

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

JAMES MONTELL CHAPPELL,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

No. 77002

District Court Case No.

(Death Penalty Case)

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APPELLANT'S APPENDIX

Volume 9 of 31

Appeal From  
Eighth Judicial District Court, Clark County  
The Honorable Valerie Adair, District Judge

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## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2nd day of May, 2019. Electronic Service of the foregoing Appellant's Appendix shall be made in accordance with the Master Service List as follows:

Steve S. Owens  
Chief Deputy District Attorney  
[motions@clarkcountyda.com](mailto:motions@clarkcountyda.com)  
Eileen.davis@clarkcountyda.com

/s/ Sara Jelinek  
An Employee of the  
Federal Public Defender  
District of Nevada

1 THE COURT: Anyone else?

2 Yes, sir.

3 JUROR NO. 452: I haven't consulted my  
4 doctor, but I'm being treated for a leaky heart valve and  
5 high blood pressure. I don't know if he would approve or  
6 not.

7 THE COURT: Do you feel like you can sit  
8 through a jury trial and make a decision and work with  
9 other people?

10 A I don't know. I have problems and then  
11 I don't. I try to do everything. The doctor says don't do  
12 anything. So.

13 THE COURT: We will put you at the bottom of  
14 the list.

15 THE CLERK: Badge number, sir?

16 A 452.

17 (Off the record discussion not reported.)

18 THE COURT: Yes, sir.

19 JUROR NO. 413: Steve Remular, badge 413.  
20 I'm in the brick layer's union from 6 to 2 and my wife  
21 works from 4. She works at the casino. I have three  
22 kids. They are under one, one years old, and my son is  
23 three and a half. We have no other baby sitter to watch  
24 them.

25 THE COURT: All right. Does she work?

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1 A Stardust Hotel.

2 THE COURT: She works at the Stardust?

3 A Yes.

4 THE COURT: What I'm going to do now is I'm  
5 going to excuse this gentleman here. Could you give me  
6 your name and badge number again, please.

7 JUROR NO. 477: Last name Titony, 477.

8 THE COURT: And you, sir.

9 JUROR NO. 464: Donn Chelli, 464.

10 THE COURT: And you, sir.

11 JUROR NO. 450: 450.

12 THE COURT: Your name again?

13 A Anthony Camacho.

14 THE COURT: And?

15 JUROR NO. 413: Steven Remular.

16 THE COURT: Those prospective jurors are  
17 released.

18 MR. HARMON: Can we have the badge numbers  
19 again, please.

20 THE COURT: Give us your badge number,  
21 please.

22 MR. HARMON: 464?

23 JUROR NO. 464: Yes, sir.

24 JUROR NO. 450: 450.

25 THE COURT: Just take it back to the jury

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1 commissioner.

2 THE REPORTER: Was that 413?

3 JUROR NO. 459: 459, Rebecca Lund. I'm a  
4 full time student at a technical school and I have paid for  
5 my schooling.

6 THE COURT: When do you go to school?

7 A Academy of Hair Design. When? It's  
8 Saturday from 8 to 4:30.

9 THE COURT: All right, I will let you out of  
10 jury duty.

11 MS. SILVER: Badge number?

12 THE CLERK: 459.

13 MS. SILVER: Thank you.

14 JUROR NO. 431: Excuse me, your Honor?

15 THE COURT: Yes.

16 A Is a student status exempt from  
17 possible jury service? As well, I have already paid for my  
18 classes, but I go to school at night.

19 THE COURT: I'm going to go ahead and leave  
20 you at the bottom of the list. Thank you.

21 THE CLERK: Badge number, sir?

22 JUROR NO. 431: 431.

23 THE COURT: Yes.

24 JUROR NO. 479: 479, Catherine Bennett. I  
25 work for a law office down the street and I'm in and out of

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1 here all the time. I don't know if that matters.

2 THE COURT: Doesn't to me.

3 A It doesn't matter, but I hear stuff  
4 going on all the time between the attorneys at my work and  
5 I recognize her over there.

6 THE COURT: Who is that?

7 A Gillock, Koning & Killebrew.

8 THE COURT: There is precious little  
9 likelihood that you will hear any discussion of this case  
10 at that office since that primarily is civil law.

11 Is there anyone on the panel who's been  
12 engaged in law enforcement or has a spouse or close  
13 relative that has ever been engaged in law enforcement?

14 Yes, ma'am.

15 JUROR NO. 405: My brother-in-law is a  
16 police officer for Metro.

17 THE COURT: Give your name and number.

18 A Denise Parr, 405. My brother-in-law  
19 newly just past the academy three months ago as a Metro  
20 police officer.

21 THE COURT: Anything about his status that  
22 would prohibit you from giving the witnesses and the  
23 parties in this case a fair trial?

24 A No.

25 THE COURT: All right, thank you. You may

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1 be seated.

2 THE COURT: Yes, sir.

3

4 (At this time, another court reporter took  
5 over the proceedings.)

6

7

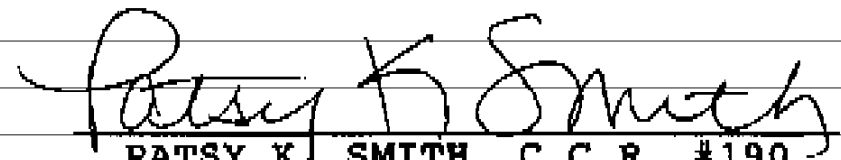
\* \* \* \* \*

8

9 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.

10

11

  
PATSY K. SMITH, C.C.R. #190

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PATSY K. SMITH, OFFICIAL COURT REPORTER

# EXHIBIT 112

Good Juror -  
Remember Three  
General questions

1 O Goal

O. W. Stanley  
Fremont

Badge # 442  
ID.# 1546944

W. Cole

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

No

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? No

### Questions About You

3. Your full name Bruce Todd Larsen Race Caucasian

4. Age 33 Place of birth Ann Arbor, Michigan Marital Status Married

5. Children

	Age	Sex	Education	Occupation
(a)	<u>7</u>	<u>M</u>	<u>2nd grade</u>	<u>none</u>
(b)	<u>3</u>	<u>F</u>	<u>none</u>	<u>none</u>
(c)				
(d)				

6. In what part of the county do you live? Henderson, Nevada

7. Highest educational grade completed High School Diploma + 1 1/2 yrs College

8. Any special schooling or training? Aircraft Maintenance

9. Any courses or training in a legal field? No
10. Your occupation and relevant duties for the last ten years: Aircraft Mechanic, Ramp + Operations Supervisor + Manager for Several Airlines.
11. What is your spouses' occupation, if you have a spouse?  
Guest Relations clerk at the Mirage hotel + Casino.
12. Have you ever been in business for yourself? If yes, please explain. No
13. Ever been a supervisor or boss? If yes, explain. yes supervised + Managed a team of Ramp + Operations agents for Several Air Carriers.
14. Ever served in the military? If yes, please provide some details. NO.
15. Do you attend religious services? If yes, what church or service, and how often?  
No but attended religious school for 2 years.
16. Have you ever changed religions? If so, why? No
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? No
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them No
19. Ever been a juror before? If yes, what did you think of the experience? No
20. Have you or any member of your family ever had a drug or alcohol problem?  
No
21. Have you or any members of your family ever been arrested? If so, why? And what

happened? yes I have DUI. 1984 after  
My first airline Christmas party,

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? None

23. Have you or any one you know been a victim of domestic violence? None

24. Have you or any one you know been affected by domestic violence? How? None

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? I think in  
most cases it is a fair and just system.

26. What are your hobbies and interests? My Family (wife + kids)  
Football + sports.

27. Do you consider yourself to be a leader or a follower? both Why? because to be a good leader you must  
be a good follower.

28. What do you like to read? yes, but mostly sports  
related material or maintenance manuals at work.

What do you think of each of the following:

29. Defense attorneys Tough Job, not sure that  
they could always be sure of their  
clients guilt or innocence, difficult to represent  
a guilty party.
30. Public Defenders Tougher Job being placed  
with a client with no choice in the matter,  
but still knowing you are a Tool of our Justice  
System.
31. State Prosecutors Again alway on the prosecution  
side whether party is guilty or innocent.  
makes this job very difficult.

32. Federal Prosecutors Same as before with  
State prosecutors, must be very sure of  
yourself
33. Police officers very under paid
34. Judges Must once again be very sure  
of him or herself.
35. The Death Penalty Only in a case that  
warrants this penalty. In some cases  
I agree, but mostly for Mass Murder or Serial Killers.
36. The statement: "An Eye for an Eye." Talked about in the  
bible which also says vengeance is mine  
sayeth the lord.
37. The statement: "You Shall Not Kill." one of the Ten  
Commandments I agree.
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial,  
then the person must be guilty. Not always just that there  
is enough evidence for the case to be  
heard.
39. The statement: A defendant in a criminal trial should be required to prove his  
innocence: No in our justice system you  
are innocent until proven guilty I believe  
in our justice system.
40. The statement: The Death Penalty is appropriate in some cases, but not in others:  
yes, each case must be weighed  
in its unique circumstances.
41. The statement: The Death Penalty is appropriate in all cases where somebody murders  
somebody: Not always although it is never  
right to kill, and in some cases of murder  
yes the death penalty should apply.
42. The statement: A defendant's background should be considered in deciding whether  
or not the death penalty is an appropriate punishment: sometimes but  
not always, I think every case should be  
tried on its own merits.
43. The statement: The facts surrounding a killing, and not the killer's background, should  
be the main consideration in determining punishment: surrounding



Factors must be taken into consideration but the weight of the crime still weighs heavy.

44. The statement: Black people cause more crime than white people:

Totally observed and racist.

45. The statement: It's Ok for black people and white people to date each other and have children together.

As long as there is love for the kids and devotion anyone should have this opportunity.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

I have no problem with my own kids marrying out of race as long as they are happy and not mistreated.

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

I believe I am honest and not prejudiced in any way and hope if I don't get selected justice prevails.

48. Do you want to be on the jury? Why yes or Why no?

yes because of interest but I don't like the fact of someone's life is in my hands.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

yes, consideration of all options would have to be considered.

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

I believe that I could depending on facts + law

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

very tough decision but if from the facts + law this case warranted it yes I do.

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? None

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Signature

*Bruce Jensen*

Date

*10-02-96*

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

*A. William Maupin*

A. William Maupin, District Judge

# EXHIBIT 113

1. Ask about 30-34 -  
No comments. 4
2. Broad view on death  
penalty: - Drug user - repeat offender
3. Presumption of innocence

Badge # 0432  
I.D.# 0419757

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

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## Summary of Case

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## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

No

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? No

### Questions About You

3. Your full name CELESTINA LUCIDO Race AMERICAN

4. Age 42 Place of birth PHILIPPINES Marital Status MARRIED

5. Children

	Age	Sex	Education	Occupation
(a)	<u>NO NE</u>			
(b)				
(c)				
(d)				

6. In what part of the county do you live? CLARK

7. Highest educational grade completed 2 yrs in College

8. Any special schooling or training? NO - NE

9. Any courses or training in a legal field? NONE
10. Your occupation and relevant duties for the last ten years: AUDIT CLERK
11. What is your spouses's occupation, if you have a spouse? MUSICIAN
12. Have you ever been in business for yourself? If yes, please explain. NO
13. Ever been a supervisor or boss? If yes, explain. NO
14. Ever served in the military? If yes, please provide some details. NO
15. Do you attend religious services? If yes, what church or service, and how often?  
Yes, Catholic, about 4 to 5 times a week.
16. Have you ever changed religions? If so, why? No
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? No
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them No
19. Ever been a juror before? If yes, what did you think of the experience? No
20. Have you or any member of your family ever had a drug or alcohol problem? No
21. Have you or any members of your family ever been arrested? If so, why? And what

happened? no

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? no

23. Have you or any one you know been a victim of domestic violence? no

24. Have you or any one you know been affected by domestic violence? How? no

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? Fair & Just

26. What are your hobbies and interests? Reading, Watching T.V & Movies & Dancing

27. Do you consider yourself to be a leader or a follower? Leader Why? at work most of the time I'm being asked to show our new line people the work they are going to do & also being asked questions about work.

28. What do you like to read? Bible & other Religious Books

What do you think of each of the following:

29. Defense attorneys Should really know what he is representing to be able to defend his client very well.

30. Public Defenders No Comments

31. State Prosecutors No Comments



32. Federal Prosecutors no comment

33. Police officers no comment

34. Judges no comment

35. The Death Penalty should be given to people who when found guilty of killing people or doing damage or to people who repeatedly commit the same offense.

36. The statement: "An Eye for an Eye:" Just like a revenge

37. The statement: "You Shall Not Kill:" not to kill anyone or do not kill

38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. No, without the trial.

39. The statement: A defendant in a criminal trial should be required to prove his innocence: Yes

40. The statement: The Death Penalty is appropriate in some cases, but not in others:

Yes

41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: Yes

42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: Yes

43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: Yes

What was the thought about

44. The statement: Black people cause more crime than white people:

*Not appropriate*

45. The statement: It's Ok for black people and white people to date each other and have children together. *Yes*

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it: *Yes, it cause*

*problem w/ children in this case*

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

*If I have the ability to decide & judge what the case would end up to in the trial.*

48. Do you want to be on the jury? Why yes or Why no? *Yes, I would like to have experience what is it to be on the jury although my time because of my work doesn't permit me this time but maybe next time.*

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

*Yes*

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

*Yes*

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty? *Yes*

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? no

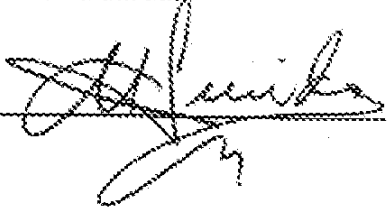
### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Signature

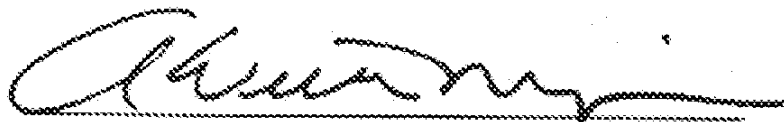


Date

10-2-96

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.



A. William Maupin, District Judge

# EXHIBIT 114

Slightly too Death  
 Post doesn't matter  
 IF Pre-meditated then Death  
 Wants to serve

6  
 Badge # 455  
 I.D.# 0892598

42 + 43  
 OIC correction  
 probably 1000000000

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

NO

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? NO

### Questions About You

3. Your full name Danna Terry Yates Race white

4. Age 27 Place of birth California Marital Status married

5. Children

	Age	Sex	Education	Occupation
(a)	<u>3</u>	<u>F</u>	<u>N/A</u>	<u>N/A</u>
(b)	<u>5</u>	<u>M</u>	<u>N/A</u>	<u>N/A</u>
(c)				
(d)				

6. In what part of the county do you live? West 89128 zip code

7. Highest educational grade completed 12th high school

8. Any special schooling or training? Clerical

9. Any courses or training in a legal field? NO

10. Your occupation and relevant duties for the last ten years:

Network Federal CU started 8-8-87  
loan officer duties, now assistant manager  
computer duties, filing, loan decisions, management resp.

11. What is your spouse's occupation, if you have a spouse?

Operations agent @ Southwest Airlines

12. Have you ever been in business for yourself? If yes, please explain.

NO

13. Ever been a supervisor or boss? If yes, explain.

Assistant manager @ this time.

14. Ever served in the military? If yes, please provide some details.

NO

15. Do you attend religious services? If yes, what church or service, and how often?

2 to 3 times a week @ Catholic Foursquare  
Church on Cedar and Monroe

16. Have you ever changed religions? If so, why? NO

17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? NO

18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them? Yes, my mother has been a Nye Co.

dispatcher for 15 years now @ Mercury  
talk to her 3 to 4 times a week or less.

19. Ever been a juror before? If yes, what did you think of the experience?

NO

20. Have you or any member of your family ever had a drug or alcohol problem?

Yes, family members not myself.

21. Have you or any members of your family ever been arrested? If so, why? And what



happened? yes, a cousin for DUI & I think

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? no

23. Have you or any one you know been a victim of domestic violence? no

An acquaintance maybe.

24. Have you or any one you know been affected by domestic violence? How? no

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? I believe it could be better. But it can only be as good as the people (public & employed) and the money it has.

26. What are your hobbies and interests? family skating, puzzles, and I love a good movie.

27. Do you consider yourself to be a leader or a follower? both Why? It depends on circumstances. I usually end up leading but only when I'm comfortable with what's going on and know something about it.

28. What do you like to read? the bible, the comics, classic mysteries (John D. McDonald)

What do you think of each of the following:

29. Defense attorneys

30. Public Defenders

31. State Prosecutors

I really don't know enough about any of these to have an absolute opinion. television gives us unrealistic ideas of real roles that people play.

32. Federal Prosecutors

33. Police officers much respect for the things they have to do and the people they have to put up with.

34. Judges

35. The Death Penalty I am for this penalty if it fits the crime or crimes.

36. The statement: "An Eye for an Eye." too much in life is gray, but there should be compensation

37. The statement: "You Shall Not Kill." It's a sin to kill - to take another persons life is wrong. Decisions should be based on what's right and wrong.

38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. way! too much assumption. this can not be true innocent until Proven guilty.

39. The statement: A defendant in a criminal trial should be required to prove his innocence: this is backwards

40. The statement: The Death Penalty is appropriate in some cases, but not in others: if it fits the crime. I'm not sure what you mean by "some".

41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: ~~agree~~ I'm considering involuntary manslaughter, but in the case of murder as a willful planned act or willful angry reply then I do agree.

42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: it my understanding that the defendant's past should not be considered in trial

43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: agree.

44. The statement: Black people cause more crime than white people:

Who cares? Each case should be tried individually  
regardless of ethnic backgrounds, color,  
or disabilities.

45. The statement: It's Ok for black people and white people to date each other and have children together. OK.

How does this relate to a trial?

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

people's opinions on color do not concern me.

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

I will attempt to be fair according to the law  
and do my best to see only the FACTS.

48. Do you want to be on the jury? Why yes or Why no?

Yes, It's my duty and a great privilege.  
Part of my free America

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

Yes

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

Yes

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

Yes - this was not as easy as I thought

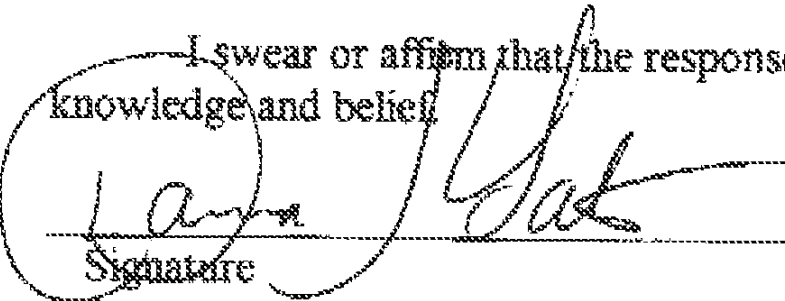
52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? no

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

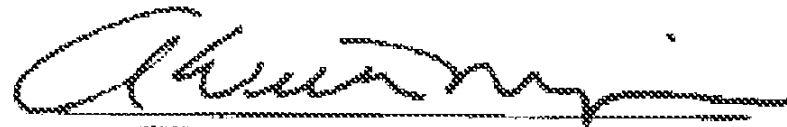
I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature

10-2-96  
Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.



A. William Maupin, District Judge

# EXHIBIT 115

Chappell CORA011957  
- Broken in law enforcement  
- Prison Jury service  
- See question 40 - P.P. should  
be administered equally  
- what type of information  
would be helpful in deciding presentment

8

I deal for  
now under

Badge # 405  
I.D.# 0416242

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

NO NOT AT THIS TIME.

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell?

NO, I am NOT familiar. I have not read any reports regarding this case. No, I do not know either one of them.

### Questions About You

3. Your full name Denise Wright Pace Race Caucasian

4. Age 33 Place of birth Las Vegas, NV Marital Status Married

5. Children

	Age	Sex	Education	Occupation
(a)	<u>Dylan Pace</u>	<u>Male</u>	<u>Kindergarten</u>	<u>Age 5 1/2</u>
(b)				
(c)				
(d)				

6. In what part of the county do you live? Northwest Las Vegas

7. Highest educational grade completed 12

8. Any special schooling or training? 1 year community College



9. Any courses or training in a legal field? NO (However I have participate in Insurance Hearings)
10. Your occupation and relevant duties for the last ten years:  
State Industrial Insurance System, Claims Adjuster  
process + manage Industrial Insurance claims
11. What is your spouse's occupation, if you have a spouse?  
Customer Service Manager, Peloton Sports (Bicycle Shop)
12. Have you ever been in business for yourself? If yes, please explain. NO
13. Ever been a supervisor or boss? If yes, explain. Yes, Supervise clerical Support Staff @ S.I.I.S.
14. Ever served in the military? If yes, please provide some details. NO
15. Do you attend religious services? If yes, what church or service, and how often?  
NO
16. Have you ever changed religions? If so, why? NO
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? NO
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them Yes, Brother in Law recent graduate (July) Las Vegas Metro Police Officer. Twice a month maybe due to his Shift Schedule.
19. Ever been a juror before? If yes, what did you think of the experience?  
Yes, interesting to learn procedures
20. Have you or any member of your family ever had a drug or alcohol problem?  
NO
21. Have you or any members of your family ever been arrested? If so, why? And what

happened? NO

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? NO

23. Have you or any one you know been a victim of domestic violence?

NO

24. Have you or any one you know been affected by domestic violence? How?

NO

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? I Believe in our Justice System

26. What are your hobbies and interests? Bicycling, snow skiing, camping & hiking.

27. Do you consider yourself to be a leader or a follower? leader Why?

I tend to take charge of things, especially at work.

28. What do you like to read? Romance novels, do not read often however.

What do you think of each of the following:

29. Defense attorneys They have a job to do and they do it.

30. Public Defenders They also have a job to do, and do it.

31. State Prosecutors They are doing their job

32. Federal Prosecutors *No real comment they do their job*
33. Police officers *Up hold law & order*
34. Judges *I respect them*
35. The Death Penalty *If appropriate it should be used.*
36. The statement: "An Eye for an Eye." *I believe the punishment should fit the crime. I do not believe blindly in an eye for an eye*
37. The statement: "You Shall Not Kill." *If the crime fits a death penalty then it should be given*
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. *Not true, evidence must support the allegations.*
39. The statement: A defendant in a criminal trial should be required to prove his innocence: *I feel everyone is innocent unless proven guilty.*
40. The statement: The Death Penalty is appropriate in some cases, but not in others: *If the death penalty is given then it should be carried out equally.*
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: *It depends on the circumstances of the murder.*
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: *I feel if he has had prior convictions they should be considered.*
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: *I agree the facts should be a major consideration, however background information should be also considered.*

44. The statement: Black people cause more crime than white people:

*I do not believe in this statement.  
We are all people.*

45. The statement: It's Ok for black people and white people to date each other and have children together.

*If they chose to do this it is their business and theirs only.*

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

*We can not control who our children fall in love with or date. However, I feel I would adjust and deal with the circumstances.*

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

*I believe I am an honest individual with good values. I believe in innocence until proven guilty and our justice + legal system.*

48. Do you want to be on the jury? Why yes or Why no?

*Yes, for the experience. No, for the length of time however adjustments in schedules can be made.*

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

*Yes, what ever is presented to the Jury*

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

*Yes I believe I can*

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

*Yes, if it was warranted*

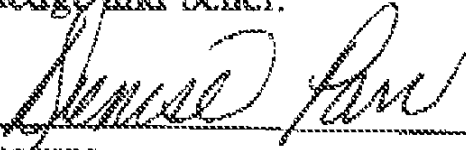
52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? NO I am NOT.

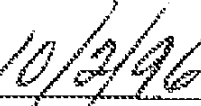
### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

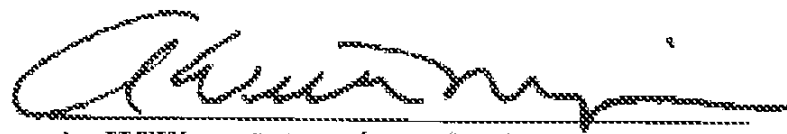
I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature

  
Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

  
A. William Maupin, District Judge

# EXHIBIT 116

Badge #

480

I.D.#

1263411

New  
Catholic35-42  
Bud  
49!!!

B-I. challenge for cause  
 Read questions of necessity  
 challenge for cause  
**Juror Questionnaire**

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a



reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

NO.

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell?

I have read the news paper and listened to the TV report

### Questions About You

3. Your full name Henry W. Fryt Race Caucasian

4. Age 43 Place of birth Jackson MI Marital Status M

5. Children

	Age	Sex	Education	Occupation
(a) <u>David</u>	<u>23</u>	<u>M</u>	<u>15 yrs</u>	<u>Student</u>
(b) <u>Sean</u>	<u>19</u>	<u>M</u>	<u>13 yrs</u>	<u>"</u>
(c) <u>Lesley</u>	<u>18</u>	<u>F</u>	<u>12 1/2 yrs</u>	<u>"</u>
(d)				

6. In what part of the county do you live? Clark / 89109

7. Highest educational grade completed 14

8. Any special schooling or training? Pilot

9. Any courses or training in a legal field? Criminal Justice
10. Your occupation and relevant duties for the last ten years: PRESIDENT  
OF A MULTI-MARKETING CO
11. What is your spouse's occupation, if you have a spouse?  
CLERK
12. Have you ever been in business for yourself? If yes, please explain. YES  
OWNED A BAR + RESTAURANT
13. Ever been a supervisor or boss? If yes, explain. ALL MY WORKING  
DAYS
14. Ever served in the military? If yes, please provide some details. YES  
HONORABLE DISCHARGE, AIR FORCE, 1974
15. Do you attend religious services? If yes, what church or service, and how often?  
YES, CATHOLIC, ONCE A WEEK
16. Have you ever changed religions? If so, why? NO
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? NO
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them? NO
19. Ever been a juror before? If yes, what did you think of the experience? NO
20. Have you or any member of your family ever had a drug or alcohol problem? NO
21. Have you or any members of your family ever been arrested? If so, why? And what

happened? Me, 1989, DUI

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? NO

23. Have you or any one you know been a victim of domestic violence? NO

24. Have you or any one you know been affected by domestic violence? How? NO

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? IT Needs ALOT OF WORK!

