT: All right. Have you identified a specific
15 page in Exhibit 64 that you've been referring to, Doctor?

16 MR. SHEETS: It's in the middle. For the record, it's
17 in the middle and it's the one that's marked page 3 of 9.

18 THE COURT: Okay. Let me look at it just so -- are
19 you going to be putting it up on the screen at all?

20 MR. SHEETS: I did not intend to, Your Honor.

21 THE COURT: Okay. That's fine.

22 THE WITNESS: So it's from the Clark Medic West
23 information.

24 THE COURT: All right. Okay. Why don't you say --
25 state it out loud, Doctor, and identify the page that you're

1 referring to.

2 THE WITNESS: It's located in the Clark Medic West
3 report, which contains 1 out of 9 pages. It's located on page 3
4 of 9 underneath the physical assessment, within the physical
5 assessment there's a subheading called pelvis. Within the
6 sub-subheading under pelvis there's remarks, and next to remarks
7 is incontinent.

8 BY MR. SHEETS:

9 Q Now, it doesn't provide any other detail about what
10 type, what -- or how -- how she was supposedly incontinent;
11 correct?

12 A No. It doesn't say whether it's bladder or bowel.

13 Q Okay. And it doesn't say anything about that, so
14 that's in the Medic West; correct?

15 A Correct.

16 Q There's no reports of that in the actual hospital
17 report, though, is there?

18 A That I identified.

19 Q Okay. Okay. So you had testified -- you talked about
20 pressures. Well, before we do that, let's get into your
21 qualifications a little bit. You work for the State of Nevada;
22 correct?

23 A The county, Clark County.

24 Q You work for Clark County. Okay. And -- and can you
25 tell us kind of what your job duties are within the county?

1 A Tell you about my job duties?

2 Q Yeah, what your assigned job duties are.

3 A I determine the cause of death and manner of death and
4 sudden unexpected deaths.

5 Q Okay. And do your job duties -- do your job duties
6 specifically describe testifying in court?

7 A Part of the job duties.

8 Q Okay. But do they -- do your actual written job
9 duties describe that?

10 A I don't know if they're described as being in court.
11 Most of the forensic pathologists are expected to do that as
12 part of being a forensic pathologist.

13 Q Okay. So you are expected to be able to testify in
14 court as part of your job with the County; correct?

15 A Yes.

16 Q Now, you indicated that you had a specific interest in
17 strangulation; isn't that correct?

18 A Yes.

19 Q It's become an area that you enjoy studying and
20 participating in; correct?

21 A Interested in studying.

22 Q Now, you've become -- you testified you said 28 times.
23 Let me ask you, how many times have you testified for the
24 defense?

25 A They haven't asked me, but they've asked me to review

1 materials and I'm happy to do to --

2 Q So the answer is zero times?

3 A That's correct.

4 Q Okay. So you've never testified for the defense. How
5 many times have you testified on behalf of the County or the
6 State?

7 A The 28.

8 Q Okay. All 28 times. So it would be fair to say that
9 every time you're in court, you're a State's witness; correct?

10 A In court.

11 Q All right. And, in fact, you're going to testify in
12 three different cases for the State today; correct?

13 A Yes.

14 Q Okay. So it's a fairly normal activity for you to
15 testify as a State's witness; correct?

16 A Yes.

17 Q Okay. Now, you testified regarding some -- well,
18 strike that. Let's talk about some of your personal
19 qualifications. You presented -- you present a document that
20 basically talks about what your qualifications are and that's
21 called a curriculum vitae or a CV; correct?

22 A That's correct.

23 Q Okay. And in that CV you list everything that you
24 believe is important in establishing kind of your knowledge of
25 situations; correct?

1 A Just a representation of experience.

2 Q Okay. And in there you list that you were part of the
3 National Victims Assistance Academy in 1995; correct?

4 A I don't recall that.

5 Q Would it refresh your recollection to -- I'm sorry.
6 Wrong CV. My fault. Strike that.

7 THE COURT: Okay.

8 BY MR. SHEETS:

9 Q Now, in that you had indicated that you -- you were a
10 resident. Where were you a resident again?

11 A In Hartford Hospital.

12 Q Okay. And what were your primary duties there?

13 A Training in pathology.

14 Q Okay. And some of your specific research and
15 experience dealt with strep and pneumonia as it related to
16 microbes; correct?

17 A Yes.

18 Q And -- and colon biopsies; correct?

19 A Yes.

20 Q And testicular and abdominal pain in males; correct?

21 A Yes.

22 Q And the polyomavirus; correct?

23 A Yes.

24 Q None of that research experience was actually in
25 strangulation; correct?

1 A That's correct.

2 Q Okay. None of that was in the area of asphyxiation;
3 isn't that correct?

4 A That's correct.

5 Q Okay. Some of your fellowship topics, out of all the
6 fellowship topics you list, none of those dealt with
7 strangulation, either; isn't that correct?

8 A That's correct.

9 Q Okay. Okay. So let's talk about some of the
10 pressures. You indicated it would take about 4.4 pounds of
11 pressure to -- to stop the flow of oxygen through the jugular
12 vein; correct?

13 A To stop the flow of blood through the jugular vein.

14 Q Correct. And then that flow of blood is what
15 transports the oxygen from one location to another; correct?

16 A The jugular vein brings oxygen -- the deoxygenated
17 blood back from the brain.

18 Q Okay. From the brain to the heart and then the
19 carotid arteries is what brings it up; is that correct?

20 A The carotid arteries bring the oxygenated blood up to
21 the brain.

22 Q And you testified that 4.4 pounds of pressure would be
23 what it would take two fingers to crush an aluminum can; is that
24 correct?

25 A Roughly an empty aluminum can.

1 Q Okay. And then you had indicated that to -- to stop
2 the flow of blood through the carotid artery it would take about
3 11 pounds; correct?

4 A That's correct.

5 Q Now, you gave us an example of the aluminum can. Can
6 you give us an example with regards to the carotid artery of the
7 type of force so that they can understand, the jury can maybe
8 understand what 11 pounds means?

9 A Roughly about the same, if any of you have had -- you
10 know, the same of doing multiple cans, essentially. I don't
11 have an exact example.

12 Q You mean crushing from top to bottom or crushing the
13 sides?

14 A The sides.

15 Q Okay. So how many cans? Three cans, four cans?

16 A Probably, yeah.

17 Q So you -- you'd have to figure out how to do them all
18 at the same time. So it's -- okay. Now, let's talk about the
19 -- so in order to compress the windpipe, that would be
20 approximately how many pounds?

21 A About 30 pounds of pressure.

22 Q Okay. 30 pounds is a significant amount of pressure,
23 isn't that correct?

24 A That's correct.

25 Q Okay. And that's because generally a -- your throat,

1 I assume, is the esophagus; is that correct? Am I using the
2 right terminology?

3 A No, the trachea.

4 Q Okay. The trachea. Is that because the trachea is a
5 fairly strong and protected instrument in the human body?

6 A Because it has some cartilaginous component to it, so
7 it's more difficult to compress compared to a vein or an artery.

8 Q So it would require a fair amount of force to be able
9 to compress that; correct?

10 A Yes.

11 Q Okay. And so you said it takes about 10 or 15 seconds
12 for somebody when they -- the jugular vein is blocked to
13 experience symptoms; correct?

14 A No, I said when you compress any of the vessels for a
15 constant amount of time, 10 or 15 seconds, you'll have someone
16 losing consciousness.

17 Q Okay. Now, the trachea is commonly referred to by the
18 lay person as the throat; correct?

19 A I don't know what they commonly refer to it as, but
20 the throat can mean many things.

21 Q So you've been out there, you've been out as a
22 layperson, as well, in society; correct?

23 A Yes.

24 Q And you've heard people refer to human anatomy by
25 non-medical terms; correct?

1 A Yes.

2 Q And you've heard -- you've heard several people, or
3 you've heard people describe this area, the center of your -- of
4 your neck as the throat; correct?

5 A I don't know if they're referring to the inside where
6 they're saying that they have a throat ache or whether they're
7 talking about a neck ache. Usually if I'm really interested or
8 they're asking me, I'll elucidate that.

9 Q Okay. So but, nonetheless, you've -- you've heard
10 some people kind of refer to it that way; correct?

11 A True.

12 Q Okay. Now, when you viewed the medical records, you
13 indicated that there could be injuries like abrasions; correct?

14 A That's correct.

15 Q Hemorrhages; correct?

16 A Hemorrhages we didn't speak about.

17 Q Petechial hemorrhages?

18 A Petechial hemorrhages we spoke about.

19 Q Redness?

20 A We didn't talk about redness. We talked about
21 contusions or bruises.

22 Q Is redness a symptom, as well?

23 A Not a symptom. It's a sign. It's something you could
24 visibly see.

25 Q So it would be something that would -- that could

1 indicate or be consistent with strangulation; correct?

2 A Yes.

3 Q Swelling is something else that could be a sign or
4 consistent with?

5 A Yes.

6 Q You said coughing; correct?

7 A Yes.

8 Q Lost voice; correct?

9 A Correct.

10 Q Then you said damage to the vessels internally;
11 correct?

12 A Yes.

13 Q A stroke; correct?

14 A Yes.

15 Q Okay. And you reviewed the medical records, you
16 already testified; correct?

17 A Correct.

18 Q So you're familiar with where the -- where Ms. Dotson
19 denied loss of consciousness; correct?

20 A Yes.

21 Q Okay. She denied a cough; correct?

22 A Yes.

23 Q She denied shortness of breath; correct?

24 A Yes.

25 Q Okay. She denied chest pain or palpitations; correct?

1 A Yes.

2 Q She denied dizziness; correct?

3 A Yes.

4 Q Okay. You're aware that when they -- the hospital
5 examined her neck -- well, let's stop. Can you -- in a medical
6 term or in the medical field, what does the term supple mean?

7 A What?

8 Q Supple.

9 A Supple. Soft to palpation.

10 Q Okay. So in circumstances, supple is normal; correct?

11 A In circumstances it can be normal.

12 Q And in which circumstances can something being supple
13 not be normal?

14 A Depends if there's an injury to that area, and then
15 you have this softness to it that you're not expecting.

16 Q Okay. But if there were an injury, it's medically
17 accepted that doctors would indicate that they detected an
18 injury; correct?

19 A Correct.

20 Q So in this particular circumstance when they examined
21 the neck, they -- they found no injuries; correct?

22 A Yes, that's correct.

23 Q Okay. And they did a CT scan, too; is that correct?

24 A Yes.

25 Q And still found no injuries; correct?

1 A That's correct.

2 Q They found no -- no hemorrhaging internally; correct?

3 A No, on the CT scan of the head.

4 Q Okay. Correct. In fact, at the hospital the only
5 thing that they found was the -- the facial injury, the
6 contusion around the eye; isn't that correct?

7 A Yes.

8 Q They didn't find any cuts; correct?

9 A Not that they reported there, no.

10 Q Okay. Now, you had indicated like an item being used,
11 so can you tell me what the difference is between a manual and
12 ligature strangulation just for the jury?

13 A We talked about that earlier. A ligature refers to
14 something being present around the neck, whether or not it's a
15 rope or some object. And then manual is -- means hands, but it
16 could be any body part that's present around the neck
17 compressing the neck.

18 Q So in this particular case you were -- you were
19 informed by the State that they believed that this was a case of
20 manual strangulation; correct?

21 A They didn't tell me that that's what they were talking
22 about. They just asked me to come testify and teach the jury
23 about strangulation.

24 Q Okay. But they did review the alleged facts of the
25 case; isn't that correct?

1 A They provided me with the medical records and didn't
2 talk about the details. Generally they have me come testify
3 about educating about strangulation.

