

1 Q Did she later have another child?

2 A Yes.

3 Q And what was that child's name?

4 A Chantell.

5 Q And was that a girl?

6 A Yes.

7 Q When you worked with the defendant --

8 excuse me -- when you worked with Deborah, did you become

9 friends with her as well?

10 A Yes.

11 Q What kinds of things would you do

12 together with Deborah?

13 A We did everything. We went out

14 together, we took the kids to the park, we went to the

15 circus, we did -- just everything.

16 Q And when you say you took the kids

17 together places, do you have a child?

18 A Yes.

19 Q And how old is your child?

20 A She's nine right now.

21 Q So you would take your child along with

22 her children to various places?

23 A Yes.

24 Q Do you know a person by the name of

25 James Chappell?

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 A Yes.

2 Q Do you see him here in court today?

3 A Yes.

4 Q Can you please point to him and  
5 describe an article of clothing for the record.

6 A He's sitting right there with glasses  
7 and a button up shirt, striped.

8 MS. SILVER: Your Honor, may the record  
9 reflect that the witness has identified the defendant?

10 THE COURT: Yes.

11 MS. SILVER: Thank you.

12 Q When was it that you met the defendant  
13 approximately?

14 A Maybe a week after I met Debbie.

15 Q And do you know where Debbie lived in  
16 Tucson or with whom she lived with?

17 A She lived in an apartment with her kids  
18 and James.

19 Q Was the defendant her boyfriend during  
20 this time period?

21 A Yes.

22 Q When you say that you would go and do  
23 different things with Debbie with your kids, did the  
24 defendant include himself in those activities?

25 A Most of the time, it was Debbie, but he

PATSY K. SMITH, OFFICIAL COURT REPORTER

1       went sometimes.

2                               Q       Now, when you stated that you became  
3       friends with Debbie through work and also outside of work;  
4       is that right?

5                               A       Yes.

6                               Q       Did you learn at some point that the  
7       defendant was abusing her?

8                               A       Yes.

9                               Q       When I say abusing her, what are we  
10      talking about?

11                              A       He use to leave bruises on her by  
12      hitting here, throwing things at her. She showed them to  
13      me.

14                              Q       So you actually observed these  
15      bruises?

16                              A       Yes.

17                              Q       And about what year was it that you  
18      started to notice these bruises?

19                              A       In 1990.

20                              Q       So, as early as 1990, you observed  
21      these bruises?

22                              A       Yes.

23                              Q       Can you tell us where you would observe  
24      bruises on Debbie's body?

25                              A       She had them on her neck, on her arms,

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 her back, she had them on her head. It was really tender  
2 to the touch on the back of her head and I think that was  
3 about it.

4 Q You stated that Debbie showed you these  
5 bruises?

6 A Yes.

7 Q Do you know if she showed many other  
8 people these bruises?

9 A She showed a couple of us at work.  
10 There was about four of us that kind of hung around each  
11 other at work.

12 Q How did she feel about these bruises?

13 A She wasn't happy about them. She  
14 didn't want everybody to know about them. She just told us  
15 that were there with her all the time. Most of the time  
16 she wore clothes to where you couldn't see them if you  
17 didn't know her.

18 Q Were you aware whether or not she wore  
19 makeup as well to cover them?

20 A Yes.

21 Q Makeup on her face?

22 A Yes.

23 Q Was Debbie employed from the time  
24 period that you knew her?

25 A Yes.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Let's talk about in Tucson. Were you  
2 aware about when she left Tucson to move to Las Vegas  
3 approximately?

4 A In October. Was it '94?

5 Q Approximately October of '94?

6 A Yes, '94.

7 Q And in that time period, what jobs did  
8 Debbie have, if you can recall?

9 A I knew she worked at the City of Tucson  
10 from '90 until that time. She also had a second job. She  
11 worked at WalMart, she worked at a pizza restaurant, and  
12 she worked at the -- well, before she worked at the City of  
13 Tucson, she worked for the Census Bureau and I'm not sure,  
14 but I think she worked at Sears.

15 Q Would it be fair to say that at times  
16 she would have two and three jobs?

17 A Yes.

18 Q To your knowledge, did the defendant  
19 have a job or steady employment?

20 A Not steady employment. I only seen him  
21 work one time.

22 Q So in the time period that you've known  
23 the defendant, at least in Tucson from 1990 to 1994, you've  
24 only known the defendant to have one job?

25 A Right.

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JChapell-8JDC1953

1 Q And what was that?

2 A I think he was a dishwasher or  
3 something to do in the back of a restaurant.

4 Q What restaurant?

5 A Bob's Big Boy.

6 Q And about how long did that job last?

7 A As far as I know, about a week.

8 Q During this time period in Tucson, did  
9 you ever personally observe the defendant get physical with  
10 Deborah?

11 A Yes.

12 Q And about how many times did you see  
13 this?

14 A Maybe 10, 15 times.

15 Q Ten to 15 times?

16 A Probably, in Tucson.

17 Q What types of violent acts would you  
18 see the defendant do to Deborah?

19 A I saw him just push her or take her  
20 into another room or just things to where she -- mostly  
21 just push her into another room or the wall or as she was  
22 walking, to trip her or something like that.

23 Q What would Deborah do when she got  
24 pushed into the wall by this defendant?

25 A She would either yell at him or cry or

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1 just get upset.

2 Q Did you also work for the fire  
3 department in Tucson?

4 A Yes.

5 Q Were you aware of any 911 calls made by  
6 Deborah regarding the defendant's violence?

7 A Yes. I know of three.

8 Q So you personally know of three 911  
9 calls?

10 A Yes.

11 Q And how is it that you are aware of  
12 this?

13 A Because I keyed in the reports. I  
14 keyed in every file report that we went to -- that the  
15 Tucson Fire Department went out to.

16 Q Why would the fire department go out to  
17 such a domestic violence call?

18 A They have the paramedics and the fire  
19 trucks together with the fire department. So sometimes --  
20 usually, if it was a domestic call, the fire department,  
21 they would have like a fire truck go out and a paramedic or  
22 sometimes just the fire truck would go out without a  
23 paramedic.

24 Q That was if there was some kind of  
25 injury?

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1 A Yes.

2 Q Were you also aware that Deborah needed  
3 to go to the hospital as well?

4 A Yes.

5 Q As a result of this defendant?

6 A Yes.

7 Q And this was again during this period  
8 of 1990 to 1994?

9 A Yes.

10 Q And what happened in that respect?

11 A Like I say, from '92 to '94 because I  
12 started to live there from '92.

13 Q So from 1992 to 1994, what happened  
14 during that time period in which the defendant caused  
15 Deborah to go to the hospital?

16 A I just know she had a head injury and  
17 she had to be seen at the hospital.

18 Q I'm sorry, I still can't hear you.

19 A She had a head injury and she needed to  
20 be seen at the hospital for it. I don't know the  
21 circumstances of what happened.

22 Q But the defendant was involved in  
23 causing the circumstances?

24 A Yes.

25 Q Did you ever see that injury --

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1 A No.

2 Q -- to her head?

3 You stated that Deborah moved here  
4 approximately October of 1994. Do you know why she moved  
5 here to Las Vegas?

6 A She had said that she had to leave her  
7 job. They recommended her to come either to Las Vegas or  
8 somewhere in California. She chose here.

9 Q So, as a result of her work, she moved  
10 here?

11 A She had to leave her job because she  
12 couldn't be around or have any involvement with anybody  
13 that was in trouble with the police, which she was with  
14 James.

15 Q So due to the defendant being in  
16 trouble with the police, it forced her to leave her job  
17 with the Tucson --

18 A Right.

19 Q -- Police Department?

20 A Yes.

21 Q Were you aware initially that the  
22 defendant had come here to Las Vegas as well?

23 A No.

24 Q Why is that?

25 A She didn't tell me. She didn't tell me

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 that he had moved here with her.

2 Q And why didn't she tell you?

3 A I don't know. I guess maybe she was  
4 embarrassed to let me know. When she left Tucson, she had  
5 told me he wasn't coming. She was coming up here with her  
6 kids and that was it.

7 Q During the time -- did there come a  
8 time period that you actually moved here to Las Vegas as  
9 well?

10 A Yes.

11 Q Or came out here to visit?

12 A Yes.

13 Q When about was that?

14 A I started visiting in March. At the  
15 end of March.

16 Q Of 1995?

17 A Yes.

18 Q So from the time period between October  
19 of 1994, when Debbie moved here, until you came out for  
20 your visits in March of 1995, did you still talk with  
21 Debbie and make contact with her?

22 A Yes.

23 Q Did she tell you problems with the  
24 defendant here in Las Vegas?

25 A Yes.

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JChapell-8JDC1958

1 Q What types of problems?

2 A He had taken things out of the home.

3 Q Like what types of things?

4 A Furniture, clothing from the kids,  
5 shoes for the kids. He --

6 Q Can you give us some examples when you  
7 say clothing for the children?

8 A He had taken jackets from them. This  
9 was in October. He took the jackets from them to -- they  
10 didn't have any more jackets to go to day care or school  
11 with.

12 Q So in October, this defendant had taken  
13 the children's coats for the winter?

14 A Right.

15 Q Is that yes?

16 A Yes.

17 Q Did she tell you what he did with those  
18 coats?

19 A She just said that he had taken them.  
20 They were no longer in the house.

21 Q I can't hear you.

22 A She just said he had taken them and  
23 they were no longer in the house.

24 Q Did she also -- you stated that -- did  
25 you mention that the defendant took shoes as well?

PATSY K. SMITH, OFFICIAL COURT REPORTER

JChappell-8JDC1959

1 A Yes.

2 Q And how were you aware of that?

3 A She told me.

4 Q What did she tell you regarding the  
5 shoes?

6 A She just said that he had taken those  
7 also. He had taken a lot of things and she had listed a  
8 few things.

9 Q Were you actually present here in Las  
10 Vegas at a time period when the defendant had taken some  
11 shoes?

12 A Yes.

13 Q And how did that occur?

14 A We had bought some shoes for Chantell.  
15 She didn't have any. She had peed on the shoes she had, so  
16 we went and got her some sandals from WalMart.

17 Q When you say we, who are you talking  
18 about?

19 A Debbie and me and Chantell and the tags  
20 weren't even off of them yet and by morning time, they were  
21 gone.

22 Q And the defendant had taken them?

23 A Yes.

24 Q What types of furniture had he taken  
25 from her?

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JChapell-8JDC1960

1                   A     She had a lot of furniture, but when I  
2     went up there, she hardly had anything.

3                   Q     When you say she had a lot of  
4     furniture, where did she have a lot of furniture?

5                   A     In Tucson.

6                   Q     And when you came up here in March, she  
7     hardly had anything?

8                   A     Right. She use --

9                   Q     What did she will tell you had happened  
10    to the furniture?

11                  A     She said James had taken it.

12                  Q     Did she say what James had done with  
13    it?

14                  A     She said James had sold it or taken it  
15    for drugs.

16                  Q     Did you notice, when you came from  
17    Tucson, that the furniture was gone?

18                  A     Definitely.

19                  Q     Did you she also tell you during this  
20    time period something regarding the food stamps she was  
21    given from the government?

22                  A     He would always take the food stamps or  
23    food that was in the house every time she got them. She  
24    only got them once a month and she would buy food for the  
25    whole month and usually within a week, it was gone.

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JChappell-8JDC1961

1 Q And how was it gone?

2 A Mostly by James taking it.

3 Q So she and the children were left with  
4 no food as well?

5 A Right.

6 Q And this was something that she  
7 complained to you about?

8 A Yes.

9 Q Was she upset when she told you this?

10 A Yes.

11 Q Would what would the defendant do  
12 during paydays, when Deborah would get paid?

13 A He'd come to see Debbie and then he'd  
14 always end up taking her money.

15 Q How would he take her money?

16 A Physically taking it from her. She  
17 kept her money in a -- like a wallet-type. It had like a  
18 calendar and some bills that she had to pay or whatever and  
19 she had kept her money in there.

20 Q When you came here to Las Vegas in  
21 March of 1995, did you notice something different about  
22 Debbie's nose?

23 A Yes.

24 Q What did you notice?

25 A She had a scar and it was a little bit

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1 more larger than it use to be. It was a little deformed.

2 Q And that scar was on her nose?

3 A It went all the way across her nose  
4 right here.

5 Q Can you show the jury one more time  
6 what you were showing me?

7 A It went from like this side all the way  
8 over.

9 Q So that scar went clear across her  
10 nose?

11 A Yes.

12 Q And it was noticeable to anyone talking  
13 to her?

14 A Yes.

15 Q That wasn't there when she had left  
16 Tucson the last time you saw her?

17 A No.

18 Q Did she tell you how she had received  
19 that scar and why her nose looked different?

20 A She said that James had done it. She  
21 said that he had -- he had hit her while she was sleeping  
22 because he wanted to take stuff out of the house. He  
23 wanted her to go in the bedroom and sleep instead of  
24 sleeping on the couch and so she wouldn't move. As soon as  
25 she fell asleep, he would hit her.

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1 Q Were there reasons why she slept on the  
2 couch as opposed to the bedroom?

3 A Sometimes the kids would be sleeping in  
4 their bedroom on their bed because they didn't have beds  
5 set up in their rooms. If the kids weren't there, she  
6 would just lay there to watch TV or just to be out of the  
7 room.

8 Q Did there come a time that you actually  
9 moved in with Debbie?

10 A Yes.

11 Q And when about was that?

12 A I had moved my things here in May and I  
13 physically moved up here in June, first week of June.

14 Q When you say you moved here in May, did  
15 you bring items or your personal belongings to Las Vegas?

16 A Yes.

17 Q And where did you put your personal  
18 belongings?

19 A I put my furniture around the house.  
20 Since she didn't have any, I filled up the house with my  
21 furniture.

22 Q Are you talking about the trailer  
23 located at the Ballerina Mobile Home Park?

24 A Yes.

25 Q And where did you get this furniture

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1 from that you put in there?

2 A I had a four bedroom house that I lived  
3 in in Tucson.

4 Q So the furniture from a four bedroom  
5 house, was it fully furnished too, that four bedroom home?

6 A Yes.

7 Q Did you place that furniture into  
8 Deborah's home at the Ballerina Mobile Home Park?

9 A Yes.

10 Q And did you place other items of your  
11 personal belongings into that home?

12 A Yes.

13 Q Did there come a time you left in May  
14 about, but then returned back in June to live with Debbie?

15 A Yes.

16 Q Why did you leave?

17 A My daughter was still in school in  
18 Tucson. She didn't get out until, I believe, June 6th.

19 Q When you returned back to Las Vegas in  
20 June of 1995 or around that time, what happened when you  
21 arrived at the trailer?

22 A Most of my stuff had been gone through  
23 -- actually everything had been gone through. I had a  
24 room in the back that I had all my boxes and my bed and  
25 everything and all of that had been gone through.

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JChappell-8JDC1965

1 Q Were items of your property taken as  
2 well?

3 A Yes.

4 Q What items were taken?

5 A At that time, mostly I had stuff that  
6 belonged to my car, like a radar detector and jewelry,  
7 stuff like that, small items.

8 Q Did other items eventually begin to  
9 disappear as well?

10 A I had a TV, stereo, VCR taken and after  
11 I had lived there, I had money taken and more jewelry that  
12 I had brought up with me. I always kept with me.

13 Q Approximately how much would you  
14 estimate the value was of the property that was taken as it  
15 remained in that Ballerina Mobile Home Court trailer?

16 A Probably over \$3,000.

17 Q Three thousand dollars?

18 A Yes.

19 Q And did you confront the defendant as  
20 to him taking this property?

21 A Yes.

22 Q And what did he tell you when you asked  
23 him for your property back?

24 A One time, he told me that for \$30 I  
25 could have my TV, VCR, and the stereo back. It was just

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1 right down the street and he could go get it.

2 Q So he acknowledged that he took this  
3 property from you?

4 A Yes.

5 Q And he, basically, responded that you  
6 weren't going to get that property back unless you paid  
7 him?

8 A Correct.

9 Q It was your property, wasn't it?

10 A Yes.

11 Q Did you give the defendant permission  
12 to take your property?

13 A No.

14 Q Did you ever give him that money so he  
15 would give you your property back?

16 A No.

17 Q And why was that?

18 A Well, I didn't trust him.

19 Q You think he would have just taken your  
20 \$30?

21 A Yes.

22 Q Where did the defendant live, if you  
23 are aware of that?

24 A Some times he stayed at the trailer.

25 Most of the time he wasn't there.

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 Q Where did he stay mostly?

2 A He said -- from what we had ever found  
3 out, that he lived in the projects that were right across  
4 the street from Lucky's on Bonanza and Lamb.

5 Q When the defendant would come to the  
6 residence, how would he usually get in?

7 A Through a window.

8 Q Which window?

9 A Located in the bedroom or the back  
10 living room.

11 Q When you said the bedroom, you are  
12 talking about the window out in front of the trailer, the  
13 master bedroom window?

14 A Yes.

15 Q How do you know this?

16 A The lock was not working on it, the  
17 screen is not on it any more, and I've actually seen him  
18 from times that he's been in the house, you know, and we  
19 didn't know how; you just going around the house and look  
20 and usually it's that window that was broken or, you know,  
21 it was still up or it was unlocked.

22 Q Was it actually damaged as a result of  
23 the defendant constantly coming through that window?

24 A Yes, yes.

25 Q Would there be times that you and

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JChappell-8JDC1967

1 Debbie and the children would be inside the trailer and,  
2 yet, the defendant would still come in through the window?

3 A If we had the doors locked and we  
4 didn't let him in, yes.

5 Q So there were times that you and her  
6 did not let him in?

7 A Yes.

8 Q Would it be fair to say that it didn't  
9 matter whether you let him in or whether you didn't let him  
10 in, this defendant got in that residence if he wanted to  
11 get in the residence?

12 A Yes.

13 Q Where did the defendant -- where did he  
14 keep his clothes?

15 A We kept his clothes on the porch.

16 Q So he did not have clothes inside of  
17 the residence?

18 A When I first moved there he did, but  
19 after awhile, we moved them out on the porch. He was  
20 hardly ever there. We were calling the police too many  
21 times and she didn't want him in the house any more, so we  
22 put his clothes on the porch.

23 Q About how many times did you and she --  
24 how long did you live with Debbie from about June of '95  
25 until when?

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JChappell-8JDC1969

1 A I moved out the end of July.

2 Q So for the period of July 1995?

3 A Yes.

4 Q So for approximately for that two month  
5 period, how many times would you have called the police?

6 A I myself probably did it five or six  
7 times.

8 Q And what types of calls? Why would you  
9 call 911?

10 A Because Debbie thought James was going  
11 to hurt her.

12 Q Had he broken in on some of those  
13 calls?

14 A Yes.

15 Q How did Debbie act when he would  
16 break-in or come into the residence?

17 A She was always scared telling him he's  
18 not coming in and after awhile, she would be crying after  
19 he was in there.

20 Q Do you recall a time that Debbie was  
21 staying at Lisa Duran's home?

22 A Yes.

23 Q During this time period?

24 A Yes.

25 Q And why was it that Debbie was staying

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 at Lisa Duran's?

2 A She was afraid to stay at the house.

3 Q She was afraid of the defendant?

4 A Yes.

5 Q Do you recall Debbie calling you to  
6 warn you about the defendant?

7 A Yes.

8 Q What did she tell you?

9 A One time, she told me that she had  
10 talked to him on the phone. I think she was at Lisa's, but  
11 I'm not sure and he had said, "I'm going to go to the  
12 house. I want you to be there. If Clare is there, I'm  
13 going to end up raping her. If you are not there, I'm  
14 going to burn the house down and you won't have a home to  
15 come home to."

16 Q Now you were on the phone with Debbie  
17 at that time?

18 A Yes, I was at the trailer on the phone  
19 with her.

20 Q Were the doors and windows locked at  
21 that time, when you learned that the defendant was coming  
22 over to rape you or burn the house down?

23 A Yes.

24 Q And as you were on the phone with  
25 Debbie, what happened?

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JChappell-8JDC1971

1 A James had broke into the house.

2 Q Do you know how he got into the house  
3 that time?

4 A Through a window.

5 Q And where were you located while you  
6 were on the phone with Debbie?

7 A In my bedroom. It was located in the  
8 back.

9 Q Did you lock your bedroom door?

10 A Yes.

11 Q And why did you do that?

12 A I was afraid of James.

13 Q And as you were on the phone with  
14 Debbie, what happened?

15 A He came into my room. He unlocked the  
16 door somehow and came into my room.

17 Q How did he unlock your door?

18 A I don't know.

19 Q But he somehow was able to gain entry?

20 A Yes.

21 Q And what happened at that point?

22 A He kept asking me if it was Debbie on  
23 the phone, which it was, but I had it three-way with 911.

24 Q Did you call 911 or did she?

25 A I did.

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JChappell-8JDC1972

1 Q But you telephoned the police, but  
2 stayed on the line with Debbie?

3 A Right.

4 Q What happened?

5 A Debbie kept asking me questions about  
6 what he is wearing, if he had a gun or knife or if I could  
7 see anything.

8 Q Why was Debbie asking you the  
9 questions?

10 A She knew all the questions to ask me, I  
11 guess, from being a 911 operator and also because she had  
12 been around James and she had talked to me for a little  
13 while and then --

14 Q What was the defendant doing as he  
15 opened the door?

16 A He kept asking me, " if That's Debbie,  
17 if it's her, I want to talk to her," and then he went into  
18 the bathroom, which was right around the corner from my  
19 bedroom, and then he came back and was asking me again, "If  
20 it's Debbie, I want to talk to her," and finally the 911  
21 operator said, "The police were outside and they can't get  
22 in because the door is locked. Could you please go ahead,  
23 give him the phone, let him talk to Debbie, and then go out  
24 and unlock the front door for the police."

25 Q Did you give him the phone?

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JChapell-8JDC1973

1 A Yes.

2 Q And was Debbie on the line?

3 A Yes.

4 Q And what did you proceed to do?

5 A I went and unlocked the door.

6 Q Did you let the policemen in?

7 A Yes.

8 Q What happened?

9 A They went over -- they went into the  
10 back bedroom. They asked me where he was and I told him he  
11 went back there and --

12 Q When you say back bedroom, that's your  
13 bedroom where the defendant was?

14 A Yes.

15 Q And what happened?

16 A They handcuffed him and brought him  
17 into the living room.

18 Q Did you go back into that back bedroom  
19 and discover something?

20 A There was a knife located next to the  
21 -- it was a water bed and it has drawers underneath it.  
22 Next to the water bed halfway covered up by the drawers was  
23 the knife.

24 Q Prior to the defendant walking in  
25 there, was that knife in your bedroom?

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1 A No.

2 Q And did you recognize that knife as one  
3 of Debbie's knives from the kitchen?

4 A Yes.

5 Q Who was on the lease during that time  
6 period at the trailer?

7 A Debbie, myself, and her three kids and  
8 my daughter.

9 Q I want to direct your attention to  
10 approximately June 1st of 1995. Do you recall calling 911  
11 and the police on this date as well?

12 A Yes.

13 Q And what happened that caused you to  
14 call 911?

15 A Debbie had asked me to.

16 Q Did -- was the defendant in the  
17 premises again?

18 A Yes, he was in the living room and I  
19 was in the dining room/kitchen area; where the kitchen goes  
20 into the dining room.

21 Q And tell me what was Debbie's demeanor  
22 like as you watched her in the living room?

23 A She was very nervous and crying. She  
24 was really upset because he kept telling her to come into  
25 the bedroom, I just want to talk to you, I want to talk to

PATSY K. SMITH, OFFICIAL COURT REPORTER

JChapell-8JDC1974

1 you and she didn't want to go. She said she was scared.  
2 She kept saying he was going to hurt her and for me to call  
3 911.

4 Q She was crying as well?

5 A Yes.

6 Q Was she afraid to go into that  
7 bedroom?

8 A Yes.

9 Q Was the defendant angry?

10 A He seemed to be. He just kept telling  
11 her, "All I want to do is talk to you. All I want to do is  
12 talk to you," and just kept pacing back and forth in the  
13 living room.

14 Q Why did he usually become angry with  
15 her?

16 A Usually if he found a piece of paper  
17 with any male person's name on it or phone number that  
18 didn't have a name or an address or anything really that he  
19 didn't think Debbie should be doing. Something from a  
20 nightclub, if she had, you know, a card from somewhere that  
21 he didn't go with her to, he wanted to know why she was  
22 there and just anything that was out of the ordinary for  
23 him.

24 Q So any time he found a piece of paper  
25 with say another man's name on it or it looked foreign to

PATSY K. SMITH, OFFICIAL COURT REPORTER

JChappell-8JDC1976

1 the defendant?

2 A Yes.

3 Q Did you call 911 as she asked you to?

4 A Yes.

5 Q Did you see her go somewhere with the  
6 defendant?

7 A In the bedroom.

8 Q And about how long were they in the  
9 bedroom?

10 A Maybe 10, 15 minutes.

11 Q Is that when the police arrived at that  
12 point?

13 A Yes.

14 Q And during that time period, what did  
15 you do?

16 A I was on the phone with the police.

17 Q Were you scared for her?

18 A Yes.

19 Q When the police arrived, did Debbie or  
20 the defendant come out of the bedroom?

21 A I had knocked on the door and Debbie  
22 came out.

23 Q And tell us what was her demeanor as  
24 she was coming out of that bedroom?

25 A She was crying. She looked -- she was

PATSY K. SMITH, OFFICIAL COURT REPORTER

1 still very nervous and she looked hot.

2 Q Did she tell you what the defendant had  
3 done to her while in that bedroom?

4 A At the time she didn't. She waited  
5 until we were outside and James was already in handcuffs  
6 and she told me that he had her -- he had his knees on her  
7 -- on her elbows and he was sitting on top of her and he  
8 had a knife up against her throat.

9 Q Did you ever see that knife?

10 A Yes.

11 Q Where was that knife?

12 A It was underneath the pillow on the  
13 bed.

14 Q What type of knife?

15 A Like a butcher knife.

16 Q And did you recognize that knife?

17 A Yes.

18 Q And whose knife was that?

19 A Debbie's.

20 Q And where was that knife usually  
21 located?

22 A In the kitchen.

23 Q Was there a drawer that she generally  
24 kept her knives?

25 A Yes.

PATSY K. SMITH, OFFICIAL COURT REPORTER

JChappell-8JDC1978

1 Q And that was located in the kitchen as  
2 well?

3 A Right.

4 Q Was the defendant arrested at that  
5 time?

6 A Yes, he was.

7 Q Do you recall the children being  
8 present during that time?

9 A Yes. Anthony even said, "My daddy is  
10 going to jail, isn't he," and I told him, "Yes, he is," and  
11 I took him inside.