26. What are your hobbies and interests? GOLF, FLYING

27. Do you consider yourself to be a leader or a follower? Leader Why? I WAS BROUGHT UP THAT WAY

28. What do you like to read? Air MAGAZINES, NEWS PAPER

What do you think of each of the following:

29. Defense attorneys WOULDN'T WANT TO BE ONE

30. Public Defenders UNDERPAID, OVERWORKED

31. State Prosecutors OVERPAID

32. Federal Prosecutors WAY Over PAID
33. Police officers UNDER PAID + THANK God MOST ARE ETHICAL.
34. Judges 50% OK 50% ON THE TAKE!
35. The Death Penalty GREAT IDEA!
36. The statement: "An Eye for an Eye." IT'S IN THE BIBLE
37. The statement: "You Shall Not Kill." IT'S IN THE BIBLE
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. NOT SO.
39. The statement: A defendant in a criminal trial should be required to prove his innocence: 50-50
40. The statement: The Death Penalty is appropriate in some cases, but not in others: MOST ARE APPROPRIATE
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: NOT SO
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: NO
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: NO

44. The statement: Black people cause more crime than white people:

ISN'T THAT Quite obvious!

45. The statement: It's Ok for black people and white people to date each other and have children together. I don't think so.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it: Read #5

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury: Read this questionnaire

48. Do you want to be on the jury? Why yes or Why no? It's up to you!

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

Death Penalty

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

IF Found guilty NO.

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty? Yes!

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? NO

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Signature Dennis W. Fry

10-2-96  
Date

### Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

*Pharm*

# EXHIBIT 117



41- Definition of Murder -  
42- Back ground matters  
- Doesn't want to serve

6

LPS  
OK

Badge # 435  
I.D.# 1577865

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

No

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? No clue

### Questions About You

3. Your full name Jerry Wayne Ewell Race White  
 4. Age 18 Place of birth Las Vegas Marital Status Single  
 5. Children No

Age Sex Education Occupation

- (a) \_\_\_\_\_  
 (b) \_\_\_\_\_  
 (c) \_\_\_\_\_  
 (d) \_\_\_\_\_

6. In what part of the county do you live? Northwest  
 7. Highest educational grade completed 12  
 8. Any special schooling or training? No

9. Any courses or training in a legal field? No
10. Your occupation and relevant duties for the last ten years: Drive the  
Monrail at MGM Hotel, worked Construction also.
11. What is your spouses's occupation, if you have a spouse?  
No
12. Have you ever been in business for yourself? If yes, please explain. No
13. Ever been a supervisor or boss? If yes, explain. No
14. Ever served in the military? If yes, please provide some details. No
15. Do you attend religious services? If yes, what church or service, and how often?  
~~Yes~~ Yes, Church of Jesus Christ of Latter  
Day Saints. Every Sunday
16. Have you ever changed religions? If so, why? No
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? No
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them No
19. Ever been a juror before? If yes, what did you think of the experience? No
20. Have you or any member of your family ever had a drug or alcohol problem?  
Relatives on my MOMS side
21. Have you or any members of your family ever been arrested? If so, why? And what

happened?

NO

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement?

I feel that the rich get a fair trial such as O.J. did. If it was me, I wouldn't get a trial.

23. Have you or any one you know been a victim of domestic violence?

NO

24. Have you or any one you know been affected by domestic violence? How?

NO

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? The victims seem to be the ones on trial.

26. What are your hobbies and interests?

BASKETBALL!!

27. Do you consider yourself to be a leader or a follower? Both Why? It just depends on the situation.

28. What do you like to read? Sports magazines.

What do you think of each of the following:

29. Defense attorneys Okay, I guess

30. Public Defenders Same

31. State Prosecutors Same

32. Federal Prosecutors Look to gain exposure
33. Police officers Some are cool, but some have their heads up their butts.
34. Judges Okay, I guess
35. The Death Penalty Strongly for it.
36. The statement: "An Eye for an Eye." Totally against that statement.
37. The statement: "You Shall Not Kill." Believe in it as well as the other 9 Commandments
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. False. Get real.
39. The statement: A defendant in a criminal trial should be required to prove his innocence: False. You'd have everybody in jail.
40. The statement: The Death Penalty is appropriate in some cases, but not in others: True. If I smoked crack, it wouldn't be the same as killing 20 people.
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: No, because it could be self-defense.
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: No way. They could've been a great person, what matters is the case.
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: Yes.

44. The statement: Black people cause more crime than white people:  
True. That's what seems to happen. Look around.

45. The statement: It's Ok for black people and white people to date each other and have children together. Sure.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it: No

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury: Reacts me.

48. Do you want to be on the jury? Why yes or Why no? No, because I'm just learning to drive the Monorail at work, I am thinking of going to Disneyland for a day soon.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole  
Yes

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?  
Yes

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty? Yes

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? NO

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

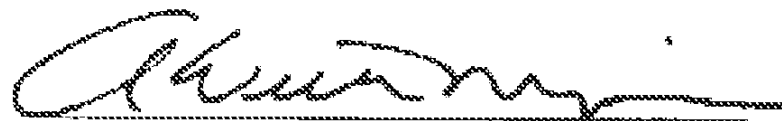
I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Signature

Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.



A. William Maupin, District Judge



# EXHIBIT 118

### Declaration of Howard Brooks

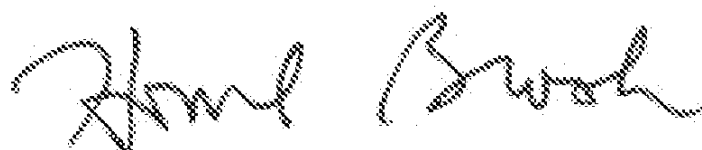
1. I, Howard Brooks, hereby declare as follows:
2. I am a licensed attorney here in Nevada and have been since 1988.
3. I am a Deputy Public Defender at the Clark County Public Defender Office (CCPD). I began work at the CCPD in approximately 1990. From 1995 to 2005 I was assigned to the CCPD's murder team.
4. In September 1995, I became lead counsel on Mr. Chappell's capital trial. I was Rule 250 qualified as this was my second capital case. This being only my second capital trial, I did not fully appreciate or understand at that time, what I understand now, about how to adequately prepare and litigate a capital case.
5. Deputy Public Defender Will Ewing was second chair counsel and joined the team about two months before the commencement of trial.
6. At the time of Mr. Chappell's trial, my case load was approximately ten murder cases, which was considered quite heavy. Once you get to that level, you have to move cases along.
7. During my representation of Mr. Chappell, I had information that his mother drank and used illegal drugs while she was pregnant with him. I had no strategic reason for failing to fully investigate, develop, and present evidence at trial that Mr. Chappell may have suffered from Fetal Alcohol Spectrum Disorder (FASD) based upon this information. This evidence could have been used to further our defense that Mr. Chappell did not have the intent to commit first degree murder.
8. About three weeks before trial I requested a continuance to investigate FASD. Two weeks before trial I informed the court I would not be seeking a continuance. I do not recall the reason for withdrawing my motion.
9. Dr. Lewis Etkoff, a psychologist/neuropsychologist, testified at Mr. Chappell's 1996 trial. I had no strategic reason for failing to request that Dr. Etkoff perform a full neuropsychological battery upon Mr. Chappell. In 1996, I knew very little about

neuropsychological testing or how to determine if a client suffers from brain damage. I did not know specifically what kinds of testing to request from Dr. Etkoff, nor did I intentionally limit the testing he conducted. I believed at the time that having Dr. Etkoff perform IQ testing and personality testing was sufficient to reveal any relevant mental disorders. I understand now that it was not.

10. At the time of Mr. Chappell's trial in 1996, the CCPD used the services of Dr. Etkoff quite a bit. The office however, stopped using Dr. Etkoff in the early 2000s.
11. I was aware early in my representation that Mr. Chappell suffered from an addiction to drugs and alcohol. I did not have a strategic reason for failing to fully investigate, develop, and present evidence, through an expert on addiction, that Mr. Chappell was genetically predisposed to addiction, that his addiction explained a lot of his stealing behaviors, and that crack-cocaine can impair impose control and induce violent behavior. I understand now that this evidence could have been used to further our defense that Mr. Chappell lacked the intent to commit first degree murder, and could also have been used to mitigate the prior incidents of domestic violence and theft.
12. I did not have a strategic reason for failing to interview the State's witnesses.. At the time, I did not know how to use an investigator because the ones employed at the CCPD were not very good.
13. It was generally my practice at that time to run SCOPES on all of the State's witnesses at some point prior to trial. Though I do not specifically remember when or if we ran SCOPES in Mr. Chappell's case, we would usually run the SCOPES early in our representation, but did re-run them closer to trial. Mr. Chappell's current counsel recently informed me that one of the State's witnesses, Deborah Turner, had felony charges pending over her at the time of Mr. Chappell's trial, and may have received a benefit in exchange for her testimony. The State never informed me about Turner's pending charges, and I never interviewed her or discovered prior to trial that she was facing these charges. If I had known about these charges at trial, I would have used them to impeach Turner's credibility.

14. I am aware that it is possible for sperm to be deposited inside of a women during intercourse, even in circumstances where the man does not ejaculate inside the woman. I did not have a strategic reason for failing to present an expert, or at least argue, that the alleged presence of Mr. Chappell's sperm inside the victim was not necessarily inconsistent with Mr. Chappell's testimony that he did not ejaculate inside the victim when they had intercourse.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Las Vegas, Nevada, on August 4, 2016.



---

Howard Brooks

# EXHIBIT 119

4

*John*

42 and 43

Badge # 461  
I.D.# 0873565

CAN'T STAND  
MIXED ROCK  
PARTIES.

## AA02065

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

HAVE NO PROBLEM WITH PROCEDURE.

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? NOT FAMILIAR WITH CASE. HAVE NOT READ MEDIA REPORT. DO NOT KNOW THESE PEOPLE.

### Questions About You

3. Your full name GLENN EUGENE FITTRO Race CAUCASIAN

4. Age 53 Place of birth OHIO, U.S.A. Marital Status SINGLE

5. Children NONE

	Age	Sex	Education	Occupation
(a)				
(b)				
(c)				
(d)				

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_

6. In what part of the county do you live? SPRING VALLEY

7. Highest educational grade completed 14

8. Any special schooling or training? ELECTRONICS

9. Any courses or training in a legal field? NO
10. Your occupation and relevant duties for the last ten years: ELECTRONICS  
TECHNICIAN / MAINTENANCE OF COMMUNICATIONS  
EQUIPMENT LOCATED ALONG OIL & GAS PIPELINE.  
EARLY RETIRED FOR PAST 19 MONTHS.
11. What is your spouse's occupation, if you have a spouse?  
NO SPOUSE.
12. Have you ever been in business for yourself? If yes, please explain. NO
13. Ever been a supervisor or boss? If yes, explain. LEAD TECHNICIAN  
WITHIN PAST TEN YEARS
14. Ever served in the military? If yes, please provide some details. NO.
15. Do you attend religious services? If yes, what church or service, and how often?  
NO.
16. Have you ever changed religions? If so, why? NO
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? NO RELATIVES ARE JUDGES OR ATTORNEYS.
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them NO RELATIVES IN LAW ENFORCEMENT.
19. Ever been a juror before? If yes, what did you think of the experience? NO.
20. Have you or any member of your family ever had a drug or alcohol problem?  
NO.
21. Have you or any members of your family ever been arrested? If so, why? And what



happened? YES, 23 YEARS AGO I WAS CHARGED WITH THEFT BY MY EMPLOYER. RESULT WAS PLEA BARGAIN/CONVICTION. SENTENCE WAS PROBATION 5 YEARS, THEN REDUCED TO 3 YEARS.

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? NO.

23. Have you or any one you know been a victim of domestic violence? NO

24. Have you or any one you know been affected by domestic violence? How? NO

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? NOT A PERFECT SYSTEM BUT IS THE BEST THAT'S FAIR FOR BOTH SIDES.

26. What are your hobbies and interests? TRAVEL OR SITE SEEING, HOME COMPUTER INTEREST, STOCK MARKET INVESTING.

27. Do you consider yourself to be a leader or a follower? FOLLOWER Why? FEEL I AM A BIT ON THE RESERVED SIDE.

28. What do you like to read? PERSONAL FINANCE MAGAZINES, ELECTRONICS & COMPUTER MAGAZINES.

What do you think of each of the following:

29. Defense attorneys REQUIRED FOR OUR SYSTEM OF JUSTICE. I WOULD TRY TO FIND THE BEST IF I NEEDED ONE.

30. Public Defenders REQUIRED TO ~~CONVICT~~ IF THEY HAVE ~~EVIDENCE~~. DEFEND THE BEST THEY CAN.

31. State Prosecutors REQUIRED TO TRY FOR CONVICTION IF EVIDENCE IS THERE.

32. Federal Prosecutors SAME AS ABOVE.
33. Police officers NO PROBLEM - REQUIRED FOR OUR SOCIETY.
34. Judges NO PROBLEM IF THEY CAN BE FAIR.
35. The Death Penalty NO PROBLEM WITH IT BEING USED
36. The statement: "An Eye for an Eye:" SOUNDS GOOD TO ME.
37. The statement: "You Shall Not Kill:" THIS IS RIGHT.
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. NOT TRUE.
39. The statement: A defendant in a criminal trial should be required to prove his innocence: NOT TRUE.
40. The statement: The Death Penalty is appropriate in some cases, but not in others: YES. THINK THIS IS TRUE.
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: NO. NOT ALL CASES.
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: NO. BACKGROUND SHOULD NOT BE CONSIDERED.
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: YES

44. The statement: Black people cause more crime than white people:  
NOT TRUE.

45. The statement: It's Ok for black people and white people to date each other and have children together. NO, DISAGREE WITH STATEMENT.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it: YES. A VERY HARD TIME.

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury: HAVE NO IDEA.

48. Do you want to be on the jury? Why yes or Why no? NO, DO NOT THINK I COULD BE UNBIASED, IF THIS CASE INVOLVES PARTIES OF DIFFERENT RACE.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

YES

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

YES

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty? YES

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? NO

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Glen Engine Filter 10/2/96  
Signature Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

  
A. William Maupin, District Judge

# EXHIBIT 120

### Declaration of Willard N. Ewing

1. I, Willard N. Ewing, hereby declare as follows:
2. I am a licensed attorney here in Nevada and have been since 1990.
3. I am a Deputy Public Defender at the Clark County Public Defender Office (CCPD). I began work at the CCPD in approximately 1990. From 1996 to 2005 I was assigned to the CCPD's murder team.
4. Around August 1996, I joined lead counsel, Deputy Public Defender Howard Brooks, on Mr. Chappell's capital trial. The reason I was assigned to the case so close to trial was that the office wanted me to become Rule 250 qualified as quickly as possible. Mr. Chappell's case was my first murder trial and certainly my first capital trial. This being my first capital trial, I did not fully appreciate or understand at that time, what I understand now, about how to adequately prepare and litigate a capital case. I was primarily responsible for the penalty phase presentation, while Howard was responsible for the guilt phase.
5. During my representation of Mr. Chappell, I had information that his mother drank and used illegal drugs while she was pregnant with him. I had no strategic reason for failing to fully investigate, develop, and present evidence at trial that Mr. Chappell may have suffered from Fetal Alcohol Spectrum Disorder (FASD) based upon this information. This evidence could have been used to further our defense that Mr. Chappell did not have the intent to commit first degree murder.
6. About three weeks before trial Howard Brooks requested a continuance to investigate FASD. Two weeks before trial Howard informed the court we would not be seeking a continuance. I do not recall the reason for withdrawing the motion.
7. Dr. Lewis Etcoff, a psychologist/neuropsychologist, testified at Mr. Chappell's 1996 trial. Dr. Etcoff was my witness. I had no strategic reason for failing to request that Dr. Etcoff perform a full neuropsychological battery upon Mr. Chappell. In 1996, I knew very little about neuropsychological testing or how to determine if a client suffers from brain damage. I did not know specifically what kinds of testing to request from Dr. Etcoff, nor

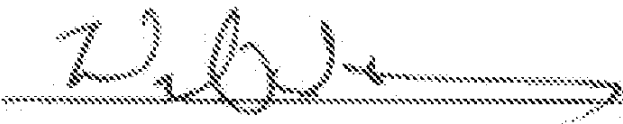
did I intentionally limit the testing he conducted. I believed at the time that having Dr. Etkoff perform IQ testing and personality testing was sufficient to reveal any relevant mental disorders. I understand now that it was not.

8. At the time of Mr. Chappell's trial in 1996, the CCPD used the services of Dr. Etkoff quite a bit. The office however, stopped using Dr. Etkoff in the early 2000s.
9. I was aware early in my representation that Mr. Chappell suffered from an addiction to drugs and alcohol. I did not have a strategic reason for failing to fully investigate, develop, and present evidence, through an expert on addiction, that Mr. Chappell was genetically predisposed to addiction, that his addiction explained a lot of his stealing behaviors, and that crack-cocaine can impair impose control and induce violent behavior. I understand now that this evidence could have been used to further our defense that Mr. Chappell lacked the intent to commit first degree murder, and could also have been used to mitigate the prior incidents of domestic violence and theft.
10. It was generally our practice at that time to run SCOPES on all of the State's witnesses at some point prior to trial. Though I do not specifically remember when or if we ran SCOPES in Mr. Chappell's case, we would usually run the SCOPES early in our representation, but did re-run them closer to trial. Mr. Chappell's current counsel recently informed me that one of the State's witnesses, Deborah Turner, had felony charges pending over her at the time of Mr. Chappell's trial, and may have received a benefit in exchange for her testimony. The State never informed me about Turner's pending charges, and I never interviewed her or discovered prior to trial that she was facing these charges. If I had known about these charges at trial, I would have used them to impeach Turner's credibility.



11. I am aware that it is possible for sperm to be deposited inside of a women during intercourse, even in circumstances where the man does not ejaculate inside the woman. I did not have a strategic reason for failing to present an expert, or at least argue, that the alleged presence of Mr. Chappell's sperm inside the victim was not necessarily inconsistent with Mr. Chappell's testimony that he did not ejaculate inside the victim when they had intercourse.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Las Vegas, Nevada, on August 5, 2016.

  
Willard N. Ewing

# EXHIBIT 121

1. Oldest Bro Michael
2. Wife Father Paughden
- Hardened - Remains Unbroken
- 41 - Is it appropriate in all murder

5

OPD LONER.  
NILINA Terdenia.  
Work at 42

Accountability

Badge # 458  
I.D.# 0345022

50 years -  
life -

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

JChappell CORA012177

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

- 1. Do you have any thoughts, concerns, or questions about this procedure:  
      No
- 2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell?  
      No

Questions About You

- 3. Your full name Roger Alan Harmon Race Cauc
- 4. Age 57 Place of birth Charleston W. Virginia Marital Status Married
- 5. Children all scattered

	Age	Sex	Education	Occupation
(a)				
(b)				
(c)				
(d)				

- 6. In what part of the county do you live? Henderson, WV.
- 7. Highest educational grade completed 12<sup>th</sup>
- 8. Any special schooling or training? Mechanical & Electrical

9. Any courses or training in a legal field? no
10. Your occupation and relevant duties for the last ten years:  
warehouse clark county school District
11. What is your spouses's occupation, if you have a spouse?  
Housewife
12. Have you ever been in business for yourself? If yes, please explain.  
no
13. Ever been a supervisor or boss? If yes, explain. NO in  
The military. 3 yrs Army 17 mos.
14. Ever served in the military? If yes, please provide some details. yes  
3 yrs Army. 8th Cav. in Germany  
17 mos. Navy Sea Bees Construction
15. Do you attend religious services? If yes, what church or service, and how often?  
yes. Echoes of Faith, every Sunday
16. Have you ever changed religions? If so, why? no
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? one nephew in Washington  
D.C. Twice in last 15 years.
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them? my brother was Border Patrol in Texas  
for six years.  
Talk about once a year at Xmas.
19. Ever been a juror before? If yes, what did you think of the experience? no
20. Have you or any member of your family ever had a drug or alcohol problem?  
yes my oldest brother was a alcoholic.
21. Have you or any members of your family ever been arrested? If so, why? And what  
no

happened? NO

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? NO

23. Have you or any one you know been a victim of domestic violence? Yes  
my wife's sister

24. Have you or any one you know been affected by domestic violence? How?  
Yes my wife's father was affected when his daughter was murdered.

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? Too lenient

26. What are your hobbies and interests? Reading and hiking

27. Do you consider yourself to be a leader or a follower? leader Why?  
Do not like crowds.

28. What do you like to read? Everything.

What do you think of each of the following:

29. Defense attorneys

30. Public Defenders

31. State Prosecutors

NECESSARY in our way of life  
Society

32. Federal Prosecutors mostly punished
33. Police officers They have a thoughtless job.
34. Judges Necessary To our way of life
35. The Death Penalty Necessary to stop and make people think.
36. The statement: "An Eye for an Eye:" Taken out of context
37. The statement: "You Shall Not Kill:" only in self defense.
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. not necessary
39. The statement: A defendant in a criminal trial should be required to prove his innocence: innocent until proven guilty beyond a doubt.
40. The statement: The Death Penalty is appropriate in some cases, but not in others: Depending on the facts.
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: only if not in self defense
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: Should not be considered.
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: True

44. The statement: Black people cause more crime than white people:

untrue.

45. The statement: It's Ok for black people and white people to date each other and have children together.

it is up to the person what they want to do

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

their own choice

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

whether I would be fair and just listen to the facts.

48. Do you want to be on the jury? Why yes or Why no?

Indifferent. If I am needed yes if not no.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

depends on the facts

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

Yes

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

Yes



52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? No.

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Roger P. Hammer  
Signature

10/2/96  
Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

A. William Maupin  
A. William Maupin, District Judge

# EXHIBIT 122

4

1. Object to improper rehabilitation
2. Challenging for cause

Badge # 402  
ID.# 1466310

SPWEL

NOT S.M.M.  
NOT A Lender  
6 MO PREG  
Notes to read  
SEE 42  
49

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

no

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? no

## Questions About You

3. Your full name Tina Marie Sprell Race white

4. Age 20 Place of birth LV, NV Marital Status married

5. Children none but 6 mths pregnant

Age Sex Education Occupation

(a) \_\_\_\_\_  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_  
(d) \_\_\_\_\_

6. In what part of the county do you live? Clark county

7. Highest educational grade completed 10th

8. Any special schooling or training? none

9. Any courses or training in a legal field? none
10. Your occupation and relevant duties for the last ten years: cashier,  
customer service, - now house  
wife
11. What is your spouses's occupation, if you have a spouse?  
painter
12. Have you ever been in business for yourself? If yes, please explain. no
13. Ever been a supervisor or boss? If yes, explain. no
14. Ever served in the military? If yes, please provide some details. no
15. Do you attend religious services? If yes, what church or service, and how often?  
no
16. Have you ever changed religions? If so, why? no
17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? yes his an attorney (uncle)  
\* we talk about twice a year.
18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them no
19. Ever been a juror before? If yes, what did you think of the experience? no
20. Have you or any member of your family ever had a drug or alcohol problem?  
no
21. Have you or any members of your family ever been arrested? If so, why? And what

happened? no

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? no

23. Have you or any one you know been a victim of domestic violence? no

24. Have you or any one you know been affected by domestic violence? How?

no

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? id havent thought of it really

26. What are your hobbies and interests? shopping, + movies

27. Do you consider yourself to be a leader or a follower? Leader Why? id rather tell someone what to do than be told

28. What do you like to read? nothing id hate reading

What do you think of each of the following:

29. Defense attorneys no opinion

30. Public Defenders no opinion

31. State Prosecutors no opinion

32. Federal Prosecutors no answer

33. Police officers no opinion

34. Judges no opinion

35. The Death Penalty alright

36. The statement: "An Eye for an Eye:" to be true in some cases

37. The statement: "You Shall Not Kill:" I think people should follow it but if they did I wouldn't be here today

38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. not true

39. The statement: A defendant in a criminal trial should be required to prove his innocence: I feel you should prove his guilty because you're innocent until proven guilty

40. The statement: The Death Penalty is appropriate in some cases, but not in others: True

41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: no

42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: not true

43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: yes



44. The statement: Black people cause more crime than white people:

not true

45. The statement: It's Ok for black people and white people to date each other and have children together.

true if they want why not

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

I feel that I might because of racism and the other might get the same end

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

I am not racist I don't form opinions without evidence but I am pregnant & sometimes emotional.

48. Do you want to be on the jury? Why yes or Why no?

if they feel I'd been a good juror then yes

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

no I don't believe murderers should have parole

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

yes

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

yes

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? no

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Jim Spawell  
Signature

10-02-96  
Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

A. William Maupin  
A. William Maupin, District Judge

# EXHIBIT 123

- Father of the  
- Background of the - which is  
- Fact of case - report

What does he want to hear  
- what if he doesn't hear it

From Crown - ~~some~~ <sup>light</sup> case  
- how many - age - race

Badge # 406  
I.D.# 1543420

## Juror Questionnaire

? 42243

Gold digger  
SMART  
Precise  
Corden  
Independent

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

No.

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? No To All Three Questions.