4 Q But you actually provided some of the details in the
5 medical records; isn't that correct?

6 A By what's present in the medical records.

7 Q Okay. Fair enough. So you're given photos that are
8 supplied by the State; correct?

9 A Yes.

10 Q And medical records that are supplied by the State;
11 correct?

12 A Yes.

13 Q And then you make a determination whether or not you
14 think the things are consistent with strangulation; correct?

15 A If there's enough information that demonstrates
16 strangulation, I can generate an opinion to that regard. But if
17 there isn't based on what's being reported, then I can't
18 generate an opinion towards it being a positive strangulation.

19 Q And I heard you say earlier today, earlier during the
20 testimony that it was inconclusive; correct?

21 A I said that there wasn't information regarding her
22 having injuries to the external areas of her neck.

23 Q So -- so it was -- so because there were no injuries,
24 your finding is inconclusive; correct?

25 A I can't say one way or the other for her on

1 strangulation, other than the information regarding her being
2 incontinent.

3 Q Okay. So that's the only thing you have. And just to
4 kind of clear it up, so other than that, you really -- there --
5 there's not enough for you to conclude one way or another; is
6 that accurate?

7 A That's accurate.

8 Q Okay. I have no further questions.

9 THE COURT: All right. Redirect.

10 MS. CRAGGS: Yes, Judge.

11 REDIRECT EXAMINATION

12 BY MS. CRAGGS:

13 Q Dr. Gavin, Mr. Sheets asked you about the 30 pounds of
14 pressure that it takes to compress the windpipe. Do you have
15 any way to kind of explain how many pounds of pressure that is?

16 A Generally what I say to people is if you were to go
17 home and have like your scale that you would weigh yourself on
18 and you kind of picked it up and pushed it between your fingers,
19 that might be an easy way to demonstrate how you can generate 30
20 pounds of pressure. If you just hold it up and look at how much
21 you have to push it to even compress it, that usually takes
22 quite a bit to get to that 30 pounds.

23 Q And Mr. Sheets also asked you about the CT scan of
24 Nicole Dotson and about whether there were any signs essentially
25 in that CT scan that showed strangulation. I'm trying to think

1 of how to phrase this so it's not confusing for me. If -- would
2 there necessarily be signs of strangulation if a CT scan was
3 done on an individual who had been strangled? Does that make
4 sense?

5 A To answer your exact question, there are signs on CT
6 scans, but it needs to be a CT scan of the neck. This was a CT
7 scan of the head. And sometimes you need the MRI, actually, of
8 the neck to be able to see the soft tissue injuries. So, yes,
9 there are signs that you can see on those scans, but this one
10 was a CT scan of the head.

11 Q So you wouldn't necessarily see those signs on a CT
12 scan of the head, such as was done in this case?

13 A It would be unlikely that they went down far enough to
14 reveal all that.

15 Q Okay. When did strangulation and learning about it
16 and educating other about it become an interest for you?

17 A Towards the end of my pathology residency, so probably
18 about the third or fourth year of my residency when I found
19 forensics was the match for me, if you will. And then once I
20 progressed into my forensic pathology fellowship, that was when
21 I really started doing more of my reading and learning, and then
22 I started educating people. And I've been practicing for a
23 little over eight years, so it's been a little over nine years
24 now, almost ten.

25 Q Now, is consulting for the State and the defense on

1 strangulation cases, is that part of your job as a Clark County
2 Coroner?

3 A No, it's something I do extra.

4 Q And are you paid to be here and testify today?

5 A No.

6 Q Okay. And regarding the three cases, obviously ours
7 is one and then the two others, did you consult with only the
8 State on those cases, or did you also consult with the defense
9 on those cases?

10 A On my next case that I go to at 1:00, it was the
11 defense that called me first with some medical records and
12 photographs, and all I did was receive a subpoena from the State
13 to appear. My cases after that are probably around 2:00 or
14 3:00, and those are gunshot wound cases.

15 Q Okay.

16 MS. CRAGGS: Nothing further.

17 THE COURT: Any recross.

18 MR. SHEETS: Yes.

19 RECROSS-EXAMINATION

20 BY MR. SHEETS:

21 Q You're on the County clock today; is that correct?

22 A Yes.

23 Q Did you clock out to come to court today?

24 A No.

25 Q So even though it's something you do on your own,

1 you're still being paid by the County; correct?

2 A Yes.

3 Q You didn't have to take vacation time?

4 A No.

5 Q You didn't have to take PTO?

6 A No.

7 Q Okay. So it would be fair to say that you are -- you
8 are being paid while you're here; correct?

9 A My regular work hours are 7:00 to 3:00. I don't plan
10 on leaving at 3:00. I plan to go back to work.

11 Q Fair enough. Now, you said that it was a CT of the
12 face. Are you aware that multiple CTs were done?

13 A I said it was a CT of the head.

14 Q Sorry. You're correct. Are you aware that multiple
15 CTs were completed?

16 A Which other CTs are you referring to?

17 Q Well, the medical records specifically dictate that
18 there were CTs completed and they were independently viewed;
19 correct?

20 A Which one are they referring to?

21 Q Well, they refer to multiple CTs.

22 A I don't know what those are.

23 Q So you're not 100 percent sure what other CTs were
24 completed; correct?

25 A If you'd like to show them to me, I'll look at them.

1 Q That wasn't my question, ma'am. You're not 100
2 percent sure what other CTs were conducted?

3 A No. I saw the CT scan of the head that was done in
4 there.

5 Q Okay. And you're aware that they did a reevaluation,
6 as well; correct?

7 A Yes.

8 Q And that the results of that showed -- they did an
9 imaging study; correct?

10 A Yes, the imaging study.

11 Q And there were no significant injuries; correct?

12 A The other imaging studies were the CT scans.

13 Q Okay. CT scans or CT scan?

14 A Well, according to you it's scans, plural.

15 MR. SHEETS: Court's indulgence.

16 THE COURT: Okay.

17 MR. SHEETS: No further questions.

18 THE COURT: All right. Any redirect?

19 MS. CRAGGS: No, Your Honor.

20 THE COURT: Does any member of the jury have a
21 question for this witness? Okay. I see one hand. Write your
22 question on a clean sheet of paper and be sure to put your juror
23 number on that sheet of paper. Anybody else? Not seeing any
24 other hands.

25 Can I see counsel at sidebar.

1 (Bench conference)

2 THE COURT: Okay. If there is memory loss surrounding
3 an event leading to strangulation, is it permanent or temporary?
4 And this is from Juror No. 11.

5 MS. CRAGGS: No objection.

6 MS. SUDANO: If she knows.

7 MS. CRAGGS: Yeah, if she knows, no objection from the
8 State.

9 MR. SHEETS: I think the question is phrased poorly.
10 I think probably I would want it to be modified. If there's
11 memory loss resulting from, not leading to. Yeah, the question
12 said if there's memory loss leading to strangulation, it should
13 be resulting from.

14 THE COURT: Is State all right with me modifying the
15 question?

16 MS. CRAGGS: It says surrounding and leading to
17 strangulation.

18 MR. SHEETS: Right. And it's -- the question itself
19 would be irrelevant, but we know what the intent of the question
20 is.

21 THE COURT: I tend to think he's right. I think the
22 juror is asking if there was memory loss as a result of
23 strangulation, is it permanent or temporary.

24 MS. CRAGGS: No objection from the State, Judge.

25 THE COURT: All right.

1 MR. SHEETS: No objection.

2 THE COURT: All right.

3 (End of bench conference)

4 THE COURT: Doctor, is memory loss a potential symptom
5 or result from strangulation?

6 THE WITNESS: Yes, you can have memory loss as a
7 result of strangulation.

8 THE COURT: If someone has memory loss due to
9 strangulation, is it permanent or temporary?

10 THE WITNESS: It varies. Some people have temporary
11 amnesia that occurs actually during the episodes, and then
12 sometimes people have where they can't remember things
13 afterwards that could be related to things that have nothing to
14 do with the event or the event itself.

15 THE COURT: All right. Does that generate anything
16 further from the State?

17 MS. CRAGGS: No, Your Honor.

18 THE COURT: Anything further from defense?

19 FURTHER RECROSS-EXAMINATION

20 BY MR. SHEETS:

21 Q And generally that memory loss is immediate; correct?

22 A No, it varies. It can be at the time of the event or
23 it can happen at a later time.

24 Q All right. And you have nothing -- you have no -- no
25 medical information that can help you make a determination one

1 way or another in this case; correct?

2 A No.

3 MR. SHEETS: No further questions.

4 THE COURT: Does that generate anything further from
5 the State?

6 MS. CRAGGS: No, Your Honor.

7 THE COURT: All right. Thank you very much, Doctor,
8 for your testimony. You're excused.

9 THE WITNESS: Thank you.

10 THE COURT: All right. And this is a good time for us
11 to take our break for lunch. If you call can try to get back
12 about five minutes before 2:00. We'll get started at 2:00 and
13 get in a full afternoon.

14 While you're out there, do not talk to each other
15 about the case or about anyone who has anything to do with it.
16 Do not talk with anyone else about the case or about anyone who
17 has anything to do with it. Anyone else includes members of
18 your family, your employer, your friends. You may tell them you
19 are a juror in a criminal case, but don't tell them anything
20 else about it until after you've been discharged by me.

21 Do not let anyone talk to you about the case or about
22 anyone who has anything to do with it. If someone should try to
23 talk to you, please report it to me immediately by contacting
24 the marshal. Do not read any news stories or articles or listen
25 to any radio or television reports about the case or about

1 anyone who has anything to do with it.

2 Do not visit the scene of any events mentioned during
3 the trial or undertake any investigation, experimentation, or
4 research on your own. This would include use of social media to
5 in any way discuss the case or the use of the Internet or other
6 reference materials to do any investigation or research. And do
7 not begin to form or express any opinion on any subject
8 connected with this case until it's finally submitted to you.

9 One thing I did want to note. The last testimony of
10 the doctor, she made a comment that you could go home and maybe
11 pick up a scale and press on the scale to get some sense of what
12 -- how much pressure 30 pounds was. No experimentation or no
13 example was done here in the courtroom, so I want to
14 specifically instruct all of you not to go home and do that
15 experiment.

16 That would be one of the things I talked about
17 yesterday. That would be information outside the context of
18 this trial that you would have that potentially is not
19 appropriate or potentially it's something the other parties
20 wouldn't have. So I'm instructing you don't conduct that
21 experiment. Just if it's relevant and needs to be done, one of
22 the attorneys will do it. If one of the attorneys don't do it,
23 don't do it yourself in the case.

24 All right. Have a great lunch. We'll see you back in
25 an hour.

1 (Jury recessed at 1:03 p.m.)

2 THE COURT: Okay. How did we do yesterday in terms of
3 discussions on jury instructions?

4 MR. SHEETS: We have kind of gone through some of
5 them. I was -- I had intended to ask Your Honor if we could
6 take the lunch period and try and hash through and see what we
7 can stipulate. We've made progress. I mean, in good faith I've
8 gone through, there's a bunch that I could stipulate. They've
9 gone through. They found the ones they issues with, and now
10 we've kind of got to try and meet the minds.

11 I anticipate we're going to be done with testimony
12 depending on their officer. If we're back at 2:00, my guess is
13 they're going to be done with -- we're going to be done with
14 that testimony by 3:30. We'll probably be done with our -- our
15 case, depending on whether my client testifies. If he doesn't,
16 we'll be done within a half an hour of that.

17 THE COURT: All right.

18 MR. SHEETS: We could theoretically resolve jury
19 instructions after.

20 THE COURT: If we're going to -- I had planned to do
21 jury instructions over the lunch hour, but if you're going to
22 get together, get together in the jury deliberation room.

23 MR. SHEETS: Okay.

24 THE COURT: Because I don't want to have my marshal
25 have to be out here. Get it together in the jury deliberation

1 room, and let's beat that out during the -- during the hour.