12 Q Was Anthony crying when he said that?

13 A Yes.

14 Q And Anthony was approximately how old  
15 when he saw this?

16 A Five. All of the kids were out there,  
17 but he is the one that asked. JP just kind of went back  
18 into the house and I don't remember where Chantell was. I  
19 remember she was outside for awhile.

20 Q While you were living with Deborah, did  
21 she want the defendant to be her boyfriend?

22 A No.

23 Q Would it be fair to say she wanted him  
24 out of her life?

25 A Yes. She kept trying to get him to go

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1 back to Michigan. She wanted him to just go away and leave  
2 her and the kids alone.

3 Q Were you aware of a bus ticket that she  
4 had bought for him?

5 A No. You have to pay for the tickets  
6 for the bus when you get there and every time we told him  
7 that we were going to take him, he would disappear for a  
8 couple days or just long enough until the bus isn't running  
9 any more that day and I had purchased a plane ticket for  
10 him. I believe it was in June.

11 Q Of 1995?

12 A Yeah.

13 Q And what happened?

14 A He didn't go.

15 Q I kept the plane ticket in my  
16 possession because I didn't want him to go and refund it or  
17 change it or do anything to it. So I kept it until it was  
18 the time for him to go and during that time to go, he  
19 didn't go. He wasn't around.

20 Q Were you aware of the defendant  
21 exchanging things for the cash back?

22 A The clothes and shoes, yes.

23 Q And whose clothes and whose shoes did  
24 he receive cash back?

25 A The kids' and Debbie's.

PATSY K. SMITH, OFFICIAL COURT REPORTER



1 Q Where would Debbie stay when he was  
2 actually out of jail, generally?

3 A When he was out, usually at Lisa's  
4 house or JR's house. Just at friend's house. She hardly  
5 ever stayed at home.

6 MS. SILVER: Court's indulgence.

7 That's all on direct.

8 THE COURT: Cross?

9 MR. BROOKS: Yes.

10

11 (At this time another court reporter took  
12 over the proceedings.)

13

14 (Off the record at 2:30 p.m.)

15

16 \* \* \* \* \*

17

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

19

20

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

21

22

23

24

25

PATSY K. SMITH, OFFICIAL COURT REPORTER

# EXHIBIT 139

1 CASE NO. C131341

2 DEPT. NO. VII

3 DOCKET NO. P

4

5

6

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9

10 THE STATE OF NEVADA, )

11 PLAINTIFF, )

12 -VS- )

13 JAMES MONTELL CHAPPELL, )

14 DEFENDANT. )

15

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FILED IN OPEN COURT

OCT 22 1996 19

LORETTA DOWMAN, CLERK

BY Lina Hurd  
Deputy

DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

REPORTER'S TRANSCRIPT

OF HEARING

IN RE: PENALTY HEARING  
(VOLUME I -- AFTERNOON SESSION)

BEFORE THE HONORABLE A. WILLIAM MAUPIN, DISTRICT JUDGE

MONDAY, OCTOBER 21, 1996

REPORTED BY: CONNIE MC CARTHY, C.C.R. NO. 299  
FREE LANCE COURT REPORTERS  
915 EAST BONNEVILLE AVENUE  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 382-6082

## 1 APPEARANCES:

## 2 FOR THE STATE:

MELVYN T. HARMON, ESQUIRE  
CHIEF DEPUTY DISTRICT ATTORNEY

3

-AND-

4

ABBI SILVER, ESQUIRE

5

DEPUTY DISTRICT ATTORNEY

6

200 SOUTH THIRD STREET

SEVENTH FLOOR

LAS VEGAS, NEVADA 89101

## 7 FOR THE DEFENDANT:

WILLARD N. EWING, ESQUIRE

8

-AND-

9

HOWARD S. BROOKS, ESQUIRE

10

DEPUTY PUBLIC DEFENDERS

309 SOUTH THIRD STREET

11

SUITE 226

LAS VEGAS, NEVADA 89101

12

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1 I N D E X  
2 O F  
3 E X A M I N A T I O N

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24

25

1 LAS VEGAS, NEVADA; MONDAY, OCTOBER 21, 1996; 2:30 SESSION

2 \* \* \* \* \*

3

4 WHEREUPON,

5 CLARE MC GUIRE

6 HAVING BEEN PREVIOUSLY DULY SWORN TO TELL THE TRUTH,

7 THE WHOLE TRUTH AND NOTHING BUT THE TRUTH,

8 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

9

10 CROSS-EXAMINATION

11 BY MR. EWING:

12 Q MISS MC GUIRE, YOU TESTIFIED THAT YOU MOVED

13 TO TUCSON --

14 A I'M SORRY?

15 Q DID YOU MOVE TO TUCSON IN FEBRUARY OR MARCH

16 OF 1990?

17 A NO, I WAS BORN IN TUCSON.

18 Q IS THAT WHEN YOU MET DEBBIE IN TUCSON WAS

19 FEBRUARY OR MARCH OF 1990?

20 A YES.

21 Q THAT WAS THROUGH WORK?

22 A YES.

23 Q HOW MUCH TIME ELAPSED BEFORE YOU TWO BECAME

24 FRIENDS?

25 A IT WAS ONLY A COUPLE OF WEEKS.

1 Q AROUND THE SAME TIME FRAME, FEBRUARY OR  
2 MARCH OF 1990, YOU BECAME FRIENDS?

3 A YES.

4 Q AND YOU MET JAMES APPROXIMATELY ONE WEEK  
5 LATER?

6 A YES.

7 Q YOU TESTIFIED THERE WERE TIMES WHEN JAMES  
8 WOULD SOCIALIZE WITH YOU AND DEBBIE AND THE KIDS?

9 A YES.

10 Q YOU TESTIFIED THAT THEY LEFT TUCSON IN  
11 OCTOBER OF 1994?

12 A YES.

13 Q AND THAT YOU DIDN'T KNOW THAT JAMES WENT  
14 WITH HER?

15 A NO.

16 Q AND SHE DIDN'T TELL YOU?

17 A NO.

18 Q AND YOU DON'T REALLY KNOW WHY SHE DIDN'T  
19 TELL YOU?

20 A NO.

21 Q YOU JUST KNOW SHE DIDN'T TELL YOU?

22 A YES.

23 Q DO YOU RECALL GOING TO THEIR TRAILER A  
24 COUPLE OF DAYS BEFORE SHE LEFT AND TALKING TO JAMES?

25 A WELL, I HAD GONE TO SEE DEBBIE, AND JAMES

1 WAS THERE.

2 Q DID YOU BRING SOME CLOTHES TO GIVE TO THE  
3 KIDS AT THAT TIME?

4 A YES.

5 Q AND DID JAMES TELL YOU AT THAT TIME THAT  
6 THEY WERE MOVING TO LAS VEGAS?

7 A NO. HE DIDN'T SAY ANYTHING ABOUT THEM  
8 MOVING TO VEGAS.

9 I HAD ONLY ASKED WHERE DEBBIE WAS, AND  
10 HE SAID THAT SHE WASN'T THERE. I THINK SHE HAD GONE  
11 SOMEWHERE WITH HER MOM.

12 Q YOU TESTIFIED YOU WERE ONLY AWARE OF JAMES  
13 HAVING ONE JOB WHILE HE WAS IN TUCSON?

14 A YES.

15 Q AT BIG BOYS?

16 A YES.

17 Q AND YOU TESTIFIED THAT YOU DIDN'T KNOW HOW  
18 LONG HE HAD THAT JOB, BUT YOU ESTIMATED IT WAS A COUPLE  
19 OF WEEKS?

20 A I THINK IT WAS ONLY ABOUT A WEEK. I DON'T  
21 REMEMBER IT BEING A COUPLE OF WEEKS BECAUSE WE HAD GONE  
22 THERE ABOUT TWICE.

23 WE HAD GONE TO THE BACK DOOR AND SHE  
24 HAD SAID "HI" TO HIM, OR WHATEVER SHE HAD TO DO WITH  
25 HIM, AND THEN WE LEFT.



1 IT WAS DURING THE SAME WEEK.

2 Q AND THAT'S BASICALLY YOUR BEST ESTIMATE?

3 A YES.

4 Q WOULD IT SURPRISE YOU IF YOU FOUND HE WORKED  
5 THERE LONGER THAN ONE WEEK?

6 A YES, IT WOULD.

7 Q WOULD IT SURPRISE YOU IF HE WORKED THERE SIX  
8 MONTHS?

9 A DEFINITELY.

10 Q YOU TESTIFIED DEBBIE HAD TO GO TO THE  
11 HOSPITAL SOMETIME IN 1992?

12 A YES.

13 Q DID DEBBIE TELL YOU ABOUT THAT?

14 A NO.

15 Q HOW DID YOU KNOW ABOUT THAT?

16 A BECAUSE I KEYED IN THE FIRE DEPARTMENT  
17 RECORDS WHILE I WAS THERE. I WORKED AT THE TUCSON FIRE  
18 DEPARTMENT FROM '92 TO '94.

19 Q DID YOU KEY INTO THAT CONTEMPORANEOUS TO  
20 WHEN SHE WAS BEING TRANSFERRED IN AUSTIN?

21 A I DON'T UNDERSTAND THE QUESTION.

22 Q WHEN WAS IT YOU FOUND OUT SHE'D GONE TO THE  
23 HOSPITAL, WAS IT WHILE IT WAS HAPPENING OR WAS IT LATER?

24 A IT WAS LATER. AFTER THE INCIDENT, THEY HAVE  
25 TO GO BACK AND WRITE A REPORT ON EVERYTHING THEY'VE

1 DONE.

2 Q BUT YOU NEVER TALKED TO DEBBIE ABOUT THAT  
3 INCIDENT?

4 A NO.

5 Q YOU TESTIFIED ABOUT INCIDENTS WHERE JAMES  
6 WOULD REMOVE THINGS FROM THE HOME.

7 DID YOU EVER ACTUALLY SEE HIM TAKE  
8 ANYTHING FROM THE HOME, OR WERE THESE THINGS YOU JUST  
9 HEARD DEBBIE TELL YOU ABOUT?

10 A WHICH TIME? BEFORE I MOVED HERE?

11 Q SOME SHOES AND SOME COATS, WAS THIS THINGS  
12 DEBBIE HAD TOLD YOU ABOUT?

13 A SOME OF THEM SHE TOLD ME OVER THE PHONE.  
14 SOME OF THEM WERE AFTER I LIVED THERE AND WE HAD BOUGHT  
15 THEM.

16 WE'D GO TO SLEEP AND THEN IN THE  
17 MORNING WHEN WE'D WAKE UP THEY WOULD BE GONE.

18 Q WAS JAMES LIVING THERE AT THE TIME?

19 A NO, HE WAS IN AND OUT.

20 Q NOW, YOU MOVED IN WITH DEBBIE IN MAY OF  
21 1995, CORRECT?

22 A I MOVED MY PERSONAL BELONGINGS HERE IN MAY  
23 AND I WAS VISITING QUITE OFTEN.

24 Q SO YOU'RE STILL ACTUALLY LIVING AT TUCSON AT  
25 THAT TIME BECAUSE YOUR DAUGHTER WAS STILL IN SCHOOL?

1 A RIGHT.

2 Q AND THEN YOUR DAUGHTER GOT OUT OF SCHOOL?

3 -- AROUND JUNE 8TH, DID YOU SAY?

4 A 6TH.

5 Q 6TH?

6 A UH-HUH.

7 Q AND THEN YOU MOVED TO LAS VEGAS?

8 A YES. I WAS HERE EVERY WEEK OR EVERY OTHER  
9 WEEK FROM MAY TO JUNE.

10 I'M SORRY, FROM THE END OF MARCH TO  
11 JUNE.

12 Q SO THAT'S WHY YOU'RE HERE JUNE 1ST BECAUSE  
13 YOU WERE HERE FOR A VISIT ON JUNE 1ST?

14 A NO, SIR, I HAD LIVED HERE BY THEN.

15 I'M SORRY, JUNE 6TH -- NO, I WAS  
16 VISITING.

17 Q AND THAT'S WHEN YOU HAD THAT INCIDENT WHERE  
18 YOU HAD TO CALL THE POLICE?

19 A YES.

20 Q AND JAMES WAS ARRESTED?

21 A YES.

22 Q AND HE GOT OUT ON JUNE THE 7TH, CORRECT, DO  
23 YOU RECALL THAT?

24 A I'M SORRY?

25 Q DO YOU RECALL HIM GETTING RELEASED ON JUNE

1 THE 7TH?

2 A NO.

3 Q DO YOU RECALL GOING TO THE JAIL AND PICKING  
4 HIM UP?

5 A NO. I'VE NEVER BEEN TO THE JAIL FOR HIM.

6 Q YOU DIDN'T TAKE HIS KIDS AND GO TO THE JAIL  
7 AND PICK HIM UP AND GO BACK HOME ON JUNE THE 7TH?

8 A I PICKED HIM UP ONE TIME WHEN HE WAS  
9 RELEASED FROM JAIL. I DON'T THINK IT WAS THAT TIME. I  
10 THINK IT WAS BEFORE THAT. AND HIS KIDS WERE WITH ME,  
11 YES.

12 Q COULD IT HAVE POSSIBLY BEEN THAT TIME?

13 A NO.

14 Q YOU GOT TO LAS VEGAS SOMETIME IN MAY?

15 A RIGHT.

16 Q 1995?

17 A YES.

18 Q BUT YOU THINK IT WAS BEFORE JUNE THE 7TH  
19 WHEN YOU WENT TO THE JAIL AND PICKED HIM UP?

20 A YES -- NO, I DID NOT GO TO THE JAIL. I WENT  
21 TO THE 7-ELEVEN AT BONANZA AND LAS VEGAS BOULEVARD.

22 Q WAS IT IN MAY THAT YOUR PROPERTY STARTED  
23 VANISHING FROM THE TRAILER, OR WAS IT IN JUNE?

24 A JUNE.

25 Q WAS ANY OF YOUR PROPERTY MISSING IN MAY?

1 A WHEN I CAME UP HERE WITH MY DAUGHTER, SOME  
2 OF MY BELONGINGS WERE MISSING. ALL OF MY BOXES AND  
3 STUFF HAD BEEN GONE THROUGH THAT WERE IN MY BEDROOM.

4 Q THIS WAS AFTER JUNE THE 6TH WHEN YOU  
5 RETURNED WITH YOUR DAUGHTER?

6 A WHEN I RETURNED WITH MY DAUGHTER?

7 Q YES.

8 A YES.

9 Q YES, THAT YOU NOTICED THESE THINGS HAD BEEN  
10 GONE THROUGH?

11 A YES.

12 Q YOU TESTIFIED THAT HE STAYED SOMETIMES AT  
13 THE TRAILER AND SOMETIMES ACROSS THE STREET IN THE  
14 PROJECTS?

15 A IT WAS JUST A LITTLE BIT DOWN THE ROAD.

16 Q AT THE VIRGINIA ARMS APARTMENTS?

17 A I DON'T KNOW THE NAME OF THEM. THEY'RE  
18 BEHIND THE CAR WASH AND ACROSS THE STREET FROM LUCKY'S.

19 Q YOU ALSO TESTIFIED THAT SOMETIMES WHEN JAMES  
20 WOULD COME OVER, HE'D GO THROUGH THE MASTER BEDROOM  
21 WINDOW.

22 A YES.

23 Q WAS THIS PRIOR TO -- WAS IN THIS IN JUNE OR  
24 IN MAY THAT YOU NOTICED THIS HAPPENING?

25 A I DON'T REMEMBER. I DON'T REMEMBER IF IT

1 WAS MAY OR JUNE. I CAN'T REMEMBER IF -- I THINK IT WAS  
2 MAY WHEN I STARTED SEEING IT.

3 Q WHEN THE POLICE WERE INVESTIGATING THIS  
4 PARTICULAR CASE, DID YOU SPEAK WITH THEM?

5 A WHICH CASE?

6 Q AFTER DEBORAH WAS KILLED, DID THE POLICE  
7 TALK TO YOU ABOUT THE CASE?

8 A NO.

9 Q DID ANYBODY TALK TO YOU ABOUT WHAT YOU KNEW  
10 ABOUT THE CASE?

11 A I HAD SEEN A FRIEND OF DEBBIE'S THE NEXT  
12 DAY. I THINK IT WAS THE NEXT DAY. IT WAS A FRIDAY  
13 MORNING. AND I HAD SEEN HER AT WORK AND I JUST COULDN'T  
14 BELIEVE IT. I SAW IT ON THE NEWS. THAT'S HOW I LEARNED  
15 ABOUT IT.

16 Q IN BETWEEN THE TIME THAT DEBBIE WAS KILLED  
17 AND TODAY, YOU'VE NEVER SPOKE TO A POLICE OFFICER ABOUT  
18 THIS CASE?

19 A NO.

20 Q HAVE YOU EVER SPOKEN TO A REPRESENTATIVE OF  
21 THE DISTRICT ATTORNEY'S OFFICE ABOUT THIS CASE?

22 A YES.

23 Q WHEN WAS THE 1ST TIME THAT HAPPENED? DO YOU  
24 REMEMBER?

25 A ABOUT A WEEK AND A HALF AGO, I BELIEVE.

1 Q ABOUT 10 DAYS AGO?

2 A IT COULD HAVE BEEN.

3 Q DID YOU TELL THEM AT THAT TIME THAT THERE  
4 WAS A HISTORY OF JAMES GOING THROUGH THAT MASTER BEDROOM  
5 WINDOW?

6 A YES.

7 Q THERE WAS AN INCIDENT WHERE YOU WERE HOME  
8 AND YOU TALKED TO DEBBIE ON THE PHONE AND SHE RELAYED TO  
9 YOU A THREAT THAT JAMES HAD MADE.

10 A YES.

11 Q WAS THAT IN JUNE OR WAS THAT IN MAY?

12 A IN JUNE.

13 Q AND JAMES CAME TO THE TRAILER AND HE OPENED  
14 YOUR DOOR. DID HE EVER THREATEN YOU?

15 A NO.

16 Q DID YOU EVER ACTUALLY SEE JAMES WITH THE  
17 KNIFE?

18 A NO.

19 Q YOU JUST FOUND IT ON THE FLOOR AFTER THE  
20 FACT?

21 A YES.

22 Q DID YOU GIVE THE KNIFE TO THE POLICE?

23 A NO, I DIDN'T TOUCH IT.

24 Q DID YOU TELL --

25 A A POLICE OFFICER WAS THERE WITH ME.

1 Q DID HE TAKE POSSESSION OF THE KNIFE, THE  
2 POLICE OFFICER?

3 A HE DIDN'T TOUCH IT WHILE I WAS STANDING  
4 THERE, SO I DON'T KNOW IF THEY DID BECAUSE I EXITED THE  
5 BEDROOM AFTER THAT.

6 SO I DON'T KNOW.

7 Q SO YOU DON'T KNOW WHAT HAPPENED?

8 A NO.

9 Q YOU TESTIFIED THAT JAMES WOULD BECOME ANGRY  
10 SOMETIMES WHEN HE WOULD FIND EVIDENCE OF DEBORAH  
11 CONVERSING WITH OTHER MEN, CORRECT?

12 A I DON'T KNOW IF HE EVER SAW HER TALKING TO  
13 ANOTHER MAN.

14 Q MY QUESTION WAS, WHENEVER HE FOUND EVIDENCE  
15 OF OTHER MEN, WHETHER IT BE BUSINESS CARDS OR NOTES OR  
16 WHATEVER. ISN'T THAT WHAT YOU SAID?

17 A YES.

18 Q SO IT WAS SAFE TO SAY HE WAS JEALOUS OF  
19 OTHER MEN?

20 A YES.

21 MR. EWING: I DON'T HAVE ANY OTHER  
22 QUESTIONS.

23 THE COURT: REDIRECT?

24

25 REDIRECT EXAMINATION



1 BY MS. SILVER:

2 Q WERE YOU AWARE OF WHETHER OR NOT THE  
3 DEFENDANT HAD A GIRLFRIEND OVER IN THE PROJECTS?

4 A AFTER DEBBIE WAS MURDERED, I HAD HEARD THAT  
5 HE DID.

6 Q AND WHO DID YOU HEAR THAT FROM?

7 A FROM A FRIEND OF MINE.

8 Q DID THEY LIVE OVER THERE IN THE PROJECTS?

9 A SHE DIDN'T LIVE THERE. SHE JUST KNEW HER.

10 Q AND KNEW THE DEFENDANT?

11 A YES.

12 Q AND KNEW THE GIRLFRIEND?

13 A YES.

14 Q IT WAS NOT DEBORAH PANOS?

15 A THE GIRLFRIEND?

16 Q YES.

17 A NO.

18 Q DO YOU RECALL THAT WOMAN'S NAME?

19 A NO, I DON'T.

20 Q YOU DON'T RECALL WHETHER OR NOT IT'S A  
21 PERSON BY THE NAME OF BRIDGET OR SUE?

22 A (WITNESS SHAKES HEAD.)

23 Q IS THAT A "YES" OR A "NO"?

24 A MAYBE SUE. THAT SOUNDS FAMILIAR. BUT I'M  
25 NOT EXACTLY SURE.

1 Q AS YOU SIT HERE TESTIFYING, ARE YOU GIVING  
2 APPROXIMATE DATES AS TO WHEN THINGS HAPPENED?

3 A YES.

4 Q YOU WEREN'T WRITING THINGS AND LOGGING  
5 THINGS DOWN AS THEY WERE HAPPENING?

6 A NO.

7 MS. SILVER: I DON'T HAVE ANYTHING FURTHER  
8 FROM THIS WITNESS.

9

10 RECROSS-EXAMINATION

11 BY MR. EWING:

12 Q IN REGARDS TO THIS ALLEGED GIRLFRIEND OVER  
13 IN THE PROJECTS, YOU HEARD THAT THROUGH A FRIEND?

14 A YES.

15 Q AND YOU NEVER SAW JAMES WITH ANOTHER GIRL,  
16 DID YOU?

17 A NO.

18 MR. EWING: NO MORE QUESTIONS.

19 THE COURT: MAY THIS WITNESS BE DISCHARGED?

20 MS. SILVER: YES.

21 (WHEREUPON, CLARE MC GUIRE  
22 WITHDREW FROM THE COURTROOM.)

23 THE COURT: CALL YOUR NEXT WITNESS.

24 MR. HARMON: MICHELLE MANCHA.

25 (WHEREUPON, MICHELLE MANCHA

1 ENTERED THE COURTROOM AND  
2 TOOK THE WITNESS STAND.)

3 WHEREUPON,

4 MICHELLE MANCHA,

5 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH,

6 THE WHOLE TRUTH AND NOTHING BUT THE TRUTH,

7 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

8

9 DIRECT EXAMINATION

10 BY MR. HARMON:

11 Q WILL YOU STATE YOUR NAME, PLEASE.

12 A MICHELLE MANCHA.

13 Q SLIDE FORWARD JUST A LITTLE BIT. AND,

14 MICHELLE, SPEAK DIRECTLY INTO THE MICROPHONE.

15 A MICHELLE MANCHA.

16 Q WILL YOU SPELL YOUR NAME FOR THE RECORD.

17 A M-I-C-H-E-L-L-E, M-A-N-C-H-A.

18 Q MS. MANCHA, DO YOU LIVE IN THE LAS VEGAS

19 AREA?

20 A YES, I DO.

21 Q HOW LONG HAVE YOU LIVED IN THIS COMMUNITY?

22 A ALMOST NINE YEARS.

23 Q DID YOU KNOW DEBORAH ANN PANOS?

24 A YES, I DID.

25 Q HOW IS IT THAT YOU KNEW HER?

1 A WE WORKED AT THE SAME PLACE.

2 Q THAT IS G.E. CREDIT?

3 A G.E. CAPITAL.

4 Q I'M SORRY. HOW LONG HAD YOU WORKED TOGETHER  
5 AT G.E. CAPITAL?

6 A ABOUT A YEAR-AND-A-HALF.

7 Q IN ADDITION TO BEING A CO-WORKER, DID YOU  
8 BECOME A FRIEND OF HERS?

9 A YES, I DID.

10 Q DID YOU CONFIDE IN EACH OTHER AS FRIENDS?

11 A YES.

12 Q DURING THE YEAR-AND-A-HALF THAT YOU WORKED  
13 TOGETHER, WHAT TYPE OF WORKER WAS DEBORAH?

14 A AT WORK, SHE WAS VERY GOOD. SHE WAS ONE OF  
15 THE TOP COLLECTORS ON OUR TEAM.

16 Q G.E. CAPITAL IS A COLLECTIONS BUSINESS?

17 A YES.

18 Q DID SHE APPEAR AT WORK REGULARLY?

19 A YES.

20 Q WHAT TYPE OF PERSON WAS SHE?

21 A VERY LOVING, VERY GIVING. IF SHE HAD IT,  
22 SHE WOULD GIVE IT TO YOU.

23 Q DID YOU AT SOME POINT LEARN THAT SHE HAD A  
24 BOYFRIEND NAMED JAMES CHAPPELL?

25 A YES.

1 Q DID YOU EVER MEET MR. CHAPPELL?

2 A NO.

3 Q DID YOU SEE JAMES CHAPPELL?

4 A OH, YES.

5 Q DO YOU SEE MR. CHAPPELL IN THE COURTROOM

6 THIS AFTERNOON?

7 A YES, I DO.

8 Q WILL YOU POINT TO HIM AND DESCRIBE SOME

9 ARTICLE OF CLOTHING HE'S WEARING IN COURT?

10 A HE'S RIGHT OVER THERE AND HE HAS ON A GRAY

11 JACKET, PINSTRIPE WHITE SHIRT.

12 MR. HARMON: MAY THE RECORD SHOW THAT THE

13 WITNESS HAS IDENTIFIED THE DEFENDANT, MR. CHAPPELL.

14 THE COURT: YES.

15 BY MR. HARMON:

16 Q MS. MANCHA, ARE YOU AWARE THAT FROM TIME TO  
17 TIME THE DEFENDANT CAME TO THE WORKSITE OF G.E. CAPITAL?

18 A YES, I AM.

19 Q HOW DO YOU KNOW OF THAT?

20 A A COUPLE OF TIMES I'VE SEEN HIM THERE AND  
21 OTHER TIMES THE INCIDENT WOULD OCCUR AND DEBORAH WOULD  
22 COME RIGHT BACK TO ME AND TELL ME WHAT HAD JUST  
23 TRANSPIRED.