## Questions About You

3. Your full name KENNETH EDWARD GRITIS Race WHITE

4. Age 33 Place of birth CHICAGO, ILL. Marital Status SINGLE

5. Children NONE

	Age	Sex	Education	Occupation
(a)				
(b)				
(c)				
(d)				

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_

6. In what part of the county do you live? SOUTHERN CLARK COUNTY.

7. Highest educational grade completed HIGH SCHOOL

8. Any special schooling or training? No.

9. Any courses or training in a legal field? No

10. Your occupation and relevant duties for the last ten years: From 1972-1984

I WAS A BUILDING ENGINEER FOR AN INSURANCE COMPANY IN CARBONATE, ILL. I WENT  
TO ASSIST MY FATHER WHO WAS SUCCEEDING FROM TOWNHOMES IN CARBONATE. AFTER AWHILE I COMMENCED  
MY CURRENT OCCUPATION, FOOD DELIVER.

11. What is your spouse's occupation, if you have a spouse?

12. Have you ever been in business for yourself? If yes, please explain. Yes, At

PRESENT I PROTECT FOR GOLF AND OTHER BUSINESS AND ALSO TRY TO MAKE COMMERCIAL

13. Ever been a supervisor or boss? If yes, explain. At Present I Boss MYSELF.

14. Ever served in the military? If yes, please provide some details. No

15. Do you attend religious services? If yes, what church or service, and how often?

I DO NOT CURRENTLY GO TO CHURCH, BUT I THANK GOD IN MY HEAD FOR MY  
MANY BLESSINGS.

16. Have you ever changed religions? If so, why? No.

17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? No.

18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them ONE BROTHER IS A FOREST SERVICE RANGER AT LAKE MCDONALD.

HE AND HIS WIFE VISIT OCCASIONALLY FROM BIRMINGHAM CITY AND TRUCK MCDONALD AND I  
HOUSE-SITTING THEIR HOME WHILE THEY WENT ON 2-WEEK VACATIONS.

19. Ever been a juror before? If yes, what did you think of the experience? No.

20. Have you or any member of your family ever had a drug or alcohol problem?

MY FATHER WAS AN ALCOHOLIC MOST LIKELY.

21. Have you or any members of your family ever been arrested? If so, why? And what

happened? No.

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? I HAVE RECEIVED 1 SPEEDING TICKET AND 2 TICKETS FOR MAKING AN ILLEGAL LEFT-HAND TURN IN MY LIFE. ASIDE FROM GRIPING ABOUT THAT I HAVE NO ILL-FEELINGS THAT I KNOW OF.

23. Have you or any one you know been a victim of domestic violence? NO FOR MYSELF AND NOT TO MY KNOWLEDGE ABOUT ANYONE ELSE.

24. Have you or any one you know been affected by domestic violence? How? SAME AS ABOVE.

## Opinions, Interests, & Views

25. What do you think of the criminal justice system? I HOPE IT WORKS.

26. What are your hobbies and interests? I ENJOY BUILDING MODEL KITS, READING, RIDING ON THE TRAM, WORKING AROUND WOODENSHEDS AND MANY OTHER THINGS.

27. Do you consider yourself to be a leader or a follower? A LEADER OF ONE. WHY? I LIKE TO DO WHAT I LIKE TO DO, AND IF I CAN GET BY DOING IT, THAT'S GREAT.

28. What do you like to read? JUST ABOUT ANYTHING EXCEPT LOUSY ROMANCE NOVELS. I PREFER NON-FICTION HISTORICAL WORKS.

What do you think of each of the following:

29. Defense attorneys MY ONLY REAL EXPOSURE OF ANY KIND AT ALL IS PERRY MASON, AND THAT WAS T.V.

30. Public Defenders I HAVE A VAGUE IDEA THAT SOME WANT TO HELP PEOPLE, SOME HAVE A "CAUSE", AND OTHERS COULDN'T GET A JOB OTHERWISE. PROBABLY MUCH LIKE LIFE.

31. State Prosecutors THEIR JOB IS TO PROSECUTE THE STATE'S CASE, AND AS FAR AS I KNOW ARE MUCH LIKE PUBLIC DEFENDERS.



32. Federal Prosecutors SAME AS STATE EXCEPT FEDERAL, OF COURSE
33. Police officers SOME GOOD, SOME BAD, SOME INDIFFERENT. NO PARTICULAR RATIO IS SUGGESTED.
34. Judges DECIDES ON AFFAIRS IN THE COURTROOM.
35. The Death Penalty THERE ARE TIMES WHEN IT SHOULD BE APPLIED.
36. The statement: "An Eye for an Eye." EQUAL RETALIATION FOR EQUAL OFFENSE. THAT IS ASSUMING THAT WHOEVER STARTED IT DOESN'T TRY TO MAKE AMENDS.
37. The statement: "You Shall Not Kill." I THINK IT MEANS YOU SHALL NOT MURDER. IF SOMEONE IS LEGALLY PUT TO DEATH THAT IS A DIFFERENT MATTER.
38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. No.
39. The statement: A defendant in a criminal trial should be required to prove his innocence: THIS IS AMERICA.
40. The statement: The Death Penalty is appropriate in some cases, but not in others: YES.
41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody: No.
42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment: I HAVE A HARD TIME CONSIDERING THAT TO BE ANY TYPE OF EXPLANATION.
43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment: THAT SEEMS MORE RIGHT.

44. The statement: Black people cause more crime than white people:

No.

45. The statement: It's Ok for black people and white people to date each other and have children together. I PREFER WHITE GIRLS AND IT IS NONE OF MY BUSINESS,

ANYWAY.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it: I HAVE NO CHILDREN SO

I CANNOT GIVE AN ANSWER.

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury: IF I HAPPEN TO BE SELECTED

I AM PRETTY SURE I COULD GIVE A VERDICT ON THE EVIDENCE  
FAIRLY.

48. Do you want to be on the jury? Why yes or Why no? YES IF

I AM SELECTED BECAUSE I SHOULD SERVE WHEN CALLED.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

Yes.

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

Yes.

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty? IF I REALLY BELIEVED IT, YES.

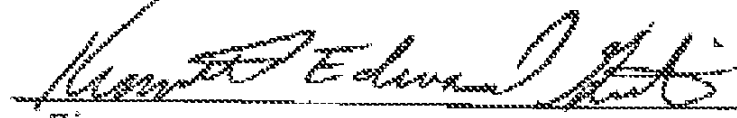
52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? No.

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

## Oath

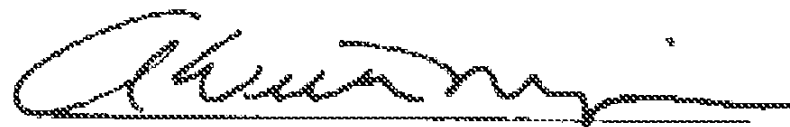
I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature

OCTOBER 2, 1996  
Date

## Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

  
A. William Maupin, District Judge

# EXHIBIT 124

3

Low office clerk

Badge # 479  
I.D.# 1578412

Catholic  
35-42 Ford  
Follower  
YOUNG

## Juror Questionnaire

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process.

Some of the questions ask your opinions. Be honest and state them. If you need more room on any question, use the margins or the next-to-last page, which has been left blank.

The purpose of this questionnaire is to help the court and the lawyers in their attempt to select a fair and impartial jury to hear this case. The answers provided by you in this document will be made available to counsel for both the state and defense. Your answers may also become part of the court's permanent record, and may, therefore, be a public document.

A summary of the case allegations and the procedure to be followed in this case are noted below. The fact that these allegations have been made does not mean they are necessarily true. The State has the burden of proving the allegations beyond a reasonable doubt.

Remember, you must fill out the questionnaire yourself, and when you are finished, please sign the oath on the last page and leave the questionnaire with a jury assistant.

## Summary of Case

On August 31, 1995, Deborah Panos was found dead in her trailer at 839 North Nellis, Las Vegas. She died of multiple stab wounds. The next day, James Chappell, the father of Deborah's three children, was arrested and charged with murder with use of a deadly weapon and other charges related to the killing. The media covered the crime, and Mr. Chappell's arrest was reported.

## Procedure

This is a murder case where the State is seeking the death penalty.

After the jury is empanelled, the trial will occur. The purpose of the trial is to determine, based on legally presented evidence, if the State can prove the criminal charges beyond a

reasonable doubt. Mr. Chappell is presumed innocent.

If the jury convicts Mr. Chappell of Murder in the First Degree, then the trial is followed by a Penalty hearing where the jury would hear evidence related to punishment. The jury would determine the sentence, and would choose among the following: death; a life sentence in prison with the possibility of parole; a life sentence in prison without the possibility of parole; or a fixed sentence of 50 years with the possibility of parole.

If the jury finds Mr. Chappell Not Guilty, or finds him guilty of charges other than First Degree Murder, then no penalty hearing will occur. If Mr. Chappell is found guilty of charges other than First Degree Murder, the Judge will sentence Mr. Chappell.

The parties anticipate that the trial of this case could last two weeks; a possible penalty hearing could last an additional week. All the trial and penalty proceedings in this case could last a total of three weeks.

1. Do you have any thoughts, concerns, or questions about this procedure:

NO

2. Are you familiar with this case? Have you read media reports about it? Do you know Deborah Panos or James Chappell? NO

### Questions About You

3. Your full name Catherina Molina Bennett Race hispanic

4. Age 19 Place of birth Nevada Marital Status single

5. Children

	Age	Sex	Education	Occupation
(a)				<u>I went to Trinity Christian High School as you know and graduated.</u>
(b)				<u>I have worked for the law office of Hillock, Koenig,</u>
(c)				<u>Markley + Killbuck PC in about three years now as an</u>
(d)				<u>office clerk</u>

6. In what part of the county do you live? Western

7. Highest educational grade completed 12th grade

8. Any special schooling or training? NO

9. Any courses or training in a legal field? no but I do work in a law office

10. Your occupation and relevant duties for the last ten years: Mudert & office clerk for the law offices of Collock, Koenig, Hartley & Killebrew, PC.

11. What is your spouse's occupation, if you have a spouse?

not married

12. Have you ever been in business for yourself? If yes, please explain.

no

13. Ever been a supervisor or boss? If yes, explain.

no

14. Ever served in the military? If yes, please provide some details.

no

15. Do you attend religious services? If yes, what church or service, and how often?

I attend St. Christopher Catholic Church about every Sunday for 19 yrs.

16. Have you ever changed religions? If so, why? no

17. Any relatives who are judges or attorneys? If yes, what is your relationship to them and how often do you talk to them? no

18. Any relatives in law enforcement? If yes, what is your relationship, and how often do you talk to them? no

19. Ever been a juror before? If yes, what did you think of the experience?

no

20. Have you or any member of your family ever had a drug or alcohol problem?

no

21. Have you or any members of your family ever been arrested? If so, why? And what



happened? NO

22. Do you have any bias or ill feeling toward the police or the government or prosecutors as a result of any prior experience with law enforcement? NO

23. Have you or any one you know been a victim of domestic violence? NO

24. Have you or any one you know been affected by domestic violence? How? NO

### Opinions, Interests, & Views

25. What do you think of the criminal justice system? I think the criminal justice system #1 is here to miss USA Americans and protect us

26. What are your hobbies and interests? I don't really have hobbies but my interests are spending time w/ my family

27. Do you consider yourself to be a leader or a follower? Leader Why? Because of my age I have a lot of friends who don't work or don't attend school and I need to have them to get on with my life.

28. What do you like to read? I don't do too much personal reading.

What do you think of each of the following:

29. Defense attorneys

30. Public Defenders there to serve the public which is good

31. State Prosecutors //

32. Federal Prosecutors

33. Police officers *I think they have the hardest job, going out to work to solve the mystery of them get to come home to their families*

34. Judges

35. The Death Penalty *I think if you have taken the life of somebody, the law demands the death penalty, only God has that right.*

36. The statement: "An Eye for an Eye." *I believe in this, if you take something that is not yours to take then you should be punished.*

37. The statement: "You Shall Not Kill." *I think ~~that is a good rule~~ if nobody killed anybody then ~~we~~ we wouldn't have a problem but if you do kill someone you should be killed.*

38. The statement: If a prosecutor has taken the trouble of bringing someone to trial, then the person must be guilty. *I don't believe that is true I believe in innocent until proven guilty.*

39. The statement: A defendant in a criminal trial should be required to prove his innocence. *true - everyone should have that right.*

40. The statement: The Death Penalty is appropriate in some cases, but not in others: *Wrong, if everyone knew that they would get the death penalty if they committed a murder I ~~don't~~ think people would think twice about committing this crime.*

41. The statement: The Death Penalty is appropriate in all cases where somebody murders somebody. *true, nobody has the right to kill somebody for ~~his~~ their own reason.*

42. The statement: A defendant's background should be considered in deciding whether or not the death penalty is an appropriate punishment. *I really don't think so, no matter how you are raised nobody has the right to kill somebody.*

43. The statement: The facts surrounding a killing, and not the killer's background, should be the main consideration in determining punishment. *true - unless it was in self defence.*

44. The statement: Black people cause more crime than white people:

I don't think that true.

45. The statement: It's Ok for black people and white people to date each other and have children together.

I really can't say I'm not good. I think that up to those individuals to decide what's best for them and their children. I don't judge color.

46. The statement: It may be Ok for people of different races to date each other, but I would have a hard time dealing with my child doing it:

Not true. If my child wanted to date someone of a different race that would be their choice.

47. More than anything else, what should the attorneys in this case know about you in deciding whether you should be on the jury:

I have no prejudices. I judge on their actions and I'm not all no color on appearance. I believe in fair trial.

48. Do you want to be on the jury? Why yes or Why no?

Yes. I really want to do something to serve as an American because this is what being an American is about.

49. If Mr. Chappell is convicted of first degree murder, and a penalty hearing is held, would you consider all four possible sentences, those being the death penalty, life without the possibility of parole, life with the possibility of parole, or a fixed term of 50 years with the possibility of parole

Yes, he has a right to a fair trial

50. In your present state of mind, can you, if selected as a juror, consider equally all four possible forms of punishment and select the one that you feel is the most appropriate depending upon the facts and the law?

Yes

51. If you believed the evidence warranted the death penalty, could you personally vote to impose the death penalty?

Yes

52. Are you a member of any organization that advocates or opposes the imposition of the death penalty? no

### Explanation Area

Feel free to supplement any of your prior answers, or ask any questions which you may have.

*I just wanted to say that I'm very honored to be selected at such a young age. Thank you*


## Oath

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Catherine Molina Bennett      10/8/90  
Signature      Date

### Admonition

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read, or listen to any media account of these proceedings.

  
A. William Maupin, District Judge

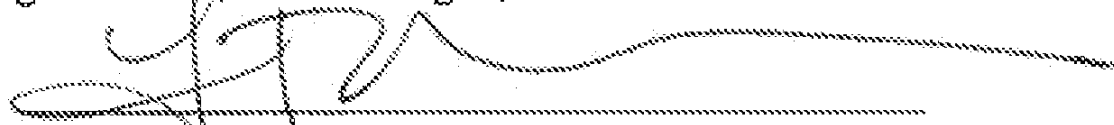
# EXHIBIT 125

## DECLARATION OF TAMMY R. SMITH

I, Tammy R. Smith, hereby declare the following to be true:

1. I am an investigator employed by the Federal Public Defender, District of Nevada, in the Capital Habeas Unit. My office is located in Las Vegas, Nevada.
2. I assisted in the investigation of James Chappell's federal habeas case. I spoke to a number of jurors who sat on Mr. Chappell's trial in 1996. None had previously been interviewed by counsel or investigators working on behalf of Chappell. The jurors discussed below would have provided the information described sooner had they been interviewed by prior counsel.
3. I interviewed juror Hall (formerly Hill) on July 27, 2016. Ms. Hall worked as a 911 operator for Las Vegas Metropolitan Police Department (LVMPD) at the time of Chappell's trial.
4. Ms. Hall vividly recalled the photographs from the trial. The most prominent photo in Ms. Hall's mind is one of the victim lying on the floor with the side of her face completely "beaten."
5. Ms. Hall expressed her belief that Chappell used drugs but that the habit was "no excuse" for his behavior.
6. According to Ms. Hall, another juror nominated her as the jury foreperson. The female juror said to Ms. Hall, "Well you work for Metro, so why don't you do it?" No one else stepped up, leaving the position to Mrs. Hall. She was surprised to be chosen as a juror given her occupation; she was even more surprised to be chosen as the forewoman.
7. On July 20, 2016, I interviewed juror Massar. Mr. Massar remembered a male juror who struggled during guilt phase deliberations with the meaning of the standard "beyond a reasonable doubt." According to Mr. Massar, the jury wished for an example to better measure the Chappell case against the seemingly vague standard.
8. On July 29, 2016, I interviewed juror Taylor. Ms. Taylor recalled, "Part of the defense argument was that he (Chappell) had a low IQ and some accommodation had to be made for that." Ms. Taylor did not see room for that accommodation in the instructions. Ms. Taylor remembered Chappell's history of drug use however, it was not a compelling factor in her decisions.

9. Ms. Taylor viewed Chappell's actions after the murder—taking the victim's car and shoplifting—as “callous.”
10. On July 20, 2016, I interviewed juror Yates. Ms. Yates described the forewoman as an “outspoken” 911 operator with LVMPD. Ms. Yates's own mother was a 911 operator in Pahrump for many years. Due to the forewoman's occupation, Ms. Yates remarked, “I was surprised she was allowed to sit.”
11. On July 20, 2016, I interviewed juror Larsen. Mr. Larsen's father committed suicide when Mr. Larsen was fourteen years old, leaving his mother to raise five boys alone. One of Mr. Larsen's younger brothers found their father deceased. Mr. Larsen explained that his parents had relationship issues before the father committed suicide; his mother might have temporarily separated from the father around the time of his suicide. On the day of his father's death Mr. Larsen's mother went into town to run an errand, and the family thinks he feared she was leaving him for good. Tragically, one of Mr. Larsen's brothers also committed suicide years later.
12. According to Mr. Larsen, there were several jurors with initial questions during deliberations but only one who had any serious doubts about whether Chappell committed the crime. Mr. Larsen viewed the individual as unreasonable—“off his rocker”—in trying to acquit Chappell of the crime. The man wanted to “play detective” and kept repeating, “It could have been this...it could have been that.” Mr. Larsen and one of the other jurors “buddied up” to the holdout, who changed his mind shortly afterwards.
13. I declare under the penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge and was executed on this 15 day of August, 2016, in Las Vegas, Nevada.

  
Tammy R. Smith



# EXHIBIT 126

**ORIGINAL**

24

**FILED**

Jul 9 3 16 PM '96

CLERK

0209  
 STEWART L. BELL  
 DISTRICT ATTORNEY  
 Nevada Bar #000477  
 200 S. Third Street  
 Las Vegas, Nevada 89155  
 (702) 455-4711  
 Attorney for Plaintiff

DISTRICT COURT  
 CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES MONTELL CHAPPELL,  
 #1212860

Defendant(s).

Case No. C131341  
 Dept. No. VII  
 Docket P

**MOTION AND NOTICE OF MOTION  
 TO ENDORSE NAMES ON INFORMATION**

DATE OF HEARING: 7-15-96  
 TIME OF HEARING: 9:00 A.M.

TO: Defendant(s) above named, and

TO: Your Counsel of Record: PUBLIC DEFENDER,

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that, on Monday, the 15th day  
 of July, 1996, at the hour of 9:00 o'clock, a.m., or as soon thereafter as Counsel can be heard, in the  
 Courthouse, Las Vegas, Clark County, Nevada, the STATE OF NEVADA will move the Court for leave  
 to endorse upon Information heretofore filed herein the names of the following witnesses:

///

///

///

CE11

CE31

1	NAME	ADDRESS
2	YATES, PAULA	CELLMARK DIAGNOSTICS
3		20271 GOLDENROD LANE
4	FORMAN, LISA	GERMANTOWN, MD 20876
5		CELLMARK DIAGNOSTICS
6		20271 GOLDENROD LANE
		GERMANTOWN, MD 20876

6 DATED this 24th day of July, 1996.

7 STEWART L. BELL  
8 DISTRICT ATTORNEY  
9 Nevada Bar #000477

10 BY Melvyn T. Harmon  
11 MELVYN T. HARMON  
12 Chief Deputy District Attorney  
13 Nevada Bar #000862

13 **AFFIDAVIT IN SUPPORT OF MOTION**

14 STATE OF NEVADA }  
15 COUNTY OF CLARK } ss:

16 MELVYN T. HARMON, being first duly sworn, deposes and says:

17 The Affiant is a Chief Deputy District Attorney for Clark County, Nevada; that an Information  
18 has heretofore been filed in the within action; that since the filing of said Information Affiant has learned  
19 that the testimony of the person or persons named in the Motion to Endorse Names on Information,  
20 which the Affidavit supports, is necessary and material to the prosecution of the within criminal action;  
21 that such facts were unknown to Affiant at the time of filing Information herein.

22 WHEREFORE, Affiant prays that the Court enter an Order for endorsement of names on the  
23 Information, in accordance with NRS 173.045.

24 "I declare under penalty of perjury that the foregoing is true and correct."

25 Executed this 24th day of July, 1996.

26 Melvyn T. Harmon  
27 MELVYN T. HARMON  
28

**POINTS AND AUTHORITIES IN SUPPORT OF MOTION**  
**TO ENDORSE NAMES ON INFORMATION**

1. After filing the Information the District Attorney shall endorse thereon the names of such other witnesses which shall become known to him before the trial as the Court prescribes. Such amendment may be made at any time after Defendant pleads when it can be done without prejudice to the substantial rights of the Defendant. NRS 173.045.

2. The granting on the morning of trial of a motion to add names of witnesses to a first degree murder Information was not error where the Defendant's attorney learned the names of such witnesses three (3) days before trial, this being a reasonable time to prepare for the defense. State v. Teeter, 65 Nev. 584, 612 (1948); Dalby v. State, 81 Nev. 517, 1965).

3. Any prejudice resulting to Defendant because the District Attorney was permitted to add names on the Information after the jury had been sworn, he having known these names before trial, was cured by the Court's granting Defendant a continuance (three days) to prepare to meet the testimony of these witnesses. State v. Monahan, 50 Nev. 27, 35 (1926); Gallegos v. State, 84 Nev. 608 (1968).

4. Failure to endorse a name does not preclude calling any witness whose name or materiality of testimony is first learned at the time of trial NRS 173.045.

5. Defects or imperfections of form are immaterial. NRS 173.100. Minor defects in an Information, including typographical errors, may be disregarded where the intent is clear and the rights of the Defendant are not prejudiced. 22 CJS 955, Sec. 377.

DATED this 24<sup>th</sup> day of July, 1996.

STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477


BY Melvin T. Harmon  
MELVYN T. HARMON  
Chief Deputy District Attorney  
Nevada Bar #000862

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**RECEIPT OF COPY**

RECEIPT of a copy of the above and forgoing Motion, Notice of Motion, Affidavit and  
Points and Authorities is hereby acknowledged this 9 day of July, 1996.

PUBLIC DEFENDERS OFFICE  
ATTORNEY FOR DEFENDANT

BY   
309 S. Third St., #226  
Las Vegas, Nevada 89101

# EXHIBIT 127

ORIGINAL

FILED

CASE NO. C 131341

Nov 14 11 12 AM '95

IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

CLERK

STATE OF NEVADA,

Plaintiff,

CASE NO. 95F08114X

VS.

JAMES MONTELL CHAPPELL,

Defendant.

## REPORTER'S TRANSCRIPT

OF

## PRELIMINARY HEARING

BEFORE THE HONORABLE THOMAS L. LEEN, PRO TEMPORE  
JUSTICE OF THE PEACE

TUESDAY, OCTOBER 3, 1995

## APPEARANCES:

For the State:

MELVYN T. HARMON, ESQ.  
Chief Deputy District Attorney  
and  
ABBI SILVER LOGUE, ESQ.  
Deputy District Attorney

For the Defendant:

KEDRIC A. BASSETT, ESQ.  
Deputy Public Defender

Reported by: Cari M. Inkenbrandt, CCR 428, RPR

CSR ASSOCIATES OF NEVADA  
Las Vegas, Nevada (702)382-5015

CE12

I N D E XSTATESDIR   CROSS   REDIR   RECROSS**GILES SHELDON GREEN**By Ms. Logue  
By Mr. Bassett5                      23  
19**WILLIAM DUFFEY**By Mr. Harmon  
By Mr. Bassett

27                      33

**LISA DURAN**By Mr. Harmon  
By Mr. Bassett38                      76                      79  
64**RUSSELL LEE**By Mr. Harmon  
By Mr. Bassett

83                      90

**KIMBERLY SEMPSON**By Mr. Harmon  
By Mr. Bassett

94                      105

**MICHAEL OSUCH**By Ms. Logue  
By Mr. Bassett115                      138  
134**JIMMY VACCARO**By Mr. Harmon  
By Mr. Bassett

139                      150

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Las Vegas, Nevada (702)382-5015



E X H I B I T S

		<u>IDENTIFIED</u>	<u>ADMITTED</u>
1			
2			
3	<u>STATE'S</u>		
4	1 - Photograph	59	89
	2 - Photograph	59	89
5	3 - Photograph	59	89
	4 - Photograph	60	89
6	5 - Photograph	60	89
	6 - Photograph	64	89
7	7 - Photograph	88	89
	8 - Photograph	88	89
8	9 - Photograph	88	89
	10 - Photograph	88	89
9	11 - Photograph	88	89
	12 - Photograph	88	89
10	13 - Photograph	89	89
	14 - Photograph	89	89
11	15 - Photograph	7	13
	16 - Photograph	12	13
12	17 - Photograph	13	17
	18 - Photograph	14	17
13	19 - Photograph	14	17
	20 - Photograph	14	17
14	21 - Photograph	15	17
	22 - Photograph	15	17
15	23 - Photograph	15	17
	24 - Photograph	16	17
16	25 - Photograph	16	17
	26 - Photograph	17	17
17	27 - Photograph	102	131
	28 - Photograph	53	149
18	29 - Photograph	53	149
	30 - Photograph	53	149
19	31 - Photograph	53	149
	32 - Photograph	132	133
20	33 - Photograph	77	132

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1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 3, 1995, 9:00 A.M.