2 All right?

3 MR. SHEETS: Yes, Your Honor.

4 THE COURT: And if you reach a point where I can get
5 involved in the conversation, then bring me in and we'll try to
6 get as much as we can get done over the hour.

7 MS. CRAGGS: Okay.

8 MS. SUDANO: Your Honor, the only thing I would note
9 on that is I do have to run back to the office and get the jail
10 calls for this afternoon. And I want to have Mr. Sheets listen
11 to one of those --

12 THE COURT: Okay.

13 MS. SUDANO: -- because it's -- it's edited and we
14 kind of agreed on what needs to be taken out and he hasn't had
15 an opportunity to listen to it.

16 THE COURT: All right. Well, Ms. Craggs, I'm sure,
17 can work with Mr. Sheets while you're running over there and
18 grabbing that tape. And as soon as you get it, you can play it
19 and we'll -- but keep pounding on these jury instructions.

20 MS. SUDANO: Yes, Your Honor.

21 MR. SHEETS: Yes, Your Honor.

22 THE COURT: All right. I'll see you all. And like I
23 said, if I can get involved in it, feel free to knock on my
24 door.

25 (Court recessed at 1:05 p.m., until 2:05 p.m.)

1 (Outside the presence of the jury)

2 THE COURT: All right.

3 MS. SUDANO: So I provided Mr. Sheets a copy of the
4 redacted jail calls that we intend to introduce with Detective
5 Carey. We have come to an agreement, I think, on how we're
6 going to admit those procedurally. Mr. Sheets is going to stip
7 to the authenticity so we don't have to lay the foundation for
8 the detective about they came from the Clark County Detention
9 Center, they were on such and such a date from such and such ID
10 number to such and such phone number in an attempt to limit the
11 jury's knowledge of when the defendant was in custody on this
12 case.

13 THE COURT: Okay.

14 MS. SUDANO: There are references in the calls
15 themselves to him being in custody, so I think that that will be
16 clear, but Mr. Sheets did have a concern about the dates of the
17 call coming out and wanted to kind of minimize the amount of
18 times that we referred to them as jail calls or anything like
19 that.

20 MR. SHEETS: I don't -- and, yes, it's a decision or
21 strategy. I think from a legal -- from a legal standpoint I
22 don't have a legal basis to exclude the calls given the theory
23 that the State is going to be presenting, so that's done in an
24 effort. And I think we'll be proposing a limiting instruction.

25 THE COURT: Okay.

1 MR. SHEETS: And I think the State is going to -- I
2 think they're the ones who prepared that for me, so --

3 THE COURT: Do you want the instruction read before or
4 after the --

5 MR. SHEETS: I think probably immediately after would
6 be best.

7 THE COURT: Immediately after? All right. Do we have
8 the instruction?

9 MS. SUDANO: It's in the back. May I go back and grab
10 it?

11 THE COURT: Go back and grab it. Is that it? Hold
12 on. Before you go back, is that it?

13 MS. CRAGGS: No, there --

14 MR. SHEETS: No.

15 MS. CRAGGS: -- was also the scheduling; correct?
16 Okay.

17 MS. SUDANO: She can handle that.

18 THE COURT: Okay. All right.

19 MR. SHEETS: With regards to Ms. Towns, we spoke to
20 her. The State -- the State had discussed prior to breaking for
21 lunch the possibility that they would just rest first thing in
22 the morning, and if we got --

23 THE COURT: We're going to be going -- I mean, we're
24 starting tomorrow at 12:30.

25 MR. SHEETS: Correct. And they had discussed possibly

1 resting first thing in the morning, and -- and I would have my
2 witness here tomorrow instead of today. After having spoken to
3 my witness, she works until 2:00 tomorrow, so we wanted to know
4 if Your Honor would prefer that I have her here this afternoon.

5 THE COURT: Yeah, I want her here this afternoon.

6 MR. SHEETS: And in the event that they get done
7 before 5:00, if you're all right possibly going out of order to
8 allow me to call her.

9 THE COURT: Not a problem.

10 MR. SHEETS: Okay.

11 MS. CRAGGS: Thank you.

12 THE COURT: Okay.

13 MS. CRAGGS: So we would be allowed to rest tomorrow
14 morning even if he calls her this afternoon, is that --

15 THE COURT: What are we -- what are you resting on
16 tomorrow morning?

17 MS. CRAGGS: You mean why are we waiting?

18 THE COURT: I mean, yeah.

19 MS. CRAGGS: I think we just wanted to make sure that
20 after Mr. Sheets's cross-examination of our detective we have
21 presented everything that we needed to present, and I didn't
22 know that we'd have enough time to kind of figure that out
23 tonight before 5:00 because --

24 THE COURT: Well, I'm sure we'll be able to figure it
25 out before 5:00.

1 MS. CRAGGS: Okay.

2 MR. SHEETS: Thanks, Your Honor. And we are making
3 good headway on the instructions. I think we will be able to
4 present to you maybe only five or six and we'll --

5 THE COURT: Okay. That's good.

6 MR. SHEETS: Yeah.

7 THE COURT: All right. All right. Let's go ahead and
8 bring them in.

9 (Inside the presence of the jury)

10 THE COURT: All right. Let the record reflect the
11 presence of the attorneys for both sides, the presence of the
12 defendant. Do the parties stipulate to the presence of the
13 jury?

14 MS. CRAGGS: Yes, Your Honor.

15 THE COURT: All right.

16 MR. SHEETS: Yes, Your Honor.

17 THE COURT: The State may call its next witness.

18 MS. CRAGGS: Detective Kevin Carey. May I approach
19 the clerk?

20 THE COURT: Sir, if you'd come on up to the witness
21 stand. There are a couple of steps. When you get to the top,
22 stay standing for just a second and our clerk will swear you in.

23 KEVIN CAREY, STATE'S WITNESS, SWORN

24 THE CLERK: Please be seated. Please state your name
25 and spell your first and last name for the record.

1 THE WITNESS: My name is Kevin Carey; K-E-V-I-N
2 C-A-R-E-Y.

3 THE COURT: All right. Go ahead.

4 MS. CRAGGS: Thank you.

5 DIRECT EXAMINATION

6 BY MS. CRAGGS:

7 Q What do you do for a living, sir?

8 A I am currently a police detective.

9 Q For what agency?

10 A The Las Vegas Metropolitan Police Department.

11 Q How long have you worked for that agency?

12 A 12 years now.

13 Q And how long have you been a police detective?

14 A Just about a year.

15 Q And are you assigned to a specific area?

16 A I am, Southeast Area Command patrol investigations.

17 Q And have you been at Southeast Area Command the entire
18 time you've been a detective?

19 A I have not.

20 Q Where else have you been?

21 A I'm sorry. Since I've been a detective, yes.

22 Q Where have you been assigned before you were a
23 detective?

24 A I first started training in the Downtown Area Command,
25 and then I went to Bolden Area Command and spent the majority of

1 my time on the force there.

2 Q Okay. What kind of training and experience do you
3 have to be a patrol detective?

4 A We have hours and hours of course through the academy.
5 Once we are on the job, we are sat with an experienced detective
6 as we go through day to day stuff, how to manage cases, how to
7 manage case loads, how to work through them.

8 Q Now, what kinds of crimes do you investigate as a
9 patrol detective in the Southeast Area Command?

10 A We are tasked with anything and everything from
11 something as simple as a petty larceny like a shoplifting, all
12 the way up to attempt murder. It's not including homicide,
13 sexual assaults, or fraud. They have -- and business robberies,
14 they have their own departments.

15 Q What about domestic violence?

16 A Absolutely, domestic violence.

17 Q Do you investigate those often, rarely?

18 A Domestic violence is probably one of the most frequent
19 cases we investigate.

20 Q Now, what do your duties as a patrol detective entail
21 in general? What do you do?

22 A Investigate crimes. We usually manage a case load.
23 As the officers go out and take reports in our area, we're
24 assigned a certain area, a sector beat. They'll forward those
25 reports to the respective detective, and then they begin

1 investigating the case, putting together pieces to submit to the
2 DA's office for prosecution.

3 Q How do you get called out to a particular scene?

4 A We are called out on violent crimes, shootings,
5 stabbings. We have had, like I spoke of, a rash of domestic
6 violence incidents in our area that we have created a special
7 program recently. So in certain areas we are called out to,
8 let's say, a domestic violence strangulation where it needed to
9 go out there and start the investigation from that case.

10 Q Now, do the officers who first respond make that
11 decision as to whether a detective is needed?

12 A Usually the sergeant will call our sergeant and put
13 their heads together and decide.

14 Q And do you work alone or do you work with a partner?

15 A I have a partner and we have four on our team.

16 Q Were you working on August 22, 2017?

17 A I was.

18 Q And do you recall what shift you were working during
19 that time?

20 A What we call swing shift, which would be 3:00 p.m. to
21 1:00 a.m.

22 Q And at that time were you still working as a patrol
23 detective in Southeast Area Command?

24 A I was.

25 Q Okay. Do you recall if you were dispatched out to a

1 scene that's a 3850 Mountain Vista, No. 267, here in Clark
2 County?

3 A Yes.

4 Q Okay. Do you recall why you were dispatched to that
5 scene? Maybe dispatched isn't the right word. Why you were
6 sent to that scene?

7 A Yes. Yes, that was -- the call was a reference of
8 battery domestic violence, strangulation.

9 Q And did you go to that scene?

10 A Yes.

11 Q Did you go alone or with somebody?

12 A We went with our entire team. All four of us went.

13 Q And do you have patrol cars that are marked?

14 A We don't, no. We have unmarked cars.

15 Q Do you wear uniforms or do you wear plain clothes?

16 A Plain clothes.

17 Q So you said you went out to that scene. When you
18 arrived, were already other officers present?

19 A Yes.

20 Q And who was present, if you can remember.

21 A I don't know names, but there were several patrol
22 cars, I believe to include a sergeant.

23 Q Were you the first detectives to arrive on scene?

24 A Yes.

25 Q So what did you see when you got to that location?

1 A Initially, there was not a lot to see. We were out in
2 the parking lot. Like I said, a couple of patrol cars were out
3 there. Normally, what happens in that situation is the primary
4 officer will come and brief all the detectives, give us pretty
5 much everything from event number, time of call, suspect
6 information, victim information, witness information, what
7 evidence they may or may not have, where it took place, pretty
8 much everything, and we document all of this from the patrol
9 guys. So we were -- we were getting ready to set up for that.
10 And it was your everyday Las Vegas apartment complex.

11 Q I'm actually going to show you what's been entered as
12 State's Exhibit 19. Let me zoom out here a little bit. Do you
13 recognize that as the apartment complex that you saw that
14 evening?

15 A Yes.

16 Q Okay. And you said that was No. 267; correct?

17 A Correct.

18 Q And this is State's Exhibit 20 showing that the
19 apartment number was 267?

20 A Right.

21 Q Okay. So when you got out to the scene and you saw
22 the apartment complex, did you then speak with the patrol
23 officers who gave you a briefing of what had occurred?

24 A Yes.

25 Q Okay. Was there still a victim present at the time?

1 A There was.

2 Q Okay. What did you do after speaking with the patrol
3 officers about what had occurred?

4 A I went and had an informal conversation with the
5 victim, Ms. Dotson.

6 Q And that was -- what was her name?

7 A Ms. Dotson, Nicole Dotson.

8 Q Okay. What was her demeanor like at that time?

9 A She was -- she appeared shaken up to me. When I spoke
10 with her, her speech was a little unsteady, but relatively calm.