24 Q WERE THERE INCIDENTS OF WHICH OCCURRED  
25 BETWEEN THE DEFENDANT AND DEBORAH PANOS IN THE AREA OF

1 HER WORKPLACE?

2 A YES.

3 Q WHAT THE TYPES OF INCIDENTS?

4 A ARGUMENTS IN THE PARKING LOT.

5 Q DO YOU KNOW WHEN THERE WAS ANY TYPE OF  
6 PHYSICAL ABUSE IN THE PARKING LOT NEAR THE BUSINESS?

7 A ONCE.

8 Q ON ONE OCCASION YOU'RE AWARE OF?

9 A YES.

10 Q WHAT HAPPENED?

11 A THEY WERE ARGUING AND HE HIT HER IN HER  
12 FACE.

13 Q DID YOU SEE THAT HAPPEN?

14 A YES.

15 Q YOU'VE MENTIONED THAT AFTER DISAGREEMENTS  
16 WOULD OCCUR BETWEEN MR. CHAPPELL AND MISS PANOS, SHE  
17 WOULD COME INTO THE BUSINESS AND TELL YOU ABOUT IT?

18 A YES.

19 Q IN ADDITION TO WORKING WITH MISS PANOS AND  
20 BEING HER FRIEND, DID YOU EVER LIVE AT THE BALLERINA  
21 MOBILE HOME PARK?

22 A YES, I DID.

23 Q ARE YOU ABLE TO TELL US APPROXIMATELY WHEN  
24 THAT WAS?

25 A I WAS LIVING THERE AT THE TIME SHE MET HER

1 UNTIMELY DEATH, AND I LIVED THERE ABOUT TWO MONTHS PRIOR  
2 TO THAT, TOO.

3 Q YOU WERE STILL LIVING THERE ON AUGUST THE  
4 31ST OF 1995?

5 A YES, I WAS STILL LIVING THERE, YES.

6 Q YOU SAY YOU'D BEEN THERE FOR ABOUT TWO  
7 MONTHS?

8 A YES.

9 Q HAD YOU BEEN LIVING CONTINUOUSLY THERE?

10 A YES.

11 Q ON AUGUST THE 30TH AND 31ST, WERE YOU  
12 PHYSICALLY AT THE TRAILER?

13 A NO, NOT AT DEBORAH'S HOUSE. I WENT TO WORK  
14 AND THEN I WENT ON THE OTHER SIDE OF TOWN.

15 Q DO YOU KNOW FROM YOUR CONVERSATIONS WITH  
16 DEBORAH PANOS WHETHER THE DEFENDANT, MR. CHAPPELL, HAD A  
17 DRUG PROBLEM?

18 A FROM WHAT DEBORAH TOLD ME, YES.

19 Q WHAT DID SHE TELL YOU ABOUT THIS DRUG  
20 PROBLEM?

21 A THAT 95 PERCENT OF THE TIME, WHEN HE WENT TO  
22 THE TRAILER, IT WAS FOR MONEY AND HE WOULD BE HIGH, AND  
23 SOMETIMES WHEN HE CAME TO OUR JOB, THAT HE WOULD BE  
24 HIGH.

25 Q DID SHE TELL YOU WHAT TYPE OF DRUG HE WOULD

1 BE HIGH ON?

2 A SHE TOLD ME CRACK.

3 Q CRACK COCAINE?

4 A YES.

5 Q DURING THE APPROXIMATELY TWO MONTHS PRIOR TO  
6 AUGUST THE 31ST, 1995 WHEN YOU LIVED AT 839 NORTH LAMB,  
7 SPACE 125, TO YOUR KNOWLEDGE, DID THE DEFENDANT EVER  
8 HAVE A KEY TO THE TRAILER?

9 A NO.

10 Q WAS HE ACTUALLY LIVING THERE AT ANY TIME  
11 WHEN YOU LIVED THERE?

12 A NO.

13 Q FROM THE TIME THAT YOU BECAME AWARE OF THE  
14 RELATIONSHIP THE DEFENDANT HAD WITH MISS PANOS AND BASED  
15 UPON CONVERSATIONS WITH HER, DO YOU KNOW IF MR. CHAPPELL  
16 EVER HAD A KEY TO 839 NORTH LAMB, SPACE 125?

17 A NO.

18 Q YOU DON'T KNOW OR KNOW HE DIDN'T?

19 A NO, HE DIDN'T. TO MY KNOWLEDGE, HE NEVER  
20 OWNED A KEY.

21 Q DID SHE TELL YOU THAT NEVERTHELESS, HE WOULD  
22 COME IN ON OCCASION?

23 A YES.

24 Q HOW WOULD HE GET IN?

25 A THROUGH THE WINDOW.



1 Q DID YOU BECOME AWARE THROUGH HER THAT HE  
2 WOULD STEAL THINGS FROM HER AND THE CHILDREN?

3 A YES.

4 Q WHAT TYPES OF THINGS?

5 A WHEN I FIRST MET HER, SHE TOLD ME THAT THE  
6 T.V.'S WERE GONE, THE V.C.R.'S WERE GONE, THE MICROWAVE  
7 THAT SAT IN THE LITTLE COVE IN THE KITCHEN WAS GONE.

8 Q YOU ARE TELLING US THAT SHE TOLD YOU THAT  
9 THESE THINGS WERE GONE. DID SHE TELL YOU WHO TOOK THEM?

10 A YES, SHE HAD MENTIONED THAT JAMES HAD TAKEN  
11 THEM.

12 Q JAMES CHAPPELL, THE DEFENDANT?

13 A YES.

14 Q DID SHE TELL YOU WHY HE WOULD BE STEALING  
15 THINGS FROM HER?

16 A TO GET DRUGS.

17 Q DID SHE TELL YOU WHETHER HE PESTERED HER FOR  
18 MONEY?

19 A YES.

20 Q WHAT DID SHE TELL YOU?

21 A THAT SOMETIMES WHEN HE CAME OVER, HE WOULD  
22 BE HIGH, THEY WOULD ARGUE BECAUSE HE WOULD WANT MONEY,  
23 SHE WAS ON WELFARE. SHE WOULD LEAVE HER FOOD STAMPS AT  
24 OTHER PEOPLE'S HOUSES WHEN SHE COLLECTED THEM SO HE  
25 WOULDN'T GET THEM.

1 Q A WITNESS WHO PRECEDED YOU IDENTIFIED  
2 HERSELF AS CLAIRE MC GUIRE. DO YOU KNOW CLAIRE  
3 MC GUIRE?

4 A YES, I DO.

5 Q ARE YOU AWARE THAT THERE CAME A TIME IN THE  
6 SPRING OR EARLY SUMMER OF 1995 WHEN CLAIRE MC GUIRE  
7 MOVED IN TO 839 NORTH LAMB, SPACE 125?

8 A YES.

9 Q DID SHE BRING FROM ARIZONA QUITE A BIT OF  
10 PROPERTY?

11 A YES, SHE DID.

12 Q WHERE DID SHE STORE THE PROPERTY?

13 A IT WAS ALL IN DEBORAH'S TRAILER.

14 Q DO YOU KNOW WHAT HAPPENED TO A SUBSTANTIAL  
15 PART OF THE PROPERTY SHE STORED THERE?

16 A FROM CLAIRE AND FROM DEBORAH, YES, IT WAS  
17 TAKEN BY JAMES.

18 Q DID THEY TELL YOU WHAT TYPE OF PROPERTY WAS  
19 TAKEN BY JAMES?

20 A ANOTHER T.V., A V.C.R., THE STEREO.

21 Q IN ADDITION TO THE INCIDENT WHERE YOU SAW  
22 THE DEFENDANT SLAP DEBORAH OUTSIDE OF THE WORKPLACE, ARE  
23 YOU AWARE, BASED UPON CONVERSATIONS WITH DEBORAH PANOS,  
24 OF OTHER ACTS OF PHYSICAL VIOLENCE?

25 A YES.

1 Q DO YOU HAVE KNOWLEDGE OF THE TIME WHEN MR.  
2 CHAPPELL CHOKED HER?

3 A YES.

4 Q ARE YOU ABLE TO ESTIMATE ABOUT WHEN THAT  
5 OCCURRED?

6 A I WOULD SAY AROUND THE END OF MAY, FIRST  
7 WEEK OF JUNE.

8 Q IS IT SOMETHING YOU PERSONALLY OBSERVED?

9 A NO.

10 Q HOW DID YOU LEARN IT HAD HAPPENED?

11 A SHE CALLED ME ON THE PHONE THAT NIGHT  
12 CRYING.

13 Q TO DIGRESS FOR JUST A MOMENT, YOU SAID  
14 PERHAPS THE END OF MAY OR FIRST WEEK OF JUNE. ARE YOU  
15 TALKING ABOUT THE YEAR 1995?

16 A YES.

17 Q NOW, YOU SAY SHE CALLED YOU ON THE  
18 TELEPHONE?

19 A YES.

20 Q IS IT A DAYTIME OR A NIGHTTIME CALL?

21 A IT'S A NIGHTTIME CALL.

22 Q DO YOU REMEMBER ABOUT WHAT TIME IT WAS SHE  
23 CALLED?

24 A IT WAS LATE. IT WAS AFTER 9:00 OR 10:00.

25 Q DO YOU RECALL HOW DEBORAE PANOS WAS ACTING

1 WHEN SHE CALLED?

2 A SHE WAS CRYING.

3 Q DID SHE TELL YOU WHY SHE WAS CRYING?

4 A YES.

5 Q WHAT DID SHE TELL YOU?

6 A SHE TOLD ME THAT HER AND JAMES HAD HAD A  
7 FIGHT AND THAT HE HAD CHOKED HER AND THERE WERE MARKS ON  
8 HER NECK AND SHE WAS VERY UPSET.

9 Q DID SHE TELL YOU THAT AT THAT TIME SHE  
10 BECAME VERY AFRAID OF JAMES CHAPPELL?

11 A YES, SHE DID.

12 Q WHAT DO YOU REMEMBER HER SAYING ABOUT THAT?

13 A THAT HE WAS STANDING IN FRONT OF HER AND SHE  
14 WAS LOOKING INTO HIS EYES AND IT WAS AT THAT MOMENT THAT  
15 SHE BECAME AFRAID, TRULY AFRAID, OF JAMES.

16 Q THE FOLLOWING MORNING, DID YOU SEE DEBORAH?

17 A YES, I DID.

18 Q WHERE WAS IT THAT YOU SAW HER?

19 A AT WORK.

20 Q AT G.E. CAPITAL?

21 A YES.

22 Q AT THAT TIME, DID SHE SHOW YOU ANY EVIDENCE  
23 THAT WAS ON HER BODY OF THE DEFENDANT CHOKING HER?

24 A YES, SHE DID.

25 Q WHAT DID YOU SEE?

1           A       FOUR FINGERPRINTS HERE, A THUMBPRINT HERE,  
2           AND TWO SCRATCHES RIGHT HERE (INDICATING).

3           Q       WHEN YOU SAID FOUR FINGERPRINTS HERE, WERE  
4           YOU REFERRING TO THE LEFT SIDE OF YOUR NECK?

5           A       YES.

6           Q       AND YOU INDICATED THE THUMBPRINT AND WAS  
7           THAT TO THE RIGHT SIDE OF YOUR NECK?

8           A       LIKE THIS (INDICATING) AND TWO SCRATCHES  
9           DOWN THE SIDE RIGHT HERE.

10          Q       AND YOU SAID TWO SCRATCHES?

11          A       UH-HUH.

12          Q       ON THE RIGHT SIDE ALSO OF HER NECK?

13          A       (WITNESS NODDING HEAD.) YES.

14          Q       YOU HAVE TO ANSWER OUT LOUD.

15          A       OH, YES. I'M SORRY.

16          Q       BASED UPON WHAT YOU COULD SEE ABOUT A  
17          THUMBPRINT AND FINGERPRINTS ON HER NECK, WAS IT APPARENT  
18          THAT SOMEONE HAD GRABBED HER AROUND THE NECK?

19          A       YES.

20          Q       WE'VE HAD EVIDENCE IN THIS COURTROOM THAT A  
21          KNIFE WAS USED TO THREATEN DEBORAH ON JUNE THE 1ST OF  
22          1995.

23                   DID YOU HEAR ABOUT THAT INCIDENT ALSO?

24          A       YES, I DID.

25          Q       FROM WHOM DID YOU HEAR ABOUT IT?

1 A FROM DEBORAH.

2 Q WHAT DID SHE TELL YOU HAPPENED?

3 A THAT THEY WERE FIGHTING AND THAT --

4 Q THAT WHO WAS FIGHTING?

5 A HER AND JAMES WERE FIGHTING, AND THAT HE HAD  
6 THROWN HER ON THE BED AND HIS KNEES WERE UP HERE AND  
7 THERE WAS A KNIFE TO HER THROAT (INDICATING).

8 Q DID SHE TELL YOU WHAT TYPE OF KNIFE IT WAS?

9 A NO.

10 Q DID SHE TELL YOU WHETHER SHE WAS AFRAID AS A  
11 RESULT OF THE DEFENDANT HAVING THE KNIFE UP TO HER  
12 THROAT?

13 A YES.

14 Q WHAT DID SHE SAY?

15 A THAT AFTER THAT HAD HAPPENED AND EVERYTHING  
16 CALMED DOWN, SHE WAS VERY AFRAID.

17 Q DURING THE TIME FRAME WHEN YOU ACTUALLY  
18 LIVED WITH HER, DID YOU HAVE MANY CONVERSATIONS WITH HER  
19 WHEREIN SHE EXPRESSED OR HER ATTITUDE TOWARD THE  
20 DEFENDANT, MR. CHAPPELL?

21 A YES.

22 Q IN YOUR OPINION, DID SHE CONTINUE TO BE  
23 AFRAID OF HIM?

24 A YES.

25 Q DID SHE HAVE ANY INTEREST IN CONTINUING A

1 RELATIONSHIP WITH JAMES CHAPPELL?

2 A NO.

3 Q TO YOUR KNOWLEDGE, WAS HE WELCOME AT SPACE  
4 125 AT 839 NORTH LAMB?

5 A NO.

6 Q DURING THE TIME THAT YOU LIVED THERE, DO YOU  
7 KNOW WHETHER THE DEFENDANT WAS IN CUSTODY?

8 A AT ONE POINT HE WAS, YES.

9 Q DID DEBORAH HAVE AN INTEREST IN KNOWING  
10 WHETHER HE CONTINUED TO BE IN JAIL?

11 A YES, SHE DID.

12 Q WHY DO YOU KNOW THIS?

13 A BECAUSE WE WERE THERE SEVERAL TIMES, SHE  
14 WOULD CALL EVERY DAY TO MAKE SURE HE WAS STILL THERE.  
15 EVERY DAY.

16 Q SHE WOULD CALL EVERY DAY WHERE, TO MAKE SURE  
17 HE WAS STILL IN?

18 A TO THE CLARK COUNTY JAIL, TO MAKE SURE HE  
19 HAD NOT BEEN RELEASED.

20 Q DO YOU KNOW IF DEBORAH PANOS WANTED MR.  
21 CHAPPELL TO LEAVE LAS VEGAS AND GO BACK TO MICHIGAN?

22 A YES, SHE DID.

23 Q HOW DO YOU KNOW THAT?

24 A BECAUSE WE WERE ALL GIVING HER -- HELPING  
25 HER WITH THE MONEY TO EITHER TO GIVE HIM A CHOICE OF A

1 BUS TICKET OR A PLANE TICKET BACK TO MICHIGAN.

2 Q WAS HE WILLING TO GO?

3 A ON ONE CIRCUMSTANCE.

4 Q WHAT DO YOU MEAN ON ONE CIRCUMSTANCE?

5 A HE HAD TOLD DEBORAH THAT -- WELL, DEBORAH  
6 TOLD ME THAT HE HAD TOLD HER THAT HE WOULD LEAVE  
7 LAS VEGAS ON ONE CONDITION, AND THAT ONE CONDITION WAS  
8 THAT HE WOULD TAKE CHANTELE WITH HIM.

9 Q CHANTELE IS DEBORAH'S YOUNGEST CHILD?

10 A YOUNGEST CHILD.

11 Q WAS SHE AGREEABLE TO THAT CONDITION?

12 A ABSOLUTELY NOT.

13 Q DID YOU SEE YOUR CO-WORKER AND FRIEND,  
14 DEBORAH PANOS, AUGUST THE 30TH, 1995?

15 A YES, I DID.

16 Q WHERE WERE YOU WHEN YOU SAW HER ON THAT DAY?

17 A AT WORK.

18 Q DO YOU KNOW WHETHER SHE INTENDED TO LEAVE  
19 WORK EARLY THAT DAY?

20 A YES.

21 Q DID YOU KNOW WHERE SHE WAS GOING?

22 A YES, I DID.

23 Q WHERE WAS SHE GOING?

24 A TO THE COURTHOUSE.

25 Q DO YOU KNOW WHETHER SHE WAS REQUIRED TO GO



1 TO THE COURTHOUSE ON THAT DAY?

2 A YES, I SAW THE SUBPOENA. SHE HAD A SUBPOENA  
3 TO APPEAR IN COURT.

4 Q WAS IT A SUBPOENA DIRECTED TO HER?

5 A YES.

6 Q WAS SHE TO BE A WITNESS ON A CASE?

7 A YES.

8 Q DID YOU KNOW WHAT CASE SHE WAS TO BE A  
9 WITNESS ON?

10 A SHE WAS TO TESTIFY AGAINST JAMES THAT DAY.

11 Q THAT DAY BEING AUGUST THE 30TH, 1995?

12 A YES.

13 Q WHAT CASE WAS IT THAT SHE WAS TO TESTIFY  
14 AGAINST JAMES CHAPPELL ON?

15 A ON THE ONE WHERE HE PUT THE KNIFE TO HER  
16 THROAT.

17 Q THE ONE OCCURRING ON OR ABOUT JUNE THE 1ST,  
18 1995?

19 A YES.

20 Q I'M NOT SURE IF YOU ANSWERED OUT LOUD.

21 A OH, YES. I'M SORRY.

22 Q IN FACT, DID DEBORAH PANOS LEAVE WORK EARLY?

23 A YES, SHE DID.

24 Q TO YOUR KNOWLEDGE, DID SHE GO TO COURT?

25 A THAT'S WHAT SHE TOLD ME, YES.

1 Q DID YOU TALK WITH HER AFTER SHE WENT TO THE  
2 COURT?

3 A YES, ON THE PHONE.

4 Q DO YOU REMEMBER ABOUT WHAT TIME YOU HAD A  
5 TELEPHONE CONVERSATION?

6 A EARLY AFTERNOON, ABOUT 2:00, 2:30. I WAS  
7 STILL AT WORK.

8 Q YOU'RE JUST ESTIMATING ON THE TIME?

9 A YES.

10 Q YOU SAID ABOUT 2:00 OR 2:30?

11 A I GOT OFF WORK AT 4:30 AND IT WAS BEFORE  
12 THEN.

13 Q IT WAS DEFINITELY BEFORE YOU LEFT AT G.E.  
14 CAPITAL?

15 A YES.

16 Q ABOUT HOW LONG DID YOU TALK WITH DEBORAH AT  
17 THAT TIME?

18 A 15, 20 MINUTES.

19 Q DID YOU LEARN FROM HER DURING THE TELEPHONE  
20 CONVERSATION THAT SHE HAD GONE TO THE MUNICIPAL COURT?

21 A THAT'S WHAT SHE TOLD ME, YES.

22 Q DID SHE TELL YOU WHETHER SHE HAD HAD TO  
23 TESTIFY?

24 A NO, SHE DIDN'T TELL ME THAT SHE TESTIFIED,  
25 BUT SHE TOLD ME THAT SHE DID APPEAR IN COURT.

1 Q DID SHE TELL YOU WHETHER SHE LEARNED  
2 ANYTHING FROM THE COURT ABOUT THE STATUS OF THE  
3 DEFENDANT?

4 A OH, YES.

5 Q WHAT DID SHE TELL YOU?

6 A THAT HE WAS TO BE TAKEN TO AN INPATIENT DRUG  
7 REHABILITATION CENTER FOR 90 DAYS.

8 Q ACCORDING TO HER, WAS SHE ASSURED BY THE  
9 COURT THAT HE WOULDN'T BE RELEASED ANY QUICKER THAN THE  
10 90 DAYS, AFTER HE HAD COMPLETED THE DRUG REHABILITATION  
11 PROGRAM?

12 A YES.

13 Q DID SHE EXPRESS ANY SENSE OF RELIEF THAT HE  
14 HE WOULD BE IN THE PROGRAM FOR THAT PERIOD OF TIME?

15 A YES.

16 Q WAS IT A RELIEF TO YOU?

17 A YES.

18 Q AND TO OTHERS WHO WERE CLOSELY ACQUAINTED  
19 WITH HER?

20 A YES. ONCE WE HEARD THAT FROM DEBORAH, WE  
21 ALL FELT WE WERE LIKE IN A SAFE ZONE.

22 Q WHEN YOU HAD THE TELEPHONE CONVERSATION WITH  
23 DEBBIE PANOS, MID AFTERNOON AUGUST THE 30TH, 1995, DID  
24 YOU HAVE ANY IDEA THAT IN LESS THAN 24 HOURS, THE  
25 DEFENDANT WOULD, IN FACT, BE RELEASED?

1 A ABSOLUTELY NONE.

2 Q WAS THERE ANYTHING THAT DEBBIE SAID TO YOU  
3 THAT SUGGESTED THAT SHE HAD ANY IDEA THAT WHAT SHE HAD  
4 LEARNED FROM THE COURT, THE MUNICIPAL COURT, WAS WRONG?

5 A NO.

6 Q NOW, YOU SAID THAT SHE DIDN'T SAY WHETHER  
7 SHE TESTIFIED?

8 A NO, I DIDN'T ASK HER DID SHE ACTUALLY GET UP  
9 ON THE STAND. BUT SHE DID TELL ME SHE WAS IN THE  
10 COURTROOM.

11 Q INSIDE THE COURTROOM?

12 A YES.

13 Q DID SHE TELL YOU WHETHER SHE HAD ANY CONTACT  
14 WITH THE DEFENDANT, MR. CHAPPELL?

15 A YES.

16 Q DID SHE TELL YOU HOW IT WAS THAT SHE HAD  
17 CONTACT WITH HIM?

18 A NO.

19 Q DID SHE TELL YOU WHETHER SHE HAD A  
20 CONVERSATION WITH HIM?

21 A YES.

22 Q DO YOU KNOW WHETHER IT WAS ACTUALLY IN THE  
23 COURTROOM OR IN THE JAIL AFTER THE COURT HAD RECESSED?

24 A NO.

25 Q YOU DON'T KNOW WHICH IT WAS?

1 A NO. I --

2 Q YOU STARTED TO SAY SOMETHING ELSE?

3 A BY MY UNDERSTANDING, IT WAS IN HERE, IN THE  
4 COURTROOM.

5 BUT, I MEAN, SHE DIDN'T ACTUALLY TELL  
6 ME EXACTLY WHERE.

7 Q BUT BY "IN HERE," THAT SUGGESTS THIS VERY  
8 COURTROOM.

9 A I MEAN IN THE COURTROOM.

10 Q YOU WOULDN'T HAVE ANY IDEA WHAT COURTROOM IT  
11 WAS; IS THAT CORRECT?

12 A NO, THAT'S CORRECT.

13 Q BUT YOU CONCLUDED FROM WHAT SHE SAID TO YOU  
14 THAT HER CONVERSATION WITH THE DEFENDANT OCCURRED IN  
15 COURT?

16 A YES.

17 Q CAN YOU, HOWEVER, RULE OUT THE POSSIBILITY  
18 THAT IT MAY HAVE OCCURRED AFTER COURT AT THE JAIL?

19 A NO.

20 Q DID SHE TELL YOU WHETHER SHE HAD SAID  
21 ANYTHING TO MR. CHAPPELL DURING THE CONVERSATION ABOUT  
22 WHETHER SHE AND HE HAD ANY TYPE OF FUTURE?

23 A YES.

24 Q WHAT DID SHE TELL YOU?

25 A THAT SHE TOLD JAMES THAT SHE WAS TIRED OF

1 RUNNING. IT WAS DONE. IT WAS FINISHED. IT WAS OVER.

2 Q DID SHE TELL YOU WHETHER HE HAD ANY TYPE OF  
3 RESPONSE?

4 A THAT -- YES.

5 Q WHAT DID SHE TELL YOU?

6 A SHE TOLD ME THAT JAMES TOLD HER HE WAS GOING  
7 TO KILL HER.

8 Q HE SAID HE WAS GOING TO KILL HER?

9 A YES.

10 Q DID SHE EXPRESS CONCERN OVER BEING TOLD THAT  
11 BY MR. CHAPPELL?

12 A YES. SHE WAS SCARED. BUT WE WERE ALL UNDER  
13 THE -- THAT HE WASN'T GOING TO GET OUT FOR 90 DAYS.

14 Q BUT YOU ASSUMED YOU HAD A 90-DAY SAFETY  
15 ZONE?

16 A YES.

17 Q WAS IT THE INTENTION OF DEBORAH PANOS TO  
18 MOVE FROM 839 NORTH LAMB, SPACE 125?

19 A YES.

20 Q HAD SHE BEGUN TO PACK CLOTHES?

21 A YES.

22 Q IN FACT, WAS SHE STORING CLOTHES IN  
23 SOMEPLACE OTHER THAN INSIDE THE TRAILER?

24 A YES.

25 Q WHERE?

1 A IN HER CAR, IN HER TRUNK.

2 Q DID YOU KNOW WHERE SHE WAS GOING TO MOVE?

3 A YES.

4 Q WHERE WAS SHE GOING TO MOVE?

5 A UP IN SUMMERLIN IN J.R.'S HOUSE.

6 Q TO YOUR KNOWLEDGE, DID DEBORAH PANOS HAVE  
7 ANY INTENTION OF STILL BEING IN THE BALLERINA MOBILE  
8 HOME PARK WHEN THE DEFENDANT, MR. CHAPPELL, WAS RELEASED  
9 FROM CUSTODY OR FROM THE DRUG REHABILITATION PROGRAM?