2 \* \* \* \* \*

3 THE COURT: James Montell Chappell.

4 The record will reflect the presence of  
5 the defendant in custody with his attorney Mr. Bassett from  
6 the PD's office, Mr. Harmon for the State and all officers  
7 of the Court.

8 Are you ready to go forward, Mr. Harmon?

9 MR. HARMON: Abbi Logue of the DA's office is  
10 going to be working with the prosecution.

11 THE COURT: Okay. Mr. Harmon, when she comes  
12 in, I'll try to remember to have the record reflect her  
13 presence.

14 Mr. Chappell, why don't you go down there  
15 and sit next to your attorney.

16 (The defendant complied.)

17 THE COURT: Does either side wish to have the  
18 rule invoked pertaining to the exclusion of witnesses?

19 MR. BASSETT: We would, your Honor.

20 THE COURT: Mr. Harmon, do you want to join  
21 that, just in case there's any defense witnesses?

22 MR. HARMON: Yes, the State joins.

23 THE COURT: The record will reflect that  
24 Ms. Abbi Logue has joined the prosecution in this case and  
25 is present in court.

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1                   Folks, anybody who is going to be a  
2                   witness in this case, other than the witness that is about  
3                   to be called, will --

4                   MR. HARMON: Dr. Sheldon Green would be the  
5                   witness.

6                   THE COURT: -- will be asked to leave the  
7                   courtroom, and I'll admonish you not to discuss your  
8                   testimony in this case with anybody other than the attorneys  
9                   who are parties to this case.

10

11                   **GILES SHELDON GREEN, M.D.,**  
12                   having been first duly sworn, was  
13                   examined and testified as follows:

14

15                   THE CLERK: Please be seated. State your full  
16                   name and spell your last name, please.

17                   THE WITNESS: Giles Sheldon Green, G-R-E-E-N.

18

19                   **DIRECT EXAMINATION**

20                   **BY MS. LOGUE:**

21                   Q. Dr. Green, for whom you are employed?

22                   A. I'm employed by Clark County, Nevada, as chief  
23                   medical examiner in the Coroner's Medical Examiner  
24                   Department.

25                   Q. Are you licensed to practice medicine in any

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1 state?

2 A. In Nevada and California.

3 Q. And what's your area of speciality?

4 A. Forensic pathology.

5 Q. As part of your duties, do you conduct  
6 autopsies?

7 A. I do.

8 Q. How many autopsies have you conducted in the  
9 past?

10 A. I think we are pushing up toward 1100.

11 Q. And have you been qualified in both the  
12 justice court and the district court as an expert in  
13 pathology, forensic pathology?

14 A. Many times, yes.

15 MS. LOGUE: Your Honor, at this time I would  
16 ask that you deem him to be an expert in the area of  
17 forensic pathology.

18 THE COURT: Any voir dire, Mr. Bassett?

19 MR. BASSETT: No, your Honor.

20 THE COURT: Dr. Green is established as an  
21 expert in the field of forensic pathology

22 BY MS. LOGUE:

23 Q. Doctor, on September 1st of 1995, did you have  
24 occasion to perform an autopsy on a body identified to us as  
25 Deborah Panos?

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1 A. Yes, I did.

2 Q. I'd like to show you what's been marked as  
3 State's Proposed Exhibit No. 15 and ask you to identify that  
4 picture.

5 A. Okay. This is a photograph taken of the body  
6 of a young lady who's identified to us as Deborah Panos, or  
7 Deborah Ann Panos, taken on September 1st of this year in  
8 the Clark County morgue.

9 Q. And, Doctor, in conducting your autopsy, did  
10 you do an external examination?

11 A. Yes, I did.

12 Q. And did you make significant findings  
13 regarding your external examination?

14 A. Yes.

15 Q. What were your findings?

16 A. Significant findings consisted of a couple of  
17 different things. Number one, 13 separate penetrating stabs  
18 wounds of the body; and, number two, multiple  
19 recent-appearing bruises or contusions.

20 Q. How many total stab wounds did you find?

21 A. A total of 13.

22 Q. And how many of those were penetrating?

23 A. All of them.

24 Q. Were there four that you found to be  
25 significant as to, perhaps, the cause of death?

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1           A.       They were -- this gets into the internal  
2 examination. If you want to combine the two, we can save  
3 some time.

4           Q.       That would be fine.

5           A.       We have a cluster of ten stab wounds in the  
6 area of the neck and left upper chest. One wound is just  
7 below the left collar bone, one just above it toward the  
8 midline and eight clusters around the front of the neck.  
9 There's one additional one over in the left side of the neck  
10 below the other. This is not a major wound. It gets into  
11 some muscle. That's all it did.

12                   The major damage is done by the wound in  
13 the front of the neck and also the wound just below the left  
14 collar bone. We found in the internal examination that we  
15 had three -- first of all we had three wounds coming out the  
16 right, just to the right of the midline. One of those came  
17 in and punctured the internal jugular vein on the right.  
18 Another of those three cut part way through the right  
19 carotid artery. One cut the left common carotid artery.  
20 Both of those are large vessels which are capable of  
21 bleeding -- very, very profuse bleeding.

22                   The wound just below the left collar bone  
23 went into the chest through the left lung striking, I think,  
24 the third rib toward the back; and that did, in fact,  
25 produce somewhat more bleeding than one might have expected.

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1 The wound itself in the lung didn't look terribly bad but,  
2 in fact, it did bleed quite heavily.

3 Q. Did any of those stab wounds penetrate to any  
4 bone in the body?

5 A. Four of the wounds in the neck actually hit  
6 the spine, and they definitely penetrated into the bone of  
7 the spinal column, yes.

8 Q. What would that indicate, or what significance  
9 does that have to you that this stab wound went into a bone?

10 A. Simply that they were inflicted rather  
11 forcibly. It takes a certain amount of power to poke a  
12 knife point into a bone.

13 Q. You also stated as part of your external  
14 examination that you found multiple contusions and  
15 abrasions.

16 A. Correct.

17 Q. What is a contusion, Doctor?

18 A. A bruise.

19 Q. What is an abrasion?

20 A. A scrape.

21 Q. And can you describe the areas in which you  
22 saw contusions?

23 A. Primarily around the face. The left side of  
24 the face had a large area of reddish coloration which is  
25 indicative of a recent bruise. It extended up into an area

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1 on the forehead which also had some scraping or abrasion  
2 wounds. We had bruises of the right side of the face over  
3 the cheek bone. We had some down around the angle of the  
4 right jaw with some scraping effect in there, also. There  
5 was some other scattered, recent-appearing bruises about the  
6 body. I think there's one in one of the shoulders, and I  
7 don't know which one it was. Back of the right hand, the  
8 right wrist had some very prominent bruises.

9 Q. Could you determine the age of these bruises  
10 by looking at them?

11 A. The only thing that one can say about the age  
12 of a bruise, in terms of its color, is to divide them into  
13 recent, intermediate, and old injuries.

14 If they are red, as these were, we're  
15 looking at something generally less than a day old.

16 If they are blue, purple with loss of the  
17 red color, we call them intermediate, and there is no time  
18 frame you can put on that. They would, a small one, may  
19 disappear in a few days. A major one may take months.

20 Finally, the old bruise has fading  
21 borders. We've all seen it. It has yellowish to tan,  
22 sometimes greenish coloration. That penetrates farther and  
23 farther in toward the center until finally it wipes out.

24 Q. And most of these bruises were new bruises?

25 A. These were all recent.

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1 Q. Can you tell how recent they are in  
2 relationship to when this decedent received the stab wounds?

3 A. The best we can say is that they are on the  
4 same day. We cannot say that they were minutes or hours or  
5 anything like that. In terms of time frame, all we can say  
6 is these are recent. They happened that day, the day of  
7 death.

8 Q. Can you state what could have caused the  
9 bruises on her face and her body?

10 A. These are all just basically blunt trauma  
11 injuries.

12 Q. Would that be consistent with a fist hitting  
13 the decedent?

14 A. Could be.

15 Q. I want to show you some other pictures,  
16 Doctor. I want to ask you, on State's Proposed Exhibit No.  
17 15, is that a fair and accurate depiction of how the  
18 decedent looked prior to conducting the autopsy on September  
19 1st of 1995?

20 A. Yes. This photograph was taken right after  
21 the crash bag was opened up and nothing had been done to the  
22 body.

23 MS. LOGUE: At this time I would move to admit  
24 State's Proposed Exhibit No. 15.

25 THE COURT: Have you shown it to Mr. Bassett?

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Las Vegas, Nevada (702)382-5015

1 MS. LOGUE: Yes.

2 THE COURT: Do you have any objection?

3 MR. BASSETT: No, your Honor.

4 THE COURT: It will be admitted as 15.

5 MS. LOGUE: Thank you.

6 BY MS. LOGUE:

7 Q. I want to show you State's Proposed No 16.  
8 What does this picture depict?

9 A. This is a left lateral or side-view of the  
10 lady's head. It shows the bruised area on the left cheek,  
11 almost the entire left cheek involved, essentially on the  
12 area of cheek bone. It also shows some bruising and  
13 scraping injuries or abrasions on the forehead. We see a  
14 bruise on the left side of the neck. And we can see several  
15 of the stab wounds that we've been talking about earlier.  
16 Also there's a scrap or combination scrape and bruise right  
17 under the point of the chin. I don't think I mentioned that  
18 one early.

19 Q. That was a new injury as well?

20 A. This one probably is. It still has a red  
21 border of bruising around the scrape.

22 Q. And that would also be consistent with blunt  
23 trauma?

24 A. Yes.

25 Q. And this is a fair and accurate depiction as

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Las Vegas, Nevada (702)382-5015

1 well?

2 A. Yes.

3 MS. LOGUE: At this time I would move to admit  
4 State's Proposed Exhibit 16.

5 THE COURT: Mr. Bassett?

6 MR. BASSETT: No objection.

7 THE COURT: It will be admitted as 16.

8 BY MS. LOGUE:

9 Q. Showing you State's Proposed Exhibit 17, what  
10 does this picture depict?

11 A. This picture is looking down primarily at the  
12 forehead. We have scrapes, quite a bit of damage to the  
13 skin there in several areas, and also some reddish bruising.  
14 Also there's an L-shaped ruler in here which is marked up on  
15 metric scales for size reference being held by somebody with  
16 a rubber glove. That basically is all we see here.

17 Q. In this picture where you see the big, I guess  
18 abrasion?

19 A. Yes.

20 Q. What could have caused this abrasion to the  
21 forehead right there?

22 A. Virtually any solid object.

23 Q. So if someone fell into a wall or a table, it  
24 could, perhaps, leave this type of abrasion?

25 A. All I can say about that is that something hit

CSR ASSOCIATES OF NEVADA  
Las Vegas, Nevada (702)382-5015

1 her or she hit something.

2 Q. Showing you State's Proposed Exhibit No. 18,  
3 what is this a picture of?

4 A. Those are little penetrating stab wounds below  
5 the left ear. It's down about three inches below the ear  
6 canal. You will see a reddish line. Not a very large or  
7 dramatic wound. Really didn't do a lot of damage.

8 Q. Showing you State's Proposed Exhibit 19, what  
9 is this a picture of?

10 A. This shows the upper chest, neck and face,  
11 shows that scrape on the point of the chin extremely well.  
12 I think its primary purpose is to show some of the stab  
13 wounds of the upper chest and neck.

14 Q. Showing you what's been marked as State's  
15 Proposed Exhibit No. 20, what is that?

16 A. This is a lateral or side-view of the head,  
17 neck and upper torso. In this one we can see a number of  
18 stab wounds. We also see the bruises and abrasions around  
19 the angle of the jaw. And I don't think I mentioned it  
20 earlier, there's a lot of red bruising in the right ear,  
21 very obvious.

22 Q. Also a newer bruise?

23 A. These are recent bruises.

24 Q. And that recent bruise, would your opinion be  
25 that that could also be consistent as being caused by,

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1 perhaps, blunt trauma, such as a fist?

2 A. It certainly could be from blunt trauma  
3 injury. A fist is a possibility. I can't tell you whether  
4 or not it actually was.

5 Q. I'm showing you what's been marked as State's  
6 Exhibit No. 21. What is this?

7 A. This shows the right arm, the right upper arm.  
8 This was the bruises that I mentioned I couldn't remember  
9 which arm it was on. It's on the right, obviously.

10 Q. Showing you State's Proposed Exhibit No. 22,  
11 what is this?

12 A. This is the right forearm just below the  
13 elbow. There's a fairly superficial scrape here, like an  
14 inch and a half or two inches below the point of the elbow.

15 Q. Showing you what's been marked State's  
16 Proposed No. 23, what is this a picture of?

17 A. Basically what we're looking at here is right  
18 hand and wrist area. It's scraped up across the bone. See  
19 the right wrist, there just above it. And we have a very  
20 prominent set of bruises, one on the back of the hand and  
21 one on the back of the wrist. Another one over on the side  
22 of the wrist below the thumb. So it's quite a bruise  
23 pattern there.

24 Q. This is showing the right hand?

25 A. That's correct.

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1 Q. Did you make some findings in regard to the  
2 left hand of the decedent?

3 A. We did. It's a scratch on the left hand,  
4 quarter of an inch long or so.

5 Q. In your report, did you make a note as to what  
6 could have caused that scrape or --

7 A. Well, basically it's a scratch. I mentioned  
8 that this might be a defensive injury of some kind. It may  
9 not be, but certainly that's a possibility.

10 Q. Showing you what's been marked State's  
11 Proposed Exhibit No. 24, what is this?

12 A. This is a small stab wound to the abdomen,  
13 just to the right of the navel. This one penetrated into  
14 the abdominal cavity, did not hit any vital structures, did  
15 go through the mesentery or the supporting structure of the  
16 small intestine, but it's not a major injury. It probably  
17 would have healed up by itself without much intervention.

18 Q. Showing you what's been marked State's  
19 Proposed Exhibit No. 25, what is that a picture of?

20 A. Here we're down around the lower abdomen and  
21 pelvic area. High in the upper left corner you can see that  
22 same stab wound to the umbilicus. This one basically is to  
23 illustrate a stab wound right over the abdomen on the right,  
24 pubic hair in the upper right area. This did penetrate a  
25 couple of inches or so but didn't hit any main blood

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1 vessels, no significant bleeding from it.

2 Q. Finally, showing you State's Proposed Exhibit  
3 No. 26, what is this a picture of?

4 A. That would certainly look like her left knee,  
5 and it has some bruises, also.

6 Q. And those would also be recent bruises?

7 A. They look recent, yes.

8 Q. In fact, they are recent?

9 A. They are red.

10 Q. Doctor, after looking at State's Proposed  
11 Exhibit No. 17 through 26, would these all be fair and  
12 accurate depictions of how the decedent's body appeared on  
13 the day that you conducted the autopsy?

14 A. Yes, they are quite accurate.

15 MS. LOGUE: Your Honor, at this time I would  
16 move to admit State's Proposed Exhibits 17 through 26.

17 THE COURT: Mr. Bassett?

18 MR. BASSETT: No objection, your Honor.

19 THE COURT: They will be admitted as State's  
20 Exhibits 17 through 26 inclusive.

21 MS. LOGUE: Thank you.

22 BY MS. LOGUE:

23 Q. Doctor, I want to show you what's been marked  
24 as State's Proposed Exhibit 9, this appearing to be a  
25 picture of a knife. Would this knife -- would this be an

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1 instrument consistent with what could have caused the  
2 injuries, specifically the stab wounds to the victim in this  
3 case?

4 A. It looks like a fairly conventional steak  
5 knife type of object. There's nothing in here to give us  
6 any size reference, but assuming that it is a fairly  
7 conventional steak knife, then it could be used to make  
8 these injuries.

9 Q. And, Doctor, do you have an opinion as to the  
10 cause of death in this case?

11 A. Yes, I do.

12 Q. And what is that opinion?

13 A. This was the result of multiple stab wounds of  
14 the neck and chest.

15 Q. And do you have an opinion as to the manner of  
16 death?

17 A. I do.

18 Q. What is that opinion?

19 A. My opinion is this is homicide.

20 MS. LOGUE: Thank you, your Honor. We pass  
21 this witness.

22 THE COURT: Mr. Bassett?

23 / / /

24 / / /

25 / / /

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**CROSS-EXAMINATION****BY MR. BASSETT:**

Q. Doctor, at the time you went in to perform this autopsy, could you tell me what information you had at that time?

A. We had information from our field investigator's written report. I would supply you with a copy if you'd like.

Q. I think we have a copy.

A. This basically gives us about a one- to two-page summary of what the crime scene looked like and whatever information was available at that time. Obviously he would have been talking to investigating officers. And looking at the body, the body had not been moved from where she died, hadn't been taken to a hospital.

Q. Had you had a chance to talk to your investigator personally or just to see his report?

A. We do have the chance to talk to him personally. At the time of the autopsy, usually one or both detectives involved will come over to see what we are finding, and they can often fill in a little more information than what we have from the crime scene itself.

Q. Do you recall who, other than yourself, was there present at the autopsy?

A. Detective Vaccaro and Detective Ramos from

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1 homicide detail, both were there. Mr. Peterson, crime lab  
2 technician from the Criminalistics Bureau, he was there. He  
3 did all the photography and trace evidence work, that kind  
4 of thing.

5 Q. Were they present during the entire autopsy;  
6 do you recall?

7 A. Mr. Peterson certainly was. I can't recall  
8 whether Detective Vaccaro or Ramos or both were there the  
9 entire time. It's pretty much their habit to stay through  
10 the entire procedure, but I can't tell you for sure.

11 Q. Okay. In terms of the bruises that you have  
12 indicated that they would have been within a day of her  
13 having died, when you say a day, are we talking, what, 24  
14 hours prior?

15 A. That's correct, yes.

16 Q. Okay. And that's as close as you can come in  
17 terms of any kind of estimate as to when those bruises would  
18 have occurred?

19 A. That's as close as we can come.

20 Q. Were there any other bruises you saw other  
21 than the ones you say are recent bruises?

22 A. No, I didn't see any I would classify as older  
23 or intermediate.

24 Q. In terms of the one that you talked about that  
25 was under the collar bone, you talked about that hitting the

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1 ribs. Can you tell whether it was a wound where the knife  
2 would have gone straight in or would the knife come down  
3 into the person?

4 A. Pretty much straight in. It went through the  
5 space between the first and second ribs, here in the left  
6 upper chest, went back hitting the back of, the posterior  
7 part, of the left third rib, which makes it just about a  
8 horizontal wound.

9 Q. In terms of the wounds that you talk about  
10 hitting the spine, were those the wounds that were under the  
11 neck, or which wound hit the spine?

12 A. We're talking about several -- four of this  
13 cluster of -- actually, there's eight in the neck here. I  
14 mentioned that we have damage to the internal jugular vein,  
15 both carotid arteries, trachea -- windpipe, one going  
16 through the voice box, and four out of this group struck the  
17 spinal column.

18 Q. Okay. In terms of the scraping, what you  
19 referred to as scraping, is that from a scratch, or what is  
20 it you are talking about when you're talking about scraping?

21 A. The type of injury that we could all get by  
22 banging an unprotected elbow on a rough plaster wall.

23 Q. Okay. So any kind of rough surface being  
24 brought to bear against the skin?

25 A. Yes, in terms of a sliding abrasion. If we

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1 skid our skip across any hard object, it can produce it, if  
2 you hit it hard enough. There's also the contact abrasion,  
3 which I don't think is involved here. Perhaps, at the angle  
4 of the jaw where some object strikes the skin, leaves an  
5 impression, does some damage but didn't skid.

6 Q. In terms of what you just described, then, is  
7 there any way you can tell what caused the scraping?

8 A. No, these on the angle of the jaw are  
9 undoubtedly contact type made by the same object, whatever  
10 it was that produced the bruise here.

11 Q. In terms of what we had up here on the  
12 forehead?

13 A. No, I can't tell what did that.

14 Q. Just so I am clear, then, too, you indicated  
15 that there were the cluster of the ten stab wounds, overall  
16 there were thirteen, so there were three wounds that weren't  
17 in that cluster?

18 A. Wait a second. Wait a second. I think I've  
19 confused you. We have a total of ten up in here, one over  
20 here.

21 THE COURT: Excuse me. The record should  
22 reflect that Dr. Green is indicating his, what I'll call his  
23 throat area in front.

24 THE WITNESS: Okay. I'll try to be more  
25 specific.

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1                   Okay. We have a total of ten in the  
2 front of the neck and upper chest; we have one below the  
3 left ear for a total of eleven; one coming in right beside  
4 the navel, twelve; one in the right groin. That makes the  
5 thirteen.

6 BY MR. BASSETT:

7                   Q.       Okay.

8                   A.       None of those are defensive.

9                   Q.       In terms of the one in the neck, the one in  
10 the abdomen and the third one being in the groin, those  
11 aren't wounds that on their own would have caused death?

12                  A.       That's correct.

13                         MR. BASSETT: Okay. I have no further  
14 questions.

15                         THE COURT: Redirect?

16

17                                 **REDIRECT EXAMINATION**

18 BY MS. LOGUE:

19                  Q.       Which stab wounds would have caused immediate  
20 death?

21                  A.       Either of the wounds hitting the carotid  
22 artery. Those are basically the lethal wounds. They would  
23 have caused death very rapidly, either one of them or both  
24 of them in combination.

25                                 The blood pressure would drop essentially

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1 to zero, almost instantaneously. She would probably have a  
2 few seconds of remaining purposeful activity. The brain has  
3 about 14 seconds worth of reserve oxygen supply. When  
4 that's used up, consciousness is lost, so we've got a very  
5 brief period between the time of actually losing her blood  
6 pressure and losing consciousness.

7 Q. In fact, you're saying in probably, perhaps,  
8 less than fifteen seconds?

9 A. Right.

10 Q. In fact, would it be your testimony that it  
11 would be less than fifteen seconds she would lose  
12 consciousness from the time either one or both of those  
13 injuries was inflicted?

14 A. No, we are just talking about the two here,  
15 not the rest of them.

16 Q. Do you have an opinion as to how long it would  
17 have taken this victim to die?

18 A. Well, after one or both carotid arteries are  
19 cut, she's going to lose consciousness in less, say in  
20 fifteen seconds, quarter of a minute. Irreversible brain  
21 damage will follow in approximately four minutes, and by ten  
22 minutes there is absolutely no salvage.

23 Q. You stated on Direct Examination that the  
24 manner of death in this case was a homicide. Can you define  
25 a homicide?

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1           A.       Well, from my own point of view, without  
2 getting into legal problems, I think of it as the act by  
3 which one person takes the life of another, but not getting  
4 into intent, reason or anything else.

5           MS. LOGUE: Thank you. I would pass the  
6 witness.

7           THE COURT: Any further cross?

8           MR. BASSETT: No, your Honor.

9           THE COURT: Dr. Green, you're excused -- just  
10 one second.

11                   Off the record.

12                   **(A discussion was held off the record.)**

13           THE COURT: Back on the record.

14                   We have concluded the testimony of  
15 Dr. Green, ladies and gentlemen, but there's another  
16 preliminary hearing this morning involving an in-custody  
17 defendant in which Dr. Green is also an essential and  
18 necessary witness. The attorneys for that case have agreed  
19 to take Dr. Green out of order.

20                   And Mr. Harmon and Mr. Bassett, if you  
21 don't mind recessing this case for about ten minutes, we  
22 will have Dr. Green testify in the other case, then pick up  
23 with you. Is that okay Mr. Bassett?

24           MR. BASSETT: Yes, your Honor.

25           THE COURT: Is that okay Mr. Harmon?

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1 MR. HARMON: Yes, your Honor.

2 THE COURT: Thank you.

3 THE WITNESS: I appreciate that very much.

4 **(Unrelated matters were heard.)**

5 THE COURT: We are now back in session in case  
6 No. 95F8114, State versus Chappell.

7 Once again, the record will reflect the  
8 presence of the defendant, Mr. Chappell, in custody with his  
9 attorney Mr. Bassett, Mr. Harmon and Ms. Logue for the State  
10 and all officers of the Court.

11 We have just taken a short recess in this  
12 case to allow Dr. Green, who was the State's first witness,  
13 to testify in another case which is ongoing.

14 We are now ready to proceed again. Is  
15 that correct, Mr. Harmon?

16 MR. HARMON: Yes, your Honor.

17 THE COURT: One second. Off the record.

18 **(Unrelated matters were heard.)**

19 THE COURT: On the record again in the  
20 Chappell case.

21 Mr. Harmon, please call your next  
22 witness.

23 MR. HARMON: Bill Duffey.

24 / / /

25 / / /

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1                   **WILLIAM DUFFEY,**  
2                   having been first duly sworn, was  
3                   examined and testified as follows:  
4

5                   THE CLERK: Please be seated. State your full  
6 name and spell you last name, please.

7                   THE WITNESS: William Duffey, D-U-F-F-E-Y.  
8

9                   **DIRECT EXAMINATION**

10                  **BY MR. HARMON:**

11                  Q.       Mr. Duffey, what is your business or  
12 occupation?

13                  A.       I'm a probation officer with the State of  
14 Nevada?

15                  Q.       How long have you worked as a probation  
16 officer with the State of Nevada?

17                  A.       Sixteen years.

18                  Q.       Where is your office?

19                  A.       215 East Bonanza Road.

20                  Q.       Is that Las Vegas, Nevada?

21                  A.       That's correct.

22                  Q.       What specifically are the nature of your  
23 duties with the Nevada Department of Parole and Probation?