11 Q Was she crying at that time?

12 A At that time, no.

13 Q Had the crime scene analyst arrived by the time you
14 had gotten there?

15 A No.

16 Q Did you eventually call for a crime scene analyst?

17 A Absolutely.

18 Q And how do you make the decision as to whether or not
19 to call for a crime scene analyst?

20 A In cases like this, we're almost always, almost always
21 going to use a crime scene analyst to document not only the
22 scene, the victim's condition, the suspect's condition if
23 they're there, we usually need them to locate, or I should say
24 document, photograph, and possibly recover evidence, as well.
25 So, yeah, we're always going to call them.

1 Q And so you did call for a crime scene analyst and they
2 did come to that scene?

3 A Yes.

4 Q Okay. Was that after you had the conversation with
5 Ms. Dotson?

6 A The timing I'm not sure of. It's possible. Probably.
7 It may even be one of my other teammates called the crime scene
8 analyst.

9 Q Now, is it the detectives at the scene that make the
10 decision as to what the crime scene analyst will do during their
11 investigation?

12 A Yes.

13 Q And in this specific case, what was it that you
14 requested the crime scene analyst to do?

15 A Overall photographs of, first, the area, document
16 where the apartment is, document the crime scene itself, which
17 according to the details was inside the apartment in several
18 rooms. I walked them through and showed them the bathroom which
19 had certain evidence in it, instructed them to take photographs
20 of that. Other than that, there was no evidence to recover.

21 Q Did they also take photographs of the victim?

22 A Yes.

23 Q Okay. Now, can crime scene analysts also dust for
24 fingerprints and take swabs for DNA?

25 A Absolutely.

1 Q And did you direct this particular crime scene analyst
2 to do so?

3 A No.

4 Q And what was your reasoning behind that?

5 A The reason I chose not to do that is because according
6 to Ms. Dotson, Mr. Harris had admitted into the apartment. He
7 had been there in the past, he had been there that evening
8 according to her, so it would be expected that he would be in
9 there. So that would be, if anything, the DNA or the
10 fingerprints that I would be looking for as he was listed as the
11 suspect in this case. So I didn't think it was necessary at
12 all.

13 Q So it wouldn't have given you any relevant
14 information?

15 A Correct.

16 Q You said that the crime scene analyst did take photos
17 of Ms. Dotson. I'm going to show you State's Exhibit 1. Let me
18 see if the light makes it any better. Nope. Do you recognize
19 that as a photo of Ms. Dotson?

20 A Yes.

21 Q Is that how she looked when you were talking with her
22 that evening?

23 A It is.

24 Q Okay. And do you recall when you first spoke with Ms.
25 Dotson? I mean, you said she was calm. Did you see any

1 injuries that you could actually observe when you started
2 speaking with her?

3 A Yes. Her left eye was swollen shut.

4 Q I'm going to show you State's Exhibit 2. Does this
5 appear to be a photo of Ms. Dotson?

6 A Uh-huh. Yes, it is. I'm sorry.

7 Q Is that what her eye looked like to you when you saw
8 her on that day?

9 A Yes.

10 Q Okay. State's Exhibit 3. Is that just a front shot
11 of her eye?

12 A It is.

13 Q Did you see any other visible injuries on Ms. Dotson
14 when you were speaking with her initially?

15 A No.

16 Q Okay. Did she complain to you of any other injuries?

17 A She said she was in a lot of pain. She had pain in
18 her head, on top of her head, her hands.

19 Q Now, to your knowledge, when you arrived on scene, had
20 medical been called for Ms. Dotson?

21 A I believe so, yes.

22 Q And do you know if she had turned them away or if she
23 had gotten in the ambulance?

24 A It was my understanding that their initial response,
25 they did respond to the scene, and she did turn them away.

1 Q And what did you do in response to that?

2 A I recalled them after speaking with her initially.

3 Q Okay. Now, you said that you spoke with her when you
4 first arrived, and then were pictures taken after you spoke with
5 her?

6 A Yes.

7 Q Okay. And did you eventually do a more formal
8 interview with her?

9 A I did.

10 Q And where did you do that more formal interview?

11 A I conducted a taped interview in my LVMPD issued
12 vehicle.

13 Q And were you alone with Ms. Dotson when this interview
14 was conducted?

15 A Detective Hambly was also inside the vehicle.

16 Q Now, why did you decide to do a taped interview with
17 Ms. Dotson?

18 A First off, she said she couldn't write because her
19 hands hurt so bad, she couldn't hold a pen. Secondly, we always
20 conduct taped interviews. The recording will not only capture
21 everything she says verbatim, obviously, but also sometimes
22 inflections and tone and things like that, it's just a lot
23 easier. We have those taped interviews transcribed so we can
24 read them later on and get verbatim statements.

25 Q So in this case, can you tell me where you were

1 sitting and where Ms. Dotson was sitting in the vehicle?

2 A I was in the driver's seat, she was in the front
3 passenger seat, and Detective Hambly was sitting in the rear
4 passenger seat.

5 Q And at this point was she willing to talk with you?

6 A Absolutely.

7 Q Okay. At any point did she say that she wanted to
8 just leave and --

9 A She did.

10 Q -- get out of there?

11 A She did initially. Initially, she just -- she seemed
12 very upset when the CSA, crime scene analyst, was taking
13 photographs. She started talking a little bit more about the
14 incident and began crying and said I just -- I just want to get
15 out of here, I want to go to where I'm going, which I believe
16 was either a family member or friend's family member's house.
17 So she didn't initially want to conduct that interview.

18 Q But eventually she said she was willing to speak with
19 you?

20 A Yes.

21 Q And speak with a recording?

22 A Yes, absolutely.

23 Q Okay. And when she -- and I'm sorry. This was on the
24 same night that you went to the apartment; correct?

25 A Correct.

1 Q Okay. Just a couple hour after you arrived?

2 A Yes.

3 Q So did Ms. Dotson tell you that Mr. Harris was inside
4 her apartment when she arrived home from work?

5 A She did tell me that.

6 Q Okay. And did she tell you whether or not he lived in
7 that apartment?

8 A She stated he did not live in that apartment.

9 Q Okay. Did she say that sometimes he would stay there?

10 A Yes. Yes, he occasionally stays there.

11 Q Did she tell you that Mr. Harris did, in fact, have a
12 key?

13 A Yes.

14 Q But that he was not on the lease?

15 A Not on the lease, does not get mail there. She even
16 said he doesn't even any clothing or belongings there.

17 Q Was she clear about whether or not she had expected
18 Mr. Harris to be in her apartment when she got home?

19 A She stated she did not expect him to be there.

20 Q Did she tell you why she didn't expect him to be
21 there?

22 A No.

23 Q Did she tell you whether they had gotten into an
24 argument?

25 A She said she was in a telephone conversation with him,

1 I believe, on the way home from work and they were arguing over
2 the phone.

3 Q Okay. What did she tell you happened when she got
4 home?

5 A She said she entered her apartment and saw him laying
6 in her bed, and they began arguing. She wanted him to leave
7 immediately.

8 Q And as she's telling you what happened that night, did
9 her demeanor change at all?

10 A Yes.

11 Q How did it change?

12 A She became a lot more emotionally upset and she began
13 crying again.

14 Q But she was able to continue speaking with you?

15 A Yeah.

16 Q Okay. So what did she say happened when they were in
17 the bedroom, if recall?

18 A To the best of my recollection, she said they were
19 arguing back and forth. She threatened to call the police
20 because he wouldn't leave, and this is when he sat up in the bed
21 and she said he began strangling her. She said something like
22 that seemed to last a long time, and he then started punching
23 her and she fell to the floor. He continued hitting her, and
24 she then ran out of the room, the master bedroom, into the
25 living room area.

1 Q Did -- and, I'm sorry, did you say that this is when
2 he did punch her in the face?

3 A Yes.

4 Q Causing the injury that you could observe?

5 A I believe so.

6 Q Okay. So then she was able to run out of the bedroom
7 and go into the living room?

8 A That's what she said.

9 Q Okay. And did she tell you about whether or not Mr.
10 Harris followed her into the living room?

11 A Yes. She --

12 Q Okay. Go ahead.

13 A She said she ran into the living room screaming help,
14 help, help, and she noticed Mr. Harris follow her from -- from
15 the master bedroom. She said he then produced a handgun from
16 his pants pocket and hit her on the top of the head. I'm not
17 sure what the order is. She said he put the gun in her mouth
18 and said, excuse me, bitch, I'm going to kill you. She said he
19 said you better stop screaming, something like that, or I will
20 blow your head off. That's not verbatim. I don't remember
21 verbatim.

22 Q But something similar to that?

23 A Yes.

24 Q Okay. Did she also tell you that he continued to kick
25 her and punch her while she was in the living room?

1 A She did say that.

2 Q Okay. Now, so just to be clear, Nicole told you that
3 the defendant had the gun while they were in the living room?

4 A Yes.

5 Q And then what happened? Did they go somewhere else
6 after the living room?

7 A She said that he forced her into the secondary
8 bathroom, the guest bathroom, in this case it was her daughter's
9 bathroom, at gunpoint, and told her to stay in there.

10 Q So she specifically said that he had the gun pointed
11 at her and forced her to go to that place in the apartment?

12 A Yes, she did say that.

13 Q Okay. Did he ever threaten to kill her if she
14 continued to make noise?

15 A In the bathroom, yes, she said that.

16 Q What did she tell you he did to her while they were in
17 the bathroom?

18 A I believe she said he may have put the gun in her
19 mouth again. She said that at one point after the -- the
20 threats and the hits, he went to perhaps the kitchen area
21 somewhere and recovered a two-liter bottle of juice, some sort
22 of juice, and came back in and poured it all over her head and
23 called her names.

24 Q Now, did she explain to you whether or not she felt
25 she could leave the bathroom?

1 A No, she did not feel she could leave the bathroom.

2 Q And was that because he had the gun on her?

3 A According to her, yes.

4 Q Okay. Did she say whether or not he was inside of the
5 bathroom the entire time?

6 A I'm sorry, what entire time?

7 Q The entire time she was within the guest bathroom.
8 Did she talk about whether Mr. Harris left the bathroom, or did
9 she express that he was --

10 A Other -- other than leaving to go get the juice or
11 whatever that was, she didn't say whether he was in there the
12 entire time.

13 Q Okay. Did he continue to threaten her while -- did
14 she say he continued to threaten her while they were in the
15 bathroom?

16 A Yes.

17 Q Okay. Did she tell you that he eventually left the
18 apartment?

19 A Yes, she did.

20 Q And what did she tell you happened after he left the
21 apartment?

22 A She said that she had waited for some time to make
23 sure she was safe. Didn't hear any other noises. She did tell
24 me, I asked her how she knew he left, and she said she heard the
25 lock click using a key. And at that point she got up and got

1 her belongings and left the apartment.

2 Q Now, did she tell you whether the defendant threatened
3 her if she went to the police?

4 A That was one of the threats. If I hear you called the
5 police, I will kill you again. That's not verbatim. I don't --

6 Q Now, did you, after she kind of told you this initial
7 story, did you ask her further questions about the weapon that
8 she saw?

9 A Yes.

10 Q Okay. And did she tell you more about what that
11 weapon looked like?

12 A I asked her, because she used the word gun, I asked
13 her what type of gun, what did it look like. I believe she said
14 it was black with a brown bottom is how she described it. And
15 she was later asked, and I believe it was by Detective Hambly,
16 whether it was a long gun or a smaller gun, and she said it was
17 a handgun. She doesn't know guns very well, but it was a
18 handgun.

19 Q Okay. But she was clear that it was, in fact, a gun?

20 A She used the gun -- word gun many, many times.

21 Q Okay. Did you also further ask her about the
22 strangling that she had said occurred when she first got to the
23 apartment?

24 A Yes.

25 Q Did you ask her about whether or not she was able to

1 breathe when this was going on?