10 A NO, SHE WAS NOT GOING TO BE THERE.

11 Q DID YOU SEE DEBORAH THE FOLLOWING DAY,  
12 AUGUST THE 31ST?

13 A YEAH, FOR A MINUTE AT WORK.

14 Q YOU SAW HER AT WORK?

15 A YES.

16 Q YOU HADN'T SEEN HER THE PREVIOUS NIGHT AT  
17 THE BALLERINA MOBILE HOME MARK?

18 A NO.

19 Q BUT YOU SAID YOU WERE STILL LIVING THERE?

20 A YES.

21 Q AND I'M A LITTLE BIT CONFUSED.

22 A I WAS LIVING THERE, BUT ON THE DAY SHE WENT  
23 TO COURT, I WENT ACROSS TOWN TO SPEND SOME TIME WITH MY  
24 DAUGHTER, SO I DIDN'T GO BACK TO THE MOBILE HOME PARK  
25 THAT NIGHT. I JUST WENT TO WORK FROM MY MOTHER'S HOUSE.

1 Q SO YOU SAW HER AT WORK ON THE 30TH?

2 A UH-HUH.

3 Q AND WHILE YOU WERE STILL AT WORK, YOU TALKED  
4 WITH HER ON THE TELEPHONE.

5 A UH-HUH.

6 Q YOU HAVE TO ANSWER YES OR NO.

7 A OH, YES.

8 Q YOU'RE SAYING THAT THE FOLLOWING MORNING,  
9 AUGUST THE 31ST, YOU SAW HER AGAIN AT WORK.

10 A YES.

11 Q DID YOU SPEAK BRIEFLY WITH HER?

12 A YES.

13 Q DID SHE APPEAR TO BE HEALTHY?

14 A YES.

15 Q DID YOU NOTICE ANY MARKS ON HER FACE OR  
16 FOREHEAD OR ANYWHERE ON HER PERSON AT THAT TIME?

17 A NO.

18 Q DO YOU KNOW HOW LONG SHE REMAINED AT WORK?

19 A NOT EXACTLY. HER AND MICHAEL AND LISA, THEY  
20 ALL LEFT BEFORE I DID THAT DAY.

21 Q MICHAEL IS MICHAEL WHOM?

22 A MICHAEL POLLARD.

23 Q P-O-L-L-A-R-D?

24 A A-R-D, RIGHT.

25 Q YOU HAVE REFERRED TO A LISA. IS THAT LISA



1 DURAN?

2 A YES.

3 Q D-U-R-A-N?

4 A YES.

5 Q DID YOU HAVE ANY TYPE OF UNDERSTANDING THAT  
6 YOU WOULD MEET WITH DEBORAH PANOS LATER THAT DAY?

7 A YES.

8 Q WHAT WAS SUPPOSED TO HAPPEN?

9 A WE WERE ALL GOING TO GET TOGETHER AND GO TO  
10 LORENZI PARK FOR A BARBECUE.

11 Q WHEN YOU SAY YOU WERE ALL GOING TO GET  
12 TOGETHER, WHAT OTHER PERSONS BESIDES YOU AND DEBORAH?

13 A ME, DEBORAH, LISA, MICHAEL, HER KIDS, LISA'S  
14 DAUGHTER, MY DAUGHTER.

15 Q WAS THE UPCOMING WEEKEND A SPECIAL OCCASION?

16 A YES.

17 Q WHAT WAS THE OCCASION?

18 A IT WAS THE HOLIDAY AND DEBORAH WAS VERY  
19 EXCITED BECAUSE SHE HAD ALMOST SEVEN DAYS OFF.

20 Q THE UPCOMING HOLIDAY WAS LABOR DAY WEEKEND?

21 A LABOR DAY, YES.

22 Q DID YOU EVER SEE DEBORAH AGAIN AFTER SHE  
23 LEFT WORK THAT MORNING AUGUST THE 31ST?

24 A NO.

25 Q YOU DIDN'T HAVE ANY BARBECUE AT LORENZI

1 PARK?

2 A NO.

3 MR. HARMON: COURT'S INDULGENCE.

4 THE COURT: SURE.

5 (BRIEF PAUSE IN PROCEEDINGS.)

6 MR. HARMON: THAT CONCLUDES THE DIRECT.

7

8 CROSS-EXAMINATION

9 BY MR. EWING:

10 Q YOU TESTIFIED YOU LIVED IN LAS VEGAS FOR  
11 ABOUT NINE YEARS?

12 A YES.

13 Q AND THAT YOU MET DEBORAH AT G.E. CAPITAL?

14 A YES.

15 Q DID YOU KNOW HER APPROXIMATELY A

16 YEAR-AND-A-HALF BEFORE SHE DIED?

17 A YES.

18 Q DURING THE YEAR-AND-A-HALF THAT YOU KNEW HER  
19 AT G.E. CAPITAL, WHEN DID YOU START SEEING JAMES COME BY  
20 THE WORKPLACE?

21 A IN '95.

22 Q DO YOU RECALL APPROXIMATELY WHAT MONTH IN  
23 '95?

24 A THE FIRST TIME I SEEN HIM, I DON'T REMEMBER  
25 WHAT MONTH THAT WAS. THE SECOND TIME I SEEN HIM, HE

1 CAME BY AND HE WAS IN RED SHIRT, BLUEJEANS.

2 Q DO YOU RECALL APPROXIMATELY WHEN, WHAT MONTH  
3 THAT WAS?

4 A I BELIEVE IT WAS IN MAY.

5 Q MAY OF '95?

6 A YES.

7 Q AND THAT WAS THE SECOND TIME YOU SAW HIM  
8 COME BY THE WORKPLACE?

9 A YES.

10 Q DO YOU REMEMBER APPROXIMATELY WHAT MONTH THE  
11 FIRST TIME WAS?

12 A IT WAS RIGHT AFTER -- NOT VERY LONG AFTER  
13 SHE HAD STARTED. SHE STARTED G.E. NOVEMBER 14TH OF '94.

14 Q THE FIRST TIME WAS SOMETIME AROUND NOVEMBER  
15 OF '94, NOVEMBER, DECEMBER OF '94?

16 A IT WAS AFTER THAT.

17 Q THE INCIDENT WHERE YOU SAW DEBORAH BEING  
18 SLAPPED, WAS THAT IN MAY OF '95?

19 A NO, THAT WAS PRIOR TO THAT, IN THE PARKING  
20 LOT.

21 Q SO THAT WAS -- THE FIRST TIME YOU SAW JAMES  
22 WAS IN DECEMBER OF '94, APPROXIMATELY?

23 A YEAH.

24 Q THE SECOND TIME WAS IN MAY OF '95?

25 A YES.

1 Q SO THE SLAPPING OCCURRED IN DECEMBER OF '94?

2 A I BELIEVE SO, YES.

3 Q SHORTLY AFTER SHE CAME TO WORK THERE?

4 A YES.

5 Q DID YOU SEE HIM COME BY ANY OTHER TIMES

6 OTHER THAN THOSE TWO TIMES?

7 A NOT -- I DIDN'T SEE HIM THERE, NO. THOSE

8 ARE THE ONLY TIMES I ACTUALLY PHYSICALLY SAW HIM.

9 Q WERE THEY -- WHEN YOU SAW THIS SLAP IN THE  
10 PARKING LOT, WERE THEY IN THE VEHICLE?

11 A YES.

12 Q DO YOU RECALL WHO WAS IN THE DRIVER'S SEAT?

13 A NO.

14 Q YOU MOVED INTO THE BALLERINA MOBILE HOME  
15 PARK IN JULY OF '95?

16 A YEAH.

17 Q AND YOU LIVED THERE FOR APPROXIMATELY TWO  
18 MONTHS?

19 A YEAH.

20 Q DURING THAT TIME, YOU NEVER SAW JAMES IN OR  
21 AROUND THE TRAILER?

22 A NO.

23 Q BECAUSE IT WAS YOUR UNDERSTANDING HE WAS IN  
24 JAIL?

25 A YES.

1 Q WAS IT DEBORAH THAT TOLD YOU THAT JAMES  
2 WOULD CRAWL THROUGH THE BEDROOM MASTER WINDOW AT TIMES?

3 A YES.

4 Q WHEN DID SHE TELL YOU THAT?

5 A WHEN WE WOULD BE AT WORK AND AN INCIDENT  
6 THAT HAD OCCURRED OR WHATEVER, AND WE WOULD ASK HER HOW  
7 HE GOT IN.

8 Q WAS THIS ALSO AROUND MAY OF 1995?

9 A IT WAS ON SEVERAL OCCASIONS, BUT YEAH, THAT  
10 WAS ONE OF THEM.

11 Q DID YOU EVER HAVE OCCASION TO TALK TO THE  
12 POLICE ABOUT THIS PARTICULAR OCCASION?

13 A DID I TALK TO THE POLICE?

14 Q YES.

15 A NO.

16 Q DID YOU HAVE AN OPPORTUNITY TO TALK TO A  
17 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE ABOUT  
18 THE CASE?

19 A NOT UNTIL I GOT MY SUBPOENA.

20 Q WHEN DID YOU GET YOUR SUBPOENA?

21 A THE LAST WEEK OF SEPTEMBER, I BELIEVE, OF  
22 '96.

23 Q DO YOU RECALL APPROXIMATELY HOW LONG AGO YOU  
24 FIRST SPOKE WITH SOMEONE FROM THE DISTRICT ATTORNEY'S  
25 OFFICE?

1 A THE LAST WEEK OF SEPTEMBER OR THE FIRST WEEK  
2 OF OCTOBER.

3 Q AND DID YOU TELL THAT PERSON WHAT YOU KNEW  
4 ABOUT THIS CASE?

5 A YES.

6 Q DID YOU TELL THAT PERSON THAT DEBORAH TOLD  
7 YOU THAT JAMES USED TO GO THROUGH THE WINDOW OF THE  
8 TRAILER?

9 A YES.

10 Q AND THAT WAS THE LAST WEEK OF SEPTEMBER OF  
11 1996?

12 A OR THE FIRST WEEK OF OCTOBER.

13 Q FIRST WEEK OF OCTOBER.

14 A THE SUBPOENA SAID OCTOBER 7TH. IT WAS -- TO  
15 APPEAR OCTOBER 7TH.

16 Q YOU MENTIONED AN INCIDENT WHERE DEBORAH TOLD  
17 YOU SHE WAS CHOKED.

18 A YES.

19 Q WAS THIS ALSO IN MAY OF 1995 OR JUNE OF  
20 1995, IF YOU REMEMBER?

21 A I REMEMBER -- YEAH, MAY OR JUNE, THE  
22 LAST WEEK OF MAY, FIRST WEEK OF JUNE.

23 Q AND THERE WAS THE FIRST TIME SHE TRULY  
24 BECAME SCARED OF JAMES?

25 A WHEN HE STOOD IN FRONT OF HER, YES.

1 Q MAY OR JUNE OF 1995?

2 A (WITNESS NODS HEAD.)

3 Q IS THAT CORRECT?

4 A YES.

5 Q YOU WEREN'T AROUND JAMES OR DEBORAH WHEN  
6 THEY LIVED IN LANSING, MICHIGAN, WERE YOU?

7 A NO.

8 Q AND YOU WEREN'T AROUND JAMES OR DEBORAH WHEN  
9 THEY LIVED IN TUCSON?

10 A NO.

11 Q JUST THE LAST YEAR AND A HALF OF DEBORAH'S  
12 LIFE IS WHEN YOU KNEW HER, CORRECT?

13 A YES.

14 Q AND WOULD IT BE SAFE TO SAY THAT A MAJORITY  
15 OF INCIDENTS YOU'VE BEEN TESTIFYING ABOUT OCCURRED IN  
16 MAY OR JUNE OF 1995?

17 A NO. ONE OF THEM OCCURRED BEFORE THAT, LIKE  
18 THREE WEEKS AFTER SHE STARTED AT G.E. CAPITAL.

19 Q THE ONE THAT YOU TESTIFIED HAPPENED IN  
20 DECEMBER, APPROXIMATELY, OF 1994?

21 A NOT WHEN HE SLAPPED HER, NO. ANOTHER  
22 INCIDENT.

23 Q IS THIS SOMETHING YOU SAW OR SOMETHING YOU  
24 HEARD ABOUT?

25 A I DIDN'T ACTUALLY SEE THE ABUSE, NO, BUT I

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)

Electronically Filed  
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APPELLANT'S APPENDIX

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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:

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An Employee of the  
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District of Nevada



1      Caucasians, African Americans, and western Hispanics.

2                            Q      And did they do that in this case?

3                            A      Yes, they did.

4                            Q      Because generally an independent  
5      laboratory like what the laboratory that you worked at and  
6      Cellmark, they would not even know what color or what race  
7      a suspect or victim was?

8                            A      The laboratory may not know and, in  
9      some instances, the victim may not know.

10                          Q      So, in fact, all of those populations  
11      or the data is given?

12                          A      Yes, and the reason for that is that  
13      DNA profiles, there will be different frequency of  
14      occurrences in different racial groups because certain  
15      races have more common DNA types relative to other races.  
16      So that when you look at the profiles, it's a fact that the  
17      frequency numbers are going to vary amongst different  
18      racial groups.

19                          Q      So in this case, as in this case,  
20      because the defendant Chappell is a black, male adult, the  
21      banding patterns in this case from the vaginal swabs would  
22      be fair to say does, in fact, match the defendant and using  
23      the statistics for the black community, this would occur  
24      one in 14 billion?

25                          A      Yes. That's a reasonable estimate of

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1 the frequency of occurrence of this particular profile  
2 derived from the vaginal swab in the African/American  
3 population, U.S. population.

4 Q And, again, you've already stated that  
5 in your testimony, but using RFLP, it's your opinion you  
6 can determine that DNA belongs to one individual and one  
7 individual in the universe, especially saying one in 14  
8 billion?

9 A If the frequency of occurrence estimate  
10 exceeds the earth's population, many scientists, for all  
11 practical purposes, will state this represents more than  
12 likely a unique profile.

13 Q Now, what is the next item that was  
14 tested and what were the results of that test using RFLP?

15 A Second item is some blood that was  
16 apparently swabbed from the knife. RFLP analysis was  
17 performed by Cellmark and the banding patterns match and  
18 are consistent with the banding pattern obtained from the  
19 victim's DNA profile.

20 By the way, when we refer to bands, the DNA  
21 actually manifests itself in bands that look something like  
22 on a bar code at a grocery store and even we simply size  
23 the bands and establish if there is reference strands and  
24 if there is no detecting references between the bands, then  
25 they are considered to be a match.

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1                   So, in essence, what they are saying here is  
2    that the DNA profile derived from the blood on the knife is  
3    consistent with that of the female victim Panos.

4                   Q    Did the Molecular Biologist Yates give  
5    various population data bases as to the frequency that this  
6    would occur, again, from the populations of Caucasian or  
7    from Afro American or Hispanic?

8                   A    Yes, Ms. Yates did cite the frequency  
9    estimates for each of those three racial groups in our  
10   report.

11                  Q    What would the one in 76 million  
12   represent, which group?

13                  A    This is the estimated frequency  
14   occurrence for Caucasians.

15                  Q    So if Ms. Panos was a Caucasian female,  
16   it would be fair to say that the frequency that this type  
17   of blood would be found would be one in 76 million?

18                  A    Actually, the way to state that  
19   question would be the frequency of occurrence of this  
20   profile on the knife in the Caucasian population is  
21   estimated to be one in 76 million. I'm assuming that the  
22   victim is, in fact, a Caucasian and that number is just  
23   stating the frequency of occurrence of the blood in a DNA  
24   profile in Caucasians, of which the victim is a Caucasian.

25                  Q    There was also PCR testing done in this

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1 case and can you tell us what one of -- specifically from  
2 the knife handle, what the results were and the  
3 significance of those results?

4 A With respect to the knife handle, let  
5 me refer to the report just to refresh my memory.

6 Q Certainly.

7 A On the knife handle, there was  
8 indications of more than one source of DNA present. In  
9 other words, an admixture of DNA of which one of the  
10 sources of DNA is considered the primary source. In other  
11 words, the DNA was the source and that DNA was present in a  
12 much higher concentration relative to the other source.  
13 This primary source of DNA and the genetic profile that was  
14 derived from its primary source of the admixture is  
15 consistent with the genetic profile of the victim Panos and  
16 then they have cited a frequency of that genetic profile  
17 and the frequency cited is the Caucasian frequency. In the  
18 report, Ms. Yates, the forensic analyst, did cite that  
19 frequency estimate in all three racial groups, as she did  
20 in the RFLP report, and it occurred in one and 17,000.  
21 That profile occurred in approximately one and 17,000  
22 Caucasians.

23 Then there were some faint results that were  
24 detected in the DNA typing of this blood of the knife  
25 handle. These typing faint results were consistent with

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1 the profile of Chappell.

2 Q And Criminalist Wahl, is it unusual in  
3 stabbing cases to have two different individuals' DNA say  
4 on a knife handle or to find that in a case like this?

5 A No, it's not unusual. There are  
6 actually a fair amount of occasions where the individual  
7 who uses a knife may cut themselves on the knife blade or  
8 cut themselves on a bone from the victim or whatever, such  
9 that you would have an admixture of the assailant's blood  
10 mixed in with the victim's blood.

11 Q That is something that you have seen in  
12 your dealings with DNA at your independent laboratory that  
13 you use to be employed at?

14 A Oh, yes, on a fair amount of  
15 occasions.

16 Q And from the item labeled blood swab,  
17 what was the result?

18 A On the blood swab, the genetic profile  
19 determined, using PCR technology, was consistent with the  
20 genetic profile of the victim Panos and is inconsistent  
21 with the profile of Mr. Chappell. So Mr. Chappell was  
22 excluded as the source of the blood on the blood swab, but  
23 the victim could not be excluded as the source of DNA.

24 Q And, finally, the blood swab from the  
25 car, what was the results of that?

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1                   A     Again, let me refer to the report just  
2     briefly.

3                   The typing data that Cellmark obtained on  
4     the blood swab in the car indicated again an admixture of  
5     sources of DNA. In other words, with DNA present from more  
6     than one individual on that blood spot. The primary source  
7     of DNA is consistent with the profile derived from Mr.  
8     Chappell. He cannot be excluded as the source of that  
9     blood.

10                  The other source of the admixture there were  
11     faint results that were obtained by Cellmark. These faint  
12     results were consistent with Panos. What this indicates is  
13     that there was again admixture of with DNA of one source  
14     appearing on the swab in a much higher concentration than  
15     the other swab. That's why we have faint results and  
16     stronger results.

17                  Q     Why wouldn't there be any kind of  
18     frequencies placed on that last one? Are you aware of  
19     why?

20                  A     It may be Cellmark's policy or their  
21     report writing criteria that when they do have mixtures,  
22     that they may not cite the population data on the mixtures  
23     in that they are not absolutely sure which DNA types  
24     originated from which source.

25                  Q     Is Cellmark an accredited laboratory?

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JChapell-8JDC1528

1                   A     Yes, they are accredited by the  
2     American Society of Crime Lab Directors and at present I do  
3     believe they are the only private laboratory that has  
4     attained that credit issue.

5                   Q     So it's one of the highest  
6     accreditations?

7                   A     It's the only accreditation that crime  
8     laboratories can receive at the present time.

9                   MS. SILVER: Court's indulgence.

10                  Thank you. That would conclude direct.

11                  MR. BROOKS: No questions, your Honor.

12                  THE COURT: May this witness be discharged?

13                  MR. HARMON: Yes.

14                  MS. SILVER: Yes.

15                  THE COURT: Thank you, sir. You may step  
16     down.

17                  State my call its next witness.

18                  MS. SILVER: Your Honor, I have here, and I  
19     have shown it to defense counsel, a certified copy of UMC  
20     medical record report. The records are from a patient  
21     identified as Deborah Panos. It's from the custodian of  
22     records. These are certified and they are the records  
23     regarding her being taken to UMC Trauma Center on January  
24     9th of 1995 and these are the records of Dr. McCourt, John  
25     D. McCourt, and being certified, I would ask at this time

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1     that they be admitted at this time as State's Proposed  
2     Exhibit No. 89.

3                   MR. BROOKS: Judge, aside from our prior  
4     objections to that type of evidence in general, we would  
5     have no objection.

6                   THE COURT: All right, the Court will,  
7     subject to the defense's previous objections that have been  
8     litigated in this matter, this exhibit will be admitted  
9     into evidence for the consideration of the jury.

10                  MS. SILVER: May I have the Court's  
11     indulgence, please?

12                  THE COURT: Most certainly.

13                  (Off the record discussion not reported.)

14                  THE COURT: Do you want to check with the  
15     clerk a few moments?

16                  MR. HARMON: Yes, your Honor.

17                  (Off the record discussion not reported.)

18                  MR. HARMON: Your Honor, the State has no  
19     additional witnesses to call in its case in chief. We have  
20     conferred with the clerk and have two remaining proposed  
21     exhibits that we wish to offer. They are Proposed Exhibit  
22     64, which in fact is a single sheet which is a copy of the  
23     four social security cards identified by Lisa Duran and  
24     Proposed 66, which is the photograph of Deborah Panos while  
25     she was still alive.

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1 MR. BROOKS: No objection, your Honor.

2 THE COURT: The same will be received in  
3 evidence.

4 MR. HARMON: The State rests, your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen of the jury, before we  
7 commence further proceedings in this case, it is incumbent  
8 upon me to conduct a couple of matters outside your  
9 presence with both sides. So I'm going to give you about a  
10 five minute recess at this point. I'm going to ask that  
11 you remain on the upper deck of the courthouses. We will  
12 not be leaving the courtroom, but we will call you back  
13 shortly.

14 During the recess, ladies and gentlemen, it  
15 is your duty not to converse among yourselves or with  
16 anyone else on any subject connected with this trial or to  
17 read, watch, or listen to any report of or commentary on  
18 this trial or any person connected with this trial by any  
19 medium of information, including, without limitation,  
20 newspapers, television, or radio, and you are not to form  
21 or express an opinion on any subject connected with this  
22 case until it is finally submitted to you.

23 You are more than welcomed to use the  
24 facilities, but please remain in the hallway area while  
25 this is going on.

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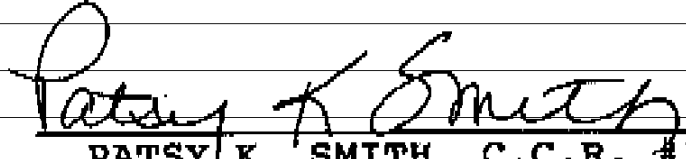
1 We will be at ease while you depart the  
2 confines of the courtroom.

3  
4 (At this time, another court reporter took  
5 over the proceedings.)

6  
7 (Off the record at 2:35 p.m.)

8  
9 \* \* \* \* \*

10  
11 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.

12  
13   
14 PATSY K. SMITH, C.C.R. #190

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# EXHIBIT 137

DISTRICT COURTCOUNTY OF CLARK, STATE OF NEVADA

FILED

\*\*\*\*\*

ORIGINAL <sup>Oct 15 11 19 AM '96</sup>

THE STATE OF NEVADA, )

Plaintiff, )

-vs- )

JAMES MONTELL CHAPPELL, )

Defendant. )

Case No. *1341*  
Dept. No. VIIREPORTER'S TRANSCRIPTOFJURY TRIAL, VOLUME V, AFTERNOON SESSIONBEFORE THE HONORABLE A. WILLIAM MAUPIN, DISTRICT JUDGE

Monday, October 14, 1996

2:30 P.M.

## APPEARANCES:

For the State:

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Deputy District Attorney

For the Defendant:

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Deputy Public Defender  
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Deputy Public Defender

Reported by: LISA BRENSKE, CCR No. 186

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1

1

WITNESSES FOR THE DEFENDANT:

2

BRET ROBELLO

3

Direct Examination by Mr. Brooks

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4

Cross-Examination by Mr. Harmon

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Redirect Examination by Mr. Brooks

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JAMES CHAPPELL

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Direct Examination by Mr. Brooks

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Cross-Examination by Mr. Harmon

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JChappell-8JDC1534

1 1 LAS VEGAS, CLARK COUNTY; MONDAY, OCTOBER 14, 1996

2  
3 P R O C E E D I N G S  
4

5 THE COURT: The record will reflect that we are  
6 outside the presence of the jury but still in session. The  
7 State of Nevada has rested.

8 At this time pursuant to statute I would ask  
9 that Mr. Chappell please stand. Mr. Chappell, Nevada  
10 Revised Statute 175.171 provides in its heading and in its  
11 text as follows. No special instructions to be given  
12 relating exclusively to defendant's testimony.

13 In the trial of all indictments, complaints and  
14 other proceedings against persons charged with the  
15 commission of crimes or offenses, the person so charged  
16 shall, at his own request, but not otherwise, be deemed a  
17 competent witness, the credit to be given his testimony  
18 being left solely to the jury, under the instructions of the  
19 court, but no special instructions shall be given relating  
20 exclusively to the testimony of the defendant.

21 Mr. Chappell, Nevada Revised Statute 175.181  
22 provides in its heading and in its text as follows:  
23 Instruction not to be given relative to the failure of  
24 defendant to testify.

25 Subsection 1. No instruction shall be given

JChappell-8JDC1535

1

1

relative to the failure of the person charged with the commission of crime or offense to testify, except, upon the request of the person so charged, the court shall instruct the jury that, in accordance with a right guaranteed by the constitution, no person can be compelled, in a criminal action, to be a witness against themselves.

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Subsection 2. Nothing herein contained shall be construed as compelling any such person to testify.

Mr. Chappell, you have the right under the Constitution of the United States of America and under the Constitution of the State of Nevada not to be compelled to testify in this case. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: You may if you wish give up this right and take the witness stand and testify. If you do, you will be subject to cross-examination by the district attorney and anything that you may say, be it on direct or cross-examination, will be the subject of fair comment when the district attorney speaks to the jury in his or her final argument. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: If you choose not to testify, the court will not permit the district attorney to make any comments to the jury concerning the fact that you have not testified. Do you understand that?

JChappell-8JDC1536

1

1

THE DEFENDANT: Yes, sir.