24                  A.       I'm Unit manager, oversee supervision of the  
25 unit.

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1 Q. As a unit manager with the Nevada Department  
2 of Parole and Probation, do you have information that James  
3 Chappell was being supervised by your department on August  
4 the 31st, 1995?

5 A. Yes, I do.

6 Q. In fact, did you have personal contact with  
7 James Chappell on that date, August the 31st, 1995?

8 A. Yes, I did.

9 Q. Will you please explain the circumstances that  
10 caused you to have personal contact with James Chappell?

11 A. I received a message from the city detention  
12 center that Mr. Chappell was being released from custody.

13 Q. Released from custody from which facility?

14 A. Stewart-Mojave Center.

15 Q. Please proceed, sir?

16 A. I received a message he was being released,  
17 and I assigned two officers to go pick him up and bring him  
18 to the office.

19 Q. At approximately what time did you receive  
20 information that Mr. Chappell was going to be released from  
21 the Stewart-Mojave jail facility?

22 A. 9:00 a.m.

23 Q. The date is August 31st, 1995?

24 A. That's correct.

25 Q. What officers from your department did you

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1 send in connection with Mr. Chappell?

2 A. Officers Adams and Winchel.

3 Q. Would you spell the names for the record?

4 A. Adams, A-D-A-M-S, and Winchel, W-I-N-C-H-E-L.

5 Q. What was your reason for sending Officers  
6 Adams and Winchel to make contact with James Chappell?

7 A. There was a court order that he enter into an  
8 inpatient program, and I wanted him brought to my office so  
9 that I could discuss that matter with him.

10 Q. You have already mentioned that Mr. Chappell  
11 was being supervised by your department.

12 A. That's correct.

13 Q. For what offense, sir?

14 A. Possession of burglary tools.

15 Q. Had he been convicted in connection with a  
16 certain department for that offense; that is, what court had  
17 he been adjudicated in?

18 A. Judge Loehrer.

19 Q. District Court, Sally Loehrer?

20 A. That's correct.

21 Q. Was it a gross misdemeanor offense?

22 A. Yes, it was.

23 Q. What happened after you dispatched Officers  
24 Adams and Winchel to bring Mr. Chappell to your office?

25 A. They returned with him to my office at about

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1 10:00 a.m.

2 Q. Still August the 31st, 1995?

3 A. That's correct.

4 Q. At that time did you have an interview with  
5 James Chappell?

6 A. Yes, I did.

7 Q. Where did the interview occur?

8 A. In my office, 215 East Bonanza Road.

9 Q. Were there any other persons there besides  
10 yourself and Mr. Chappell?

11 A. No, there was not.

12 Q. Do you see the James Chappell in court this  
13 morning whom you interviewed beginning at about 10:00 a.m.  
14 on August the 31st, 1995?

15 A. Yes, I do.

16 Q. Please point to him and describe some article  
17 of clothing he's wearing.

18 A. He's sitting at the defense table in the dark  
19 blue jumper.

20 MR. HARMON: Your Honor, may the record show  
21 that the witness has identified the defendant, Mr. Chappell?

22 THE COURT: The record will so reflect.

23 BY MR. HARMON:

24 Q. About how long did you interview Mr. Chappell?

25 A. About 45 minutes.

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1 Q. What was the nature of the conversation, just  
2 by summary?

3 A. We discussed the possibility of him entering  
4 the EOB Drug Program and the Salvation Army Drug Program.

5 Q. What was the result of the conversation which  
6 occurred between yourself and the defendant that morning?

7 A. He wanted to go to the EOB program to be  
8 reinterview for possible admission.

9 Q. What decision, if any, did you make?

10 A. I decided to let him go to the EOB program for  
11 intake interview, and he was directed to return to my office  
12 at 1:00 to see his supervising officer for consideration for  
13 getting into the Salvation Army Program.

14 Q. Upon what did you base your decision to  
15 release him and let him go to try to get into the EOB  
16 program?

17 A. He had been interviewed approximately a month  
18 before by the EOB program, and they did not feel that he was  
19 ready for the program at that time due to the fact that he  
20 had been in custody for an additional month. I felt that it  
21 might be possible for him to get into the program at that  
22 time.

23 Q. During the time that you spent with  
24 Mr. Chappell on August the 31st, 1995, did you detect  
25 anything about him to indicate that he was under the

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1 influence of alcohol or any type of controlled substance?

2 A. No, I did not.

3 Q. He had just been released from a jail facility  
4 before he was brought to you; is that correct?

5 A. That's correct.

6 Q. Did he seem willing to try to get into the  
7 drug program?

8 A. Yes, he said that he couldn't understand why  
9 he had not been considered appropriate for the program and  
10 felt that he would be able to get in now.

11 Q. When did Mr. Chappell leave your office?

12 A. Around 11:00 a.m.

13 Q. Did he have certain instructions when he left  
14 your office?

15 A. Yes, he did.

16 Q. What were the instructions?

17 A. He was to go to the EOB program for intake  
18 interview and to return to the office of Parole and  
19 Probation at 1:00 p.m.

20 Q. What was the purpose in requesting him to  
21 return to the Department of Parole and Probation?

22 A. I had spoken with his supervising officer and  
23 directed them to contact the Salvation Army Program and  
24 arrange for an interview. Mr. Chappell was to return to  
25 meet with his supervising officer.

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1 Q. But who was the supervising officer?

2 A. Officer Arve.

3 Q. Could you spell Arve?

4 A. A-R-V-E.

5 Q. To your knowledge, Mr. Duffey, as a unit  
6 manager with the Nevada Department of Parole and Probation,  
7 did the defendant, Mr. Chappell, return for his meeting at  
8 1:00 p.m. to the Department of Parole and Probation?

9 A. I asked his supervising officer the next day  
10 if he had returned, if Mr. Chappell had returned at 1:00,  
11 and he told me that he had not.

12 MR. HARMON: That concludes Direct  
13 Examination.

14 THE COURT: Cross-examination?

15 MR. BASSETT: Yes, your Honor. Thank you.

16

17 **CROSS-EXAMINATION**

18 **BY MR. BASSETT:**

19 Q. You indicated that you got the call from the  
20 jail at 9:00 a.m.

21 A. That's correct.

22 Q. And that by 10:00 a.m. the defendant was in  
23 your office.

24 A. That's correct.

25 Q. And then, just so I'm clear, too, at this

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1 time, he's on probation; is that correct?

2 A. Yes, he is.

3 Q. And that's for the case out of Department XV?

4 A. Yes.

5 Q. Okay. Do you know why he was in custody over  
6 at the jail?

7 A. Yes, he had some misdemeanor charges.

8 Q. So those weren't charges that had anything to  
9 do with the case he was on probation for?

10 A. Well, they did indirectly.

11 Q. Right, but they were something that happened  
12 separate from the case?

13 A. That's correct.

14 Q. And in terms of him getting into the treatment  
15 program, was that a condition of the Department XV case or  
16 of the other cases which he had been at Stewart-Mojave? Was  
17 it a condition that had been imposed at the time he had been  
18 sentenced?

19 A. No, it wasn't.

20 Q. Okay. That was something that had been added  
21 later?

22 A. That's correct.

23 Q. You indicated that when you had him in the  
24 office and you were talking to him, he indicated to you that  
25 he didn't understand why he hadn't been considered an

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1 appropriate candidate earlier; is that right?

2 A. That's true.

3 Q. There had been a time prior to this time that  
4 he had attempted to get into the program?

5 A. Well, he had been interviewed for the program.

6 Q. Okay. And he hadn't been accepted at the time  
7 that he had been interviewed earlier?

8 A. That's true.

9 Q. Do you know why he wasn't accepted?

10 A. I was told that they didn't feel that he was  
11 appropriate at the time he was interviewed for admission.

12 Q. Did they give any kind of reasons why they  
13 didn't feel he was appropriate?

14 A. No, they did not.

15 Q. In terms of the program, was it to be an  
16 inpatient program or outpatient program?

17 A. Inpatient.

18 Q. Okay. Just so I'm clear, too, is the reason  
19 that you had him come back in the afternoon because you felt  
20 he wouldn't get into EOB and you wanted to follow up with  
21 the evaluation?

22 A. There were only two inpatient programs, and in  
23 case he was not accepted at the one, the other was a backup  
24 plan?

25 Q. Okay. And about how long after he came to

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1 your office, how long was he there would you estimate?

2 A. How long was he in the office with me?

3 Q. Yeah, in terms of the time you guys spent in  
4 his office?

5 A. About 45 minutes.

6 Q. Okay. Did, during that time, did you make any  
7 calls to anyone?

8 A. Yes, I did.

9 Q. And who did you call?

10 A. I called the EOB program.

11 Q. Okay. Were there any calls that you made to  
12 the defendant's home or family during that time?

13 A. No. He made a phone call while he was in the  
14 office.

15 Q. Do you know who he was making the phone call  
16 to?

17 A. No, I do not.

18 Q. Okay. That was something he had asked you if  
19 he could do, make that phone call?

20 A. I asked him if he had someone who could take  
21 him to the program and give him a ride, and he made a  
22 telephone call.

23 MR. BASSETT: Okay. I have no further  
24 questions.

25 THE COURT: Mr. Harmon?

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1 MR. HARMON: No redirect, your Honor.

2 THE COURT: Officer, you're excused.

3 Is he excused for the rest of the day?

4 MR. HARMON: Yes, your Honor.

5 THE COURT: Thank you. Mr. Harmon and  
6 Mr. Bassett, I am going to take a momentary recess in this  
7 case to call another case scheduled for preliminary hearing  
8 this morning because we need to reschedule that.

9 (Unrelated matters were heard.)

10 THE COURT: We're back on the record in case  
11 95F8114, State versus Chappell.

12 After a brief recess, we're in session  
13 again, once again with Mr. Chappell in custody with his  
14 attorney Mr. Bassett, Mr. Harmon and Ms. Logue for the State  
15 and all officers of the Court.

16 Mr. Harmon, would you call your next  
17 witness, please.

18 MR. HARMON: Lisa Duran.

19

20 LISA DURAN,  
21 having been first duly sworn, was  
22 examined and testified as follows:

23

24 THE CLERK: Please be seated. State your full  
25 name and spell your last name, please.

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1 THE WITNESS: Lisa Duran, D-U-R-A-N.

2 THE CLERK: And how do you spell your first  
3 name?

4 THE WITNESS: L-I-S-A.

5

6 DIRECT EXAMINATION

7 BY MR. HARMON:

8 Q. Is it Miss or Mrs. Duran?

9 A. Miss.

10 Q. Miss Duran, what is your age?

11 A. Twenty-seven.

12 Q. Do you live in the Las Vegas area?

13 A. Yes, sir.

14 Q. How long have you lived in this community?

15 A. One year.

16 Q. Did you know Deborah Ann Panos?

17 A. Yes, sir.

18 Q. How is it that you were acquainted with  
19 Deborah Panos?

20 A. We met at work.

21 Q. As of August the 31st, 1995, do you know her  
22 age?

23 A. Twenty-six.

24 Q. Was she a friend of yours?

25 A. Yes, sir.

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1 Q. You said you met at work. Where are you  
2 referring to?

3 A. GE Capital.

4 Q. Is GE Capital a business which is located here  
5 in Las Vegas, Nevada?

6 A. Yes, sir.

7 Q. Do you also know the defendant in this action,  
8 James Chappell?

9 A. Yes, sir.

10 Q. How is it that you know Mr. Chappell?

11 A. From Debbie.

12 Q. Did Mr. Chappell have a relationship with your  
13 friend Deborah Panos?

14 A. Yes, sir.

15 Q. What type of relationship was it?

16 A. From what I understood it was  
17 boyfriend-girlfriend, but towards the end it was  
18 ex-boyfriend and girlfriend.

19 Q. For about how long had they, at least off and  
20 on, had a boyfriend-girlfriend relationship?

21 A. From what Debbie told me, it would have been  
22 ten years in January.

23 Q. Do you see James Chappell here in the  
24 courtroom this morning?

25 A. Yes, sir, I do.

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1 Q. Would you point to him and describe something  
2 he's wearing today in court?

3 A. He's sitting right there (indicating), and he  
4 has as blue shirt on.

5 MR. HARMON: Your Honor, may the record show  
6 that the witness has identified the defendant, Mr. Chappell?

7 THE COURT: The record will so reflect.

8 MR. HARMON: I thank you.

9 BY MR. HARMON:

10 Q. You mentioned that you and Deborah Panos both  
11 worked at the same business. At your place of employment,  
12 several weeks prior to Christmas time of last year, 1994,  
13 did you observe some type of incident involving the  
14 defendant, Mr. Chappell, and Deborah Panos?

15 A. Yes, sir, I did.

16 Q. What is it that you observed, and please tell  
17 us how it is that you were able to see it happen?

18 A. I was standing by the front door at work and I  
19 was getting ready to leave and I noticed the two of them  
20 sitting in the car out front and he was --

21 Q. When you say "noticed the two of them sitting  
22 in the car out front," who are you talking about?

23 A. I am talking about Debbie and James.

24 Q. Debbie Panos and James Chappell, the  
25 defendant?

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1 A. Yes, sir.

2 Q. What did you see happen as they sat in the car  
3 out front?

4 A. He was yelling at her, and she was crying.  
5 And he just kept yelling at her, and then he hit her in the  
6 face.

7 Q. Did you actually see that happen?

8 A. Yes.

9 Q. Do you remember what side of the face it was?

10 A. No.

11 Q. Do you remember which hand Mr. Chappell used  
12 to hit Debbie's face?

13 A. No.

14 Q. Were you able to tell if his hand was open or  
15 if he had made a fist when he did it?

16 A. His hand was open.

17 Q. Was it one time that you saw?

18 A. Yes.

19 Q. What occurred then?

20 A. After that happened, she got out of the car  
21 and she came inside.

22 Q. To your knowledge, around Christmas time in  
23 1994, did Deborah Panos suffer a broken nose?

24 A. Yes, sir, she did.

25 Q. Did you actually observe that she had an

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1 injury to her nose?

2 A. Yes, sir, I did.

3 Q. Do you have any personal knowledge in terms of  
4 actually having seen what happened in connection with that  
5 injury?

6 A. No, sir, I did not.

7 Q. When was it, Miss Duran, that you formally met  
8 the defendant, Mr. Chappell?

9 A. It was Memorial Day weekend.

10 Q. Of 1995?

11 A. Yes, sir.

12 Q. Where were you when you formally met the  
13 defendant?

14 A. I went to Debbie's home to pick her up.

15 Q. Where was she living at that time?

16 A. 839 East Lamb, No. 125.

17 Q. Could it be 839 North Lamb Boulevard?

18 A. Yes, sir.

19 Q. Was it in some type of mobile home park?

20 A. Yes, sir.

21 Q. What is the name of the park?

22 A. Ballerina Sunrise.

23 Q. And you mentioned a particular space number.

24 A. No. 125.

25 Q. Is 839 North Lamb Boulevard, Space 125 in

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1 Clark County, Las Vegas, Nevada?

2 A. Yes, sir.

3 Q. Do you know, as of Memorial Day weekend 1995,  
4 about how long Debbie Panos had been living at that address?

5 A. She recalled once that she had moved there in  
6 October of '94.

7 Q. To your knowledge, did the defendant live  
8 there from time to time with her during the calendar years  
9 1994 and 1995?

10 A. Yes, sir.

11 Q. Did Debbie Panos have any children?

12 A. Yes, sir.

13 Q. How many children?

14 A. Three.

15 Q. Will you tell us their names?

16 A. J.P., Anthony and Chantell.

17 Q. You say J.P., what is the first name?

18 A. James.

19 Q. James Panos?

20 A. Yes, sir.

21 Q. And you mentioned Anthony.

22 A. Anthony.

23 Q. Anthony Panos as well?

24 A. Yes, sir.

25 Q. And you mentioned Chantell.

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- 1 A. Yes, sir.
- 2 Q. Chantell Panos?
- 3 A. Yes, sir.
- 4 Q. Do you know how Chantell is spelled?
- 5 A. C-H-A-N-T-E-L-L.
- 6 Q. What were the ages of the children?
- 7 A. Three, five and seven.
- 8 Q. Those were children of Debbie Panos?
- 9 A. Yes, sir.
- 10 Q. Do you know who the father was?
- 11 A. Yes, sir.
- 12 Q. Who was the father?
- 13 A. The defendant, James Chappell.
- 14 Q. Was there an occasion that either on the
- 15 Memorial Day weekend, or at least in that close time frame,
- 16 when Debbie Panos stayed overnight at your place?
- 17 A. Yes, sir.
- 18 Q. Tell us more precisely when that was.
- 19 A. Memorial Day weekend, that Friday night when
- 20 we had gone out. We were out late and she had spent the
- 21 night at my apartment and about 6:00 in the morning --
- 22 Q. The following morning?
- 23 A. Yes, sir.
- 24 Q. That would be Saturday morning, still Memorial
- 25 Day weekend?

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1 A. Yes, sir.

2 Q. What happened at about 6:00 in the morning on  
3 Saturday of that weekend?

4 A. The defendant called my apartment.

5 Q. How do you know it was the defendant?

6 A. Because when I picked up the phone and I said  
7 hello, he said very sternly, "Let me speak with Debbie."

8 Q. Did you recognize his voice at that time?

9 A. Yes, sir.

10 Q. Did you have any further words with the  
11 defendant over the telephone at that time after he said let  
12 him speak to Debbie?

13 A. Not that day, no.

14 Q. As a result of the call by the defendant at  
15 6:00 in the morning, what happened?

16 A. At about 10:00 that morning Debbie and I were  
17 getting ready so that I could take her home, and at about  
18 12:00 that afternoon, I brought her back home.

19 Q. Subsequent to that Saturday morning, have you  
20 had other telephone conversations with the defendant?

21 A. Since then, yes.

22 Q. Can you give us, in your best estimate, the  
23 approximate time frame of the subsequent telephone  
24 conversations that you have had with the defendant?

25 A. Over a two-month period.

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1 Q. You're saying for about two months after  
2 Memorial Day weekend?

3 A. Yes, sir.

4 Q. Were these calls you placed to the defendant  
5 or calls placed to your residence?

6 A. They were calls placed to my residence and  
7 placed to Debbie's residence.

8 Q. About how many calls were there?

9 A. Seven.

10 Q. On each of those seven occasions, did you  
11 speak personally with the defendant?

12 A. On five of those occasions I did speak with  
13 the defendant. On two of them he had left voice messages on  
14 my machine.

15 Q. Did you, in each instance, recognize the voice  
16 of the person you were speaking to?

17 A. Yes, sir.

18 Q. During this two-month time frame, did the  
19 defendant ever discuss with you his feelings concerning your  
20 friend Debbie Panos?

21 A. Yes, sir.

22 Q. Are you able to tell us what you remember him  
23 saying during the conversation?

24 A. There was an evening when I was at Debbie  
25 Panos's and I was watching her kids. And he called the

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1 trailer and I accepted the call and he had asked me where  
2 she was.

3 Q. Do you know whether he was in custody or out  
4 of custody?

5 A. He was in custody because I accepted the  
6 collect call from the Clark County Detention facility.

7 Q. When you referred to "he," you were speaking  
8 of the defendant, Mr. Chappell?

9 A. Yes, sir.

10 Q. What was the nature of the conversation you  
11 had with the defendant on that evening in connection with  
12 the collect call?

13 A. When I told him that Debbie wasn't home, he  
14 became upset and he asked me where she was. And I told him  
15 that she had gone out to the store and that she was using my  
16 car. And then he asked me where his kids were, and I told  
17 him they were with me.

18 Q. Was that basically the extent of the  
19 conversation that evening?

20 A. No.

21 Q. What else did the defendant say?

22 A. He then asked me, he said, "I want to know  
23 what other nigger she's laying up underneath." I told him  
24 that I wasn't going to tell him anything. And he said,  
25 "Well, what kind of friend are you?" I said, "The kind of

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1 friend who minds her own business." And then he told me,  
2 "You tell Debbie when she gets home that I called and that .  
3 when I get out she's not going to have any friends."

4 Q. Did the defendant, in connection with that  
5 particular telephone conversation or in subsequent  
6 conversations, ever say anything to you of which was a  
7 threat towards Debbie Panos?

8 A. Yes, sir.

9 Q. In connection with the conversation you have  
10 been describing or later on?

11 A. Later on.

12 Q. About how long later?

13 A. I don't know. I don't remember.

14 Q. Where were you when you got any call or calls  
15 that were threats?

16 A. I was at her house.

17 Q. Tell us what happened.

18 A. He told me that he was upset because she  
19 hadn't gone to see him and she wasn't writing him letters.  
20 And he was upset that she wasn't accepting his calls. And  
21 that's when he told me that if he couldn't have her, nobody  
22 else could. And then he made the comment again that when he  
23 got out that she wasn't going to have any friends; she  
24 wouldn't be able to go anywhere, and he'd make sure of that.

25 Q. Well, Miss Duran, as a result of the

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1 conversations you had with the defendant during the time  
2 frame you described and as a result of things you actually  
3 observed, in your opinion, was he jealous of Debbie Panos?

4 A. Yes, sir, he was very jealous.

5 Q. Why do you say the defendant was very jealous?

6 A. Because of all of the things that he had said,  
7 when he told me she wasn't going to have any friends and he  
8 wanted to know who she had been seeing and just that he was  
9 upset.

10 Q. Sometime prior to August the 31st, 1995, have  
11 you lived, for a short period of time, with Debbie Panos and  
12 her children at 839 North Lamb Boulevard, Space 125?

13 A. Yes, sir.

14 Q. About how long had you lived there?

15 A. About a week.

16 Q. Specifically, on Thursday, August the 31st,  
17 1995, were you still living with Debbie Panos at her mobile  
18 home?

19 A. No, sir, I was just going there to get some of  
20 my things.

21 Q. Did you still have belongings at her  
22 residence?

23 A. Yes, sir.

24 Q. That Thursday afternoon, August 31st, 1995,  
25 did you go from your residence to the Ballerina Sunrise

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1 Mobile Home Park at 839 Lamb Boulevard?

2 A. Yes, sir, I did.

3 Q. What was your purpose in going there?

4 A. I was going to meet Debbie Panos there so that  
5 I could get some of my belongings. She was going to help  
6 me.

7 Q. Were you by yourself?

8 A. Yes, sir.

9 Q. Were you traveling in a car?

10 A. Yes, sir.

11 Q. What type of vehicle was it?

12 A. I was a '93 Nissan Sentra.

13 Q. Was it your car or was it a vehicle you had  
14 borrowed?

15 A. It was my mother's car.

16 Q. About what time was it when you arrived at the  
17 Ballerina Sunrise Mobile Home Park?

18 A. It was about 1:30 quarter to 2' in the  
19 afternoon.

20 Q. As you entered the park and proceeded towards  
21 the residence of Debbie Panos, did you see a car you  
22 recognized?

23 A. Yes, sir.

24 Q. Please explain where you were and where the  
25 vehicle was that you recognized.

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1           A.       I was going westbound, and the car was coming  
2 eastbound out of the driveway?

3           Q.       What driveway are you talking about?

4           A.       I'm talking about the main driveway where  
5 people entered and exited into the mobile home park.

6           Q.       So you're saying you were going in and this  
7 vehicle was coming out?

8           A.       Yes, sir.

9           Q.       Did you pass close to the vehicle?

10          A.       Yes, sir.

11          Q.       You were driving your mother's car?

12          A.       Yes, sir.

13          Q.       Did you see the person who was driving the  
14 other car?

15          A.       Yes, sir.

16          Q.       How close were you to that person?

17          A.       About four or five feet.

18          Q.       What car was being driven by this other  
19 individual?

20          A.       It was a 1983 four-door Toyota Corola. It was  
21 dark silver.

22          Q.       Did you recognize whose car it was?

23          A.       Yes, sir.

24          Q.       Whose car was it?

25          A.       It was Debbie Panos' car.

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1 Q. How is it you were able to recognize the car  
2 as hers?

3 A. I had seen it and ridden in it many times  
4 before, and there were no license plates on her car, so  
5 that's how I knew, also, it was hers.

6 Q. Is there any doubt in your mind that the car  
7 that was going out of the mobile home park on August the  
8 31st, 1995, in the early afternoon hours was the vehicle  
9 that you had come to know belonged to Debbie Panos?

10 A. Yes, sir, it was the car.

11 Q. Is there any doubt in your mind it was her  
12 car?

13 A. No, sir.

14 Q. Did you have occasion to notice anything else  
15 in connection with the vehicle in terms of what it might  
16 have been carrying?

17 A. I noticed that in the back of the car there  
18 was -- the trunk was open and there was a bicycle hanging  
19 out the back.

20 Q. Did you know whether the defendant,  
21 Mr. Chappell, on occasion, used a bicycle?

22 A. Yes, sir, I did.

23 Q. How is it that you were aware of that?

24 A. Debbie Panos told me.

25 Q. You didn't ever actually see him with the

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1 bicycle?

2 A. No, sir.

3 MR. HARMON: May I approach the witness, your  
4 Honor?

5 THE COURT: Yes.

6 BY MR. HARMON:

7 Q. Miss Duran, I am showing you Proposed Exhibits  
8 28 through 31. I want you to concentrate on the vehicle  
9 which is shown in the pictures. Are you able to recognize  
10 those?