2 A I did.

3 Q And what was her response as to how long it was and if
4 she was able to breathe?

5 A She didn't give me a time frame, but she emphatically
6 said I couldn't breathe.

7 Q Okay. Now, after you -- I'm sorry, when you were
8 finishing up this interview with Nicole, I know you said her
9 demeanor had changed throughout, what was her demeanor like at
10 the end of the interview? If you can recall.

11 A From the best of my recollection, she was a bit
12 calmer, but she did just want to get out of there.

13 Q Now, at some point did you also go inside of that
14 apartment?

15 A I did.

16 Q And what was the purpose of you going inside of the
17 apartment?

18 A To walk the crime scene, so to speak. To -- again,
19 that's what the detectives will always do to -- you have to get
20 a firsthand knowledge of it. You want to look for any extra
21 evidence that maybe the first arriving officers didn't find, and
22 I wanted to do that. I also wanted to locate the items so I can
23 point them out for the crime scene analyst to say this, this, or
24 this. As myself and Detective Hambly were in there, we also
25 were looking for specifically male clothing in the -- in the

1 closets or some sort of belongings just to verify whether he
2 did, in fact, live there or not.

3 Q So who all did you walk through the apartment with?

4 A It was myself, Detective Hambly, and the crime scene
5 analyst.

6 Q And I'm showing you what's been previously entered as
7 Defendant's Exhibit C. Do you recognize, and I know there are a
8 few layouts, but the one that's circled, do you recognize this
9 as the layout of the apartment that you walked?

10 A Yes. I'm sorry. I believe it's flipped over.

11 Q Oh, that's what the crime scene analyst said, too.
12 Here you go.

13 A Okay.

14 Q Okay. Does that make more sense?

15 A Yes.

16 Q Okay. Thank you. So I'm going to show you State's
17 22. And what is this depicting, Detective?

18 A That's going to be the living area, the main living
19 room.

20 Q And that's looking in from the door?

21 A From the front door, yeah. Look to the left here is
22 going to -- to the left there is where you're looking into that
23 secondary bathroom that Ms. Dotson was referring to.

24 Q And inside of this living room, did you find anything
25 that looked like a male lived there?

1 A No.

2 Q I'm showing you 24. Let me just zoom out really
3 quickly here. Is this inside the living room looking towards
4 that door?

5 A Yeah.

6 Q Outside door?

7 A I don't want to say obviously, but that's the entrance
8 door to the right, and that would be the master bedroom looking
9 there straight ahead more to the left.

10 Q And the master bedroom is where Ms. Dotson indicated
11 that the struggle began?

12 A She -- yes.

13 Q Sorry. These got a little out of order here. Showing
14 you 30. Is that a picture of the master bedroom within -- a
15 picture of the master bed within the master bedroom?

16 A It is, yeah.

17 Q And 31, is that another side view of that bed?

18 A Yeah, that would be the view you see as you're
19 standing in the doorway pretty much.

20 Q And did you and the crime scene analyst determine that
21 a photo should be taken of that mattress?

22 A Yeah.

23 Q And do you recall why that was?

24 A Just because it appeared askew, if you will, like kind
25 of messed up. Maybe a struggle happened there.

1 Q 32, is that just the right side of that master bedroom
2 bed?

3 A Yes.

4 Q Okay. Now, I'm going to show you 34. Now, you said
5 you were specifically looking for items that showed that a male
6 may live there.

7 A Uh-huh. Yes.

8 Q Did you find anything within this master bedroom
9 closet or within the bathroom?

10 A No. No, I didn't. I didn't open drawers or anything
11 like that. I didn't rummage through the closet to dig deeply,
12 but, no, from initial appearances I didn't see anything.

13 Q And showing you 35. This is just the master bedroom
14 bathroom, is that accurate?

15 A It is.

16 Q Okay. And then did you also go into the second
17 bedroom?

18 A Yes.

19 Q State's 39. Were you able to determine whose room
20 that was?

21 A We decided it was the child's room.

22 Q Did you ever talk with Ms. Dotson about where her
23 child was that evening?

24 A I didn't, no.

25 Q Okay. But she was not present on scene?

1 A No.

2 Q Okay.

3 A No. And she never indicated she was there.

4 Q And then regarding that second bathroom, State's 41.
5 Is this looking into that second bathroom?

6 A Yes.

7 Q And did you find anything of interest in the second
8 bathroom?

9 A The only thing that I determined was of interest in
10 that bathroom was a puddle, a puddle of liquid about --
11 whereabouts Ms. Dotson said the juice or whatever it was was
12 poured over her head.

13 Q Okay. I'm going to show you State's 42. And you
14 can't see it very well, but is this about where that puddle was
15 located?

16 A Yeah.

17 Q Okay.

18 A Yeah. Yeah, you had to kind of get down and see the
19 reflection of light off of it.

20 Q And State's 44. Can you kind of see the outline on
21 that toilet bowl of what you're talking about?

22 A Uh-huh. I'm sorry. Yes. Yes, I -- I just -- I think
23 it was pink lemonade. That's why the -- the color might be pink
24 in hue.

25 Q So you can see a pink in hue color on top of that

1 toilet bowl?

2 A Yes, I can.

3 Q Okay. State's 46. Is this a linen closet from within
4 the apartment?

5 A Yes.

6 Q And did you find anything that led you to believe a
7 male lived there in that linen closet?

8 A No.

9 Q Okay. State's 47 is just the rest of that linen
10 closet. Did you find anything within that part of the linen
11 closet that indicated that a male lived in that home?

12 A I did not.

13 Q Okay. Now, after you had gone -- oh, and I'm sorry.
14 I forgot a couple. Now, this is Defense Exhibit D. Do you
15 recall seeing this hairbrush on the floor of the living room?

16 A Yes.

17 Q Okay. Did you think -- did you take that into
18 evidence or impound that for any reason?

19 A No.

20 Q Did you think that it had any relevance to your
21 investigation?

22 A I did not.

23 Q And I'm just going to put up Defense Exhibit E. And
24 this is just showing where that hairbrush is in relation to
25 everything else in the living room?

1 A Yes.

2 Q Thank you. Now, after you went through the house, was
3 there anything that was impounded or taken in?

4 A No.

5 Q Okay. Did you find a firearm?

6 A No.

7 Q Were you searching for a firearm or ammunition?

8 A I was not.

9 Q Okay. But you didn't see anything in plain view?

10 A Correct.

11 Q Okay. But you did document it with the photos?

12 A Yes.

13 Q Now, after you had -- I'm sorry. While you were
14 actually going through the house with the CSA and your partner,
15 was Nicole Dotson still on scene, or had she left at that point?

16 A She was still there.

17 Q Was she eventually transported?

18 A Yes, she was transported to the hospital.

19 Q And why did you make the decision that she needed
20 medical?

21 A The more I spoke to her, beyond the obvious site of
22 her eye injury, we -- we didn't know if the orbital bone was
23 broken or anything like that. It just looked pretty serious.
24 When she spoke about the pain that she was in, I said, you know
25 what, it's best for you to at least go get an x-ray to make sure

1 that there's no serious damage to your head, that, God forbid,
2 there's nothing like a brain bleed or anything like that, which
3 can happen relatively easy from what I understand. So that's
4 why I suggested it.

5 Q And then she followed your suggestion and she went to
6 the hospital?

7 A Yes, she did.

8 Q Okay. Now, after she went to the hospital, what
9 further steps did you take in your investigation that night?

10 A That night we came up with a couple of addresses while
11 searching our systems that the defendant may possibly have gone
12 to because he was no longer on scene. So a couple of my fellow
13 detectives went to those addresses to look for the vehicle that
14 he's known to drive to conduct knock and talks to see if he or
15 someone that knew him would answer the door. Those were --
16 those were negative. No one was there. The vehicle wasn't
17 there at any of those addresses. I also wrote out a probable
18 cause statement. Basically, after that initial investigation, I
19 determined there was enough probable cause to charge the
20 defendant with certain crimes. I wrote up that probable cause
21 statement and had it prepared for -- what I wanted to do was
22 walk through an arrest warrant, expedite an arrest warrant the
23 next day due to the threats, the nature of the threats of him
24 returning to -- to kill her if police were called, which they
25 obviously were.

1 Q So the facts of that particular case and what Ms.
2 Dotson told you caused you concern?

3 A Yes.

4 Q And the fact that a firearm was involved?

5 A Yes.

6 Q Okay. Now, you said that there was a vehicle that you
7 believed to belong to Mr. Harris. Why did you believe that this
8 specific vehicle may lead you to him?

9 A I believe Ms. Dotson gave the initial officers the
10 information on the -- on the license plate and the vehicle
11 that's driven by him regularly.

12 Q Okay. Now, to your knowledge was the defendant ever
13 located?

14 A Eventually, a week later.

15 Q A week later. And when the defendant was located, do
16 you know where he was at?

17 A I'm told it was at his place of work.

18 MR. SHEETS: Objection, Your Honor. Calls for
19 hearsay.

20 THE COURT: Sustained. The jury will disregard the
21 last answer.

22 BY MS. CRAGGS:

23 Q Did you ever take any further steps after the
24 defendant was taken into custody regarding this case?

25 A Yes, I directed my coworker, a fellow detective, to

1 draft a search warrant for the vehicle that he's known to drive.

2 Q So was the vehicle eventually found by police
3 officers?

4 A Yes.

5 Q Okay. Do you know if that was nearby to the
6 defendant?

7 MR. SHEETS: Objection, Your Honor. Foundation.
8 Calls for hearsay.

9 THE COURT: I will sustain it on foundation. If you
10 can -- he has personal knowledge that would establish that, he
11 can testify to it.

12 BY MS. CRAGGS:

13 Q But to your knowledge, the vehicle that Ms. Dotson
14 described as being the defendant's was found, thus you asked for
15 a search warrant to be authored?

16 A Yes.

17 Q And why did you ask another detective to author the
18 search warrant for you at the time?

19 A Normally, I would have done it myself, but I was sick
20 with the flu.

21 Q Okay. After the search warrant was authored and the
22 search was conducted, was anything of interest to your
23 investigation found?

24 A No firearms were found to my understanding. However,
25 firearm ammunition and magazines that are used inside of

1 firearms were found in that vehicle.

2 MS. CRAGGS: Court's indulgence.

3 BY MS. CRAGGS:

4 Q So, Detective, I just want to go back to when you were
5 speaking with Ms. Dotson in the vehicle and when you were doing
6 the recorded statement, okay?

7 A Yes.

8 Q So I want to go back to when she was talking about the
9 strangulation. You said that she told you that she felt like
10 she couldn't breathe. Did she tell you whether or not she
11 thought she may pass out due to the strangulation?

12 A I don't recall.

13 Q Okay. Do you recall if she spoke about when she was
14 in the bathroom, and did she ever tell you that the defendant
15 put her against the wall and threatened to pull the trigger?

16 A I believe it was something like that, but --

17 Q Would taking a look at the actual recording and
18 transcript help to refresh your memory?

19 A Absolutely.

20 Q Okay.

21 MS. CRAGGS: May I approach, Your Honor?

22 THE COURT: Okay. What page are we looking at?

23 MS. CRAGGS: Page 4, Your Honor.

24 THE COURT: All right. Don't read it out loud. Just
25 look at it, read it, and then when you're done, signal that

1 you're done reading it.

2 Go ahead, counsel.

3 MS. CRAGGS: Oh. Thank you. I'm sorry, Judge. If I
4 can approach.

5 BY MS. CRAGGS:

6 Q Do you recall now whether or not Nicole told you that
7 the defendant put her against the wall, held the gun against her
8 head, and threatened to pull the trigger?

9 A She did state that.

10 Q At some point did Ms. Dotson also describe for you the
11 strangulation in some sort of demonstration?

12 A My partner, Detective Hambly, asked her to show her --
13 I'm sorry, show him how she was strangled by using her hands on
14 herself in the manner. And she stated I can't do that because
15 my hands hurt too badly.