2

3

4

THE COURT: If you elect not to testify, the court will instruct the jury only if your attorney specifically requests, as follows:

5

6

7

8

9

10

Quote: "The law does not compel a defendant in a criminal case to take the stand and testify and no presumption may be raised and no inference of any kind may be drawn from the failure of a defendant to testify."

Do you have any questions you would like to ask at this time about these rights?

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE DEFENDANT: No, sir.

THE COURT: It is my understanding, Mr. Brooks, that the decision has been made that Mr. Chappell will testify in his case in chief.

MR. BROOKS: That is correct, Your Honor.

THE COURT: Mr. Chappell, you've had an opportunity to discuss this with your attorney and it is your wish to do so?

THE DEFENDANT: Yes, sir.

THE COURT: And you've done this with full, open and comprehensive interaction with your counsel?

THE DEFENDANT: Yes, sir.

THE COURT: With that we'll bring the jury back in.

(Jury entered courtroom.)



JChappell-8JDC1537

1

1

THE COURT: Will counsel stipulate to the

2

presence of the jury?

3

MR. HARMON: Yes, Your Honor.

4

MR. BROOKS: Defense will, Your Honor.

5

THE COURT: At this time the defense may put on

6

its case in chief.

7

MR. BROOKS: Your Honor, the defense would call

8

Bret Robello.

9

10

BRET ROBELLO,

11

called as a witness by the Defendant, having been first duly

12

sworn, was examined and testified as follows:

13

14

DIRECT EXAMINATION

15

BY MR. BROOKS:

16

Q

Mr. Robello, could you please state your name

17

and spell your name for the record.

18

A

Bret Robello, R-o-b-e-l-l-o, first name

19

B-r-e-t.

20

Q

What do you do, Mr. Robello?

21

A

I am currently a nurse and a paramedic.

22

Q

And who are you employed by?

23

A

I'm an agency nurse contracted to Sunrise

24

Hospital and I'm a jail nurse at the North Las Vegas

25

Detention Center.

JChappell-8JDC1538

1

1

Q What is your home address?

2

A 839 North Lamb Boulevard, space 126.

3

Q Is that a trailer?

4

A Yes, it is.

5

Q And is that in the Balerina Sunrise Mobile Home

6

Park?

7

A Yes, sir.

8

Q Do you recognize Mr. Chappell sitting over at

9

the defense table there?

10

A Yes, sir, I do.

11

Q How would you know Mr. Chappell?

12

A He was my neighbor for -- actually I don't

13

recall how long it was, but he lived in space number 127 I

14

believe.

15

Q Would that be right next to your trailer?

16

A Yes, sir.

17

Q How long have you lived in the Balerina Sunrise

18

Mobile Home Park?

19

A May 5th will be five years.

20

Q So you were there before he ever moved in?

21

A Yes, sir.

22

Q I am going to show you State's Exhibit 66. Do

23

you recognize this individual?

24

A Yes, I do.

2

25

Q Who would this person be, if you know?

JChappell-8JDC1539

2

1

A First name was Debbie, I believe Panos was the last name.

2

3

Q And did she live in the trailer with James?

4

A Yes, sir.

5

Q Next door to you?

6

A Yes, sir.

7

Q Who else lived in that trailer during the time

8

that they lived there, if you know?

9

A When Mr. Chappell lived there, I believe the

10

only other people were their children, three young children.

11

Q And when Mr. Chappell did not live there who

12

lived there?

13

A It's real hard to say there was so many people

14

in and out of there. Three or four couples that I recall

15

staying there.

16

Q Did you ever get a chance to meet any of these

17

couples?

18

A Not on a personal level. They would argue and

19

fight quite often and we would hear them in the driveway

20

making up, fighting, making up, fighting intermittently.

21

Q Did you ever get a chance to socialize with

22

these people?

23

A No, sir.

24

Q Did you ever get a chance to go inside James

25

Chappell's trailer?

JChappel11-8JDC1540

2

1

A Briefly, yes, sir.

2

Q Why did you go inside their trailer?

3

A One morning their young daughter had gotten out

4

of the house somehow for some reason and I guess she had

5

gotten lost. Since the trailers kind of resemble each other

6

she was trying to get in our trailer probably thinking it

7

was her house. She was kind of crying so I picked her up

8

and took her over to their house and brought her in. I just

9

came in the front a little bit enough to see the kitchen

10

area and a little bit of the dining room.

11

Q

What was the state of the housekeeping that you

12

saw?

13

A

The house looked in a messy condition.

14

Q

Consistent with someone who has three kids?

15

A

Yes, sir.

16

Q

Someone who probably doesn't have a maid?

17

A

Most definitely.

18

MR. BROOKS: We'll pass the witness, Your

19

Honor.

20

THE COURT: Cross?

21

MR. HARMON: Thank you, Judge.

22

23

CROSS-EXAMINATION

24

BY MR. HARMON:

25

Q

How did you spell your last name, sir?

JChappell-8JDC1541

2

1

A R-o-b-e-l-l-o.

2

Q Did you say you still lived in the Balerina

3

Mobile Home Park?

4

A Yes, sir.

5

Q You have referred in your testimony to a period

6

of time when the defendant Mr. Chappell was, what, your next

7

door neighbor?

8

A Yes, sir.

9

Q What time period was that?

10

A I left for California for the police academy on

11

August 22nd of the year it happened. So I would say

12

probably possibly three to four months prior to that at

13

most. I'm really not -- I can tell you up until August

14

22nd -- from the day they moved in until August 22nd when we

15

left for California for the police academy the incident in

16

question happened while I was at the academy. I didn't

17

graduate until December 15th.

18

Q Are you talking about the calendar year 1995?

19

A Yes, sir.

20

Q Were you living in the park when Deborah Panos

21

and the defendant and the children moved in?

22

A Yes, sir.

23

Q So to your knowledge how long before your

24

leaving for the police academy in California was it that Mr.

25

Chappell had not lived next door?

JChappell-8JDC1542

2

1

A An honest answer is I really don't recall, sir.

2

Several months at least.

3

Q And you're saying you left town on August the

4

22nd, 1995?

5

A Yes, sir.

6

Q Now, I take it during this several month period

7

where the defendant was not there that there seemed to be

8

several couples that you associated with the next door

9

residence?

10

A We didn't associate with them. They were just

11

frequently there.

12

Q No, I'm saying that you associated with.

13

A With the home, yes, sir.

14

Q Did you meet any of those persons?

15

A No, sir. Several times the police were called

16

out there and one night we came home and there was a

17

policeman crouched in the corner of our house with his gun

18

at his side kind of moving slowly towards the residence.

19

This was after Mr. Chappell had left the residence. Law

20

enforcement was called out there several times that I

21

recall.

22

Q Do you know anything about those circumstances?

23

A No, sir, I had no idea at that particular

24

moment while we were there. There were instances where we

25

were going to call but we never did because we didn't want

JChappell-8JDC1543

2

1

problems with all the couples staying over there.

2

Q What do you mean going to call, because of

3

noise?

4

A Loud music, arguing. Mainly the loud music.

5

Q Now, you mentioned if I understood your

6

testimony correctly that when Mr. Chappell was living there

7

you became aware of fighting which was going on between he

8

and Miss Panos?

9

A I don't recall any fighting between him and

10

her. The fighting -- the arguing I'm talking about is

11

between the couples that were staying in the residence after

3

12

the defendant was gone. I don't recall the two of them ever

13

having any major problems.

14

Q I misunderstood your testimony. Were you

15

living at the Balerina Mobile Home Park on January the 9th,

16

1995?

17

A Yes, sir.

18

Q Would Mr. Chappell have been living there with

19

Miss Panos on that date?

20

A I don't recall the exact date they moved in,

21

sir. I know when they moved in they all appeared to move in

22

together. I don't remember the date.

23

Q But if you were there and if they were there on

24

January the 9th, 1995 you don't recall any fighting going

25

on?

JChappel11-8JDC1544

3

1

A Not between the two of them.

2

Q Were the police summoned on that day?

3

A The only times I remember the police being summoned to that residence were after he was gone. I

4

5

remember --

6

Q Well, my question is do you remember the police being summoned to the Balerina Mobile Home Park to the residence of Miss Panos on January the 9th, 1995?

7

8

A No, sir, I do not.

9

10

11

Q You were unaware that she suffered injury at the hands of the defendant?

12

A No, sir.

13

14

Q You didn't know that she was transported to the hospital?

15

A No, sir.

16

17

Q You didn't realize she suffered a broken nose, sir?

18

A No.

19

20

21

22

23

24

25

MR. BROOKS: I am going to object. Obviously if he didn't know any of those events, he didn't know anything that flows from that as well.

THE COURT: The objection is overruled.

THE WITNESS: The answer I can give --

BY MR. HARMON:

Q You have answered. You were unaware of any of



JChappell-8JDC1545

3

1

this?

2

A Until earlier today when my wife mentioned it I was unaware of it.

3

4

Q You were still living as a next door neighbor

5

to Miss Panos on June the 1st, 1995?

6

A Yes, I was.

7

Q Were you aware of any type of disturbance

8

involving Mr. Chappell the defendant and Miss Panos on that date?

9

10

A No, sir.

11

Q You didn't know the police came out?

12

A No, sir.

13

Q Were you aware the defendant was arrested on

14

that day?

15

A I had heard he had been arrested but I don't

16

know the date and I don't know the circumstances. I just --

17

we had received some mail to our residence from him because

18

my wife's name is Debbie and the mail had messed up. I

19

believe it had the jail address on the envelope. That's

20

when I found out he was incarcerated. Prior to that I had

21

no knowledge.

22

Q Is it your testimony you went inside the Panos

23

residence on one occasion?

24

A Yes, sir. Just in the immediate kitchen area

25

and I could see part of the dining room. And it was just to

JChappel1-8JDC1546

3

1

return their daughter.

2

Q So you're saying that the room you went into

3

was the kitchen but you could see into a portion of the rest

4

of the mobile home?

5

A Just the dining room, yes, sir.

6

Q When was that?

7

A It was probably within a three to four week

8

period of them moving there, maybe a little bit less.

9

Q But you don't know when that was?

10

A No, sir. It was shortly after when they first

11

moved in. That's all I can testify to.

12

Q You don't know if it was late 1994 then or

13

early 1995?

14

A No, sir. I have no recollection of the date or

15

approximate date.

16

Q You went in on one occasion, you formed some

17

type of opinion about how well kept the home was at that

18

time?

19

A I suppose I formed an opinion, but it wasn't

20

something that I spent a lot of time thinking about.

21

Q But you don't know how the house looked after

22

that, do you?

23

A Absolutely not.

24

MR. HARMON: Thank you. That's all I have.

25

JChappell-8JDC1547

REDIRECT EXAMINATION

3

1

2

BY MR. BROOKS:

3

4

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21

22

23

24

25

Q Mr. Robello, Mr. Harmon has asked about why you might know or asked whether or not you knew of these police coming to this residence. You weren't home 24 hours a day on January 9th, were you?

A No, sir. I work anywhere from an eight to a 50 hour shift straight through sometimes if there's a call-in. I'll be 58, 60 hours.

Q So it would not be unusual for the police to come and you not be aware of it next door?

A No, sir.

Q And the same would go for June 1st, 1995?

A Yes, sir.

MR. BROOKS: No further questions.

MR. HARMON: Nothing further.

THE COURT: May this witness be discharged?

MR. HARMON: Yes.

MR. BROOKS: Yes.

THE COURT: Call your next witness.

MR. BROOKS: Judge, we are going to call James

Chappell at this time.

JChappell-8JDC1548

3

1

JAMES CHAPPELL,

2

called as a witness by the Defendant, having been first duly sworn, was examined and testified as follows:

3

4

5

DIRECT EXAMINATION

6

BY MR. BROOKS:

7

Q James, could you state your name for the record and spell your name, please.

8

9

A James Chappell, C-h-a-p-p-e-l-l.

10

Q James, where are you from originally?

11

A Lansing, Michigan.

12

Q Did you grow up in Lansing, Michigan?

13

A Yes, sir.

14

Q Where did you meet Deborah Panos?

15

A J. W. Sexton High School.

16

Q You were a student there?

17

A Yes, sir.

4

18

Q Was she a student there?

19

A Yes, sir.

20

Q How old were you when you met her?

21

A Sixteen.

22

Q What happened when you all met?

23

A We had about a five minute conversation. She gave me her phone number and that was it the first time we seen each other.

24

25

JChappel11-8JDC1549

4

1

Q What do you mean that was it?

2

A The bill had rang for us to go to class so we

3

couldn't talk for that long.

4

Q Did you all become involved with each other?

5

A Yes, sir.

6

Q Did you become lovers?

7

A Yes, sir.

8

Q And you subsequently had children with her?

9

A Yes, sir.

10

Q When did you all have your first child?

11

A April 23rd, 1988.

12

Q What was the name of that child?

13

A James Monte Panos.

14

Q Where was that child born?

15

A Sparow Hospital in Lansing, Michigan.

16

Q Were you and Deborah living together at that

17

time?

18

A Not when she was pregnant and had the child,

19

no.

20

Q Did you love her at that time?

21

A Yes, sir.

22

Q Did she love you?

23

A Yes, sir.

24

Q She was a white person, correct?

25

A Yes, sir.

JChappel11-8JDC1550

4

1

Q And you're black?

2

A Yes.

3

4

Q How did her family react to your relationship with her?

5

A They hated it.

6

7

Q Did they hate the relationship or did they hate you or both?

8

A Both.

9

10

Q Did you ever get along with them when they were in Lansing?

11

A Never.

12

13

Q Did you have much contact with her parents there in Lansing?

14

A We came in contact a couple of times.

15

16

Q What kind of contact would you have with her parents?

17

A They caught me in their house.

18

Q What were you doing in their house?

19

A Staying the night with Debbie.

20

21

Q Did Debbie want you to spend the night with her?

22

A Yes, sir.

23

Q And you wanted to spend the night with her?

24

A Yes.

25

Q Did you graduate from high school in Lansing?

JChappel11-8JDC1551

4

1

A No, I did not.

2

Q What happened to your education?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A I got suspended a couple of times and my grandmother took me out of there. And made me go to adult education.

Q Did you ever end up finishing high school or getting a GED?

A No.

Q What were your plans in terms of a job?

A I had many jobs in Michigan.

Q What kind of jobs did you have?

A Most of them were restaurant jobs. I had a janitorial job at the high school at one time.

Q What kind of restaurant work did you do?

A Would you like me to name the restaurants?

Q If you can.

A I worked at Taco Bell, Ponderosa Steakhouse, I worked in the cafeteria at the adult education high school, a restaurant called Cupies, a restaurant called Chetters.

Q These are all in Lansing?

A Burger King.

Q These are all in Lansing?

A Yes, sir.

Q Did you have any trouble keeping your work at these places?

JChapelle11-8JDC1552

4

1

A Yeah, I had some problems.

2

Q How come you had a problem keeping your jobs?

3

A I guess it was the friends I was hanging

4

around.

5

Q What kind of friends did you have?

6

A Most of them were drug dealers.

7

Q Were you using drugs during those times

8

yourself?

9

A Yes, sir.

10

Q How about Deborah, was she using drugs?

11

A She said she tried marijuana once, but she

12

didn't like it and I've never ever seen her do no drugs.

13

Q Did she know that you were using drugs?

14

A Yes, she did.

15

Q Did her family know that you were doing drugs?

16

A I don't think in Michigan I don't think they

17

knew that.

18

Q Now, her parents both her mother and father

19

lived in Lansing; is that right?

20

A Yes, sir.

21

Q And there came a time when her parents moved

22

away?

23

A Yes.

24

Q Where did her parents move to?

25

A Tucson, Arizona.



JChappel11-8JDC1553

4

1

Q What did Debbie do, Deborah Panos do when they

2

moved off to Arizona?

3

A She stayed with me because they wouldn't let

4

her keep the child, they said if she didn't give up the

5

child for adoption she couldn't live with them.

6

Q Did they stick with that position or not?

7

A For a couple of months.

8

Q Then what happened?

9

A They sent for her to come to Arizona.

10

Q And did she go to Arizona?

11

A Yes, sir.

12

Q Do you recall when she went to Arizona

13

approximately?

14

A J.P. was an infant so about two months. He was

15

about two months old so it was about June of '98 -- '88 I

16

mean.

17

Q How did you feel about her going to Arizona

18

with your son?

19

A Pardon me?

20

Q How did you feel about her going to Arizona

21

with your son?

22

A I was extremely hurt, but I wanted the best for

23

her and him so I knew they would be all right out there with

24

her mother.

25

Q She moved to Tucson. Did she keep in touch

JChappel1-8JDC1554

4

1

with you and when I say she I mean Deborah Panos?

5

2

A She had to sneak around. They put a lock on

3

the mailbox.

4

Q What do you mean they put a lock on the

5

mailbox?

6

A She couldn't go to the mailbox, get the mail

7

out. They were always around her when she tried to do

8

something.

9

Q Could she talk to you on the telephone?

10

A She would go to the mall and she would sneak

11

away from them while they were in the store and she would

12

call me from the mall.

13

Q Would you ever call her at her house?

14

A NO.

15

Q How come?

16

A She wouldn't give me the number.

17

Q Do you think she didn't want you calling there

18

when her parents were there?

19

A Exactly, yes, sir.

20

Q There came a time when you went down to Tucson

21

and stayed with Debbie; is that right?

22

A Yes.

23

Q Describe how that happened.

24

A Her mother and her stepfather took our two

25

children. Anthony was born and she came back to me after

JChappel1-8JDC1555

5

1

she had went out to Arizona the first time and she got

2

pregnant back there and when she went back, her mom and her

3

stepfather drove from Arizona to Michigan with the two

4

children and she sent for me to come out there.

5

Q So her parents weren't home?

6

A No.

7

Q How long were they gone from the house where

8

Deborah lived?

9

A They were gone for like two months.

10

Q And you went out and stayed in that house while

11

they were gone?

12

A Yes, sir.

13

Q How did you get to Tucson?

14

A Plane.

15

Q Who paid for the ticket?

16

A Deborah Panos.

17

Q Where did you fly out from?

18

A Detroit.

19

Q Do you recall the airline?

20

A Southwest Airlines.

21

Q Where did you fly to?

22

A Phoenix, Arizona.

23

Q How did you get from Phoenix to Tucson?

24

A A shuttle bus.

25

Q So you stayed in the Panoses' home in Tucson?

JChappel1-8JDC1556

5

1

A Yes, sir.

2

Q How long did that go on?

3

A For about two months.

4

Q Did there come a time when you all had a second

5

child?

6

A She had Anthony in Tucson.

7

Q And I apologize but did Deborah previously come

8

back and visit you in Michigan?

9

A Yes, she did.

10

Q Is that when she got pregnant with your second

11

child?

12

A Yes, sir.

13

Q And I'm sorry, when was your second child born?

14

A February 15th, 1990.

15

Q And that child's name?

16

A Anthony Michael Panos.

17

Q So you're staying in the house with Deborah and

18

neither of your two kids are there; is that correct?

19

A No, sir.

20

Q Where are the two kids?

21

A Her mom and her stepdad were on their way back

22

to Michigan with them. They traveled with the two children.

23

Q Were you intending to stay in Tucson with

24

Deborah at this time or not?

25

A Yes, sir.

JChapell-8JDC1557

5

1

Q What did you guys do when her parents returned?

2

A She had gotten me a furnished studio apartment

3

before they arrived.

4

Q And is that where you started living?

5

A Yes, sir.

6

Q Did you get any kind of job?

7

A Yes, sir.

8

Q Where did you work?

9

A I worked at Smugglers in the hotel.

10

Q What did you do there?

11

A I was a dishwasher and a busser.

12

Q How long did you keep that job?

13

A About four months.

14

Q And why did you lose that job?

15

A Because James, Jr. told his grandmother that I

16

was out there and she kicked Debbie out and Debbie came to

17

stay with me at the studio and a neighbor downstairs told

18

the office that there was a whole entire family in the

19

studio so we had to get a two bedroom apartment. And

20

Debbie's job was better than mine so I had to stay home and

21

watch the children.

22

Q Where was she working at that time?

23

A The Census Bureau.

24

Q Helping to take the census?

25

A Yes, sir.

JChappel1-8JDC1558

5

1

Q Now, there came a time when you left her,

2

didn't you, and went back to Michigan?

3

A Yes, sir.

4

Q Why did you leave?

5

A Because her mother and her stepfather.

6

Q What do you mean by that?

7

A They were always in our business.

8

Q Had you still not reconciled with them?

9

A No.

10

Q Did you ever go over and socialize with them?

11

A They wouldn't allow Debbie to show me where

12

they lived and I never even tried to find out where they

13

lived.

14

Q But you had stayed out there, didn't you?

15

A They had moved after they came back. They

16

moved to a different home.

17

Q So you eventually went back to Michigan?

18

A Yes, sir.

19

Q And when you went back to Michigan how did you

20

get there?

21

A Plane.

22

Q How did you afford that?

23

A Deborah paid for it.

24

Q Why is it that Deborah keeps paying for things?

25

A She would always say she was going to do it and

JChapell-8JDC1559

5

1

I didn't argue with her. I didn't argue with her and try to change her mind.

2

3

Q Did you go back to Tucson after awhile in

4

Michigan?

6

5

A Yes, sir.

6

Q Do you recall when you went back there?

7

A It was in '91 sometime.

8

Q And this time why did you go back there?

9

A Because Debbie had begged me to come back

10

there.

11

Q You guys were keeping in touch still?

12

A Yes, sir.

13

Q How were you keeping in touch?

14

A She had her own place where she could call any

15

time she wanted to. She called a lot. We'd talk a lot.

16

Q Were you glad that she was keeping the

17

relationship alive?

18

A Yes, sir. Very much.

19

Q When you went back what happened?

20

A I got a job.

21

Q Where at?

22

A Poncho's Mexican buffet.

23

Q What were you doing there?

24

A Prep cooking.

25

Q What was your plan now that you were back in

JChappel11-8JDC1560

6

1

Tucson again?

2

A To be with my woman and my children and get

3

married.

4

Q And how come you didn't get married?

5

A Because we planned on getting married in Las

6

Vegas.

7

Q That was a long term plan?

8

A Yes, sir.

9

Q Could you afford to just come up there to Las

10

Vegas and get married?

11

A Not at that time.

12

Q Were you planning on staying in Tucson now

13

permanently or not?

14

A Yes, sir.

15

Q And did you get Deborah pregnant again?

16

A Yes, sir.

17

Q When did she have her third child?

18

A June 26th, 1992.

19

Q And which child was this?

20

A Shauntel Lautrice Panos.

21

Q Had her parents become more accepting of your

22

relationship with their daughter after three children?

23

A I remember calling her mother after the baby.

24

I watched her have the baby. She was the only one I seen

25

come out. I called her mother and we talked for a little



JChappell-8JDC1561

6

1

while. Her mom came around after that.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE COURT: Mr. Brooks, I am going to have to

interrupt you at this point. I need to take a recess in

order to swear in a couple of new attorneys that need to

have their oaths taken so they can proceed with their

careers.

Ladies and gentlemen, during the recess it is  
your duty not to converse among yourselves or with anyone

connected with the trial, or read, watch or listen to any

report of or commentary on the trial by any medium of

information including, without limitation, newspaper,

television and radio, and you are not to form or express any

opinion on any subject connected with this case until it is

finally submitted to you.

Twenty-five minutes after the hour we'll

reconvene. We will be in recess while the jury departs the

confines of the courtroom.

(Recess.)

THE COURT: Counsel stipulate to the presence

of the jury?

MR. HARMON: Yes, Your Honor.

MR. BROOKS: Defense will, Your Honor.

THE COURT: You may recommence your direct

examination of Mr. Chappell.

JChappel11-8JDC1562

6

1

BY MR. BROOKS:

2

Q James, I think we have you in Tucson right now.

3

You've had your third child with Deborah and you're living

4

with her there; is that right?

5

A Yes, sir.

6

Q Now, we heard a lot of testimony during this

7

trial about your job situation. You testified you had some

8

jobs. Did you have jobs in Tucson during this period of

9

time?

10

A Seven exactly, sir.

11

Q Seven different jobs?

12

A Yes, sir.

13

Q Why so many different jobs?

14

A Some because of our babysitting situation, some

15

because they gave me a lousy raise and a couple I just

16

didn't like.

17

Q Was Deborah working during this time?

18

A Yes, sir.

19

Q Did Deborah pretty much always have a job?

20

A Yes, sir.

21

Q Was she the one that always brought in the

22

money other than yourself?

23

A Yes, sir.

24

Q Were you using drugs while you were in Tucson?

25

A Yes, sir.

JChappel1-8JDC1563

6

1

Q Were you doing drugs more when you were in

2

Michigan or about the same?

3

A I'd say about the same, sir.

4

Q You testified that you smoked I think it was

5

marijuana in Michigan; is that correct?

6

A Yes, sir.

7

Q Had you been doing cocaine in Michigan?

8

A I did it a couple times, yes.

9

Q Did you start doing cocaine in Tucson?

10

A No. I did it in Michigan first.

11

Q But did you do it in Tucson also?

12

A Yes, sir.

13

Q Did this interfere much with your work?

14

A No.

15

Q You never lost a job because of your drug

16

problems?

17

A No.

18

Q We heard testimony during the State's case

19

regarding a battery in Tucson where you and Deborah were

20

living in a trailer and she went to either 7-Eleven or

21

Circle K or something and told them that she had been beaten

22

up and the police came and arrested you. Did that happen?

23

A Yes, sir.

24

Q Why did it happen?

25

A Because I had returned a dresser that she had

JChapelle11-8JDC1564

6 1 bought. I returned it back to the store.

7 2 Q And why did you do that?

3 A Because I needed money at the time.

4 Q What did you need money for?

5 A For some drugs.

6 Q And she got mad at you?

7 A Yes.

8 Q And you reacted by hitting her?

9 A We argued for a little while and she said a  
10 couple things that made me upset.

11 Q How do you feel about the fact that you hit  
12 her?

13 A Extremely bad.

14 Q You guys eventually decided to leave Tucson and  
15 move to Las Vegas?

16 A Yes, sir.

17 Q Now, somebody says that she came to Las Vegas  
18 and you followed her to Las Vegas; is that true or false?

19 A No, sir.

20 Q How did you guys wind up coming to Las Vegas?

21 A We came and visited first for a week, me, her  
22 and Shauntel stayed at Circus Circus and we both looked for  
23 a job, we both looked for a home together.