11 A. Yes, sir.

12 Q. Whose car is shown in Proposed Exhibit 28  
13 through 31?

14 A. Debbie Panos'.

15 Q. Is this the same vehicle that you saw at about  
16 1:30 in the afternoon on August the 31st, 1995?

17 A. Yes, sir.

18 Q. Who was driving the vehicle when you saw it  
19 that afternoon?

20 A. The defendant, James Chappell.

21 Q. Did you proceed on to space 125 of the  
22 residence of Debbie Panos?

23 A. Yes, sir, I did.

24 Q. About how long from the point that you passed  
25 her vehicle being driven by the defendant, Mr. Chappell, was

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1 it that it took you to get to her place?

2 A. About a minute.

3 Q. What happened when you arrived there?

4 A. When I arrived at Debbie's house, I got out of  
5 the car and I went to the front door and I knocked on the  
6 door. I waited for her to come to the front door. And when  
7 she didn't come to the front door, I went to open the front  
8 door to see if it was open, and the door was locked. At  
9 that point I thought maybe she had gone to Mike's house.

10 Q. Who is Mike?

11 A. Mike is another friend from work.

12 Q. What is Mike's last name?

13 A. Mike Pollard.

14 Q. Please spell Pollard.

15 A. P-O-L-L-A-R-D.

16 Q. So you felt maybe she wasn't at home?

17 A. Yes, sir.

18 Q. Had you been able to hear any sounds from  
19 inside of the residence?

20 A. I heard the TV and I heard the air  
21 conditioning going and I thought that that was unusual.

22 Q. Why did you think it was unusual?

23 A. Because Debbie never liked to keep the air  
24 conditioning on when nobody was home because of the high  
25 electric bills.

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1 Q. How long did you remain at the front door  
2 knocking?

3 A. For about two or three minutes.

4 Q. Did you get any response at all?

5 A. No, sir.

6 Q. So you concluded that perhaps she was gone to  
7 Mike's. What did you do?

8 A. I then got in the car and drove to Mike's.

9 Q. Did you locate her at Mike Pollard's place?

10 A. No, sir, I did not.

11 Q. Did you have a conversation, without going  
12 into the conversation, with Mr. Pollard?

13 A. Yes, I did.

14 Q. As a result of that conversation, did you  
15 become quite concerned about your friend Debbie Panos?

16 A. Yes, sir.

17 Q. What did you do?

18 A. After I left Mike's house, I went to the  
19 convenience store up the street, and I tried to call her  
20 house to see if she'd pick up the phone. And when all I got  
21 was her voice mail, I left a message that I was wondering  
22 where she was and if she was okay and that I was trying to  
23 find her and that I was on my way back to her trailer.

24 Q. Did you go back to her trailer?

25 A. Yes, sir.

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1 Q. What happened when you got back?

2 A. When I --

3 Q. Or at least in close proximity to the trailer?

4 A. When I went back to the trailer, I got out of  
5 the car and I knocked on the door again and there was still  
6 no answer. So then I went around to the back door and the  
7 back door was locked and there was still no answer. So I  
8 went around to the front of the house, and as I got into my  
9 car, that's when I noticed the bedroom window was off the  
10 track.

11 Q. What was your frame of mind when you made that  
12 observation concerning the bedroom window?

13 A. I was afraid that he'd done something to her.

14 Q. By "he," are you referring to the defendant?

15 A. Mr. Chappell, yes.

16 Q. Did you make contact with some police officer?

17 A. At that point I went to the kids' day care to  
18 see if they were still there, and the woman told me that the  
19 kids were still there.

20 Q. You're referring to the three children of  
21 Debbie Panos?

22 A. Yes, sir. And after I had a brief  
23 conversation with the lady at the day care center, I got  
24 scared so I went home and I got my mother and my brother and  
25 I told them that James was out, that I think he did

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1 something to her because she wouldn't answer the door. So  
2 then we drove back to the trailer and that's when I spotted  
3 a police officer and I told him that I thought my friend had  
4 been hurt because she wasn't answering the door and if he  
5 could please follow us.

6 Q. Did the officer agree to do this?

7 A. Yes, sir.

8 Q. Did the four of you then go walk to Debbie  
9 Panos' residence?

10 A. Yes, sir.

11 Q. About what time did you arrive back there with  
12 the police officer?

13 A. It was about 3:30, a quarter to 4'.

14 Q. In the afternoon?

15 A. Yes, sir.

16 Q. Is it still Thursday, August the 31st, 1995?

17 A. Yes, sir.

18 Q. What time was it, to the best of your memory,  
19 when you saw the defendant driving the victim's car?

20 A. It was about 1:30, a quarter to 2'.

21 Q. So approximately two hours before this?

22 A. Yes, sir.

23 Q. What happened when you got back to Debbie's  
24 trailer with the police officer?

25 A. I showed the police officer the window that

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1 was off the track.

2 Q. What, if anything, did the officer do?

3 A. The officer, at that point, he popped out the  
4 window and he put the window down in front of the house and  
5 then he went inside.

6 Q. Did you then learn that he had made a  
7 discovery inside the residence?

8 A. Yes, sir.

9 Q. Did you ever actually go inside the residence  
10 to see what had been discovered?

11 A. No, sir, but I was standing by the front door.

12 Q. From your vantage point at the front door,  
13 were you able to see inside the residence to some extent?

14 A. I saw on the floor by the front door, and when  
15 the officer tried to close the door so we couldn't see  
16 anything, I could see her feet.

17 Q. You recognized from what you saw who it was?

18 A. Yes, sir.

19 Q. Who was it?

20 A. It was Debbie Panos.

21 Q. Is there any doubt in your mind that you had  
22 seen part of her body?

23 A. No, sir.

24 Q. Did you, about a week later, attend the  
25 funeral service for Debbie Panos?

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1 A. Yes, sir.

2 Q. Was the casket open, at least during part of  
3 the funeral proceedings?

4 A. Yes, sir.

5 Q. Did you see her body at that time?

6 A. Yes, sir.

7 MR. HARMON: May I again approach the witness,  
8 your Honor?

9 THE COURT: Yes.

10 BY MR. HARMON:

11 Q. Miss Duran, I'm showing you Proposed Exhibit  
12 1, 2 and 3. Do you recognize what those are pictures of?

13 A. Yes, sir.

14 Q. What are they pictures of, ma'am?

15 A. They are Debbie Panos' house.

16 Q. Do they appear to truly and accurately show  
17 the appearance and condition of her trailer as you saw it on  
18 Thursday, August 31st, 1995?

19 A. Yes, sir.

20 Q. But you see in Proposed Exhibit 1, 2 and 3  
21 that this bedroom window is where you said the window was  
22 off the track and where the officer entered to discover the  
23 body of Deborah Panos?

24 A. Yes, sir.

25 Q. By way of description on the photographs,

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1 where is it that that window appears?

2 A. It appears at Debbie Panos' bedroom at the  
3 front of the trailer.

4 Q. As the officer went in after he had taken the  
5 outside window off, did there come a time when you were able  
6 to see that there was a screen to the window inside the  
7 bedroom?

8 A. Yes, sir.

9 Q. That you actually saw?

10 A. Yes, sir.

11 Q. Had you done anything to cause the screen to  
12 be inside the room?

13 A. No, sir.

14 Q. I'm also showing you Proposed Exhibit 4, 5 and  
15 6. Do you recognize what room is depicted in those  
16 photographs?

17 A. This is Debbie Panos' bedroom.

18 Q. Is this the same room that that front window  
19 leads into where you saw the window was first off the track  
20 and then you saw a screen inside the room?

21 A. Yes, sir.

22 Q. You had lived, you said, with Debbie for a  
23 about a week?

24 A. Yes, sir.

25 Q. Had you visited on many occasions at her

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1 residence?

2 A. Yes, sir.

3 Q. Did you know what type of housekeeper she was?

4 A. She had three small kids, and it was hard for  
5 her to keep up at times.

6 Q. Do you see the condition as it is depicted in  
7 the photographs to the master bedroom in Proposed Exhibits  
8 4, 5 and 6?

9 A. Yes, sir.

10 Q. Do you see some evidence of ransacking?

11 A. Yes, sir.

12 Q. What is there about those photographers that  
13 causes you to conclude that there had been ransacking?

14 A. In this photograph right here --

15 Q. Well, what's the number of that photograph?

16 A. Exhibit 6.

17 Q. What do you see in Proposed Exhibit 6?

18 A. I see a lot of mail and letters all over the  
19 floor. Debbie always tried to be particular about keeping  
20 her papers together.

21 Q. Did you ever see papers scattered around on  
22 the floor of the master bedroom or any room in the house in  
23 the manner you see portrayed in Proposed Exhibit 6?

24 A. No, sir.

25 Q. I'm showing you Proposed Exhibit No. 9, but

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1 will you focus on what appears to be a knife depicted in  
2 that photograph, do you recognize whether this is similar or  
3 dissimilar to any set of knives which Debbie had at the  
4 residence?

5 A. It's from her house.

6 Q. Why do you say that the knife depicted in  
7 Proposed Exhibit 9 is from her house?

8 A. Because I recognize the end of the knife, the  
9 worn mark on it. I had seen the knife before.

10 Q. What type of knife is it?

11 A. I believe it's a steak knife.

12 Q. Are you able to estimate about how long the  
13 blade of the steak knife was?

14 A. No.

15 Q. Where did Debbie keep her steak knives?

16 A. There was a drawer between the refrigerator  
17 and stove in the kitchen.

18 Q. Would it have been her habit with small  
19 children living with her to have left a steak knife on the  
20 floor of any room of the house?

21 A. No, sir, never.

22 MR. HARMON: May we have the Court's indulgence?

23 (There was a consultation between

24 Mr. Harmon and Ms. Logue.)

25 / / /

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1 BY MR. HARMON:

2 Q. Miss Duran, you mentioned that you were going  
3 to, at 1:30 or 1:45 p.m. on August the 31st, to meet with  
4 your friend Debbie Panos. Had you spoken with her earlier  
5 that day?

6 A. I had seen her at work earlier that morning at  
7 about 8:00.

8 Q. Had you seen her since about 8:00 in the  
9 morning?

10 A. No.

11 Q. Had you had some type of agreement that you  
12 would meet her early that afternoon at her place?

13 A. Yes, sir.

14 Q. Did she seem to be in a normal frame of mind  
15 when you saw her at about 8:00 in the morning on August the  
16 31st?

17 A. Yes, sir.

18 Q. Did you see any evidence of injury to her  
19 body?

20 A. No, sir.

21 Q. Did you see any bruises or scrapes anywhere on  
22 her face or neck or arms?

23 A. No, sir.

24 MR. HARMON: Thank you. That concludes  
25 Direct, your Honor.

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1 THE COURT: We're going to take a five-minute  
2 recess before we cross-examine the witness.

3 I can tell she's a little bit upset by  
4 having to recount these incidents, and I think she could use  
5 a few minutes to recover. So we will take a short break.

6 (A recess was taken.)

7 THE COURT: The record will reflect we're back  
8 in session in case 95F8114, State versus Chappell. The  
9 defendant is present in custody with his attorney  
10 Mr. Bassett, Mr. Harmon and Ms. Logue for the State and all  
11 officers of the Court.

12 Mr. Bassett, are you ready to  
13 cross-examine?

14 MR. BASSETT: Yes, your Honor. Thank you.

15

16 CROSS-EXAMINATION

17 BY MR. BASSETT:

18 Q. Just a few questions, Miss Duran. I need to  
19 clarify some things.

20 Let's go back to the incident that you  
21 had talked about about Christmas time. And just so I'm  
22 clear, in terms of, you know, where you were when you saw  
23 what you saw, you said this happened at work?

24 A. Yes, sir.

25 Q. And you said that at that time that you saw

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1 this incident that you were standing in the doorway?

2 A. Yes, sir.

3 Q. Is that the doorway to the entrance of work?

4 A. There are two doors. The one door is the main  
5 door, then there's a small door and then another door that  
6 opens.

7 Q. Okay. And which door were you standing at?

8 A. I was standing in between them.

9 Q. Okay. About how far away was the car parked,  
10 would you estimate, at the time that you observed this?

11 A. It was right out front, in front of the door.

12 Q. Okay. Does the door come all the way out to  
13 the curb?

14 A. No, there's the door to the building then  
15 there's a small sidewalk then there's the blacktop and curbs  
16 to indicate parking spaces.

17 Q. So about how far would you estimate that you  
18 were from the car?

19 A. About six or seven feet away.

20 Q. Do you remember what kind of car it was?

21 A. No, sir, I do not.

22 Q. Do you recall if, like, any of the windows in  
23 the car were tinted or anything?

24 A. No, sir, I wasn't paying attention to the car.  
25 I was only paying attention to what happened inside.

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1 Q. Okay. About what time of the day was it?

2 A. Late afternoon.

3 Q. Okay. And that is in December?

4 A. Yes, sir.

5 Q. Okay. In terms of outside by that area, are  
6 there any kind of street lights or anything?

7 A. No, sir.

8 Q. And just so I'm clear on that, too, at this  
9 point you hadn't been introduced formally to the defendant;  
10 is that correct?

11 A. No, sir.

12 Q. And then in terms of one of the other -- let's  
13 go back to the first phone call that you talked about.

14 A. Yes, sir.

15 Q. That happened when?

16 A. Memorial Day weekend.

17 Q. Okay. Just so I'm clear on which day, do you  
18 remember which?

19 A. It was Saturday morning that he called, at  
20 6:00 a.m., looking for Debbie.

21 Q. And so I'm clear on this, too, you indicated  
22 that you hadn't been introduced to him until Memorial Day  
23 weekend?

24 A. Yes, sir.

25 Q. Had you been introduced to him on that

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1 evening?

2 A. Yes, sir, that Friday evening.

3 Q. Okay. Do you remember where it was that you  
4 were introduced to him?

5 A. At Debbie's home.

6 Q. Did you have a chance to talk to him that  
7 evening?

8 A. No, sir.

9 Q. So the kind of thing where, like, you were  
10 coming or going and introduced, it was short?

11 A. It was very short.

12 Q. Okay. And you didn't have a chance to talk to  
13 him then?

14 A. No, sir.

15 Q. Okay.

16 A. He didn't speak to me either.

17 Q. Okay. And then you get the call that Saturday  
18 morning?

19 A. Yes, sir.

20 Q. Okay. Let's go back, then, to the date in  
21 question, August 31st. Just so I am clear, too, on the kind  
22 of arrangement that you had with the victim, you had lived  
23 at her house for a while?

24 A. I was there for a week, and all of my  
25 belongings were in her trailer.

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1 Q. Had you intended to stay more than a week when  
2 you first moved in?

3 A. At the time I moved in, yes, I intended to  
4 stay more than a week.

5 Q. Okay. And so on that day, just so that I  
6 understand, too, what happened, you had seen her earlier  
7 that morning at work?

8 A. Yes, sir.

9 Q. You had, at that time, a chance to speak to  
10 her, stated that you wanted to come by and pick up your  
11 stuff?

12 A. We had made arrangements the night before. We  
13 had talked about it before we had left work. And when she  
14 came in on Thursday morning, she was in work for about an  
15 hour and she at that point had told me, "Yes, I'll be home  
16 and yes, I'll help you. When you get off, come meet me at  
17 home."

18 Q. Okay. And she would have known what time you  
19 got off work that day?

20 A. Yes, sir, she did.

21 Q. Okay. You estimate that you came to the  
22 trailer park about 1:30, 1:45?

23 A. Yes, sir.

24 Q. How is it that you remember the time?

25 A. I recall the time because when I had gotten

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1 off work at 1:00, I had gone home first to get my mother's  
2 car, and I spent approximately, I'd say, about 15 minutes at  
3 my mother's house. And once I got my Mom's car, I then drove  
4 to Debbie's house, which takes about 15 minutes from my  
5 mother's.

6 Q. Okay. So in terms of the time, it's because  
7 of the things that you did that you would estimate about  
8 what time it was?

9 A. Yes, sir.

10 Q. Okay. And then, just so I'm clear, as you  
11 were pulling into the trailer park, you see her car exiting  
12 the trailer park?

13 A. Yes, sir.

14 Q. And about how fast was her car going?

15 A. Maybe five miles an hour. There are speed  
16 bumps, so you would have to drive pretty slow.

17 Q. So there wasn't anything about the speed of  
18 the car that got your attention?

19 A. No, sir. It was the car itself.

20 Q. Could you see the car coming toward you before  
21 you pulled inside the trailer park?

22 A. Just as I pulled in, I saw the car come in so,  
23 yes, I identified it right away.

24 Q. Okay. At the beginning of that day, August  
25 31st, where did you think the defendant was?

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1           A.       From what I understood from Debbie Panos, he  
2 was still in custody, and from what she had told me, they  
3 were waiting for a bed to become available for Mr. Chappell  
4 so that he could go through drug rehab for three months.

5           Q.       Okay. When is it that you became aware that  
6 he was not in custody?

7           A.       When I went to Mike Pollard's to look for  
8 Debbie the first time.

9           Q.       So Mike is the one that told you he was out of  
10 custody?

11          A.       Yes, sir.

12          Q.       So at the time you see Debbie's car, you don't  
13 know he's out of custody?

14          A.       No, sir.

15          Q.       In terms of your indication that you saw in  
16 the back of the car a bike --

17          A.       Yes, sir.

18          Q.       -- had you ever seen the defendant's bike that  
19 you knew that he got around on?

20          A.       No, sir. The only way I knew about that was  
21 from what Debbie had told me.

22          Q.       So you don't have any idea what his bike  
23 looked like?

24          A.       No, sir.

25          Q.       You couldn't tell whether that was the

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1 defendant's bike in the car from looking at it?

2 A. No, sir.

3 Q. So you go to the house, you go to the front  
4 door and knock?

5 A. Yes, sir.

6 Q. There isn't any answer?

7 A. No, sir.

8 Q. Just so I'm clear, too, do you go around the  
9 back at that time or --

10 A. It wasn't until I went back to the trailer the  
11 second time that I had learned that James Chappell was out  
12 that I then tried to open the back door, and it was locked.

13 Q. So you tried the front door and don't get an  
14 answer?

15 A. Yes, sir.

16 Q. You leave and go to Mike's house?

17 A. The first time, yes, sir.

18 Q. Where does Mike live?

19 A. Mike lives about 15 minutes away on the  
20 southwest side of town.

21 Q. Okay. So from the trailer to his house was  
22 about 15 minutes?

23 A. Yes, sir.

24 Q. How long would you estimate you were at Mike's  
25 house?

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1           A.       Not even five minutes, maybe, four, five  
2 minutes, no longer than that.

3           Q.       You leave his house and go to the store?

4           A.       Yes, sir.

5           Q.       Can you tell me what you did at the store?

6           A.       I made the phone call to Debbie's trailer, but  
7 Mike does not have a phone.

8           Q.       Okay. How far was the store from Mike's  
9 house?

10          A.       A block away.

11          Q.       Okay. Did you do anything besides make a  
12 phone call?

13          A.       No.

14          Q.       So after you leave the store, you drive back  
15 to the trailer?

16          A.       Yes, sir.

17          Q.       How much time would you estimate from the time  
18 you left the trailer and went to Mike's and then came to the  
19 trailer, how much time would you estimate had passed?

20          A.       About 45 minutes.

21          Q.       Okay. So you're gone 45 minutes?

22          A.       Yes, sir.

23          Q.       Okay. The second time you were at the  
24 trailer, you go to the door and there isn't any answer?

25          A.       Yes, sir.

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1 Q. You go around to the back?

2 A. Yes, sir.

3 Q. Okay. Can you hear the TV from the front or  
4 is it when you go around to the back that you hear the TV?

5 A. When I was around the front, I had put my ear  
6 to the door because sometimes when Debbie is in the back  
7 part of the house she couldn't hear the door knock, and when  
8 I put my ear to the door, that's when I heard noise from the  
9 TV.

10 Q. So it's been your experience that there's been  
11 times that you have been at Debbie's when someone is  
12 knocking and she can't hear because she was in that part of  
13 the trailer.

14 Then you go back around to the front?

15 A. Yes, sir.

16 Q. And you see the window?

17 A. Yes, sir.

18 Q. That's the first time that you see the window  
19 off of the track?

20 A. The second time I went back to the trailer,  
21 yes, that's when I noticed the window.

22 Q. You hadn't been aware of the window off the  
23 track earlier?

24 A. No, sir.

25 Q. So then you leave again?

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1 A. Yes, sir.

2 Q. And you go to the day care?

3 A. Yes, sir.

4 Q. How far is the day care from the trailer?

5 A. Three, four minutes away. It's very close.

6 Q. How long would you estimate you were there at  
7 the day care?

8 A. Five minutes.

9 Q. Then you leave there and go home to your  
10 house?

11 A. Yes, sir.

12 Q. How far is it from the day care to your house?

13 A. Fifteen minutes.

14 Q. Then how long would you estimate you were at  
15 home?

16 A. Ten minutes.

17 Q. Okay. Then you go back to the trailer?

18 A. Yes, sir.

19 Q. Okay. So from the time that you're at the  
20 trailer to the second time you leave to go to the day care  
21 to the time you come back, how much time would you estimate?

22 A. An hour.

23 Q. Okay. It's on your way back to the trailer  
24 the second time that you see the officer?

25 A. I was on my way back to the trailer the third

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1 time.

2 Q. Okay. Right, the third time that you went,  
3 you see the officer?

4 A. Yes, sir.

5 Q. You are in the company, coming at that time,  
6 with your mother and brother?

7 A. Yes, sir.

8 Q. Just so that I'm clear, then, and have this  
9 right, the first time you left the trailer from the time  
10 that you're there and leave and come back, you estimate 45  
11 minutes that you're gone?

12 A. Yes, sir.

13 Q. And then from the time, the second time, you  
14 leave and come back a third time, you estimate there's been  
15 an hour that you're gone?

16 A. Yes, sir.

17 Q. So you aren't aware what's happening at the  
18 trailer during the times that you're gone?

19 A. No, sir.

20 Q. Okay. And then, just so I'm clear about the  
21 time, you estimate, then, when you go back and get the  
22 officer, you get there 3:30, quarter to 4'?

23 A. It was more like 4:00.

24 Q. Just so I'm clear, too, you had indicated that  
25 at the time that the officer was trying to close the door so

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1 that you wouldn't be exposed to what was inside that you saw  
2 Debbie's feet and you knew they were her feet. Was there  
3 something distinct about them that you knew they were  
4 Debbie's feet?

5 A. We spent so much time together. I mean, you  
6 get to know somebody.

7 MR. BASSETT: I have no further questions,  
8 your Honor.

9 THE COURT: Mr. Harmon?

10 MR. HARMON: I have a few questions on  
11 redirect, your Honor. Thank you.

12

13

**REDIRECT EXAMINATION**

14 **BY MR. HARMON:**

15 Q. Miss Duran, as of August the 31st, 1995, do  
16 you know what the relationship was between Debbie Panos and  
17 the defendant?

18 A. As far as I knew, the relationship was over.

19 Q. What do you mean the relationship was over?

20 A. She had expressed to me that she wanted him to  
21 go back home as soon as he was released. She no longer  
22 wanted him in her life. And she also tried to make an  
23 attempt to send him back home.

24 Q. Did you know where back home was?

25 A. In Mississippi.

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1 Q. Did Debbie Panos have any other vehicle  
2 besides the 1983 Toyota that you have referred to and, in  
3 fact, that you identified as being depicted in Proposed  
4 Exhibits 28 through 31?

5 A. No, sir, no other vehicles.

6 Q. Did you consider it unusual that the defendant  
7 would be driving Debbie's car on August the 31st, 1995?

8 A. No, only because in the past he would just --  
9 he would take the car without permission. He would just  
10 take the keys and leave and be gone for days at a time.

11 Q. So you knew that he had used the car on prior  
12 occasions?

13 A. Yes, sir, many times.

14 Q. On that date specifically, knowing what you  
15 knew about Debbie's intentions concerning the relationship,  
16 in your opinion, would she have given permission to the  
17 defendant to drive her car?

18 A. No, sir.

19 Q. Are you familiar with Debbie's handwriting?

20 A. Yes, sir.

21 Q. Did she have social security cards?

22 A. Yes, sir.

23 Q. For herself and for the three children?

24 A. Yes, sir.

25 Q. I'm showing you Proposed Exhibit 33. It

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1 appears to be a copy. It's a two-page document of the front  
2 and back of four social security cards. Do you recognize  
3 whose cards they are?

4 A. Yes, sir, I do.

5 Q. How can you make that identification?

6 A. I know Debbie's handwriting. I've seen all  
7 four of these cards before in her possession?

8 Q. Where did Debbie Panos keep the social  
9 security cards?

10 A. Debbie had a black folder, like a day minder,  
11 that she kept with her all the time where she kept these  
12 cards and other important papers.

13 Q. Is there any doubt in your mind that the  
14 documents of which are portrayed in Proposed Exhibit 33 are  
15 the social security cards of Deborah Panos and her three  
16 children?

17 A. They are hers. I recognize her handwriting.

18 Q. Would she have given permission to the  
19 defendant, Mr. Chappell, to have had these social security  
20 cards?

21 A. No, sir.

22 MR. HARMON: That's all on Redirect.

23 THE COURT: Recross-examination?

24 MR. BASSETT: Just briefly.

25 / / /

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**RECROSS-EXAMINATION****BY MR. BASSETT:**

Q. In terms of those cards and the car --

A. Yes, sir.

Q. -- your answers are based on your opinion; is that correct? I mean, you don't have any way of knowing for sure; it's just based on your opinion, based on your experience with Debbie?

A. Based on my experience and recognizing her handwriting. I know that those social security cards are hers.

Q. No, but I mean in terms of her ever giving permission to him to use the car that day, those are based on your opinion, knowing this?

A. And from what she had told me, yes.

MR. BASSETT: I have nothing further.

THE COURT: I've got a question. You were asked some time ago by Mr. Harmon about the time when you were going first to the trailer on August 31st at between one 1:30 or 1:45 in the afternoon and saw the '83 four-door, dark silver Toyota coming toward you.