16 Q Okay. And just going back to where you said you
17 couldn't remember whether or not she told you whether she was
18 going to pass out, would looking at the transcript that we have
19 your interview with her help you to remember that, as well?

20 A Yes, it would.

21 MS. CRAGGS: And that's page 7 for the record. If I
22 can approach, Judge?

23 THE COURT: Go ahead.

24 MS. CRAGGS: Thank you.

25 ///

1 BY MS. CRAGGS:

2 Q Just take a look there for me. Did that refresh your
3 recollection?

4 A Yes, it did.

5 Q Okay. And now do you recall whether or not she told
6 you if she felt she was going to pass out?

7 A Yes, she did say she was going to pass out.

8 Q Did she also say whether or not she fell to the ground
9 while she was being strangled or after she was strangled?

10 A She did say that.

11 Q Okay. Now, going back to the weapon that she
12 described to you. Did she ever tell you whether she initially
13 saw that weapon when she was speaking with Mr. Harris when she
14 came into the apartment?

15 A I believe she said she did not see it.

16 Q Okay. Now, regarding your entry into Ms. Dotson's
17 apartment, and the fact that you looked around and took some
18 photos, did you ask Ms. Dotson's permission to go ahead and do
19 that?

20 A Absolutely.

21 Q And what was her response to that?

22 A Yeah. She gave me her key.

23 Q Oh. She actually gave you her physical key?

24 A She did.

25 Q Okay. And now if you can remember sort of based on

1 the layout of the apartment, if you're at -- if you're from the
2 door to the bathroom, so the guest bathroom --

3 A Okay.

4 Q -- can you see toward the living room? And I can put
5 up that map a little bit again, if that would be helpful. And I
6 believe you said it was flipped, so is that how you remember it?

7 THE COURT: What's the exhibit number?

8 MS. CRAGGS: I'm sorry, Judge. C. Defendant's C.

9 BY MS. CRAGGS:

10 Q Here we go. So if you're in that guest bathroom, can
11 you see into sort of that living room, dining room area?

12 A There is a line of sight.

13 Q Now, as part of your investigation involving Mr.
14 Harris and Ms. Dotson, is part of your duty to listen to phone
15 calls that the defendant may have made to Ms. Dotson?

16 A Yes.

17 Q And have you, in fact, listened to some of those phone
18 calls?

19 A I have.

20 Q And I'm going to just play you a little snippet of one
21 of those and you tell me if you recognize this as the calls to
22 which I'm referring.

23 THE COURT: Well, it's my understanding there isn't
24 any issue as to authenticity, is there?

25 MS. CRAGGS: Oh. Your Honor, I apologize. I guess

1 we're stipulating to 65.

2 MR. SHEETS: Yes, Your Honor, pursuant --

3 THE COURT: That was my understanding.

4 MR. SHEETS: -- to our discussion.

5 THE COURT: So --

6 MR. SHEETS: Yes, pursuant to our discussions before,
7 if the State is moving to admit, no objection.

8 THE COURT: 65 and your --

9 MS. CRAGGS: Yes.

10 THE COURT: No objection? Sorry, counsel. No
11 objection?

12 MR. SHEETS: Right, Your Honor.

13 THE COURT: All right. 65 will be admitted.

14 (State's Exhibit 65 admitted)

15 MS. CRAGGS: And, Your Honor, I would request a --

16 MR. SHEETS: May we approach, Your Honor?

17 THE COURT: All right.

18 MR. SHEETS: No need for a sidebar, Your Honor.

19 THE COURT: Oh. It's that kind of approach. Okay.
20 Hold on just a second. This is something you had both -- this
21 -- both parties have concurred with?

22 MR. SHEETS: We concur, and we concur with it before,
23 Your Honor.

24 THE COURT: Oh, before?

25 MR. SHEETS: Yes, Your Honor.

1 THE COURT: It's in past tense, so I'll have to modify
2 it. All right. But let me -- does the State concur, too?

3 MS. CRAGGS: We do.

4 THE COURT: All right. Ladies and gentlemen, you will
5 hear evidence, and I assume that's in these phone calls, you
6 will hear evidence that at some point the defendant was in
7 custody at the Clark County Detention Center and made telephone
8 calls while he was there. You must not draw any inference of
9 guilt from this fact, nor should this fact be discussed by you
10 or enter into your deliberations in any way.

11 I assume you want to publish the phone calls?

12 MS. CRAGGS: I do, Your Honor.

13 THE COURT: All right. Go ahead.

14 MS. CRAGGS: If I may publish.

15 BY MS. CRAGGS:

16 Q Just a couple questions before I do. Is there sort of
17 a lengthy preamble to these phone calls, without telling you
18 what it is?

19 A Yes. Yes, there is.

20 Q And is it the same in every call that's made?

21 A Absolutely.

22 Q And it's essentially a recorded voice?

23 A It's a recorded voice.

24 Q Thank you.

25 MS. CRAGGS: And there's three phone calls for the

1 record, Your Honor. We're playing the first phone call.

2 (State's Exhibit 65 played)

3 MS. CRAGGS: We're going to go ahead and skip that
4 recorded voice we talked about.

5 (State's Exhibit 65 played)

6 BY MS. CRAGGS:

7 Q Can you tell us who the female's voice is that we're
8 hearing?

9 A That's Nicole Dotson.

10 Q And who is the man's voice that we're hearing?

11 A Mr. Harris.

12 Q Thank you.

13 (State's Exhibit 65 played)

14 BY MS. CRAGGS:

15 Q Now, Detective, we're going to play you a second call.

16 (State's Exhibit 65 played)

17 BY MS. CRAGGS:

18 Q And then one last call, Detective.

19 (State's Exhibit 65 played)

20 BY MS. CRAGGS:

21 Q Detective, regarding that preamble that we skipped
22 over, in that preamble does it discuss that the calls are being
23 recorded?

24 A Yes, it does.

25 Q Does the individual who makes that call hear the

1 preamble before they start speaking?

2 A Yes.

3 Q Okay.

4 MS. CRAGGS: No further questions.

5 THE COURT: All right. Let's take our break here
6 before we start cross-examination. Ladies and gentlemen, if you
7 get out there, do what you need to do and get back, we'll
8 continue on and try to get some more in here today.

9 While you're out there, do not talk to each other
10 about the case or about anyone who has anything to do with it.
11 Do not talk with anyone else about the case or about anyone who
12 has anything to do with it. Do not let anyone talk to you about
13 the case or about anyone who has anything to do with it. Do not
14 read any news stories or articles or listen to any radio or
15 television reports about the case.

16 And do not visit the scene of any events mentioned
17 during the trial or undertake any investigation,
18 experimentation, or research on your own, including the use of
19 social media to in any way discuss the case or the use of the
20 Internet or other reference materials to do any investigation or
21 research, and do not begin to form or express any opinion on any
22 subject connected with this case until it's finally submitted to
23 you.

24 All right. We'll see you back in hopefully just a few
25 minutes.

1 (Jury recessed at 3:40 p.m.)

2 THE COURT: All right. Do you need to use the
3 restroom, sir?

4 THE WITNESS: I don't.

5 THE COURT: Okay. Do you want him to stay here, or do
6 you want to sit in the -- sit in the jury --

7 MS. CRAGGS: Wherever he's most comfortable.

8 THE COURT: Okay. All right. Anything else before
9 we --

10 MS. CRAGGS: Not from the State.

11 MS. SUDANO: Not from the State.

12 THE COURT: All right.

13 MR. SHEETS: Thank you, Your Honor.

14 THE DEFENDANT: Excuse me, Your Honor. May I speak?

15 THE COURT: You should be speaking through your
16 attorney. What's this about? Because all of us have got to
17 take our own break.

18 THE DEFENDANT: I know, but I never got the
19 opportunity to speak today.

20 THE COURT: Well, that's not uncommon. I usually deal
21 with the attorneys.

22 THE DEFENDANT: Yeah, I did ask my attorney, and I
23 would like to know if there's evidence of this tape that the
24 defendant had took. I would like that played to the jury, as
25 well.

1 MR. SHEETS: I --

2 THE COURT: Well, that's something that, like I've
3 told you before, your attorney determines, you know, those kind
4 of strategic decisions for your side. And so if he wants to
5 offer it, we'll go from there. Until then, we're off the
6 record.

7 (Court recessed at 3:41 p.m., until 3:51 p.m.)

8 (Inside the presence of the jury)

9 THE COURT: Let the record reflect the presence of the
10 attorneys for both sides, the presence of the defendant. Do the
11 parties stipulate to the presence of the jury?

12 MS. SUDANO: Yes, Your Honor.

13 MR. SHEETS: Yes, Your Honor.

14 THE COURT: Let's let them get seated and get their
15 notepads.

16 MS. SUDANO: Oh wait. She was leaning down. I'm
17 sorry.

18 THE COURT: Yep. They're all there. All right. All
19 right. Go ahead with cross-examination.

20 CROSS-EXAMINATION

21 BY MR. SHEETS:

22 Q So, Detective, we've now gone through these phone
23 calls; correct?

24 A Yes.

25 Q During any of these phone calls, or during these three

1 phone calls, did you hear my client ever encourage Ms. Dotson to
2 lie?

3 A No.

4 Q Did you ever tell her to -- did he never tell her --
5 did he ever tell her something specific that she needed to say
6 about --

7 MS. CRAGGS: Your Honor, I'm going to object to the
8 best evidence rule.

9 MR. SHEETS: I'll withdraw the question, Your Honor.

10 THE COURT: All right. Question is withdrawn.

11 BY MR. SHEETS:

12 Q Now, you indicated that when you call for a CSA that
13 you -- you tell the CSA what to do so they can document,
14 photograph, and possibly recover evidence; correct?

15 A Correct.

16 Q And then you later on said that you kind of do a
17 walkthrough; is that correct?

18 A Correct.

19 Q Now in this particular case, did you do the
20 walkthrough before you asked the CSA to do certain things, or
21 did you ask the CSA to do it, and then you eventually walked
22 through it?

23 A I walked through with the CSA and instructed her to do
24 photographs.

25 Q Okay. So you -- the pictures -- did you take a -- you

1 get an opportunity to look through the pictures of the
2 apartment?

3 A Yes.

4 Q And would it be fair to say that that's an accurate
5 depiction of the state of the apartment at the time that you
6 entered the apartment?

7 A I would.

8 Q Okay. And when you entered the apartment, did you
9 enter with any of the patrol officers, or did you have them
10 enter first?

11 A I don't know if the patrol officers went through the
12 apartment. Myself, Detective Hambly, and the CSA went through
13 the apartment.

14 Q Now, when you entered the apartment, the television
15 was on; correct?

16 A I don't recall that.

17 Q Okay. You don't -- you don't know, or you -- you
18 believe not?

19 A I don't -- I don't recall it.

20 Q Okay. Thank you. Now, you indicated that you grabbed
21 what -- you instructed the CSA, in this case did you tell her to
22 try and recover any evidence inside the apartment?

23 A Other than photographs, no.

24 Q Did you look for, or did you ask her to look for, a
25 possible firearm?

1 A No.

2 Q In a case where there's an allegation of a firearm, do
3 you believe it would be relevant to try and locate a firearm
4 inside the potential scene?

5 A Yes.

6 Q Did you look for or ask the CSA to look for any
7 ammunition within the apartment?

8 A No.

9 Q And in a case, again, where there's firearms that are
10 allegedly used, would it be relevant for you to seek out
11 ammunition?

12 A Yes.

13 Q Okay. So when you testified earlier, you had
14 indicated that -- that you instruct the CSA to look for what you
15 deem to be relevant; correct?