24 Q Did you all find a place to stay?

25 A Yes, sir.

JChapelle11-8JDC1565

7

1

Q And where did you find a place?

2

A 839 North Lamb, space 125.

3

Q When did you all actually move to Las Vegas?

4

A If I'm not mistaken it was October 1st exactly.

5

Q Of what year?

6

A Of 1994, sir.

7

Q Did you all come up here at the same time?

8

A Yes, sir.

9

Q How did you come up here?

10

A We flew out of Tucson on Reno Air.

11

Q And you flew directly to Las Vegas?

12

A Yes, sir.

13

Q Did you have a car at that time?

14

A Yes, sir.

15

Q Where was the car?

16

A We had a couple drive our U-Haul and the car

17

was on the back of it. They drove it from Arizona to Las

18

Vegas. They were supposed to meet us here.

19

Q Why did you all move to Las Vegas from Tucson?

20

A One reason was because her job they started

21

getting in our private lives trying to control her, private

22

life, and she was upset about that and her mother is the one

23

that suggested coming to Las Vegas.

24

Q Do you know why Las Vegas was mentioned?

25

A We had two choices, Las Vegas or Lansing,

JChappel11-8JDC1566

7

1

Michigan.

2

Q And why Las Vegas?

3

A Her mother talked her into coming to Las Vegas.

4

It was more of her mother's decision than it was hers.

5

Q I am going to show you a photograph the State

6

introduced as State's Exhibit No. 1. It shows the trailer

7

where Deborah died. Is that the trailer that you and she

8

lived together in?

9

A Yes, sir.

10

Q Was that your home in Las Vegas?

11

A Yes, sir.

12

Q Is that where you lived from roughly

13

October 1st of '94 until the time that she died except for

14

the times you were in jail?

15

A Yes, sir.

16

Q Did you find work in Las Vegas?

17

A Yes, sir.

18

Q Where did you work?

19

A Ethel M Chocolate Factory.

20

Q Where is that?

21

A It's out there around Sunset.

22

Q How long did you work out there?

23

A About a month and a half.

24

Q How come you lost that job?

25

A Because day-care had cost too much when we

JChappel11-8JDC1567

7

1

first got here and Debbie was working two jobs and I told her I would stay home with the kids. I called them three times and they terminated me.

2

3

4

Q They fired you?

5

A Yes, sir.

6

Q Did you start doing drugs here in Las Vegas?

7

A Yes, sir.

8

Q Did you start hanging out at the Vera Johnson

9

projects doing drugs there?

10

A Yes, sir.

11

Q Did that interfere with your ability to be a

12

good father?

13

A No, it did not.

14

Q Did it interfere much with your relationship

15

with Deborah?

16

A I'm sure it did close to the end, but not at

17

the beginning when we got here.

18

Q Going back for just a second Dina Freeman

19

testified about this phone conversation while you were still

20

living in Arizona where she's got you saying in the

21

background to Deborah I'm going to do an O.J. Simpson on

22

your ass. Did you ever say that?

23

A Honestly, no, I did not say that.

24

Q Did you ever threaten her in front of Dina

25

Freeman or on the telephone?

JChappel1-8JDC1568

7

1

A Never. Never. Never.

2

Q Did you ever talk about O.J. Simpson in front

3

of Dina?

4

A No, sir, I did not.

5

Q So she's not telling the truth when she

6

testified to that?

7

A No. She lied under oath, sir.

8

Q You heard testimony regarding Deborah receiving

9

a broken nose on January 9th, 1995 here in Las Vegas. Tell

10

us what happened there.

11

A We were both in the dining room. I forgot what

12

we were talking about, but we were talking about doing

13

something together and we got in an argument over something,

14

I'm not sure exactly what it was, and she had went and laid

15

down on the couch and I was talking to her as she was laying

16

down and she said something back to me, something smart, I

17

don't remember her exact words, but I took a cup, it was

8

18

like one of those thermal coffee cups and I threw it and it

19

came over the top of her head and it hit her right here.

20

And she got up and she ran to the bathroom. I ran in there

21

after her. She was covering her face. She said I think my

22

nose is broke. I said let me see. She removed her hands

23

and she had a gash right here.

24

Q Are you indicating the side of your nose?

25

A Yes, right here.



JChappel1-8JDC1569

8

1

Q Was she bloody?

2

A It wasn't coming out at that time. It was

3

open, but when I looked at it, it looked like it was just a

4

piece of meat right here. You could see in the inside. No

5

blood was gushing out at that time.

6

Q Who called 911?

7

A I did, sir.

8

Q Now, the medical records that were introduced

9

by the State into evidence included a remark my Deborah

10

Panos that said she had been beaten before but never like

11

this. How do you respond to that?

12

A I couldn't picture her saying that. I threw a

13

cup, that's all I did, I did not try to hit her in the face.

14

It accidentally hit her in her nose and broke her nose. I'm

15

sorry, but there's nothing I could do about it. I called

16

911 and got the ambulance there, the police came and they

17

slammed me all over the place, took me to jail in front of

18

my children in my boxers and my socks. They weren't even

19

listening to me. They thought I was lying. I showed them

20

the cup.

21

Q James, you have another allegation that you

22

attacked her on June 1st of 1995 and you were arrested again

23

for domestic battery. What happened that time?

24

A Well, Deborah had been gone all day the

25

previous day before that and she went to work the next day

JChappel1-8JDC1570

8

1

and after she got off work she went somewhere else. So I

2

didn't see her for a long time. And when she came home

3

another friend arrived. I guess they were talking about

4

doing something else. We started arguing and we went in the

5

bedroom and I pinned her down and I showed her a knife and

6

when I realized that doing that wasn't going to get nothing

7

out of her, I got rid of it. Claire knocked on the door.

8

Q Who is Claire?

9

A One of her so-called friends from Arizona.

10

Q Was she living with you?

11

A Yes.

12

Q How long did she live there?

13

A I'd say approximately two months, sir.

14

Q Go ahead, I'm sorry.

15

A I let Debbie up, she went outside with both

16

Claire and her other friend that was there and then I went

17

outside and then the cops pulled up. And I went to jail.

18

Q Did you plead guilty to domestic battery in

19

that case eventually?

20

A Yes, sir.

21

Q That was June 1st of '95. How much of the

22

summer did you spend in jail?

23

A Could I just tell you the first time I went to

24

jail when I got out when I went back?

25

Q Sure, if you want to.

JChappel1-8JDC1571

8

1

A First time I went to jail was February 28th,

2

1995, stayed in jail till May 10th. Debbie came and picked

3

me up, took me home. When I got out, there was two friends

4

living there.

5

Q When you say two friends, you mean male friends

6

or female friends?

7

A Female friends.

8

I went back to jail for that domestic violence

9

on June 1st, 1995, got out June 7th. Claire came and picked

10

me up, took me back home and we were back together.

11

Then I went back to jail June 26th on

12

Shauntel's birthday, her third birthday.

13

Q And when did you get out of jail that time?

14

A I didn't get out of jail until August 31st.

15

Q Now, from that summer let's say June 26th when

16

you got arrested until the time you got released on August

17

31st did Deborah accept your phone calls?

18

A Yes, sir.

19

Q How often would you call her approximately if

20

you can remember?

21

A Sometimes a couple times a day.

22

Q Did she ever tell you this relationship was

23

over?

24

A Never. Never.

25

Q Did anybody else ever tell you the relationship

JChappel11-8JDC1572

8

1

was over?

2

A No, sir.

3

Q Did you ever call that trailer and get mad  
because of who answered the phone?

4

5

A Yes, sir.

6

Q What was going on?

7

8

A There was numerous different women answering  
the phone. Sometimes the children would pick up the phone,  
knock it over and the phone would just be sitting on the  
floor and I could hear stuff in the background.

9

10

11

Q What would you hear?

12

13

A Music, people, voices. Another time there was  
men answering the phone.

9

14

Q Did you know these men?

15

A Absolutely not.

16

Q Did that make you mad?

17

A Yes, it did.

18

Q Why did it make you mad?

19

20

21

22

23

24

25

A Because when we moved here Debbie had told me  
that I couldn't answer the phone because her mother would  
get upset about it. I gave her that respect. And then I  
turn around and go to jail and there's all kinds of people I  
don't even know answering our phone, hanging up on me.

Q How did you feel about the idea of other men  
being in the trailer when you called your home?

JChappel11-8JDC1573

9

1

A I was stunned, hurt, afraid.

2

Q What were you afraid of?

3

A My children.

4

Q What were you afraid of about your children?

5

6

A We had numerous babysitters in Arizona that wouldn't feed our kids sometimes. Some even hit them.

7

8

Q You say that you would talk to Deborah on the telephone. Did she ever come visit you that summer in jail?

9

10

A Between June 26th and August 31st? Was that what you're talking about?

11

Q Yes, sir.

12

A No, she didn't.

13

Q Do you know why she didn't come visit you?

14

15

16

A No. Because she told me on the phone she was going to come many times. I knew something had to be going on at that house, but I didn't know what was going on.

17

18

Q Did you think she was messing around with other men?

19

20

21

22

23

24

25

A I sensed it but I didn't know for sure so I couldn't keep throwing it in her face when I was talking to her. I asked her straight out if you're dating somebody, let me know. She said no, I'm not dating nobody, I'm not seeing nobody, I don't want nobody else. That was her exact words to me.

Q Now, in the State's opening statement they

JChappel1-8JDC1574

9

1

talked about some letters you sent to her from jail. Did

2

you send her letters from jail?

3

A Many.

4

Q And the State referred to things that you said

5

in those letters. What kinds of things did you say to her?

6

A I asked her how she was doing, how the kids

7

were doing. I told her I loved her, I missed her, I told

8

her she meant the world to me.

9

Q Were those things true?

10

A Yes, sir, very much.

11

Q Did you also say degrading things to her in

12

those letters?

13

A Like the last two letters I put some bad words

14

in there.

15

Q Did you call her a slut?

16

A I told her if she was out there messing

17

around --

18

Q James, did you call her a slut?

19

A Yes, I did.

20

Q Did you call her a whore?

21

A I wrote that, yes.

22

Q Did you ask her questions like are you easy?

23

A Yes.

24

Q Why did you say these things to her?

25

A Because so many things were happening while I

JChappel1-8JDC1575

9

1

was in jail, I was very depressed, upset, lonely, hurt,

2

devastated. She once told me on the phone that she would

3

never abandon me in Las Vegas.

4

Q James, did you see her on August 30th, 1995?

5

A Yes, sir.

6

Q Where did you see her?

7

A At the city courthouse.

8

Q Did she come to your court appearance that day?

9

A Yes, sir.

10

Q Did she testify against you?

11

A No, sir.

12

Q Did you plead guilty that day to domestic

13

battery?

14

A Yes, sir.

15

Q Did you know on August 30th or August 31st that

16

you would be released from custody?

17

A Absolutely not.

18

Q But you were released from custody, weren't

19

you?

20

A Yes, sir.

21

Q And when you were released from custody what

22

did you do?

23

A I walked from downtown to around Bonanza and

24

Lamb.

25

Q About how far is that, if you know, and how

JChappel1-8JDC1576

9

1

long did it take you to walk out there?

2

A From around Las Vegas Boulevard and Bonanza and

3

Lamb it would take about 45 minutes, 50 minutes.

4

Q Why did you walk out there?

5

A I was happy to be out. I just wanted to see my

6

girl and my children.

7

Q Where were you going?

8

A I didn't go home at first.

9

Q Where did you go?

10

A To Vera Johnson project apartments.

11

Q What did you do there at the Vera Johnson

12

Apartments?

13

A Went over there and just talked to a couple

14

people.

15

Q Who did you talk to?

16

A Some man over there named Ben and a couple

17

other people.

18

Q Now, how far is Vera Johnson complex from where

19

you lived at the Balerina Sunrise place, if you know?

20

A It's only like two blocks so approximately it

21

would take like probably 15 minutes to get from there to

22

home.

23

Q Did you borrow a bicycle there?

24

A Yes, I did.

25

Q And once you had the bicycle what did you do?



JChappel1-8JDC1577

9

1

A I went home.

2

Q Now, when you went home this is the home at

10

3

839 North Lamb?

4

A Yes, sir.

5

Q This is the trailer that you shared with

6

Deborah?

7

A Yes, sir.

8

Q Did you expect her to be there?

9

A No, I did not because I called twice before I

10

went home.

11

Q Where did you call from, if you recall?

12

A I called from downtown and I called from Vera

13

Johnson Apartments.

14

Q And nobody answered?

15

A No, sir.

16

Q So you arrived at the trailer and what do you

17

do?

18

A I put the bike on the side of the house.

19

Q James, I'm sorry, but your hands are in front

20

of your mouth and the jury needs to hear this.

21

A I put the bike on the side of the house and

22

went to the window.

23

Q James, I am going to interrupt for a second and

24

show you a picture again, State's Exhibit 1, which is a

25

picture of the trailer. Is one of these windows there where

JChappel1-8JDC1578

10

1

you went to?

2

A Yes.

3

Q Is one of these windows where you entered the

4

place?

5

A Yes.

6

Q Why did you go into your place through the

7

window?

8

A I had been through the window through many of

9

our residences in Arizona, in Michigan and I didn't figure

10

nothing was wrong with that.

11

Q Did you have a key to get inside the place?

12

A I used to but I lost it.

13

Q You start climbing in the window and what

14

happens?

15

A I start climbing through the window and Debbie

16

walked in the doorway and she asked me why didn't I knock at

17

the door. I said I didn't know you were home. I said I

18

just called, why didn't you answer the phone. She said I

19

just got here.

20

Q Do you know what time this is?

21

A No, sir, I wasn't paying attention to the time.

22

I know I had to be back downtown at one o'clock.

23

Q So you get in the window, right?

24

A Yes, sir.

25

Q What happens? You get into the window and do

JChappel1-8JDC1579

10

1

you guys talk or what?

2

A Yeah, we talked.

3

Q What else did you do?

4

A I got on my knees in front of her and she was

5

sitting on the couch, I asked her what has she been doing

6

while I was in jail. She said working full-time and

7

watching the kids.

8

Q What happened next?

9

A We talked about a couple of things that were

10

said over the phone. She told me about a couple things that

11

her friends had did while I was in jail.

12

Q Were you glad to see her?

13

A Absolutely.

14

Q Did you think everything was okay?

15

A Yes.

16

Q How long did you all talk?

17

A About 20 minutes.

18

Q What did you all do then?

19

A We kissed a couple of times.

20

Q And then what happened?

21

A We started taking each other's clothes off. We

22

began to have sex on the couch.

23

Q Where was the couch?

24

A Excuse me?

25

Q Where was the couch where you were having sex?

JChapell-8JDC1580

10

1

A It was along the wall right at the corner of

2

the kitchen.

3

Q It was not in the master bedroom?

4

A No.

5

Q I guess it had been a long time since you'd had

6

sex?

7

A A very long time.

8

Q But you'd had sex with her probably hundreds of

9

thousands of times with her before?

10

A A million, billions of times.

11

Q And you loved her?

12

A Extremely. She was the world to me.

13

Q And what happened?

14

A When I entered her, her vagina was all loose

15

and wet and smelly and it wasn't nothing like it used to be.

16

Q What did you think? What did that mean to you?

17

A I immediately thought that she had been messing

18

around on me.

19

Q You thought she was messing around with other

20

men?

21

A Yes, sir.

22

Q What did you do?

23

A I got up, I grabbed her and asked her who she'd

24

been with. She said nobody. She said I swear to God on my

25

grandmother's grave I ain't been with nobody. That was her

JChappel11-8JDC1581

10

1

exact words.

2

Q Did you believe her?

3

A Absolutely not.

4

Q So what did you do then?

5

A I walked away from her and started walking in the master bedroom. She came up behind me, she grabbed me around my waist, she asked me could she get on top of me.

6

7

8

Q You mean get on top of you sexually?

9

10

A Yeah. She know I used to love her on top of me. And she asked if she could get on top of me and I told her no.

11

12

Q What happened next?

13

A She performed oral sex on me.

14

Q Now, had you hit her at all as of this point?

15

A No, sir.

16

17

Q This was consensual oral sex she performed on you?

18

19

A Of course, yes, sir. I never pressured her in having sex with me. Never. Never had to.

20

Q What happened next?

21

22

23

24

25

A She was done, got up and went into the bathroom. I put my clothes back on. She went and got on the phone. She said I'm going to call the day-care and see what time I have to pick up the children. And I said okay, I want to see them anyway.

11

JChappel1-8JDC1582

11

1

Q Were you right by her when she was talking to  
day-care?

2

3

A No, not at the beginning, sir, no.

4

Q Where were you?

5

A I was in the bathroom.

6

7

Q Now, did she put her clothes back on after the  
sex?

8

A Yes, she did.

9

Q You put your clothes back on?

10

A Yes, sir.

11

12

Q So you can't say exactly what she said to the  
day-care people?

13

14

15

A No. She wasn't talking that loud so I couldn't  
hear what she was saying. I knew she was talking to the  
day-care, though.

16

17

Q At that time when she called day-care the first  
time would you be surprised to hear that she was scared?

18

19

20

21

22

23

A Yeah. When I read that, I couldn't believe  
that because I didn't hear her say none of that. When I  
walked in there, I heard her say 5:30, that did you have to  
pick them up at 5:30 and she said okay, and I told her tell  
them that we're going to be there. And that's what she told  
the lady.

24

Q Now, the lady called back, didn't she?

25

A Yes.

JChapelle11-8JDC1583

11

1

Q And were you there when she talked to the lady

2

at that time?

3

A Yes, sir.

4

Q How was Deborah by then?

5

A She didn't seem to me scared.

6

Q You think she was scared the first time she

7

called them?

8

A When I came in there she did look like she was

9

scared the first time.

10

Q You think she was scared of you?

11

A I think that she knew that she had got caught.

12

Q When you say got caught, got caught doing what?

13

A She knew I knew she had been messing around. I

14

know Debbie. I know Debbie better than probably anybody.

15

Q Now, when she called the day-care center had

16

you done anything violent towards her that day?

17

A No, sir.

18

Q Had you threatened her with violence?

19

A No, sir.

20

Q Okay. They call, she talks to them and then

21

what happens?

22

A She said we're on our way, we're coming to pick

23

up the kids.

24

Q So what happened next?

25

A We got ready to leave, we walked out the door,

JChappel11-8JDC1584

11           1       the bike I rode over there, she grabbed the bike and placed  
          2       it on the front porch for me. We started walking to the  
          3       car.

          4           Q       Was this the Toyota that you've seen in  
          5       pictures here in court?

          6           A       Yes, sir.

          7           Q       Go on.

          8           A       She asked me did I want to drive. I told her  
          9       yes. We walked along to the car, I looked on the side of  
         10       the house, there was a whole box full of beer cans and I had  
         11       asked her who was drinking all that beer there.

         12           Q       Now, did she drink?

         13           A       No, she did not.

         14           Q       So what did you think when you saw the beer  
         15       cans?

         16           A       That there had to be some kind of little  
         17       parties going on there. There was lots of them, lots of  
         18       them.

         19           Q       Go on.

         20           A       We got in the car and I when I got in the car I  
         21       looked around and the car was all trashy, papers everywhere,  
         22       beers cans on the floor. I tried to turn the air  
         23       conditioner on, it was broke, the gear shift was cracked,  
         24       the ceiling to the car was ripped all off, the light in the  
         25       back window was broke, busted and I asked her who did all



JChappel1-8JDC1585

11

1

that. She said the kids did it. So I started up the car,

2

backed out.

3

Q Where were you going?

4

A We were going to pick up the kids.

5

Q Did you start to leave?

6

A Yes, I did. I pulled out the driveway, put the

7

car in drive, started moving. I asked her -- I said look

8

for my Michael Jackson Off The Wall tape. She was looking

9

up under the seat, going through all the mess that was on

10

the floor. And before I went to jail I had lots of tapes in

11

the car and I would keep them in the middle of the seats.

12

Q Is that a console?

13

A Yes, sir.

14

Q Okay.

15

A I opened it up and there was a little note in

16

there.

17

Q When you say a note, do you mean a note or a

18

letter?

19

A A letter, sir. I grabbed the letter, opened

20

it --

21

Q Did you read part of the letter?

22

A Yes, sir, I opened it up. I even let go of the

23

steering wheel, almost crashed into a car that was parked.

24

I was going through the letter as quickly as I could. When

25

she noticed me reading the letter, she tried to grab the

JChapell-8JDC1586

12

1

note. We was fighting over the note.

2

Q Could you read some of the words in the letter?

3

A Yes, sir.

4

Q What was it saying?

5

A Some guy talking about having sex with her,

6

said he had been with her and she was teasing him.

7

Q How did you react to that?

8

A I was shocked, I was devastated.

9

Q What did you do?

10

A I stopped the car, put it in reverse, backed it

11

up and parked in front of the house.

12

Q Go on.

13

A When we got out of the car, I went out on her

14

side, I stepped over her lap, went out the passenger door, I

15

grabbed her out of there, took her back in the house.

16

Q And what did you do inside the house?

17

A I don't recall everything I did now.

18

Q Did you stab her?

19

A I didn't know until I had cut my finger.

20

Q Do you know how many times you stabbed her?

21

A No, I did not.

22

Q Do you know how many times you hit her?

23

A No, I do not.

24

Q Do you know where you got the knife?

25

A No, I do not.

JChappel1-8JDC1587

12

1

Q Why were you doing this?

2

A I don't know.

3

Q Did she run away from you?

4

A No.

5

Q What did she do?

6

7

A She didn't make no noise, she didn't try to run, she didn't do nothing.

8

Q Did she fall to the ground right there?

9

10

A She went in the door, yes, she just fell on the floor and stayed there.

11

12

Q James, when you got out of the car, did you have any thought of killing her or hurting her?

13

A Absolutely not, sir.

14

15

Q What did you think you were going to do when you took her back inside the house?

16

17

18

A At the time I don't know. My mind just clicked and it was stuck. I couldn't think beyond that letter. I was stuck at that letter.

19

20

Q What were you thinking about? What was going on in your mind?

21

A Her doing what she done to me to somebody else.

22

Q You mean having sex with somebody else?

23

A Yes, sir.

24

Q That's what was going on in your head?

25

A Exactly.

JChapelle-8JDC1588

12

1

Q And you were upset?

2

A Very.

3

Q Did you realize you killed her?

4

A No, I did not. I couldn't look at her. I just

5

hurried up and took off out the door and left.

6

Q From the time that you got out of the car to

7

the time that this stuff happened inside how much time

8

passed, if you know?

9

A I don't know. It happened like that, sir. It

10

happened real quick.

11

Q James, I am going to show you a photograph,

12

State's Exhibit 26, that shows part of Deborah lying on the

13

floor and right beside her head is a letter with blood on

14

the letter. Do you recognize that letter?

15

A Yes, sir.

16

Q Why do you recognize that letter?

17

A It was the letter I found in the car.

18

Q Is that the letter from what you think is

19

another man?

20

A Of course. Yes, it is.

21

Q Did you two fight over the letter in the car?

22

A Yes, she tried her best to get it from me.

23

Q Was the letter torn up into many different

24

pieces?

25

A Yes, sir.

12

1

Q Who tore it up into many different pieces?

2

A She tried to rip it, I know that.

3

Q Did you rip some of it too?

4

A I was trying to hold onto it. She was trying

5

to get it from me and it ripped.

6

Q I am going to show you Exhibit 31, a photograph

7

of a piece of a letter. Is that a piece of that letter do

8

you think?

9

A Yes, sir.

10

Q I am going to show you State's Exhibit 32,

11

another piece of the letter. Is that the letter as far as

12

you know?

13

A Yes, sir.

14

Q Now, when Officer Perkins testified, he

15

testified that one letter was found right beside her.

16

That's this letter we're talking about?

17

A Exactly, sir.

18

Q And he also testified that there were letters

19

found strewn about on the floor in the master bedroom. How

20

did they get there?

21

A When me and Debbie was in the room, when she

22

came in there and she had grabbed me by my waist, we was in

23

the room, some of the letters that I wrote her was beside

24

the bed on the table, some of the letters was up on the

25

entertainment center. The ones that was on the side of the

JChapelle-8JDC1590

12

1

table I took them and I threw them at her and I asked her, I

2

said these didn't mean nothing to you, none of this meant

3

nothing to you, did it. That's exactly what I said to her.

4

Q I am going to show you State's Exhibit 8 which

5

is a photograph of that room and there are letters on the

6

floor. Are these the letters that you threw at her?

7

A Exactly, sir, yes.

13

8

Q I am going to show you State's Exhibit 10 which

9

includes you can see some of the writing on the letters on

10

the floor. Is that your writing on that letter?

11

A Yes, sir.

12

Q James, the State has tried to say in this case

13

that you ransacked the master bedroom. Did you ransack that

14

master bedroom?

15

A I didn't touch nothing in that room, sir.

16

Nothing.

17

Q You didn't try to steal anything from that

18

room?

19

A Of course not, sir. No. Absolutely not.

20

Q After you killed Deborah did you steal anything

21

from inside the trailer?

22

A I looked at Debbie on the floor and I ran out

23

the door, sir. I did not touch nothing in that house.

24

Nothing.

25

Q Where did you get the social security cards

JChapelle-8JDC1591

13

1

from?

2

A They were in the car up under the driver's

3

seat, sir.

4

Q Were they in this black folder that one of the

5

witnesses talked about?

6

A No, they were not.

7

Q Where were they?

8

A They were in the plastic thing they were in and

9

they were on the floor. There was so much stuff in the car

10

on the floor. There was trash everywhere, sir.

11

Q Why did you get in the car and leave?

12

A When I seen her like that, sir, I panicked and

13

I just had to get out of there as quick as possible.

14

Q You obviously didn't think about calling the

15

police or trying to get attention for her? No?

16

A No, sir.

17

Q How do you feel about what you did?

18

A Extremely bad. Lower than dirt. If I could

19

give up my life for hers, I would. In a heartbeat.

20

Q Where did you go, James, in the car?

21

A I went to the Vera Johnson Apartments.

22

Q And that's how far away from the trailer?

23

A About 15 minutes.

24

Q What did you do when you got down there?

25

A I parked the car and I just sat there with my

JChapelle11-8JDC1592

13           1           head in my hands on the steering wheel. There was blood on  
             2           my hands and my finger was cut.