THE WITNESS: Yes, sir.

THE COURT: You were asked questions about that. You were asked who was driving the car, and your testimony was that it was the defendant; is that correct?

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1 THE WITNESS: Yes, sir.

2 THE COURT: Is that because you saw him at  
3 that time?

4 THE WITNESS: The first time when I had gone  
5 to the trailer and I had seen the car and I had seen the man  
6 in it, at that time I didn't think it was James because I  
7 was not aware that he had been let out, that he was  
8 released.

9 THE COURT: That's what I was getting at,  
10 because you said in response to some questions later on that  
11 it was when you went to the day care center --

12 THE WITNESS: It was when I went to Mike  
13 Pollard's house and Mike had told me that James was let out.

14 THE COURT: Okay. Mike's house.

15 THE WITNESS: Then it came back in my mind,  
16 your Honor, and it kind of flashed back to me, and that's  
17 when I got scared and went back to the trailer.

18 THE COURT: What is the basis for your saying  
19 that you saw the defendant driving the Toyota as it was  
20 leaving the trailer park?

21 THE WITNESS: Because the three times that I  
22 had seen him before this incident, and it flashed back in my  
23 mind, him driving the car past me. When it came back to me,  
24 that's when I realized it.

25 THE COURT: Okay. Any other questions by

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1 counsel?

2 MR. HARMON: I have just one question.

3

4

**FURTHER REDIRECT**

5 **BY MR. HARMON:**

6 Q. You're saying that you reflected upon what you  
7 had seen after you spoke with Mike Pollard?

8 A. Yes, sir.

9 Q. After you had done that reflection, was there  
10 any doubt in your mind about who you had actually seen  
11 driving Debbie Panos' car?

12 A. No, sir, because several hours after we had  
13 found her, Detective Ramos showed me a picture of James.

14 Q. Did you recognize the person in that picture?

15 A. Yes, sir, I did.

16 Q. Was that the same person who was driving the  
17 car?

18 A. Yes, it was.

19 MR. HARMON: That's all, your Honor.

20

21

**FURTHER RECROSS-EXAMINATION**

22 **BY MR. BASSETT:**

23 Q. Just so I understand, I know part of your  
24 answer to the Judge, it's after you go and talk to Mike and  
25 became aware that James was out of custody that you become

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1 concerned that then you reflected back and made the  
2 connection of --

3 A. Yes, I was in shock because no one had any  
4 idea that he was being let out. We were all under the  
5 assumption that a bed was being waited on so that he could  
6 go through rehabilitation.

7 Q. Okay.

8 A. So I was in shock.

9 Q. In terms of this shock, that's after you have  
10 a chance to talk to my Mike and Mike informs you that James  
11 is not in custody?

12 A. Yes.

13 THE COURT: We appreciate your cooperation and  
14 testimony.

15 Is she excused for the rest of the  
16 preliminary hearing?

17 MR. HARMON: Yes, she is, your Honor.

18 MR. BASSETT: Yes, your Honor.

19 THE COURT: You are excused. Please don't  
20 discuss your testimony with anybody other than the attorneys  
21 to this case. Okay?

22 THE WITNESS: Thank you.

23 THE COURT: Mr. Harmon, I'm going to take a 45  
24 minute or less lunch break today. Would you like to call  
25 another witness now and do it in the front end or do you

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1 want to recess now and go in the back end?

2 MR. HARMON: If the Court is willing to do it,  
3 I'd like to call one more witness on the front end. That  
4 would be Officer Russell Lee. He should be quite short.

5 THE COURT: Lest's do that.

6

7 RUSSELL LEE,  
8 having been first duly sworn, was  
9 examined and testified as follows:

10

11 THE CLERK: Please be seated. State your full  
12 name and spell your last name please.

13 THE WITNESS: Russell Lee, L-E-E.

14 THE CLERK: Thank you.

15

16 DIRECT EXAMINATION

17 BY MR. HARMON:

18 Q. Is it Officer Russell Lee?

19 A. Yes.

20 Q. Officer Lee, where are you employed?

21 A. Las Vegas Metropolitan Police Department.

22 Q. How long have you worked with the Las Vegas  
23 Metropolitan Police Department?

24 A. A little over eight and a half years.

25 Q. Were you employed with that department on

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1 Thursday, August the 31st, 1995?

2 A. Yes, sir, I was.

3 Q. Did you have occasion during the afternoon  
4 hours of that date to go to the Ballerina Sunrise Mobile  
5 Home Park, specifically to 839 North Lamb, Space 125?

6 A. Yes, I did.

7 Q. Is that located in Las Vegas, Clark County,  
8 State of Nevada?

9 A. Yes, it is.

10 Q. What prompted you to go to Space 125 at the  
11 Ballerina Mobile Home Park on that day?

12 A. I was listening to my radio in my patrol car  
13 and I heard Officer Heiner say he was being stopped by a  
14 person. I advised dispatch that he had been stopped by a  
15 person who wanted him to go check out a trailer, that  
16 someone thought something might be wrong there, somebody was  
17 supposed to be there and wasn't there.

18 Q. Is Officer Heiner also employed by the police  
19 department?

20 A. Yes.

21 Q. Will you spell Heiner for the record.

22 A. H-E-I-N-E-R.

23 Q. As a result of the broadcast information you  
24 overheard, did you go to the location?

25 A. Yeah, I advised the dispatcher I'd go with him

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1 as a backup unit.

2 Q. What happened when you got there?

3 A. I followed him into the mobile home park. We  
4 got down to Space 125. We followed a pickup truck into the  
5 area. We got to Space 125. A female got out of the pickup  
6 truck and spoke with Officer Heiner. I don't know what she  
7 said to him.

8 Q. Have you since learned the name of the female?

9 A. I have, but I don't remember what it is.

10 Q. Was she the witness who just testified before  
11 you in this hearing?

12 A. Yes, she was.

13 Q. Was there a time when you gained entrance into  
14 839 North Lamb Boulevard, Space 125?

15 A. Yes, sir.

16 Q. How did you accomplish that?

17 A. On the front of the trailer that faces the  
18 street, there are two windows, one on the left side and one  
19 on the right side. The one on the right side was open maybe  
20 a quarter of an inch. I took my patrol car and parked under  
21 the window. I started lifting the window up. As I was  
22 raising it up, it fell out of the track, and I set it  
23 outside on the ground. Then Officer Heiner boosted me in  
24 through the window.

25 Q. Did you, from that point, go into the room?

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1 A. I went into it.

2 Q. What room did you enter into?

3 A. It appeared to be a bedroom. There was a bed  
4 there and a bathroom.

5 Q. Did you see any screen inside the bedroom?

6 A. There was a screen underneath the night stand.  
7 I tried to move it out of the way. I thought it was sitting  
8 on the ground. I tried to move it out of the way. I  
9 couldn't because I was on the night stand also. The screen  
10 was underneath the night stand that was next to the bed.

11 Q. Did you see any evidence of ransacking inside  
12 the bedroom?

13 A. The bedroom was disheveled. There was clothes  
14 everywhere. It was just, like, a mess.

15 Q. What happened then, sir?

16 A. I looked into the bathroom which is to the  
17 left of me. I went in looking for who might be injured.  
18 That's the call that I understood, that there might be a  
19 person injured inside the mobile home.

20 I remember looking inside the bathroom.  
21 No one was there. I opened up the door to the bedroom and  
22 walked into what appeared to be a living room and looked  
23 over towards the front door and saw a white female laying on  
24 her back. I walked over towards her. I saw a lot of blood  
25 by her head area, and her eyes were slightly open. She

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1 appeared to be off color, whitish, whiter than normal.

2 Q. Did you form an opinion that she, in all  
3 probability, was deceased?

4 A. She appeared to be to me.

5 Q. As a result of that discovery, what did you  
6 do?

7 A. I opened the front door which was near her  
8 legs. I unlocked the door, stepped out front, advised  
9 officer Heiner and Sergeant Yada what I had seen right by  
10 the door and closed the door after I walked out.

11 Q. Did you allow anybody else inside?

12 A. No.

13 MR. HARMON: May I approach this witness, your  
14 Honor.

15 THE COURT: Yes.

16 BY MR. HARMON:

17 Q. Officer Lee, I'm showing you Proposed Exhibits  
18 1 through 6. Are you able to recognize what is shown in the  
19 photographs? If you'll just hurry through all six of the  
20 pictures, sir.

21 (The witness complied.)

22 A. Yes, this is the bedroom where I entered.

23 Q. Did you actually see the bedroom window that  
24 you entered?

25 A. Yes, I did.

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1 Q. Is that shown in Proposed Exhibit 1 and 2?

2 A. Yes.

3 Q. Would you display the window to the Court,  
4 please.

5 A. It's this window here is the one that I went  
6 into. The screen is inside the window there.

7 Q. Do each of those photographs in the series,  
8 Proposed Exhibits 1 through 6, portray the window after you  
9 had gone through it and the bedroom area into which you  
10 entered substantially the same as you remember it looking  
11 that afternoon, August the 31st, 1995?

12 A. Yes, it is.

13 Q. You mentioned you discovered a woman lying on  
14 the floor in what appeared to be a living room area?

15 A. Yes.

16 Q. I'm showing you Proposed Exhibits 7 through  
17 12. Will you look at those photographs and tell us if they  
18 portray the female that you observed lying on the floor  
19 inside the residence at 839 North Lamb Boulevard, Space 125?

20 A. Yes, they do.

21 Q. Do the photographs depict the condition of the  
22 living room and the location and condition of the victim  
23 substantially as you remember it from August the 31st, 1995?

24 A. It appears exactly as I remember it.

25 Q. Thank you. Finally, besides removing the

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1 window and setting that down outside the bedroom, did you  
2 remove any other screens, or would you have changed the  
3 condition of any of the other windows at that residence?

4 A. Before trying this window, I went to what was  
5 a back door which is in the carport area. The window there  
6 was open slightly. I raised that up also, but it only went  
7 up a couple inches. I couldn't reach my hand in. I was  
8 thinking I could unlock that door from the other side. I  
9 didn't touch any other window.

10 Q. I'm showing you Proposed Exhibits 13 and 14.  
11 Will you look at those pictures.

12 (The witness Complied.)

13 Q. Does it appear to be the same trailer, 839  
14 North Lamb Boulevard, Space 125?

15 A. Yes, it does.

16 Q. Did you move or cause anyone else to move the  
17 screen from that window and place it on the ground outside  
18 of the trailer?

19 A. No.

20 MR. HARMON: Your Honor, at this time the  
21 State moves for the admission of Proposed Exhibits 1 through  
22 14.

23 MR. BASSETT: I have no objection, your Honor.

24 THE COURT: There being no objection, State's  
25 1 through 14 inclusive are admitted.

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1 MR. HARMON: May we have the Court's  
2 indulgence?

3 (There was a consultation between  
4 Mr. Harmon and Ms. Logue.)

5 MR. HARMON: That concludes Direct, your  
6 Honor.

7 THE COURT: Mr. Bassett?

8  
9 **CROSS-EXAMINATION**

10 **BY MR. BASSETT:**

11 Q. Officer, just a few questions. When you first  
12 got there, you say that you went into the carport area and  
13 tried to lift something up that was near the back door and  
14 you couldn't get it lifted up?

15 A. It's a window in the back door.

16 Q. And when you went around and went through the  
17 window, as you tried to lift the window up is when it fell  
18 out?

19 A. Yeah, I was lifting it up and it just kind of  
20 fell in toward the trailer.

21 Q. Fell pretty easily in?

22 A. Yes.

23 Q. In terms of the screen, just so I'm clear on  
24 that, too, you say this was under the night stand?

25 A. Yeah, partially tucked under the night stand.

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1 The night stand you can see in the picture. When I tried to  
2 get in, I felt it was a little bit in my way. I was on the  
3 night stand. I tried to pull on it, and it wouldn't move  
4 because I was on it.

5 Q. Would it have to be placed in that position or  
6 fell out?

7 A. If it fell out, it wouldn't have fell  
8 underneath it.

9 Q. Just so I'm clear, too, when you went to the  
10 front door and got it opened, had it been locked?

11 A. Yes. We tried that before.

12 Q. You tried, you mean you tried the doors and  
13 the only place you could find to get in was the one window?

14 A. Yes, sir.

15 MR. BASSETT: I have nothing further, your  
16 Honor.

17 THE COURT: Is Officer Lee going to be excused  
18 by both sides?

19 MR. HARMON: Yes, your Honor.

20 MR. BASSETT: Yes, your Honor.

21 THE COURT: You may leave the courthouse, but  
22 please don't discuss your testimony with anybody other than  
23 the attorneys to this case.

24 Mr. Harmon, do you have any other brief  
25 witnesses, or would you like to take a recess now?

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1 MR. HARMON: I think this would, perhaps, be  
2 an appropriate time to take the recess. But with the  
3 Court's permission, may we have the witnesses brought in,  
4 and will the Court please admonish them?

5 THE COURT: I'll be happy to. While we're  
6 waiting to do that, I can tell you it's a quarter past right  
7 now. We are going to take a 45 minute recess. We've got  
8 another case backing this up in custody as well.

9 The record will reflect that additional  
10 witnesses have come into the courtroom.

11 Folks, it's now quarter past 1'.

12 MR. HARMON: May we identify them for the  
13 record?

14 THE COURT: Would you do that Mr. Harmon?

15 MR. HARMON: Donna Jackson?

16 MS. JACKSON: Yes.

17 MR. HARMON: Kimberly Sempson?

18 MS. SEMPSON: Yes.

19 MR. HARMON: Paul Osuch?

20 MR. OSUCH: Yes.

21 MR. HARMON: Jimmy Vaccaro?

22 MR. VACCARO: Right.

23 MR. HARMON: And Mark Washington?

24 MR. WASHINGTON: That's correct.

25 THE COURT: Thank you.

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1                   Folks, we are going to take a 45-minute  
2 recess. It's now quarter past 1'. We're going to be in  
3 recess until 1:00 at which time we'll resume this  
4 preliminary hearing. I am going to order and direct all of  
5 you to come back here at 1:00 this afternoon. That's in 45  
6 minutes. In the meantime, please remember the rule that's  
7 in effect, which is that you are not to discuss your  
8 testimony or facts or information about this case amongst  
9 yourselves or with each other. You're only to discuss such  
10 things with the attorneys who are parties to this case.

11                   We will be in recess in this case until  
12 1:00.

13                   MR. HARMON: Thank you, Judge.

14                   **(A lunch recess was taken.)**

15                   THE COURT: This is the continuation of case  
16 95F8114, State versus James Montell Chappell. The defendant  
17 is present in custody with counsel Mr. Bassett, Mr. Harmon  
18 and Ms. Logue for the State and all officers of the Court.

19                   Call your next witness, Mr. Harmon.

20                   MR. HARMON: Kimberly Sempson.

21

22

23

24

25

/ / /

**KIMBERLY SEMPSON,**  
                  having been first duly sworn, was  
                  examined and testified as follows:

                  CSR ASSOCIATES OF NEVADA  
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1 THE CLERK: Please be seated. State your full  
2 name and spell your last name, please.

3 THE WITNESS: Kimberly Sempson, S-E-M-P-S-O-N.  
4

5 DIRECT EXAMINATION

6 BY MR. HARMON:

7 Q. Is it Miss or Mrs. Sempson?

8 A. Miss.

9 Q. Miss Sempson, what is your business or  
10 occupation?

11 A. I work in loss prevention for Lucky Stores.

12 Q. How long have you worked with Lucky Stores?

13 A. Five years.

14 Q. Could you elaborate a little bit more on what  
15 exactly your duties are with Lucky Stores?

16 A. I go to different stores and work shop loss  
17 detail and also any type of shoplift detail, any type of  
18 loss through employees, you know, customers and so forth,  
19 basic security for the store.

20 Q. Do you work out of the central office of the  
21 Lucky Stores?

22 A. Yes.

23 Q. Where is that located.

24 A. Garden Park, California.

25 Q. I want to direct your attention to September

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1 the 1st, 1995, Friday. On that date, were you and a  
2 co-worker involved in security present at the Lucky's  
3 Supermarket in Las Vegas located at 4420 East Bonanza  
4 Boulevard?

5 A. Yes.

6 Q. What was your purpose in being at that Lucky's  
7 Store in Las Vegas on September 1st, 1995?

8 A. We were there basically working shoplift  
9 detail.

10 Q. You've indicated "we," who were the other  
11 persons or the other person you were involved with?

12 A. My partner, Larry Martinez.

13 Q. Would you spell Martinez.

14 A. M-A-R-T-I-N-E-Z.

15 Q. On September 1st, 1995, to your knowledge, did  
16 your partner Mr. Martinez take someone into custody?

17 A. Yes.

18 Q. Explain when you became involved in that  
19 situation?

20 A. I became involved -- I was in the back office,  
21 and my partner Larry came into the back room with someone in  
22 custody.

23 Q. At that time, did you learn what the detention  
24 was for?

25 A. Yes.

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1 Q. What was it for?

2 A. They had taken something.

3 Q. Something from the store?

4 A. Right.

5 Q. You had a chance to see the person that Larry  
6 Martinez was detaining that day, September the 1st, 1995?

7 A. Yes.

8 Q. About what time of the day was it?

9 A. It was probably around 11:30ish, 11'.

10 Q. Late morning?

11 A. Yeah, late morning.

12 Q. Where was the person being detained when you  
13 first saw them?

14 A. I saw Larry walk him into the back room. They  
15 had paged me to the back room, which I was already back  
16 there, so I knew something was up. And when they paged me,  
17 I looked up and Larry came walking through the back door.

18 Q. From that point, for a period of time, did you  
19 have personal contact with the person being detained?

20 A. Do you mean like -- what do you mean?

21 Q. Could you see that individual?

22 A. Yes.

23 Q. In the same room or area you were in?

24 A. Yes.

25 Q. Do you see the individual in court this

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1 afternoon that your partner Larry Martinez had detained on  
2 September the 1st, 1995?

3 A. Yes, I do.

4 Q. Would you point to him and describe how he's  
5 dressed in court.

6 A. He's sitting at that table over there  
7 (indicating). He's wearing a dark blue outfit.

8 MR. HARMON: Your Honor, may the record show  
9 that the witness has identified the defendant, Mr. Chappell?

10 THE COURT: The record will so reflect.

11 MR. HARMON: Thank you.

12 BY MR. HARMON:

13 Q. Was the police department notified in  
14 connection with the situation at the Lucky's Store on  
15 September the 1st?

16 A. Yes.

17 Q. Did there come a time when you saw that your  
18 partner Larry Martinez patted the defendant down?

19 A. Yes.

20 Q. Where did that occur?

21 A. That occurred right outside the back office.

22 Q. Was that soon after you saw the defendant?

23 A. Yes.

24 Q. Tell us what you saw Larry Martinez do.

25 A. He walked him into the back room, and he

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1 patted him down. And he had some stuff in his pockets that  
2 we didn't know what it was so my partner took it out, you  
3 know, just in case it was some type of weapons. And some  
4 keys, he took out some keys.

5 Q. You actually saw Larry Martinez take some keys  
6 from the defendant?

7 A. Right.

8 Q. Do you remember where your partner obtained  
9 the keys?

10 A. Yeah, it was from the front pocket, but I  
11 don't remember which pocket it was.

12 Q. You don't remember whether it was left or  
13 right?

14 A. No.

15 Q. You're saying that you saw that that object  
16 was some keys?

17 A. Right.

18 Q. Is there any doubt in your mind that the keys  
19 came from the defendant, Mr. Chappell?

20 A. No doubt in my mind.

21 Q. Were those keys later turned over to law  
22 enforcement, to your knowledge?

23 A. Yes.

24 Q. Some representative of the Las Vegas  
25 Metropolitan Police Department?

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1 A. Yes.

2 Q. Later on. Was there a time when you saw the  
3 defendant do something else that you considered unusual?

4 A. Yes.

5 Q. Tell us what you observed.

6 A. Well, the defendant was in the office, and the  
7 officer had stepped out to talk to my partner who was  
8 finishing up his paperwork.

9 Q. You're referring to the officer who had  
10 responded from the police department?

11 A. Yes.

12 Q. So how many people were there in the room at  
13 that point?

14 A. After the officer left, it was just me and the  
15 defendant.

16 Q. What happened then?

17 A. The defendant started to fidget.

18 Q. Was he handcuffed?

19 A. Yes, he was handcuffed behind his back, and I  
20 was paying attention to him because I've had people before  
21 dump stuff on us, like drugs or other merchandise that we  
22 didn't see them take.

23 Q. Was the defendant looking up at you?

24 A. No.

25 Q. Do you know whether he realized you were still

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1 in the room?

2 A. He might have. I don't know. The whole time  
3 he was back there, he just kind of sat with his head down.

4 Q. You said that he began to fidget; was that  
5 your testimony?

6 A. Yes.

7 Q. What do you mean?

8 A. Moving around. He had his hand behind his  
9 back, and he started just kind of moving his arms. And he  
10 scooted -- he was in a chair that had rollers on it, and he  
11 rolled closer to a little cart that we use for -- the store  
12 people use to put boxes on, and there was a box underneath  
13 it. And as he rolled closer over to the box, he took his  
14 arms from behind his back and leaned over and was trying to  
15 put something inside the box, but the box was taped shut  
16 with clear tape.

17 Q. What did you do at that point?

18 A. Well, I was just watching what he was doing,  
19 then I noticed he had some type of clear little container,  
20 like a bag or little flat clear thing with something in it,  
21 cards, and he was trying to put it in the box. It wouldn't  
22 go in. I said, "Hey, what are you doing?" And he kind of  
23 pulled away, and the little plastic thing fell to the  
24 ground.

25 Q. When the little plastic thing fell to the

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1 ground, I assume you're talking about just to the floor?

2 A. Right, to the floor.

3 Q. Did the defendant do anything else in  
4 connection with the plastic item once it fell to the floor?

5 A. Yes, when I was bending down to pick it up, he  
6 put his foot over it.

7 Q. Put his foot over it?

8 A. Yes.

9 Q. Were you able to eventually pick it up?

10 A. Yes.

11 Q. Did you look at it?

12 A. Yes, I did.

13 Q. Was there anything inside the plastic  
14 container?

15 A. Yes, it was -- the top thing that was  
16 noticeable was a social security card, and it looked like  
17 there was other social security cards underneath it.

18 Q. Did you have a chance, in connection with the  
19 card which was on top, to notice any of the names that were  
20 on the card?

21 A. Yes, it was a lady with the last name of  
22 Panos.

23 Q. P-A-N-O-S?

24 A. Yes.

25 Q. Did you bring these cards and the plastic

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1 container to the attention of your partner and the police  
2 officer who was there?

3 A. Yeah -- well, they had heard me, you know, say  
4 "What are you doing? Move away." And they had heard me say  
5 that, and he came over to see what was going on. And I had  
6 already picked up the thing and looked at it. And at that  
7 point I handed it over to the officer.

8 MR. HARMON: May I approach the witness, your  
9 Honor?

10 THE COURT: Yes.

11 BY MR. HARMON:

12 Q. Miss Sempson, I'm showing you State's Proposed  
13 Exhibit 27. I want you to examine the items which are  
14 depicted in the photograph. But let's start with the keys  
15 that your partner Larry Martinez removed from one of the  
16 pockets of the defendant. Are those the keys depicted in  
17 the photograph of Proposed Exhibit No. 27?

18 A. Yes.

19 Q. To your knowledge, did your partner just  
20 recover one set of keys from the defendant that day,  
21 September the 1st, 1995?

22 A. Yes, to my knowledge it was one set.

23 Q. Do you also see the plastic container and the  
24 credit card -- the social security card that you have  
25 explained that you saw the defendant drop to the floor?

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1 A. Yes.

2 Q. They are depicted also in Proposed Exhibit 27?

3 A. Yes.

4 Q. Do these photographs appear to truly and  
5 accurately depict the property recovered from the defendant,  
6 Mr. Chappell, that day, September the 1st, 1995, at the  
7 Lucky's Super Store?

8 A. Yes.

9 MR. HARMON: Your Honor, the State offers  
10 introduction of Exhibit 27.

11 THE COURT: Mr. Bassett?

12 MR. BASSETT: I have no objection.

13 THE COURT: It will be admitted as 27.

14 MR. HARMON: Thank you.

15 BY MR. HARMON:

16 Q. I'm showing you also Proposed Exhibit 33,  
17 which appears to be a copy of four social security cards.  
18 Do you recognize the name that appears on the cards?

19 A. I recognize the top one.

20 Q. Is that consistent with the social security  
21 card which was on top inside this plastic container that the  
22 defendant had dropped?

23 A. Yes.

24 Q. Thank you.

25 MR. HARMON: May we have the Court's

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1 indulgence?

2 THE COURT: Yes.

3 (There was a consultation between  
4 Mr. Harmon and Ms. Logue.)

5 BY MR. HARMON:

6 Q. Are you able to tell us approximately what  
7 time it was that you saw the defendant begin to fidget and  
8 he ended up dropping the social security card?

9 A. It was around 12:30.

10 Q. Was this an hour after you had first  
11 encountered him with your partner Larry Martinez?

12 A. Yes.

13 Q. To your knowledge, was the defendant asked to  
14 identify himself when he was first brought by Martinez back  
15 to the office?

16 A. Yes.

17 Q. Did he use the name James Chappell?

18 A. No. At that point he didn't say anything. He  
19 wasn't even talking.

20 Q. Did he have any type of identification on his  
21 person?

22 A. Not that I know of, no.

23 Q. Was there some point during the detention that  
24 the defendant either gave another name other than Chappell  
25 or provide you identification?

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1           A.       Yes, the officer that responded asked him what  
2 his name was.