16 A Correct.

17 Q But in this case you didn't ask the CSA to look for a
18 firearm or ammunition; correct?

19 A That's correct.

20 Q Okay. Now, you've been asked quite a few questions
21 about -- you've been asked a few questions about the apartment
22 and whether there had been the clothing of a -- of a man;
23 correct?

24 A Yes.

25 Q You didn't see any clothing of a man at the apartment;

1 correct?

2 A I did not.

3 Q But you did take a recorded statement with Ms. Dotson
4 that was transcribed; correct?

5 A Yes.

6 Q And in that particular statement, at one point she
7 indicated that he was going around the room getting his stuff to
8 leave; isn't that correct?

9 A Uh-huh. Yes, that is correct.

10 Q Okay. And you didn't open or close any doors inside
11 that particular apartment; correct?

12 A I did not.

13 Q So showing State's 22. In this photograph, that
14 closet door is open; correct?

15 A Yes, it is.

16 Q Does it appear to be in order, or does it appear to
17 have items just kind of stacked about?

18 A I would say stacked about.

19 Q In my attempts to preserve the order. And this is
20 State's 29. Is this a picture of the inside of that closet?

21 A Yes, it is.

22 Q And in that particular -- in that closet, there is
23 items that are stacked about; correct?

24 A Yes.

25 Q Including a suitcase or two; correct?

1 A Possibly, yeah. A bag, it looks like a bag.

2 Q Okay. And State's 33. This is inside the -- if you
3 were to walk in the front entrance, this would be the bedroom on
4 the right; correct?

5 A Correct.

6 Q The closet door is open in this picture as well;
7 correct?

8 A Yes.

9 Q Okay. And State's No. 34. That's just another
10 picture of that; correct?

11 A Yes.

12 Q Okay. State's 35. This is in the bathroom; correct?

13 A Yes.

14 Q And that's that bathroom connected to the bedroom with
15 the black bed; correct?

16 A It is.

17 Q And the cabinet door is open under the sink; correct?

18 A Yes, it is.

19 Q And the drawer is open under the counter; correct?

20 A It is. It appears so, yes.

21 Q Now, typically people -- typically, in your own daily
22 life, Officer, you keep your toiletries in the bathroom;
23 correct?

24 A I do.

25 Q You keep your clothing in the closet; correct?

1 A I do.

2 Q So if you were going to leave and you needed to take
3 those things with you, you might access those areas; correct?

4 A I might access those areas, yes.

5 Q Okay. Now, you had testified, Officer, that -- or
6 Detective, I'm sorry. You had testified, Detective, that you
7 didn't see any indications of a male living in that residence;
8 correct?

9 A Correct.

10 Q But you were told that my client had a key; correct?

11 A Correct.

12 Q On the bed, there were two sets of pillows; is that
13 correct?

14 A I don't recall.

15 Q Would it refresh your -- well, let's do it this way.
16 State's 33. There are multiple pillows; correct?

17 A Yes, there are multiple pillows.

18 Q And State's 30. There are multiple sets of pillows;
19 correct?

20 A Yes.

21 MR. SHEETS: Court's indulgence. I'm endeavoring to
22 keep them in order.

23 BY MR. SHEETS:

24 Q Now, State's 31. This is the side of that bed;
25 correct?

1 A Yes, it is.

2 Q And there is a picture to the side of that bed; isn't
3 that correct?

4 A It appears so.

5 Q Okay. Did you have an occasion to look at that photo,
6 to look at that picture next to the bed when you were going
7 through the apartment?

8 A No.

9 Q Now, often when people -- or, Officer, through your
10 experience have you encountered that often people, even
11 including yourself, keep pictures of loved ones within their
12 home?

13 A Yes.

14 Q And sometimes those loved ones live in the -- in the
15 home, and sometimes they don't?

16 A That's correct.

17 Q Isn't it true that in this picture, State's 31, in
18 that picture, that it's actually a picture of Ms. Dotson and my
19 client?

20 A I can't tell from this picture.

21 Q Is it partly because the screen is terrible? Would it
22 maybe --

23 MR. SHEETS: May I approach?

24 THE COURT: Go ahead and approach.

25 MR. SHEETS: Just to see if maybe that helps.

1 THE WITNESS: Can I pick it up?

2 THE COURT: Yeah, go ahead. Pick it up. There isn't
3 any reason he can't touch this, to my -- well, it's not my
4 understanding.

5 THE WITNESS: I can make out through -- it looks like
6 two people and a juvenile in this photograph.

7 BY MR. SHEETS:

8 Q And does the second person in that picture appear to
9 have the same physical appearance as my client; isn't that
10 correct?

11 A It's difficult to tell.

12 Q Fair enough.

13 MR. SHEETS: May I approach again, Your Honor?

14 THE COURT: Sure.

15 BY MR. SHEETS:

16 Q Now, you had testified that Ms. Dotson had indicated
17 to you that night that my client did not live inside -- or that
18 -- that my client did not live inside Ms. Dotson's home; isn't
19 that correct?

20 A She did say that.

21 Q And you had an opportunity to listen to those jails
22 calls before they were presented in court today and when they
23 were presented today; correct?

24 A Correct.

25 Q And you didn't tell her what to say and not to say in

1 those phone calls; correct?

2 A I did not.

3 Q And to your knowledge, nobody from law enforcement,
4 the District Attorney, the State, told her what to say on those
5 phone calls; correct?

6 A That's correct.

7 Q And it doesn't appear that -- that my -- at least,
8 based on these phone calls, you have no -- no reason to believe
9 that my client has told her how to talk in this particular --

10 MS. CRAGGS: Your Honor.

11 MR. SHEETS: -- phone call; correct?

12 MS. CRAGGS: I would, again, object.

13 THE COURT: I'll sustain that.

14 BY MR. SHEETS:

15 Q Okay. But she does reference in that phone call I was
16 so hurt when I didn't see you come home; isn't that correct?

17 MS. CRAGGS: Objection, Your Honor. Same.

18 THE COURT: Well, you know, I'm -- I'll overrule for
19 this. But we're -- we're not going to do a lot. If you got
20 some reason you're directing to that, go ahead, but we're not
21 going to go through a lot of this what's already on the tape.

22 MR. SHEETS: Yes.

23 BY MR. SHEETS:

24 Q But in this instance, she did say I was so hurt when I
25 didn't see you come home; correct?

1 A I believe so, yes.

2 Q Okay. And she didn't call it my home; correct?

3 A I'm sorry?

4 Q She didn't say didn't come to my home, she just said
5 come home?

6 A Correct.

7 Q Okay. Now, when she gave the statement to you, she --
8 you had indicated that she said that she had been strangled;
9 correct?

10 A Yes.

11 Q And she indicated that he had actually applied
12 pressure to her throat; correct?

13 A She said she couldn't breathe.

14 Q Isn't it true that she actually indicated that there
15 was pressure to her throat?

16 A I don't recall the specific words.

17 Q Would it help refresh your recollection to look at the
18 transcript?

19 A It would.

20 MR. SHEETS: May I, Your Honor?

21 THE COURT: Go ahead. What page?

22 MR. SHEETS: Page 7.

23 THE COURT: Okay. Go ahead.

24 THE WITNESS: Thank you.

25 THE COURT: Okay.

1 BY MR. SHEETS:

2 Q And that refreshed your recollection; correct?

3 A Yes.

4 Q And you actually asked, so he had his hands around
5 your throat, and she said yes; correct?

6 A That was detective Hambly that asked that.

7 Q I'm sorry. Yes.

8 A That's okay. Yeah. Yes.

9 Q But that was the question asked and answered?

10 A Yes. Yes.

11 Q And -- and then he was applying pressure was the next
12 question asked; correct?

13 A Correct.

14 Q And the answer was of course?

15 A Yes.

16 Q And then the next question, applying the pressure --
17 when he was applying the pressure, you said he couldn't breathe;
18 correct?

19 A Yes.

20 Q Okay. And she answered I -- I couldn't breathe?

21 A Right.

22 Q Okay.

23 A Correct.

24 Q So the statement is that the -- the statement that was
25 made to you that night was that pressure was applied to the

1 throat to the point where she couldn't breathe; correct?

2 A Correct.

3 Q Okay. Now, you had indicated that you drafted a
4 request for an expedited warrant; correct?

5 A Yes.

6 Q And you draft that -- you -- you drafted that request
7 the night of the 22nd, the early morning of the 23rd; is that
8 correct?

9 A That's about right, around there.

10 Q And you had drafted that based on Ms. -- Ms. Dotson's
11 statements; correct?

12 A Yes.

13 Q Now, you testified earlier today for the State that
14 you had actually tried to contact Mr. Harris. You hadn't
15 actually tried to contact Mr. Harris prior to asking for that
16 warrant, did you?

17 A Yes.

18 Q Okay. So do you remember testifying at preliminary
19 hearing?

20 A Yes.

21 Q You remember being asked by myself, and did you ever
22 have a reason to come into contact with Mr. Harris during your
23 investigation?

24 A Yes.

25 Q Do you remember answering I did not?

1 A Yes.

2 Q Okay. You didn't indicate at the preliminary hearing
3 that you had actually tried to contact Mr. Harris, did you?

4 A No, I didn't.

5 Q Okay. Now, when she gave the statement, Detective, to
6 you, Ms. Dotson indicated -- well, you never asked her why that
7 she knew or thought that it was a gun that she was referring to,
8 did you?

9 A Did I ask her -- I'm sorry?

10 Q Neither you or -- nor Detective Hambly asked Ms.
11 Dotson if she knew why she was saying it was a gun, did you?

12 A No.

13 Q Okay. And, in fact, at one point you asked if it
14 looked like a real real gun, and then you started asking another
15 part of the question, but she interrupted and said she had no
16 idea; correct?

17 A Yes.

18 Q Okay. And then she stated shortly right -- shortly
19 after that that she had never really seen a bunch of guns;
20 correct?

21 A I believe so.

22 Q So -- so when she says gun, you're unable to say
23 whether she actually knew if it was a firearm or it was a fake
24 gun or something else; correct?

25 A I can't say. Correct.

1 Q Now, you had indicated that Ms. Dotson had talked
2 about how she had been hit on the top of the head with a
3 firearm; correct?

4 A Yes.

5 Q You never actually saw any cuts on the top of her
6 head; correct?

7 A I didn't witness any, no.

8 Q Okay. And you didn't see any bleeding on the top of
9 her head; correct?

10 A I did not, no.

11 Q And you didn't see any bruising; correct?

12 A I did not, no.

13 Q Okay. And -- and you didn't feel any large bumps on
14 the top of her head; correct?

15 A I didn't feel the top of her head.

16 Q Do you remember being asked at the preliminary hearing
17 and the question, and again I'm talking about the top of the
18 head, not around the eye, obviously, but no large bumps or
19 anything like that, and your response was not that I felt?

20 A No, I don't recall that.

21 Q Okay. Would it refresh your recollection to take a
22 look at the transcript?

23 A Yeah.

24 Q Okay.

25 THE COURT: Go ahead. What page?

1 MR. SHEETS: It's going to be 25.

2 THE COURT: All right.

3 MR. SHEETS: Of Volume 2.

4 BY MR. SHEETS:

5 Q Did that refresh your recollection?

6 A It does.

7 Q Okay. So was my -- was my statement as to your
8 testimony accurate?

9 A Which statement was that?

10 Q That you responded not that I felt.

11 A I did say that.

12 Q And you did not respond in that -- to that question
13 that you didn't actually feel her head, did you?

14 A I'm sorry?

15 Q You never made the statement that you didn't feel her
16 head at the preliminary hearing, did you?

17 A No, I didn't make that statement.

18 Q Okay. In fact, your answer was not that I felt;
19 correct?

20 A I did say not that I felt.

21 Q Okay. I'm showing you Defense Exhibit C, and I'll
22 invert it per your earlier comments.

23 A Thank you.

24 Q You had been asked a question about the bathroom and
25 you had made a comment about a line of sight; correct?

1 A Correct.

2 Q Now, the -- Ms. Dotson told you that she remained in
3 the bathroom while my client walked around collecting his
4 things; correct?