             3           Q       Did you get high?

             4           A       Not for awhile, sir.

             5           Q       You eventually got high, though?

             6           A       Later on, yes, I did.

             7           Q       Did you get high on cocaine?

             8           A       Yes, sir.

             9           Q       Why did you get high on cocaine?

            10           A       Because I felt bad and when you're on cocaine  
            11           it makes your mind go somewhere else, sir.

            12           Q       When you killed her were you high on cocaine?

            13           A       Absolutely not. No, I was not. No.

            14           Q       There's been some testimony that while you were  
            15           at the Vera Johnson projects somebody saw you dancing  
            16           around. Is that possible?

            17           A       No. I don't recall doing that at all, sir.

            18           No.

            19           Q       But you did get high?

            20           A       Yes, I did.

            21           Q       There's been testimony that the next day you  
            22           went and shoplifted at Lucky's; is that right?

            23           A       Yes, sir.

            24           Q       Why were you stealing there the next day?

            25           A       Actually I went over there to get a newspaper.



JChappel1-8JDC1593

13

1

Q Let me go back for a second. That night after this had happened did you ever go back to the trailer where Deborah was?

2

3

4

A Yes, I did go back.

5

Q What time did you go back if you know?

6

A It was between 11 -- it was after I had watched

7

the news, sir, over at Bridget's house over at the Vera

8

Johnson Apartments.

9

Q Did you see that they were looking for you?

10

A They showed my picture, gave a description of

11

the car and everything.

12

Q So how did you get back over there to the

13

trailer?

14

A I walked.

15

Q Did you go inside the trailer again?

16

A No. I just stood on the other side of the wall

17

and looked at the house.

18

Q Were the police still there?

19

A There was some detectives there.

20

Q You knew that taking her car was wrong, didn't

21

you?

22

A Yes.

23

Q And you know that you're responsible for that?

24

A Yes, sir.

25

Q You know you're responsible for killing her?

JChappell-8JDC1594

13

1

A Yes, sir.

2

MR. BROOKS: We'll pass the witness, Your

3

Honor.

4

THE COURT: Cross-examination.

5

MR. HARMON: Thank you, Your Honor.

6

7

CROSS-EXAMINATION

8

BY MR. HARMON:

9

Q How old are you, Mr. Chappell?

10

A Twenty-six now, sir.

11

Q What is your date of birth?

12

A 12-27-69.

13

Q How tall are you?

14

A About six foot, sir.

15

Q On August 31st, 1995 about how much did you

16

weigh?

17

A About a hundred eighty pounds, sir.

18

Q Do you know how tall Deborah Panos was?

19

A Not exactly. I'd say about five-four,

20

five-five.

21

Q Do you know about how much she weighed on the

22

date she was killed?

23

A I read in the papers they say she weighed a

24

hundred thirty pounds, sir.

25

Q So you were substantially larger than her,

JChapple1-8JDC1595

13

1

weren't you?

2

A Yes, sir.

3

Q You've told us that you were in jail from

4

February the 25th until May the 10th, 1995?

14

5

A February 28th until May 10th, 1995, sir.

6

Q You said that you were arrested on June the 1st

7

and were released on June the 7th?

8

A Yes, sir.

9

Q Rearrested on June the 26th?

10

A Yes, sir.

11

Q And remained in custody until the date you were

12

released and you killed Deborah Panos, correct?

13

A Yes, sir.

14

Q Why were you arrested on Shauntel's birthday?

15

A I was trying to shoplift Shauntel a couple

16

outfits for her birthday.

17

Q Do you like being in custody?

18

A Absolutely not, sir.

19

Q It's not much of a life to be incarcerated, is

20

it?

21

A No, sir.

22

Q You've had a substantial period of time to

23

think about today, haven't you?

24

A Yes, sir.

25

Q You've known for quite awhile, haven't you,

JChappell-8JDC1596

14           1       that at some point you would take the witness stand and give  
          2       the jury your version of what happened?

          3           A       Yes, sir.

          4           Q       And once you had made that decision, whenever  
          5       it was, you've given a lot of attention to what you would  
          6       tell the jury?

          7           A       I didn't make up anything, sir.

          8           Q       I didn't say you made up anything, Mr.  
          9       Chappell. Have you thought a lot about what you would tell  
         10       the jury?

         11           A       No.

         12           Q       Have you thought a lot about how you would act  
         13       on the witness stand?

         14           A       No, sir.

         15           Q       As you sit here this afternoon are you  
         16       concerned about punishment?

         17           A       No, sir. Whatever I get I'll accept it.

         18           Q       It doesn't matter to you whether you're  
         19       convicted of voluntary manslaughter or murder of the second  
         20       degree or murder of the first degree?

         21           A       Does it matter? Is that what you said?

         22           Q       I'm asking you if it matters which you were  
         23       convicted of.

         24           A       No, it doesn't matter, sir. Whatever I'm  
         25       convicted of I'll accept it.

JChappel1-8JDC1597

14

1

Q And you're not concerned if it's murder of the first degree that the punishments be minimized to some extent?

2

3

4

A Could you please repeat that, sir.

5

6

7

Q You said it really doesn't matter to you what you're convicted of, if it's first degree murder you will accept that. Is that what you said basically?

8

9

A Yes, whatever I'm convicted of I will accept it, sir.

10

11

12

Q My question therefore was so there isn't some effort here on the witness stand to present yourself in such a way that you will minimize your punishment?

13

A No, sir.

14

Q You don't care if you get a death sentence?

15

A Yes, I do care if I get the death sentence.

16

Q So you don't want to get a death sentence?

17

18

19

A I have three children, sir, and I want to see them and be able to do something with them sometime in my life.

20

21

Q So we have established that is a punishment that you want to avoid; is that true?

22

23

A Yes, sir, I am pretty sure any man or woman would want to avoid the death penalty.

24

25

Q Are you telling us it doesn't matter beyond that if it's life with the possibility of parole or life

JChappell-8JDC1598

14

1

without parole? You don't care?

2

A I do care, but --

3

Q What do you mean you do care?

4

A Of course I'm going to care, you know.

5

Q The bottom line is you don't want to get life

6

without parole either, do you, Mr. Chappell?

7

A If I get it, I will accept it, sir.

8

Q Is that what you want?

9

A No. I have three children and I want to see my

10

three children and be able to do something with them in

11

their life. I never had no father, sir.

12

Q So you'd certainly prefer a life with a parole

13

sentence?

14

A I would be honored to have life with.

15

Q Honored, is that your answer?

16

A I would be honored to be able to get out

17

sometime in my life and be able to reconcile with my

18

children.

19

Q So you do have an interest in how this case

20

turns out?

21

A Of course. Yes.

22

Q You were asked about jobs that you've held. I

23

don't want to go back to Lansing, Michigan or Tucson,

24

Arizona, I want to limit the questions about employment,

25

gainful employment to Las Vegas. You said you got a job at

JChapelle11-8JDC1599

14

1

Ethel M Chocolate?

2

A Yes, sir.

3

Q You worked there a month and a half?

4

A Yes, sir.

5

Q And then you said because Deborah worked that

6

you needed to watch the children?

7

A No. I didn't say it that way.

8

Q How did you say it?

9

A We couldn't afford day-care at that time, sir,

10

and we didn't know nobody in Las Vegas yet so we couldn't

11

find no babysitter and me staying home with the children

12

watching the kids wasn't nothing new so I went ahead and I

15

13

did it again and I lost my job.

14

Q After a month and a half?

15

A Yes. I called them three times, sir, and lost

16

my job.

17

Q How quickly after you had moved to Las Vegas,

18

which as I remember you said was around October the 1st,

19

1994, was it that you got the job at Ethel M?

20

A When was it when I got the job at Ethel M?

21

Q How quickly after you arrived in Las Vegas?

22

A Very quick. Because Debbie was going to work

23

there too. We both went there and took the test. Probably

24

about two weeks after we arrived here, sir, to live here.

25

Q So perhaps the middle of October?

JChappel1-8JDC1600

15

1

A Yes, sir.

2

Q Of 1994?

3

A Yes, sir.

4

Q About two years ago?

5

A Yes, sir.

6

7

Q And as you've just explained you worked for approximately a month and a half?

8

A Yes, sir.

9

10

Q Now, where is it that you next had gainful employment in Las Vegas?

11

12

13

14

15

16

A Me and Debbie went out together and I turned in applications, but I didn't get no response. And I went to a temporary service to get a job at Price Rite on Bonanza and I forgot the other name of the street but Price Rite on Bonanza, and I was supposed to go take my drug test, you know, and I didn't make it there.

17

18

Q Is the answer you didn't ever have gainful employment after you lost your job at Ethel M's?

19

A No, sir.

20

21

22

23

Q So after perhaps the middle of October -- I'm sorry -- perhaps after, what, the first of December 1994 you didn't ever contribute financially to the support of Deborah Panos and your children?

24

25

A I got some things for my children. I also got some things for Debbie, but I did not --



JChappel11-8JDC1601

15

1

Q How, sir?

2

A How?

3

Q How?

4

A As you know I shoplifted a couple of times,

5

sir.

6

Q You were asked earlier if your drug problem had

7

hindered your ability to be a good father and in this case a

8

good boyfriend to Deborah. Are you still saying while you

9

lived in Las Vegas that your drug problem didn't affect your

10

ability to provide for your family?

11

A No. I was doing drugs, sir, and I did bring

12

things home for my children and Debbie.

13

Q What things?

14

A I brought Debbie an outfit home, Valentine's

15

Day I got her a card, stuffed animal. I got my kids some

16

video games, hand held video games. When Debbie and I had

17

accidentally broke her nose with the cup, I went and stole

18

her some bandages and Band Aids and stuff and Neosporin for

19

her nose. Got cough medicine for the children.

20

Q Did you ever help pay for the rent?

21

A Around that time, no, sir.

22

Q Around what time?

23

A After I lost my job at Ethel M.

24

Q Any time after that did you pay for the rent?

25

A No.

JChapelle11-8JDC1602

15

1

Q Did you regularly put food on the table to feed your children?

2

3

A I brought food home a couple of times, sir.

4

Q You consider a couple of times providing for your kids?

5

6

A Not 100 percent, but I was doing something. I just didn't --

7

8

Q What drugs were you using in Las Vegas?

9

A Marijuana and cocaine, sir.

10

Q How regularly did you use marijuana and

11

cocaine?

12

A When we first moved here I didn't mess around

13

for like about two months and then after that a couple of

14

times a week and then around between May 10th and around

15

June 26th I did it a lot, probably every day, sir.

16

Q Are we talking about marijuana or cocaine or

17

both?

18

A Both.

19

Q How much marijuana, if as you said from perhaps

20

May the 10th until June the 26th you were using it daily,

21

how much on a daily basis?

22

A Probably about two joints a day.

23

Q How much cocaine?

24

A I'm not exactly sure. There was different

25

amounts on different days, sir.

JChapelle11-8JDC1603

15

1

Q How would you ingest the cocaine?

2

A Smoke it. Freebase it, sir.

3

Q Where would you get it?

4

A From people who lived over at Vera Johnson

5

Apartments, sir.

6

Q The Vera Johnson projects at 507 North Lamb?

7

A Yes, sir.

8

Q You spent a lot of time over there?

9

A I spent some time over there.

10

Q What does that mean I spent some time?

11

A At the beginning, no, I wasn't staying over

12

there a lot. Towards the end around between like June 1st

13

and June 26th I was over there a lot.

14

Q Every day?

15

A Yes.

16

Q For hours every day?

17

A Yes.

18

Q Stay overnight at crack houses?

16

19

A No. I remember LaDonna Jackson saying she seen

20

me sleeping over there. I don't recall --

21

Q Bridget's place, who is Bridget?

22

A Bridget -- a girl that lives over there, some

23

lady that lives over there.

24

Q Did you stay overnight at Bridget's place?

25

A No, I'd be there late at night, but I never

JChappel1-8JDC1604

16

1

went there and slept there all night and stayed there all

2

night and got up the next day and went home or nothing like

3

that. It wasn't like that.

4

Q How late is late at night?

5

A I'd be there sometimes three in the morning,

6

four in the morning, something like that.

7

Q Did that happen regularly during the month of

8

June?

9

A No. I didn't hang out at Bridget's house all

10

the time, no.

11

Q Well, were you concerned when you would stay

12

out very late about Deborah's welfare, those of your

13

children?

14

A I would talk to her. I would call her and talk

15

to her or I would go home in the middle of the day and let

16

her know what I was doing or where I was.

17

Q How were you getting the crack that you were

18

smoking?

19

A Sometimes it was people over there that had it

20

that would share. Sometimes I would shoplift to get it.

21

Both ways. Sometimes people had it, they shared, sometimes

22

I would shoplift and I'd get some.

23

Q The defense asked you about this incident which

24

occurred in Tucson on February the 23rd, 1994 when the

25

police came?

JChappel1-8JDC1605

16

1

A Yes.

2

Q You may remember that the lady officer from

3

Tucson a Jeri Earnst testified?

4

A Yes, I remember her testifying.

5

Q Now, as I remember you said on direct

6

examination that you had taken a dresser that Deborah had

7

purchased and you took it back to the store and you got

8

refund money?

9

A Yes, sir.

10

Q And it was for that reason the two of you were

11

arguing?

12

A That's how the argument started out and then

13

it --

14

Q Whose dresser was it?

15

A I know she bought it.

16

Q But didn't she buy it for Shauntel your little

17

daughter?

18

A I'm not sure she bought it for Shauntel. I

19

don't think that's true. I think -- I don't think it was

20

for Shauntel. I don't think so. I don't recall her buying

21

no dresser for Shauntel. We had plenty of dressers in the

22

house, sir. We had lots of them.

23

Q But she bought it for some reason?

24

A Right, she bought it for some reason.

25

Q With her money?

JChappell-8JDC1606

16

1

A Right.

2

Q Did you get her permission to take it back to the store and get a refund?

3

4

A No, sir. No, I did not.

5

Q What did you do with money? Did you get Deborah an outfit or bandages?

6

7

A I don't recall exactly what I did do with the money, sir, but I know that I had to make up for it because there would be times that --

9

10

Q We've had testimony from Officer Earnst that this argument according to Deborah concluded with you engaging in acts of domestic violence. What did you do?

12

13

A I don't recall everything I did.

14

Q Did you knock her to the floor?

15

A I don't remember doing that.

16

Q Did you kick her?

17

A I did not kick her, sir.

18

Q So if that's what she related tearfully and emotionally to the officer, that would be inaccurate?

19

20

A I did not kick her, sir. I do not recall kicking her so I know I did not kick her. If I kicked her, I would know it. I did not kick her that day, sir. I did not kick her at all.

23

24

Q Well, if you kicked her when she was down, would you admit it?

25

JChappell-8JDC1607

16

1

A Of course. I'm not going to lie about nothing.

2

I'm not going to lie about nothing.

3

Q You wouldn't lie about anything here on the

4

witness stand, would you?

5

A No, sir.

6

Q You were asked on direct examination about the

7

situation where Deborah's nose was broken January the 9th,

8

1995 here in Las Vegas?

9

A Yes.

10

Q You said that you threw a plastic thermal cup?

11

A Yes, sir.

12

Q You didn't hold it and strike her with it?

13

A No.

14

Q You just threw it?

15

A I threw it.

16

Q And you said it hit her on the nose?

17

A Yes, sir.

18

Q You didn't strike her in any other way?

19

A No, I did not.

20

Q You didn't hit her in the forehead?

21

A No, sir. The cup came across this way so it

22

could have hit her forehead and it landed right here.

23

Q It could have been a cup, a thermal container

24

that caused a laceration on the forehead and also on the

17

25

side of the nose?

17

1

A The cup caused the damage to her face, sir,

2

yes, it did.

3

Q Well, during your direct you talked about the

4

injury to the nose, the nose was broken, correct?

5

A Yes, sir. That's what the doctor said, yes.

6

Q And the medical report in evidence indicates

7

stitches were taken on the bridge of the nose?

8

A Yes, sir.

9

Q There was also a running stitch taken in the

10

right eyebrow area?

11

A Yes, I remember seeing that, sir.

12

Q But you're saying that was all from throwing

13

the cup, you didn't strike her there?

14

A She got hit with the cup and that was it, sir.

15

THE COURT: Mr. Harmon, there's been a request

16

that we take a brief recess at this point to accommodate the

17

jury.

18

Ladies and gentlemen, during the recess it is

19

your duty not to converse among yourselves or with anyone

20

connected with the trial, or read, watch or listen to any

21

report of or commentary on the trial by any medium of

22

information including, without limitation, newspaper,

23

television and radio, and you are not to form or express any

24

opinion on any subject connected with this case until it is

25

finally submitted to you.



JChappell-8JDC1609

17

1

This will be about a ten minute recess. I

2

don't want you to leave the upper deck of the courthouse.

3

We will be reconvening at five minutes after 5:00 at which

4

time I'll be able to tell you -- before we go we'll do this

5

right now. Would counsel approach the bench.

6

(At this time, an  
off-the-record  
discussion was held.)

7

8

THE COURT: I understand one of the jurors has

9

to be someplace at six o'clock; is that correct? Because if

10

somebody has an appointment, we are going to accommodate. I

11

just need to know how far it is so we can give an estimate.

12

JURR NO 11: I just wanted to get out for the

13

game.

14

THE COURT: In that case I think we should be

15

able to finish with this witness today. We'll finish with

16

this witness and our estimate is somewhere in the area of

17

5:30 to 5:45.

18

(Recess.)

19

THE COURT: Counsel stipulate to the presence

20

of the jury?

21

MR. HARMON: Yes, Your Honor.

22

MR. BROOKS: Defense will, Your Honor.

23

THE COURT: Mr. Chappell, will you please

24

retake the witness stand.

25

Mr. Harmon, you may continue your

JChappell-8JDC1610

17 1 cross-examination of this witness.

2 MR. HARMON: Thank you, Judge.

3 BY MR. HARMON:

4 Q Mr. Chappell, was it your testimony during  
5 direct examination that after you hurt your wife's nose that  
6 you called 911?

7 A Yes, sir.

8 Q Do you recall the testimony that was offered by  
9 Daniel Giersdorf of the police department that the call came  
10 from Deborah?

11 A No. I heard him say that, but he was false.  
12 He was wrong.

13 Q She was taken to the hospital, wasn't she?

14 A Yes, she was.

15 Q Did you go along?

16 A No, I did not. I walked with her to put her  
17 inside the back, but three kids were along the side and I  
18 went back inside and they said she was going to go to UMC.

19 Q The testimony by Giersdorf suggested when they  
20 got there and made contact with you, you were sitting calmly  
21 and watching television?

22 A That was false also, sir. The TV was in the  
23 bedroom at that time, the three children were sitting in the  
24 front of the TV. I was outside in the living room sitting  
25 in the chair. The TV wasn't even in the room at that time,

JChappel1-8JDC1611

17           1       sir. They came in and they slammed me all around like I  
2                   2       just testified, told my attorney about.

3                   Q       They said they came up and announced their  
4                   4       presence, could see inside and you didn't even get up?

5                   A       That's not true. I let them in. He didn't  
6                   6       just come --

7                   Q       Ultimately?

8                   A       He didn't just come in and open the door. I  
9                   9       got up and opened the door for him, sir.

10                  Q       On June the 1st, 1995 we've had testimony that  
11                  11       there was another argument between you and Deborah Panos?

12                  A       Yes, sir.

13                  Q       You indicated that you hadn't seen her for  
14                  14       quite awhile?

15                  A       Exactly.

16                  Q       How did it happen that you hadn't seen her?

17                  A       I don't remember why, but I know she was gone.

18                  Q       Had she been gone for a number of days?

19                  A       She was gone all day the day before that day,  
20                  20       sir.

21                  Q       Did you become concerned about where she was  
22                  22       and what she was doing and who she was doing it with?

23                  A       Yes, sir.

24                  Q       So when she came home you started to ask a lot  
25                  25       of questions; is that correct?

JChappel1-8JDC1612

17

1

A I asked her a number of questions, yes.

2

Q What types of questions?

3

4

A I don't remember. I remember asking her where she had been.

5

Q Does she tell you where she had been?

6

7

A She gave me many excuses, different excuses. They all didn't add up together.

8

9

Q They were not excuses you accepted; is that correct?

10

A No.

11

Q So you got rough with her; is that true?

12

A Not immediately, sir.

13

14

Q Well, if not immediately, at a certain point did you take her into the bedroom?

15

16

A I didn't take her in there. We both walked in the bedroom.

17

18

Q After you walked into the bedroom did you become physical with her?

19

18

A Yes, I put her on the bed.

20

Q What does that mean yes, I put her on the bed?

21

A That's what I did.

22

Q Did you grab her?

23

A I don't remember exactly.

24

25

Q I'm trying to figure out how she got from a standing position to on the bed.

JChappell-8JDC1613

18

1

A I don't remember, sir.

2

Q So after you had put her on the bed did you get

3

up and straddle her and pin her arms down with your knees?

4

A I got on top of her, yes, sir.

5

Q Did you pin her arms down with your knees?

6

A I'm not sure about pin her arms down. I was on

7

top of her, sir, I know that.

8

Q So while you were on top of her according to

9

your testimony on direct examination you said I showed her a

10

knife.

11

A Yes, I did.

12

Q Now, Mr. Chappell, what does that mean, I

13

showed her a knife?

14

A That means I held it up like this and I asked

15

her where she had been.

16

Q Describe the knife you held up like that.

17

A I don't remember, sir.

18

Q Where did you get the knife?

19

A The knife was on the dresser.

20

Q On the dresser in the bedroom?

21

A Yes, sir.

22

Q Whose knife was it?

23

A It belonged to the household.

24

Q It was Deborah's knife?

25

A If you want to say that, yes.

JChappell-8JDC1614

18

1

Q I'm asking you. Whose knife was it?

2

A It belonged to both of us, sir.

3

Q Was it a kitchen knife?

4

A Yes, sir.

5

Q Steak knife?

6

A I'm not sure if it was a steak knife, sir.

7

Q You've seen the knife in court, 68-A-1, that

8

you used to kill her. Did it look like that knife?

9

A No, it did not.

10

Q Was it the same type of knife?

11

A No, it was not.

12

Q So when you're on top of her you say you showed

13

her this knife?

14

A Yes.

15

Q What did you do, reach over and take it off of

16

the table?

17

A Yeah.

18

Q What was your purpose in showing her the knife?

19

A I was trying to get information out of her.

20

That's it.

21

Q You were trying to use the knife to coerce

22

information out of her; is that true, Mr. Chappell?

23

A Yes, I guess so, sir.

24

Q You were trying to find out if she had a

25

boyfriend?

18 1 A I didn't ask her that.

2 Q What type of information were you trying to get  
3 out?

4 A I don't remember what questions I asked her. I  
5 know I asked her where she had been.

6 Q You were jealous?

7 A No, not at that point, no. I was just  
8 concerned and she had me worried and when we argued about  
9 it, she said a couple of things and I got upset about it.

10 Q You weren't just concerned about the baseball  
11 scores, were you, or the weather forecast, what type of  
12 information were you trying to get her to divulge by showing  
13 her a knife?

14 A I just wanted to know where she had been.  
15 That's it.

16 Q Did you feel you were entitled to know where  
17 she had been?

18 A She asked me every time when I was gone where I  
19 had been.

20 Q Well, obviously if you had to put her down on  
21 the bed and get on top of her and show her a knife she  
22 didn't want to tell you what you wanted to know; is that a  
23 safe assumption?

24 A That could be.

25 Q Did you feel like you're entitled to get

Chappel-8JDC1615

18 1 answers from her?

2 A I answered her when she asked me so I expected  
3 the same thing.

4 Q You weren't married, were you?

5 A No, we didn't make it, sir.

6 Q She hadn't made any marital commitment to you,  
7 had she?

8 A She told me you get me a ring and I'll marry  
9 you. That's what she told me.

10 Q Did you ever get her the ring, Mr. Chappell?

11 A No, I did not, sir.

12 Q You say you showed her the knife. Did you  
13 threaten her with the knife?

14 A No. I just was asking her questions and just  
15 showed her the knife. I didn't threaten her, didn't do  
16 nothing with the knife, no, sir.

17 Q Officer Allen Williams testified about this  
18 incident and said it was related to him by Deborah that she  
19 had been threatened --

20 A No.

21 Q -- with the knife.

22 A He was false also, sir.

23 Q Dina Freeman the employee with the Tucson  
24 Police Department is a liar; is that what you're telling us?

25 A What she said in her testimony in this

Chappell-8JDC1616



JChappell-8JDC1617

18

1

courtroom was false.

2

Q Daniel Giersdorf from the Metropolitan Police

3

Department is a liar?

4

A I don't remember everything he said. I

5

remember exactly everything she said.

6

Q Well, you said he lied about how you were

19

7

acting when they came to the mobile home on January the 9th.

8

He's a liar?

9

A Are you talking about the cup incident?

10

Q I'm talking about the day that Deborah's nose

11

was broken by you.

12

A Yeah, he said I was sitting there watching TV.

13

That's not true. The TV was not in the living room.

14

Q So Giersdorf also is a liar?

15

A I can't call him no liar, but when he said I

16

was sitting there watching TV, that was false.

17

Q You were standing watching TV?

18

A No. When they opened the door, I sat down. He

19

came inside, two of them came inside and they grabbed me, my

20

son James Panos seen the entire incident and was crying and

21

screaming and they were telling him to go sit down,

22

everything would be okay. They slammed me all over the

23

place and took me to jail in my boxers, sir, and my socks.

24

That's it. I didn't even get a chance to talk. They came

25

in, they roughed me up and moved me quickly to their vehicle

JChapell-8JDC1618

19

1

and slapped me on the hood and put me in the car.

2

Q And you thought that was inappropriate police

3

conduct regarding someone battering his girlfriend?

4

A In that situation, yes, they were out of

5

control, yes, they were.

6

Q You hadn't been out of control?

7

A They were out of control that day.

8

Q And furthermore it is your allegation that on

9

June the 1st, 1995 Officer Williams got information which

10

was false, you did not threaten Deborah Panos with a knife?

11

A No, I didn't say no threats to her. She might

12

have considered me -- my actions as threatening, but I

13

didn't say no threats towards her, no, I did not.

14

Q Why in the world would she think that just

15

because you put her down on the bed and got on top of her

16

and showed her a knife?