3           Q.       The police officer?

4           A.       Yes.

5           Q.       Was this in your presence?

6           A.       Yes.

7           Q.       What name did he defendant give?

8           A.       Ivri Marrell.

9           Q.       To your memory, will you spell the word that  
10 you're talking about for the record.

11          A.       The spelling of Ivri was, like, I-V-R-I or E,  
12 something like that. It was very uncommon. And Marrell was  
13 like M-A-R-R-E-L-L.

14          Q.       While you were in the presence of the  
15 defendant, did he ever say that his name wasn't Ivri  
16 Marrell, that in fact it was James Chappell?

17          A.       No.

18               MR. HARMON: That's all on Direct, your Honor.

19               THE COURT: Mr. Bassett?

20               MR. BASSETT: Yes, your Honor. Thank you.

21

22                               **CROSS-EXAMINATION**

23   **BY MR. BASSETT:**

24          Q.       On that day, September 1st, was there anyone  
25 at the store that was working in security besides you and

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1 your partner?

2 A. No.

3 Q. Okay. And just so I'm clear, at the time that  
4 your partner brought this person back into the room, you had  
5 previous to that been back in this room?

6 A. Yes, I was finishing another report.

7 Q. So there had been an incident earlier that you  
8 were doing a report on?

9 A. Right.

10 Q. How long had you been in the back room?

11 A. About 15 minutes, 20 minutes.

12 Q. So you don't have any information about what  
13 had happened in terms of the incident that you became aware  
14 of when your partner brought him back?

15 A. Right.

16 Q. At what point do the police get called about  
17 this person?

18 A. Well, my partner walked him in the back and  
19 recovered the property that he had seen him take.

20 Q. Okay.

21 A. Then he notified the PD while he was doing his  
22 paperwork.

23 Q. Can you describe this room for me that you're  
24 in?

25 A. The little office?

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1 Q. Yes.

2 A. It's very small. It's, like, probably, I'd  
3 say six by six.

4 Q. Okay. Is there a desk, table?

5 A. Yeah, there's, like, on the outer wall there's  
6 a desk that sticks out from the wall.

7 Q. By the time this person gets brought back in  
8 the room they are in cuffs?

9 A. Yes.

10 Q. Are they sat down or do they stand up?

11 A. Sat down in a chair -- well, when he first  
12 brought him back, he had him standing while he was patting  
13 him down, then sat him down after he recovered the  
14 merchandise and the items out of his pocket.

15 Q. So you saw the pat down?

16 A. Yes.

17 Q. Right?

18 A. Yes.

19 Q. At this point there's just the three of you  
20 back in the room?

21 A. Right.

22 Q. And what's the purpose of the pat down?

23 A. To make sure he doesn't have any weapons on  
24 him.

25 Q. So anything that was found in the pockets

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1 would have been taken out?

2 A. Anything that felt not, you know, normal or  
3 that could be a weird object.

4 Q. So he's pat down, then he gets put in the  
5 chair?

6 A. Right.

7 Q. And then you called the police?

8 A. Right.

9 Q. Do you have an estimate of how long it was  
10 before the police responded?

11 A. I think the officer got there around a little  
12 after 12'.

13 Q. Okay. Do you remember who the officer was?

14 A. Yes.

15 Q. What was the Officer's name?

16 A. Osuch.

17 Q. Can you spell that?

18 A. O-S-U-C-H.

19 Q. Is he by himself or does he have a partner  
20 when he came?

21 A. He was by himself.

22 Q. What does he do when he gets there?

23 A. He came in and started talking to the  
24 defendant.

25 Q. At that time there's four of you in the room?

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1           A.       Yeah -- well, my partner was outside of the  
2 room finishing up his paperwork.

3           Q.       When you say "outside of the room," just  
4 outside the door?

5           A.       Yeah, a few feet away.

6           Q.       Was the door open?

7           A.       Yes.

8           Q.       Does the door open into like a hallway?

9           A.       No, it's just like a separate little office  
10 right by the receiving door.

11          Q.       Okay. And then at some point the officer also  
12 leaves the office; is that right?

13          A.       Yeah.

14          Q.       So then at that point, there's just you and  
15 the person who's been brought back in?

16          A.       Right.

17          Q.       That's when you start to see the person slide  
18 across the floor in the chair?

19          A.       Uh-huh.

20          Q.       Can you describe the chair for me? Is it like  
21 a wood kind with a back on it?

22          A.       It was like an office chair and it had the  
23 wheels and the back was -- there was a back on it.

24          Q.       Okay. In terms of the back, then, I mean, is  
25 it two separate pieces or are they one piece?

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1           A.       I think it's that kind that has the little  
2 thing that comes up with the thing on it. You know what I  
3 am saying, the metal thing that comes out of the seat that  
4 sticks up. I think that was the type that it was.

5           Q.       Okay. At this point, so I'm clear, how long  
6 has the person been in the office?

7           A.       Well, from 11:30 up until the point -- it was  
8 probably about an hour.

9           Q.       Is there anyone who has had any contact with  
10 this person besides your partner and the officer?

11          A.       No.

12          Q.       You saw him slide across the floor?

13          A.       Well, he didn't slide across the floor. He  
14 moved his chair over.

15          Q.       About a foot?

16          A.       About a foot is how far I'd estimate, but up  
17 to that point he hadn't moved at all.

18          Q.       Okay. In terms of the box that you talked  
19 about being on this cart, how big was the box?

20          A.       I'd say probably about ten inches high and  
21 probably about a couple feet long.

22          Q.       It was a cardboard box?

23          A.       Yes, cardboard.

24          Q.       Did it look like a box that would have produce  
25 in it or something?

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1           A.       No, it was a -- this was a general merchandise  
2 office which was the non-foods office.

3           Q.       Okay. Did you see where this person took the  
4 clear plastic thing from?

5           A.       I didn't see exactly where, but it came from  
6 behind.

7           Q.       Okay. And that's where his hands were kept;  
8 they were in the back as opposed to being in the front?

9           A.       Right.

10          Q.       And then you see this person trying to put  
11 this thing in the box?

12          A.       Right.

13          Q.       About the plastic, can you describe for me the  
14 size of this plastic thing that you're talking about?

15          A.       About, like, this big (indicating).

16          Q.       Okay. Can you --

17          A.       It was, like, inch and a half by three and a  
18 half.

19          Q.       Okay. And just so I'm clear, you didn't see  
20 it being taken out of his back pocket or anything like that?

21          A.       Right.

22          Q.       I mean, it didn't cause you any kind of  
23 concern that the thing he was taking out was a weapon or  
24 anything like that?

25          A.       I was watching him just because of that. He

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1 started moving around, and from my experience, when people  
2 start moving around like that, they are trying to dump  
3 something, whether it be other merchandise, whatever.

4 Q. Okay. And then, just so I'm clear, at some  
5 point, then, you have possession of that plastic, right?

6 A. Yes.

7 Q. Okay. Then, just so I'm clear, too, you had  
8 made the comment about when you saw him move and saw that he  
9 dropped something, you said, "Hey what are you doing?" You  
10 were heard by your partner and this other officer?

11 A. Right.

12 Q. So they were just outside the door? I mean,  
13 the door was open still; they could hear that?

14 A. Yeah, the door was -- I was standing in the  
15 door.

16 Q. As far as you know, you were aware, they  
17 couldn't see inside the room, could they? Or could they?

18 A. I don't think so, no. I was standing in the  
19 doorway, and it's a very small office.

20 Q. Okay. So you were standing in the doorway.  
21 So you would have been between them and this person?

22 A. Right.

23 Q. Okay. What did you do with the plastic thing  
24 once you have it in your possession?

25 A. I pick it up, look down and see that the top

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1 was visible. It was a social security card, and it looked  
2 like there was other social security cards underneath that  
3 one.

4 Q. Okay. So did you turn it over to the officer?  
5 What did you do to it?

6 A. I looked at it, and at that point while I was  
7 looking at it, the officer came in. And I said, "He just  
8 tried to dump this." And at that point, I just thought that  
9 it was probably cards with his name on it, something was in  
10 there somewhere with his real name or something; that's why  
11 he was trying to dump it.

12 MR. BASSETT: I have nothing further, your  
13 Honor.

14 MR. HARMON: No redirect, your Honor.

15 THE COURT: Okay. Is she excused for the rest  
16 of the day?

17 MR. HARMON: Yes, she is excused.

18 THE COURT: You are excused for the rest of  
19 the day. And I'm going to admonish you so you can leave the  
20 courthouse, if you wish. Do not discuss your testimony in  
21 this case with anybody else, any other witnesses or anybody  
22 else except for the attorneys for one side or the other.

23 THE WITNESS: Okay.

24 THE COURT: Thank you very much.

25 Mr. Bassett, Mr. Harmon, Ms. Logue, I'm

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1 going to have to take a five minute recess. I'll tell you  
2 why. This week this department is assigned to be what they  
3 call the signing judge. Judge Philip Pro's order with  
4 regard to the 48-hour reviews is in full force and effect,  
5 with teeth, I might add, and I need to meet with  
6 Mr. Phillips from intake services and make final reviews of  
7 some cases. I just have to do that. So we'll be in recess  
8 for about five minutes. As soon as I get done we will pick  
9 up again.

10 (A recess was taken.)

11 THE COURT: Back on the record on 95F8114  
12 after a brief recess. The record will reflect the presence  
13 of the defendant, James Montell Chappell, with his attorney  
14 Mr. Bassett, Mr. Harmon and Ms. Logue for the State and all  
15 officers of the Court.

16 Call your next witness, State.

17 MS. LOGUE: The State would call Officer  
18 Osuch.

19  
20 MICHAEL OSUCH,  
21 having been first duly sworn, was  
22 examined and testified as follows:

23  
24 THE CLERK: Please be seated. State your name  
25 and spell your last name, please.

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1 THE WITNESS: Michael Osuch, O-S-U-C-H.

2  
3 DIRECT EXAMINATION

4 BY MS. LOGUE:

5 Q. Sir, what is your occupation and assignment?

6 A. I have been a patrol officer with Las Vegas  
7 Metro for fifteen and a half years now.

8 Q. And were you on duty as a patrol officer on  
9 September 1st of 1995, at approximately 12:15 p.m.?

10 A. Yes, ma'am.

11 Q. And what is your regular shift? What time do  
12 you begin?

13 A. I start at 6:45 in the morning and I end at  
14 4:45 in the afternoon, Tuesday through Friday.

15 Q. Now, at 6:45 that morning of September 1st of  
16 1995, when you began your shift, had you been briefed about  
17 a homicide that occurred the day prior on August 31st of  
18 1995?

19 A. That's correct. In fact, my sergeant,  
20 Sergeant Bill Yada, was one of the primary units the day  
21 before that. Our squad had a little bit more common  
22 knowledge as to what happened as to maybe the rest of  
23 station or maybe the rest of the department.

24 Q. And did they have a suspect in mind at that  
25 time?

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1           A.       Yes, they did, a black male. Physical  
2 description, I got everything down except the name, and that  
3 came later on into play.

4           Q.       So you didn't have a name, then, later that  
5 day?

6           A.       Personally I didn't, no. We had a gist of  
7 what happened at the Ballerina Mobile Home Park.

8           Q.       Did you have an occasion to talk with other  
9 officers about who that suspect was in relationship to the  
10 victim?

11          A.       There was a conversation with some graveyard  
12 officers, I don't have the names at this point, stating that  
13 they had been to that mobile home park, that space number,  
14 previously before.

15          Q.       On what kind of calls?

16          A.       Domestic violence calls. And that the male  
17 that was there was very -- what word am I looking for --  
18 when the officers were there, he didn't, like, pay attention  
19 to them. It was just like they weren't there. They were at  
20 his house. They weren't going to talk to him. They weren't  
21 there. That was some of the talk and scuttlebutt going on  
22 amongst those guys.

23          Q.       So would it be fair to say that the  
24 information you had as you began your shift for that day on  
25 September 1st of 1995, was that the suspect to this murder

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1 was a black male adult?

2 A. Yes, ma'am.

3 Q. Someone who had had prior domestic violence  
4 incidents with the victim?

5 A. Yes, ma'am.

6 Q. Now, at approximately 12:15 p.m., later in  
7 your shift that afternoon, were you dispatched to 4420 East  
8 Bonanza?

9 A. Yes, it's a Lucky Store, market.

10 Q. That's here in Las Vegas, Clark County,  
11 Nevada?

12 A. Yes, ma'am.

13 Q. And why were you dispatched to that location?

14 A. They had a routine petty larceny shoplifter in  
15 custody waiting for my arrival.

16 Q. When you arrived at the Lucky's Store, who did  
17 you come into contact with?

18 A. One loss prevention agent Martinez and one  
19 loss prevention agent Sempson, who were in town from LA  
20 doing loss prevention at that Lucky Store, and they had one  
21 black male in custody, had him handcuffed in a little office  
22 with no shoes on.

23 Q. Do you see that black male who you saw that  
24 day in custody here in court today?

25 A. Yes, ma'am. He's over here to my right, next

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1 to his attorney.

2 MS. LOGUE: Your Honor, may the record reflect  
3 this witness has identified the defendant?

4 THE COURT: Yes, it may.

5 MS. LOGUE: Thank you, your Honor.

6 BY MS. LOGUE:

7 Q. Did you receive information from one of the  
8 officers regarding this shoplift?

9 A. I'm sorry?

10 Q. Did you receive information from one of the  
11 officers regarding --

12 A. The loss prevention agents.

13 Q. -- regarding the circumstances of why you were  
14 there?

15 A. Yes, he had some little box cutter and taken  
16 off the little alarm labels that they have set up at Lucky's  
17 so he wouldn't trip the alarm.

18 Q. Who had the box cutter?

19 A. The defendant, ma'am.

20 Q. That is the information you received from who?

21 A. From the loss prevention agents.

22 Q. Do you remember which one that was?

23 A. Agent Martinez seemed to be the primary one,  
24 as it was his apprehension, catch or apprehension.

25 Q. Did he also tell you whether or not he had

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1 conducted a pat-down search for his safety prior to your  
2 arrival?

3 And let me just caution you, if you could  
4 just take a moment in between my questions, because I note  
5 that we're going over each other on questions and answers.

6 A. Okay.

7 Q. Okay. Did he tell you whether or not he had  
8 conducted a pat-down search for his safety prior to your  
9 arrival?

10 A. Yes, he did. When I arrived, the defendant  
11 was handcuffed. His shoes were off, and on a shopping cart  
12 on this piece of wood there was all sorts of miscellaneous  
13 items that he removed from the suspect.

14 I did ask them why were his shoes off.  
15 Down in LA, they said, less people tend to run if they don't  
16 have their shoes on. That's why the shoes were outside of  
17 where the other property was at.

18 Q. Where was this shopping cart located in  
19 relationship to where you saw the defendant handcuffed?

20 A. No more than ten, fifteen foot away.

21 Q. Was it in the same room with the defendant?

22 A. No, the security office that they use is a  
23 very small room, so the cart is on the outside of the door.

24 Q. And what items did you notice on the cart at  
25 that time?

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1 A. Okay. There was a lighter.

2 Q. Would it refresh your memory to look at your  
3 report?

4 A. If I could, yes. There was a little cylinder  
5 tube. I don't know if it was metal or plastic.

6 Q. What's the significance of that tube?

7 A. If I can go back a few years or so, I worked  
8 on the bike patrol downtown for about a year and a half.  
9 And it became common practice that when we stopped  
10 individuals down in the area of Eighth and Freemont, Ninth  
11 and Freemont, a lot of them that ingested crack cocaine had  
12 these tubes or little hollow metal rods or some pens, like a  
13 BIC pen, that they use to ingest their cocaine.

14 Q. So when you saw this metal-like tube, what  
15 significance, then, did it have to you, knowing your  
16 experience on bike patrol and the downtown area with  
17 narcotics?

18 A. The subject probably, at one time, probably  
19 ingested some cocaine, probably through that item. Also he  
20 had part of a broken coat hanger, which, again, could be  
21 used to shove or clean out the cylinder part of the pipe.

22 Q. Would it refresh your memory, Officer Osuch,  
23 to look at your report and see what other items were on the  
24 cart?

25 A. Give me a moment to find it, please.

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1                    (The witness reviewed records.)

2            A.        Okay.

3            Q.        Is your memory refreshed, Officer, as to what  
4 the other items were?

5            A.        Yes, ma'am. Also, there was some bubble gum  
6 and a key chain with a Toyota emblem on this key and some  
7 other keys on it.

8            Q.        And was there also a poker, pusher?

9            A.        Yeah, that, again, it could be the same thing  
10 that they use to clean out, like a pipe cleaner for the  
11 tube.

12           Q.        And when you say that you saw some keys with a  
13 Toyota emblem, it was a Toyota key?

14           A.        Yes, there was a Toyota key on it with the  
15 Toyota emblem. Some other keys might have been a house key,  
16 mail box key, some other things, keys that I wouldn't know.

17           Q.        And also the defendant's shoes?

18           A.        And the shoes, yes, ma'am.

19           Q.        And all of those items were located on that  
20 shopping cart?

21           A.        Everything except his shoes, which were off,  
22 like, down on the floor near the cart.

23           Q.        When you approached the defendant, did you ask  
24 him to identify himself?

25           A.        Yes, I did. I went in there handling it just

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1 like a basic shoplifting routine. They did have him  
2 handcuffed prior to my arrival. He verbally stated his  
3 name, birth and social security number.

4 Q. What name did he identity himself as?

5 A. As an Ivri Marrell or Irvin Marrell.

6 Q. Can you spell the name that he gave you?

7 A. The way I have it is I-V-R-I and M-A-R-R-E-L-L  
8 as the last name.

9 Q. Were you actually writing up a citation as he  
10 was talking to you?

11 A. Yes, ma'am.

12 Q. So you were getting this information down,  
13 recording it onto a regional misdemeanor citation form,  
14 complaint?

15 A. Yes.

16 Q. Is that standard procedure when you go and  
17 respond to a shoplifting case?

18 A. Usually. Some of them have some form of  
19 identification where you just take it off an ID card, work  
20 card, driver's license; however, in this case, I didn't have  
21 that, so I had to do a lot of it by verbal.

22 Q. What date of birth did he give you?

23 A. Can I look on my report?

24 (The witness reviewed records.)

25 A. 12/27/69 and the social security number is

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1 373-28-9000.

2 Q. Once he gave you that information, did you  
3 then follow it up to confirm whether or not this was true?

4 A. Yes. I wasn't in my car. I used a phone. I  
5 called our record department and gave that -- entered that  
6 information and came back with nothing, no local record, no  
7 NCIC.

8 Again, going back to my bike days and  
9 dealing with this situation with the crack pipes and such, a  
10 lot of times people down there didn't have ID cards, and it  
11 was all by name and you kind of, like, tended to believe  
12 them.

13 Q. What were you planning on doing with him --  
14 let me finish. What were you planning on doing with him as  
15 a result of your not being able to confirm his identity?

16 A. I state in my officer's report, not trying to  
17 call him a liar, but I really didn't believe him. I was  
18 going to issue him a citation for petty larceny on the name  
19 he gave me then go down to the city jail and book him for a  
20 paraphernalia charge.

21 Q. Now, at that time, as you were getting ready  
22 to write that petty larceny citation, did you have any idea  
23 at all that this defendant was actually a person by the name  
24 of James Chappell or involved in the murder from the day  
25 prior?

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1           A.       No idea as to a name. Basically the physical  
2 matched, and I just, out of a whim, went and threw out a  
3 comment like, "Can you tell me what happened at the  
4 Ballerina Park the other night?" And at that time the  
5 defendant became very -- I don't want to use the word  
6 agitated, but fidgety.

7                   The defendant could never look at me,  
8 even when I talked to him. I stood him up once to look at  
9 his hands. With the crack, I was looking for burn marks on  
10 the fingers. I looked at his tongue to see if he had the  
11 white coating, and he could never look at me face-to-face,  
12 and he was always -- his face was averted or down to the  
13 floor or off to the side.

14           Q.       When you say fidgety, can you explain in more  
15 detail what you mean?

16           A.       All right. Well, most of the time he was  
17 sitting down when I was there just with his hand behind his  
18 back, and the chair was able to move around just, you know,  
19 just moving around, acting fidgety.

20           Q.       Back and forth in the chair? Moving about in  
21 the chair?

22           A.       Yes.

23           Q.       How did the defendant respond to you when you  
24 asked him if he knew what happened in the Ballerina Park?

25           A.       I didn't get an answer. Again, he just

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1     couldn't look at me in the eye. He did get a little upset  
2     when I told him I was going to take him to jail for  
3     paraphernalia when I issued him the citation for petty  
4     larceny.

5             Q.       What did he say?

6             A.       He says, "Come on, give me a break," quote, in  
7     my officer's report. I just stated, "No, no breaks." I got  
8     tired of giving people breaks throughout my career. I  
9     didn't know who he was. I didn't believe that was his name.  
10    The only way I was able to check it was just to get him to  
11    the city jail and let them do a print check on him.

12            Q.       And did you, at that point, begin to complete  
13    your paperwork for the petty larceny?

14            A.       Fortunately, most of the businesses that have  
15    loss prevention, most of the reports are done even prior to  
16    our arrival. The only thing basically I had to do at that  
17    location was fill out a ticket and make sure the crime  
18    report was completed to my satisfaction because it had to  
19    have my name on it. I didn't want my sergeant to come back  
20    on me. When we were there, I didn't know the total price,  
21    because on the citation you have to put the total price  
22    down.

23            Q.       Price of what?

24            A.       The items that he took.

25            Q.       What items were there?

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1           A.       There was a liquor bottle. I don't remember  
2 what kind.

3           Q.       Would it help you, would it refresh your  
4 memory --

5           A.       To see the ticket.

6           Q.       -- on your regional misdemeanor citation  
7 complaint as to what the items were?

8           A.       Yes. I know there was a Baby Ruth candy bar;  
9 a caramel type bar, but I can't remember the name; a can of  
10 Budweiser; then, I want to say rum or scotch, but I'm not  
11 sure.

12          Q.       Why don't you take a look at that and tell me  
13 if your memory is refreshed.

14                    **(The witness reviewed records.)**

15          A.       Johnny Walker, Baccardi rum, Baby Ruth,  
16 a Cadbury, for a total of \$30.51.

17          Q.       So you were finishing the paperwork on that  
18 citation?

19          A.       Yes, ma'am.

20          Q.       And as you were doing this, did something get  
21 your attention?

22          A.       As I was talking to Agent Martinez, his  
23 partner, Agent Sempson, happened to glance up. I saw her  
24 run into a little office cubicle area, approach the  
25 defendant. I went right in behind to make sure she's all

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1 right. I don't know if the guy got out of his handcuffs or  
2 whether she was bent over and picking something up. She  
3 says, "Here, this is for you." And I thought maybe he was  
4 trying to dump some dope. It was a plastic envelope.

5 Q. Who said --

6 A. Agent Sempson -- I'm sorry -- thought maybe he  
7 was trying to dump some dope. It ended up being four social  
8 security cards.

9 Q. And did you receive these cards from Agent  
10 Sempson?

11 A. Yes, I did.

12 Q. And how long, what time frame are we talking  
13 about from the time you saw her bend down and recover the  
14 items until the time she gave them to you?

15 A. The time it would take to hand something from  
16 picking it up to give it to me. I was right behind her.

17 Q. Did you see the defendant place those items  
18 anywhere?

19 A. No, it was given to me by Agent Sempson, and  
20 she later on explained to me how she found them and what was  
21 going on.

22 Q. Did you follow her into that room when you saw  
23 her going into the room?

24 A. Not at first, but when it sounded like there  
25 was some sort of -- I don't want to use the word scuffle --

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1 but something caught our attention. I went running in there  
2 to make sure nothing was going to happen to her.

3 Q. Where were those cards contained? Were those  
4 four cards contained in something?

5 A. Yes, ma'am. For lack of a better term, it  
6 looked like a plastic sheaf, kind of like -- I don't want to  
7 say picture holder -- but it was covered in plastic with one  
8 opening and three sides sealed.

9 Q. At the time you received those social security  
10 cards from Agent Sempson, had you known the name of the  
11 victim of the murder which occurred on August 31st of  
12 1995?

13 A. No, ma'am. Like earlier during briefing and  
14 with the squad, I must have missed that or was asking  
15 somebody else something not even pertaining to that  
16 situation, and at that time just to play on my feelings now,  
17 I called my sergeant who was at lunch, got him on his cell  
18 phone, and just asked for the name of the victim again. I  
19 did not know even up to that point.

20 And when he stated it was Panos, and I  
21 had four social security cards with Panos on each one of  
22 them, I then told him that I believed I had our suspect in  
23 the homicide and made the proper notification the Detective  
24 Bureau.

25 Q. And did you also notify homicide or did your

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1 sergeant?

2 A. My sergeant did.

3 Q. Okay. And did you then wait for homicide or  
4 someone such as your sergeant to arrive at that location?

5 A. Yes, I did. At that point my sergeant just  
6 advised me just to make sure, reiterate, says okay, just  
7 hold it --

8 Q. Well, not what your sergeant said, but did you  
9 then stay with the defendant until someone else arrived?

10 A. Yes, I did.

11 Q. And took over the investigation?

12 A. Yes, I did.

13 Q. And did you also keep in your possession items  
14 on the shopping cart, the items that you've described for  
15 us?

16 A. Yes, they were in control even though they  
17 were on a table.

18 Q. I'd like to show you what's been marked as  
19 State's Proposed Exhibit No. 27 and ask you to identify  
20 what's depicted in this picture.

21 A. Okay. This was a little box cutter knife, the  
22 top part of the picture, that he was using to, according to  
23 loss prevention, to flip up the alarm tab; and the social  
24 security cards in the plastic sheaf that the loss agent  
25 Sempson handed to me.

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