5 A Yes.

6 Q And the -- she indicated that she was either kneeling
7 or sitting on the bathroom floor; correct?

8 A I believe so.

9 Q And the -- she had indicated that he had spilled -- or
10 poured lemonade on her; correct?

11 A Yes.

12 Q And the lemonade that you saw was on the toilet;
13 correct?

14 A Yes.

15 Q And the toilet is, in this particular instance, is
16 right adjacent to the bathtub; correct?

17 A Correct.

18 Q Okay. And there was a wall between the bedroom and
19 the living room; correct?

20 A Correct.

21 Q And there is a closet in the kitchen and a wall there
22 between the bathroom and that living room and dining area;
23 correct?

24 A Correct.

25 Q So in order to have a line of sight, she would have

1 had to have exited the bathroom; isn't that correct?

2 A I don't know that.

3 Q Because you didn't actually step in and out of the
4 bathroom to look and see what the line of sight was, did you?

5 A I did.

6 Q You did? You -- so you -- so then at one point as
7 you're walking into the bathroom do you gain a line of sight
8 into the living room?

9 A I don't know how to exactly specify that.

10 Q Well, as you're walking from the bathtub to the -- to
11 this wall -- if you would like, let's see if I can zoom it in
12 here. If you can use your finger to mark on the screen, at one
13 point as you're coming out of this bathroom do you actually get
14 a line of sight into the living room?

15 A A little bit over this way more.

16 THE COURT: Let's clear that off. And there's a --
17 should be a --

18 THE RECORDER: Stylus.

19 THE COURT: -- stylus down there.

20 THE WITNESS: Oh. Is that what this is?

21 THE COURT: Why don't you -- keep pressure on it.
22 Don't tap it. When you tap it we get an arrow. Just put it on
23 and draw it across.

24 THE WITNESS: Draw a line? Okay.

25 ///

1 BY MR. SHEETS:

2 Q So the -- the beginning of that line is where you
3 testified to, again, a line of sight into the living room; is
4 that correct?

5 A I believe so, yeah.

6 Q Okay. So if we just take this piece of paper here --

7 THE COURT: Hold on just a second.

8 THE RECORDER: I got it.

9 THE COURT: Got it? All right. Go ahead.

10 BY MR. SHEETS:

11 Q So if we just take this piece of paper here and line
12 it up right with where that dot starts, there's a wall in that
13 -- there's that corner there between the -- the closet; correct?

14 A Yes.

15 Q Okay. And that corner would be obstructing the view
16 into the living room; isn't that correct?

17 A I don't know whether that's correct or not from
18 this --

19 Q Okay.

20 A -- picture.

21 THE COURT: And that's Exhibit C you're referring to,
22 right, counsel?

23 MR. SHEETS: Yes, Your Honor.

24 THE COURT: Okay.

25 ///

1 BY MR. SHEETS:

2 Q Now, in the voluntary statement that Ms. Dotson give
3 you, she actually stated that she thought that my client was
4 cheating on her; correct?

5 A I believe so.

6 Q And she indicated that -- that she had told him if
7 you're going to be doing stuff with other people and, you know,
8 whatever, just don't come to my house no more; correct?

9 A That sounds familiar.

10 Q Okay.

11 MR. SHEETS: I have no further questions.

12 THE COURT: Redirect?

13 MS. CRAGGS: Yes, Your Honor. Could we do a brief
14 sidebar?

15 THE COURT: All right.

16 (Bench conference)

17 MS. CRAGGS: Your Honor, I just wanted to inquire
18 whether I was able to ask this before I just asked it. Mr.
19 Sheets -- Mr. Sheets was asking questions regarding how she knew
20 it was a real gun after he asks her, I have no idea if it was a
21 real gun, did it look like a real gun, I have no idea, I've
22 never really seen a bunch of guns. Well, then she goes on to
23 say that she's seen him with a gun before, and that's why,
24 essentially, she thought that it was a real gun. She's seen him
25 two or three times with guns.

1 MR. SHEETS: There's no essentially about it. She
2 doesn't say that that's why. The very next question he asked is
3 have you ever -- have you ever seen him with a gun before.

4 MS. CRAGGS: I think because Mr. Sheets was asking the
5 detective whether or not Ms. Dotson knew it was a real gun, and
6 he -- they don't know he's a felon, Your Honor, so there's no
7 prejudice to him. It just --

8 THE COURT: Yeah.

9 MS. CRAGGS: -- goes to show --

10 THE COURT: I don't see any --

11 MS. CRAGGS: -- that she thought that he was --

12 THE COURT: No, I don't have any problem if you ask
13 that.

14 MS. CRAGGS: And, Your Honor, I would stop at, you
15 know, a further --

16 MR. SHEETS: It's not a --

17 MS. CRAGGS: -- discussion --

18 MR. SHEETS: It's not an inconsistent statement
19 though.

20 MS. CRAGGS: It's --

21 THE COURT: Well, I mean --

22 MR. SHEETS: Now they're offering it for the truth of
23 the matter asserted.

24 MS. CRAGGS: It all goes to why she thinks it's a real
25 gun.

1 MR. SHEETS: She hasn't testified.

2 THE COURT: Yeah, well --

3 MS. CRAGGS: I mean, she testified that there were --

4 MR. SHEETS: Well, she doesn't indicate --

5 MS. CRAGGS: -- real guns.

6 MR. SHEETS: -- in that statement that that's why she
7 thought it was a real gun. The very next question he asked her
8 was --

9 THE COURT: Well, I think, actually, at one point she
10 did say that she didn't -- in her testimony, she was like I
11 don't know if it was a real gun or not. I think this goes to --
12 this goes to -- to that issue.

13 MS. CRAGGS: Would you like to see it?

14 MR. SHEETS: Yeah --

15 THE COURT: Go ahead and take a look at it.

16 MR. SHEETS: -- I just want to show the -- show His
17 Honor the -- you have six on the back and six on the front.

18 MS. CRAGGS: I know. Yep.

19 MR. SHEETS: As -- as you look, the question that was
20 asked was did it look like a real real gun, she says I have no
21 idea, okay. She says I never had a bunch of guns. The next
22 question he goes have you ever seen him with a gun before? He
23 has two or three of them. And then he goes right to has -- has
24 he ever done anything like this before to you. There is no
25 implication at all that that statement relates to her thought

1 process regarding no alleged guns. It's simply a question and
2 answer, and it immediately then passed on to inquire as to
3 criminal history. So I'm --

4 MS. CRAGGS: Well, I'm going to --

5 MR. SHEETS: -- not sure how it -- how there is any
6 kind of value in it --

7 THE COURT: Well --

8 MR. SHEETS: -- going towards her state of mind when
9 she doesn't explain it --

10 THE COURT: Okay.

11 MR. SHEETS: -- that it's a direct --

12 THE COURT: Actually, you've --

13 MR. SHEETS: -- [indiscernible].

14 THE COURT: -- you've convinced me. I'm -- I'm not
15 going to let you go down that route

16 MS. CRAGGS: Okay.

17 THE COURT: All right. Do you have any other
18 witnesses after this, or are you --

19 MS. CRAGGS: No.

20 THE COURT: Okay. All right. What I'll do is we'll
21 -- you have your witness?

22 MR. SHEETS: I have one short one.

23 THE COURT: All right. Have you checked to see if you
24 got everything in you want to get in?

25 MS. SUDANO: We didn't yet, Judge.

1 THE COURT: All right. All right. We'll take -- have
2 them walk out in the hall, you check what you need to, I'll
3 canvas the defendant and let them -- you can bring in your
4 witness.

5 MR. SHEETS: Okay.

6 THE COURT: All right.

7 MS. CRAGGS: Okay. Got it.

8 (End of bench conference)

9 REDIRECT EXAMINATION

10 BY MS. CRAGGS:

11 Q Just a couple questions for you, Detective. Okay. So
12 first of all, does this diagram that you're looking at appear to
13 be to scale as to what you observed within the apartment? In
14 terms of the size of the rooms, etcetera.

15 A I believe -- I believe so.

16 Q Okay. And I just want to make sure that it's clear
17 what bathroom we're talking about.

18 A Thank you.

19 Q So what bathroom did Ms. Dotson tell you she was
20 actually sitting inside of, was it the master bathroom or was it
21 her tiled bathroom?

22 A It was -- it was the secondary bathroom, the child's
23 bathroom.

24 Q So not -- not the one that was directly off of the
25 master bedroom?

1 A Correct.

2 Q Okay. So I'm just going to show you, just for some
3 clarity, State's Exhibit 34. What we're looking at -- oh, let
4 me just zoom out here. What we're looking at here, does this
5 appear to be the master bedroom and the master bathroom as we've
6 discussed previously?

7 A Yes, that does.

8 Q So it's right off of -- the -- the door to the
9 bathroom is essentially inside the bedroom?

10 A Yes.

11 Q Okay. So looking back at this diagram again, does it
12 appear that when she was talking about the secondary bathroom
13 was she talking about this bathroom to the left of the screen,
14 or this bathroom to the right of the screen that appears to
15 actually have its entrance inside of the bedroom?

16 MR. SHEETS: Objection, Your Honor. Calls for
17 speculation.

18 THE COURT: No. I'll overrule.

19 THE WITNESS: It -- yeah. Correct. It's the one
20 that's connected to the bedroom.

21 BY MS. CRAGGS:

22 Q Okay. But just so I'm clear detective, she said that
23 it was the secondary bathroom that she was actually inside of.

24 A That's correct.

25 Q So would it be correct -- would I be correct in saying

1 that it was this secondary bathroom, that's not actually
2 connected to a bedroom, that she was inside of?

3 A Correct.

4 Q Okay.

5 THE COURT: You're pointing to the left side of the
6 screen.

7 MS. CRAGGS: Thank you.

8 THE COURT: And --

9 BY MS. CRAGGS:

10 Q And so when she was talking about seeing the defendant
11 walking around, it would be from actually this bathroom on the
12 left?

13 A Correct.

14 Q Okay.

15 THE COURT: Let's -- just so we have it noted for the
16 record. You have that exhibit turned upside down --

17 THE WITNESS: Thank you.

18 THE COURT: -- correct?

19 MS. CRAGGS: Yes, Thank you, Judge.

20 THE COURT: All right.

21 MS. CRAGGS: And I'm sorry, I don't know if I said it
22 was Exhibit C, Defendant's Exhibit C.

23 BY MS. CRAGGS:

24 Q Now, regarding the firearm -- I'm sorry, the -- the
25 lack of search for a firearm. Mr. Sheets asked you why you

1 didn't look for a possible firearm when you were walking through
2 the apartment. Do you have an answer for why you didn't do that
3 at the time?

4 A I had no reason to believe that there would be a
5 firearm in that apartment.

6 Q And why -- why did you not have a reason to believe
7 that that was the case?

8 A She said she had seen him with firearms in the past;
9 however, that --

10 MR. SHEETS: Objection, Your Honor.

11 THE COURT: Is it -- well, I'll sustain the objection
12 and order the jury to disregard the last answer. Direct the --
13 you can go ahead and lead to some degree and direct the witness.

14 MS. CRAGGS: Thank you, Judge.

15 BY MS. CRAGGS:

16 Q Detective, did it have to do with the fact that your
17 understanding was he had left with the firearm earlier that
18 evening?

19 A That's correct.

20 Q Okay. Does the same rationale apply to why you did
21 not search for ammunition?

22 A Yes, that's correct.

23 Q Okay. And, additionally, Mr. Sheets had some
24 questions about -- at the preliminary hearing, and it sounded
25 like he asked you had you come into contact with the defendant.