17

A I'm pretty sure any woman would be scared in

18

that position, sir.

19

Q And you wanted her to be scared, didn't you?

20

A I just wanted to get information from her. I

21

admit I seen that it wasn't working and so I got rid of the

22

knife, sir. And I let her up.

23

Q After her roommate knocked on the bedroom door;

24

isn't that true?

25

A No. No. No, because I had -- I remember

JChappell-8JDC1619

19

1

putting the knife on the dresser and I was not even on the

2

bed when she knocked on the door, no, that's not true.

3

Q Didn't Claire interrupt what was happening?

4

A No, Claire did not open the door and come

5

inside or nothing. That did not happen, sir.

6

Q While you were asked on direct examination if

7

you had said some degrading things to Debbie Panos in

8

letters you sent from jail — do you remember that question?

9

A Yes, sir.

10

Q Do you remember stating that in the last two

11

letters you said some degrading things?

12

A Yes.

13

Q When were the last two letters written?

14

A I stayed in the city nine days so it was before

15

that. Between August 5th and August 15.

16

Q So we're talking about letters written within a

17

few weeks before you killed her; is that correct?

18

A That was the last letters I written, sir. I am

19

not sure of the exact dates but they were the last ones I

20

written.

21

Q And you told your counsel that you wrote the

22

letters because you were feeling lonely and you were very

23

depressed and you were hurt and you were devastated?

24

A Right. Exactly.

25

Q Why, Mr. Chappell? Why did you have those

JChappel1-8JDC1620

19

1

feelings?

2

A Because the things she was telling me on the

3

phone.

4

Q You already suspected her of being unfaithful,

5

didn't you?

6

A I asked her and she told me no so I didn't

7

pressure her about that.

8

Q Well, you had some pretty strong suspicion.

9

Didn't you call her a slut?

10

A I did write that, yes, sir.

11

Q Didn't you call her a bitch?

12

A I did write that, yes, sir.

13

Q Did you call her a whore?

14

A I did write that, yes, sir.

15

Q And you called her stupid?

16

A I don't remember writing that. If I wrote

17

it -- if I wrote it --

18

Q You even made a religious judgment. You said

19

she was going to hell; is that correct?

20

A I don't recall writing that, sir.

21

Q You don't recall writing that?

22

A No.

23

Q Did you ask her at any time in your

24

correspondence if she had AIDS yet from sleeping around with

25

other men?

JChappel1-8JDC1621

19

1

A All through our relationship, you know, we

2

would talk about that situation, talking about people being

3

unfaithful and we just would conversate about what was going

20

4

on around the world and with other people and how everybody

5

around in our community and stuff was getting that disease

6

and I just wanted to put AIDS in her mind and let her know

7

that sleeping around wasn't good if she was doing it, sir.

8

Q Didn't you ask her if she had AIDS yet?

9

A I remember writing something like that, yes.

10

Q Now, why would you ask that type of question

11

and why would you call this woman that you are representing

12

to us here today in this courtroom as being someone you

13

loved, why would you call her a whore and a slut and a

14

bitch?

15

A I was upset at that time, sir.

16

Q Obviously very upset?

17

A I was upset.

18

Q What made you so upset that you would

19

characterize her in very hateful degrading language?

20

A I was upset about numerous things. I wrote

21

those things and I'm sorry. I told her I was sorry. We

22

talked about them letters before I got out of jail, sir, and

23

I apologized to her over the phone.

24

Q You said you talked to Deborah Panos the day

25

before you killed her, August the 30th?

20

1

A I seen her at court, yes, sir.

2

Q So you didn't talk with her, you simply saw

3

her?

4

A I did too talk to her. I seen her and talked

5

to her, sir.

6

Q That was the day you entered a plea of guilty

7

to a domestic battery charge?

8

A Numerous charges that day, sir.

9

Q The domestic battery to which you pled guilty

10

was the June 1st, 1995 crime?

11

A Yes, sir.

12

Q Did Deborah Panos offer testimony at any type

13

of hearing on August the 30th against you?

14

A No, sir. No, she did not.

15

Q Explain what enabled you to speak with her?

16

A I was sitting outside the courtroom, I was

17

sitting right here, the officer was sitting right here and

18

she came walking through the door. She was talking to me

19

right here and she was like right in my face right here.

20

Q What did you say to her?

21

A I asked her how she'd been. I was crying. She

22

told me to stop crying. She told me she missed me. She

23

told me she loved me. She said the kids had been asking

24

about you. She said -- she asked me was I getting out, she

25

asked me that numerous times.

JChappell-8JDC1622

JChapelle11-8JDC1623

20

1

Q What did you tell her?

2

A I said I am pretty sure I am getting out but I

3

said, you know, I'm supposed to go to the rehab place. But

4

I told her yes, I should be getting out tomorrow. She said

5

okay.

6

Q You're telling us that you knew on August the

7

30th that you were going to get out the following day?

8

A They wasn't supposed to let me go, sir, so I

9

didn't know I was leaving that day, sir.

10

Q Well, that must be true because you explained

11

earlier to your counsel you didn't know when you were going

12

to get out?

13

A No. I just told her what happened in court and

14

she asked me was I getting out tomorrow.

15

Q And you certainly weren't in the position to

16

tell her yes, I'm going to be seeing you out at 839 North

17

Lamb?

18

A I told her -- I said I should be seeing you and

19

the children tomorrow. I told her that. Those were my

20

exact words to her, sir.

21

Q Who had told you there was any possibility you

22

would get out on August the 31st?

23

A EOB came and seen me in jail and they said.

24

Q When did they come and see you?

25

A I don't know the exact date but when I was

JChappel1-8JDC1624

20

1

incarcerated between June 26th and August before I went to

2

the city -- August 20th or 21st between that time they came

3

and had a little session with me. I took a little test and

4

they talked to me and told me that when I do get out that

5

they said you're not going to be forced to stay there. They

6

said you want to come there and take care of your business,

7

you could do that. But they said if I wanted to leave and

8

go home or whatever I could also do that.

9

Q The representative of EOB said when you get

10

out?

11

A That wasn't the lady's exact words.

12

Q That's what you just said but they didn't tell

13

you when that would be, did they?

14

A No, they didn't give me no exact date. I was

15

shocked when the city came and got me.

16

Q You were sentenced after you pled guilty to

17

domestic battery, weren't you?

18

A Right.

19

Q Didn't EOB come by to see you even before you

20

were sentenced?

1

21

A They came by, come to the county before I was

22

sentenced in the county, not in the city, no.

23

Q They came to see you before you pled guilty and

24

that would obviously be before you were sentenced so they

25

certainly didn't tell you when --



1 A I had two different cases, sir. I had a case  
2 in the county and several cases in the city.

3 Q I'm asking you if EOB told you when you were  
4 going to get out?

5 A No, they didn't know the exact date I was  
6 getting out, no.

7 Q Furthermore you didn't tell Deborah Panos when  
8 you were going to get out when you saw her August the 30th  
9 because you didn't know?

10 A I told her I should get out tomorrow. That was  
11 my exact words to her, sir.

12 Q And upon what did you base that statement to  
13 her?

14 A Pardon me?

15 Q Why did you think you were going to get out on  
16 the 31st?

17 A Because EOB had told me when I do get out, they  
18 said that I would be able to leave sometimes from that  
19 facility and go home.

20 Q You said that Deborah told you on the 30th she  
21 loved you?

22 A Yes, sir.

23 Q She didn't tell you it was over between the two  
24 of you?

25 A She never said them words to me, sir. No.

[Chapel]-8JDC1625

JChappel1-8JDC1626

1

1

Q So you're telling us that in fact your guess came true the following day August the 31st you were released?

2

3

4

A I was released, yes, sir.

5

6

Q And you talked with a representative of law enforcement at about 10:45 a.m.?

7

A Not from about 9:30 till ten something.

8

9

Q From perhaps 9:30 in the morning until ten o'clock something on August the 31st --

10

11

12

13

A They let me out at nine o'clock, went to the county jail and then we went to his office. So it had to be around 9:30, 9:45 and I stayed there till about 10:45. I was there about an hour.

14

15

16

Q And after about 10:45 a.m. you were released and that's when you said you walked back out to the area of Deborah's mobile home?

17

A I didn't go home first, sir.

18

Q I said to the area.

19

A Yes.

20

21

Q You've told us that the Vera Johnson projects area is just a couple blocks away?

22

A Yes.

23

Q Also on North Lamb?

24

A Yes, sir.

25

Q You were by yourself?

JChappel11-8JDC1627

1

1

A Yes, sir.

2

Q Did you have money in your pocket?

3

A No. No.

4

Q You were broke, weren't you?

5

A Yes, sir.

6

Q How long did you stay in the Vera Johnson projects area?

7

8

A About 30, 40 minutes.

9

Q Why did you go there first?

10

A I had some belongings over there and I was going over there to get them. But the person wasn't home so I couldn't get them.

11

12

13

Q What belongings?

14

A I had a pair of shoes over at somebody's house.

15

Q At whose house?

16

A It was this lady by the name of Sue.

17

Q Who is Sue?

18

A A resident over in them apartments.

19

Q A girlfriend of yours?

20

A No. I wasn't messing with any other woman, no, sir. She was just a friend.

21

22

Q How do your shoes happen to be at Sue's place?

23

A Oh, I got some new shoes one day and left my old ones over at her house. And that was before I went to jail and they were at her house the entire time I was in

24

25

JChappel1-8JDC1628

1 1 jail.

2 Q Do you consume any drugs while you were at the  
3 Vera Johnson area?

4 A Absolutely not, sir.

5 Q Have anything to drink?

6 A No.

7 Q Haven't you said before that you had a couple  
8 of beers?

9 A There was a guy over there that had some beer  
10 and he asked me did I want some and I told him not right  
11 now, I told him that I had to go back downtown at one  
12 o'clock, be back downtown at one o'clock.

13 Q So you didn't drink any beers?

14 A No, I did not.

15 Q Didn't use any dope?

16 A No, sir, I did not.

17 Q You were certainly of sound mind, that is you  
18 knew what you were doing --

19 A I was sober, sir.

20 Q -- when you borrowed the bicycle and you went  
21 on over to 839 North Lamb, space 125; is that correct?

22 A I was sober and I went home, yes, sir.

23 Q Were you aware of who you were?

24 A Yes.

25 Q Did you know where you were going?

JChappel1-8JDC1629

1

1

A Yes, sir.

2

Q Did you know why you were going there?

3

A Yes, sir.

4

Q You said that you borrowed the bicycle and went

5

home.

6

A Yes, sir.

7

Q I want to get something straight. By home

8

you're referring to 839 North Lamb, space 125?

9

A Yes, sir.

10

Q Was the mobile home rented in your name?

11

A No, it was not.

12

Q Had you paid any of the rent at that residence?

13

A No, I did not.

2

14

Q Did you have a key in your pocket that was

15

going to enable you to get into your home?

16

A I lost my key, sir.

17

Q Did you get another one from Deborah?

18

A No, I did not.

19

Q When did you lose your key?

20

A Right before I went to jail, sir.

21

Q Which time?

22

A Before June 26th, 1995, sir.

23

Q Did you have a marriage certificate on your

24

person that gave you entitlement to go into 839 North Lamb,

25

space 125?

2

1

A No, I did not have no marriage certificate.

2

Q When you got there did you knock on the door?

3

A No, I did not.

4

Q Is there a doorbell?

5

A No, there is not.

6

Q You didn't knock?

7

A No, sir.

8

Q You elected to go through a bedroom window?

9

A I went through that window many times, sir.

10

That wasn't the first time.

11

Q I didn't ask how many times it had been. Your

12

decision was to get in by going in through a window; is that

13

your testimony?

14

A Yes, I went through the window, sir.

15

Q And you're saying she was in there and met you

16

as you were coming in?

17

A Yes, sir.

18

Q And you said she was happy to see you?

19

A I told you her exact words when I went inside

20

the window, sir.

21

Q I've forgotten her exact words.

22

A She asked me why didn't I knock at the door. I

23

told her I did not know you was home, I just called two

24

times and nobody answered the phone. And she came over and

25

actually moved the nightstand, moved it a little ways away

2 1 from the window for me, sir, and I climbed in the window.

2 Q When did the screen get pushed down and bent?

3 A I put the screen inside so when she moved the  
4 nightstand I guess it must have went -- some of it got on  
5 top of the screen because I didn't take the screen and put  
6 it up under there, you know.

7 Q The testimony has been that the print of a shoe  
8 was on the screen. You had to walk on the screen you'd put  
9 inside to get in?

10 A Well, if I stepped on it, I don't remember  
11 doing that, but if there was a footprint on it, my footprint  
12 must have been on it.

13 Q The screen is damaged?

14 A No, it wasn't damaged the last time I seen it.

15 Q It's bent, sir, according to the photographs  
16 taken by the officers. You didn't damage the screen?

17 A No, I did not damage the screen, sir.

18 Q She according to you met you at the window and  
19 asked why you hadn't knocked. That was a good question,  
20 wasn't it?

21 A I didn't knock because nobody answered the  
22 phone when I called her.

23 Q Did you have the money to pay for any damage to  
24 the window or the screen as a result of your entry through a  
25 window?

2 1 A I didn't damage the window and I didn't damage  
2 the screen so there wouldn't be no need for no financial  
3 assistance.

4 Q You said the two of you talked for about 20  
5 minutes, you began to kiss and then you started taking each  
6 other's clothes off?

7 A Exactly.

8 Q And you began to have sex?

9 A Yes, sir.

10 Q You said you began to have sex.

11 A Yes, sir.

12 Q And as I remember you said when I entered her,  
13 her vagina was all loose and wet and smelly?

14 A Exactly.

15 Q You said it wasn't nothing like it used to be?

16 A Nothing. Never like that. Never.

17 Q That made you angry?

18 A Of course I would be upset.

19 Q What do you mean of course I would be upset?

20 A Any man would be upset they come home to their  
21 lady and she wasn't the way -- her vagina was the way  
22 Debbie's was that day.

23 Q Mr. Chappell, you keep calling her your lady.  
24 Was she wearing a little gold band that you had bought for  
25 her on her left ring finger?

JChappell-8JDC1632



2

1

A She told me that she was my girl. And I'm going to go by that, sir.

2

3

Q Did you think you owned her, sir?

4

A No, I did not.

5

Q So you've told us that when you detected that something was different you got up and grabbed her?

6

7

A Yes, I did.

8

Q Grabbed her how?

9

A I put my hand in this area right here.

10

Q This area meaning in the area of her neck?

11

A Yeah.

12

Q Did you begin to choke her, Mr. Chappell?

13

A I didn't choke her that she couldn't say

14

nothing or nothing like that, she couldn't breathe, it

15

wasn't nothing like that.

16

Q With both hands did you begin to choke her,

17

sir?

18

A No. No.

19

Q With only one hand?

20

A One hand, sir.

21

Q Which hand?

3

22

A My right hand, sir.

23

Q Did you grasp her neck with your right hand?

24

Did you take a hold of her neck with your right hand?

25

A She was laying down, I was on top of her

[Chappell]-8JDC1633

3 1 holding her like onto her neck. I wasn't squeezing it,  
2 nothing like that.

3 Q She was still laying on the sofa?

4 A Yes, sir.

5 Q But you were standing at that time?

6 A I was like on my knees on top of her. I wasn't  
7 standing up yet.

8 Q Pinning her down?

9 A If you call just holding on to the front of her  
10 neck pinning her down, yes, sir.

11 Q Mr. Chappell, I'm not calling it anything. I'm  
12 asking you what you were doing.

13 A I don't call it pinning her down, no, sir, I  
14 was not pinning her down.

15 Q You said you grabbed her with your right hand.  
16 What were you doing with your left hand?

17 A My left hand was at the side of the couch like  
18 that.

19 Q Did you have the knife at that time?

20 A Absolutely not, sir.

21 Q Had you ejaculated at that time?

22 A No, sir.

23 Q You've said that she wanted to know if she  
24 could get on top of you after you'd begun to accuse her of  
25 being with someone else?

JChappell-8JDC1634

JChappel11-8JDC1635

3

1

A Yes. She asked me that about three times.

2

Q And you rejected that because at this point you

3

were very angry with her?

4

A Yes, I rejected that.

5

Q Were you now convinced that she was being

6

unfaithful?

7

A No. Not totally, no.

8

Q You said she performed oral sex on you?

9

A Yes, sir.

10

Q And it was at some point after this that she

11

finished and went into the bathroom?

12

A Exactly.

13

Q And then she called the day-care center?

14

A Yes, sir.

15

Q About what time is it that she called the

16

day-care center?

17

A I wasn't watching the clock so I don't know

18

what time it was.

19

Q What time would you say you arrived at the

20

mobile home and went into the window and through the window

21

and you were greeted by Deborah?

22

A I don't know the exact time, sir. I didn't

23

look at the clock at all when I was there.

24

Q Well, how far did you have to walk to get from

25

the office of where you had met with the law enforcement man

JChappel11-8JDC1636

3           1           to get out to the projects area in the 500 block of North  
          2           Lamb?

          3           A       Las Vegas Boulevard and Bonanza to Lamb and  
          4           Bonanza took about 45, 50 minutes, sir.

          5           Q       So if you left the office at about 10:45, then  
          6           it was, what, 11:30 or 11:35 when you arrived at the Vera  
          7           Johnson area?

          8           A       I didn't see no clock over there, but I guess  
          9           so, sir.

         10          Q       You said you were there for about half an hour?

         11          A       Yeah. Yes.

         12          Q       So that's somewhere around noon or perhaps  
         13          shortly after twelve o'clock noon?

         14          A       Yes.

         15          Q       You borrowed a bicycle?

         16          A       Yes.

         17          Q       How long did it take you to ride the bicycle  
         18          from Vera Johnson to the Balerina Mobile Home Park?

         19          A       No longer than ten minutes, sir.

         20          Q       Now, you said you had called from downtown to  
         21          try to talk to her and you didn't get her on the telephone?

         22          A       I called from Mr. Duffy's office, sir. He  
         23          dialed and I left a message on the answering machine.

         24          Q       And you said you called from the projects also?

         25          A       Yes, sir.

JChappel1-8JDC1637

3

1

Q Did you leave a second message on the answering machine?

2

3

A Yes, I did, sir.

4

Q And you're telling us you thought she wasn't home?

5

6

A Exactly. She would have picked up the phone if she was home.

7

8

Q So approximately what time is it that she is supposedly calling the day-care center about the children?

9

10

A I didn't see no clock, sir, so I don't know.

11

Q Do you know why she called the day-care center?

12

A She said let's go pick up the kids. We was going to get the kids.

13

14

Q I thought you mentioned that she was talking with someone and you heard her mention 5:35?

15

16

A The lady told her that she had to pick up the children by 5:30. She said that in her testimony --

17

18

Q It certainly wasn't close to 5:30, was it?

19

A No, that's what I asked her. I knew right away that -- she said she had to take the kids at 7:30, dropped them off at 7:30 and I knew right then that she didn't have to pick them up until later in the afternoon, but I told her I wanted to see them anyway, I wanted to see them.

20

°

21

22

23

24

Q But you said she was acting scared when she was

25

on the telephone?

JChappel1-8JDC1638

3

1

A She looked nervous to me. If she was scared,

4

2

that I think if she was scared she probably would have ran

3

or left the mobile home while I was in the bathroom. So I

4

don't think she was scared. She was just nervous.

5

Q Nervous of you?

6

A Nervous of the condition of her vagina and she

7

knew that I was upset about it.

8

Q That you had accused her of being unfaithful?

9

A I asked her who she had been with and she said

10

nobody.

11

Q Had you threatened her?

12

A No, I did not.

13

Q Sheri Smith has testified earlier in your

14

trial, do you remember her, the young lady from the Angel

15

Day-Care Center?

16

A Yes.

17

Q She testified that she asked Deborah Panos if

18

she could get away from you and come by herself to the

19

day-care center and Deborah said no?

20

A I also read that in her statement. I didn't

21

hear none of that so I don't know.

22

Q At this point was Deborah Panos free to go

23

somewhere by herself?

24

A We had both agreed to both going to get the

25

children so I don't know why that was said over the phone.

4 1 Q If she had not agreed to let you go with her,  
2 would you have gone along with her?

3 A Yeah, I would have gone along with her because  
4 I wanted to shower and change and all that anyway, sir.

5 Q Sheri Smith also said that twice during the  
6 telephone conversation Deborah asked her for help.

7 A I heard that, sir.

8 Q Why would Debbie be asking this employee of the  
9 day-care center for help?

10 A I don't know, sir. She had a chance to call  
11 911 if she was really scared. She didn't do it so she  
12 couldn't have been really scared, sir. She was nervous, but  
13 she wasn't scared.

14 Q Well, you told us a little earlier that she was  
15 more than nervous. You said she was scared and you figured  
16 that was because she knew I knew she had been messing  
17 around; isn't that what you told us earlier?

18 A She was probably thinking that in her mind,  
19 yeah. I don't know what she was thinking about.

20 Q Were you also asking Deborah for money?

21 A No, I had asked Deborah when we pick up the  
22 kids could we all go out and eat together and she said she  
23 didn't have no money. We used to go out and eat together a  
24 lot.

25 Q Well, you've told us that the two of you left

4

1

together and you went out to the car and she was going to

2

let you drive?

3

A Yes, we left together and she asked me do you

4

want to drive and I said yes. She handed me the keys and we

5

went to go get in the car.

6

Q You've seen the car depicted in Exhibits 56

7

through 60, the photographs?

8

A Yes, sir.

9

Q Is that Debbie's car?

10

A Yes, sir.

11

Q It wasn't your car, was it?

12

A No, it wasn't.

13

Q Did you have a key to the car?

14

A No, I did not.

15

Q Did she let you have your own key to her car?

16

A No.

17

Q You hadn't made any of the payments on the car?

18

A When she got the car she only paid a thousand

19

bucks for it. It didn't need a payment, sir.

20

Q Well, that was a thousand dollars more than you

21

had, wasn't it?

22

A Yeah, you're right. But when she got the car

23

she told me she had a big surprise for me. She came and

24

picked me up May 10th at the Clark County Detention Center

25

in that car, sir.

[Chapel]-8JDC1640



JChappel11-8JDC1641

4           1           Q       Now, you've told us that as the two of you  
          2       walked out you saw the beer cans over next to the house?

          3           A       Yes, sir.

          4           Q       And you didn't like the condition of the Toyota  
          5       when you got in it?

          6           A       The Toyota was trashed and messed up, sir. Of  
          7       course I didn't like it. She didn't like it either. She  
          8       said a couple comments I know the air conditioner is broke,  
          9       this and that, this and that.

         10           Q       And then you're saying you found a letter in,  
         11       where, the console area?

         12           A       Yes, sir. Right here. Right in between the  
         13       two seats, sir.

         14           Q       And you found that as you were backing out and  
         15       in the process of driving the vehicle?

         16           A       No, I didn't find it while I was backing out.  
         17       I was like two houses down and then I looked, sir.

         18           Q       Two houses down driving the vehicle?

         19           A       Yes.

         20           Q       It was moved?

         21           A       Yes.

         22           Q       And then as you went along you began to read  
         23       it?

         24           A       Pardon me?

         25           Q       As you were driving down the street you were

JChappel1-8JDC1642

4

1

reading what was on the note or letter?

2

A Yes, I let go of the steering wheel like I said

3

and read the letter as quickly as I could.

4

Q Did you stop it when you let go of the steering

5

wheel?

6

A Stop what?

7

Q The car.

5

8

A No. Like I said I almost ran into another car

9

that was parked.

10

Q And what you read is that some guy had written

11

her and he was talking about having sex with her?

12

A He said numerous things about sex, sir.

13

Q And you've told us that you were shocked and

14

devastated.

15

A Very.

16

Q And you backed up, you pulled into the driveway

17

and you said you climbed out on her side of the car?

18

A Yes, sir.

19

Q Did you grab her at that time?

20

A I pulled her out of the car, yes, sir.

21

Q Why did you climb out on her side? Were you

22

afraid she was going to run?

23

A She didn't attempt to do it so I don't know,

24

sir.

25

Q You don't know why you got out on her side of

JChappell-8JDC1643

5           1           the car?

2                   A       No.

3                   Q       You had to step across her to get out, didn't  
4                   you?

5                   A       Exactly, yes, sir.

6                   Q       You said she was trying to get the note or  
7                   letter from you?

8                   A       She was trying to take it from me, sir.

9                   Q       And it was being torn into pieces as you  
10                  struggled over it?

11                  A       Right.

12                  Q       And you remember all of these details; is that  
13                  true, Mr. Chappell?

14                  A       I remember --

15                  Q       You remember dragging her back into the mobile  
16                  home?

17                  A       I remember removing her from the vehicle and  
18                  going towards the house, sir.

19                  Q       When you got her into the house do you remember  
20                  throwing her onto the floor?

21                  A       I remember her falling on the floor, yes.

22                  Q       Did she have a little help in falling on the  
23                  floor?

24                  A       Yes, she did.

25                  Q       And when you helped her fall to the floor what

JChappell-8JDC1644

5

1

did she do?

2

A She laid there like I said, sir. She didn't  
move.

3

4

Q She just laid there and covered up her face,  
didn't she?

5

6

A Yes, sir.

7

Q And tried to protect herself; is that true, Mr.  
Chappell?

8

9

A Yes.

10

Q Had she tried to attack you?

11

A No, she did not.

12

13

Q Had she got a knife or some type of weapon and  
tried to injure you or hurt you?

14

A No, sir.

15

16

Q Did you suffer any type of serious injury as a  
result of the struggle between the two of you?

17

A No, sir.

18

19

Q So what happened after you had her on the floor  
and she just laid there and tried to cover herself up, what  
did you do, sir?

20

21

A I can't picture it, sir. I don't remember.

22

23

Q You can't picture it or you don't want to tell  
us what you picture now in this courtroom in your mind?

24

25

A I can't see myself hitting her, sir. I am  
telling you I blacked out, sir. Quit just like that.

JChappel1-8JDC1645

5

1

Q You're saying you blacked out?

2

A Right. I don't remember seeing myself strike this woman or do nothing.

3

4

Q And you remember precisely what happened right up to the moment that you killed her, but you don't remember that part of it and then afterwards you remember again?

5

6

7

A I remember moving her towards the house, sir, and I remember seeing her on the floor. That's it.

8

9

10

Q Are you just telling us what you want to tell us?

11

A No, sir.

12

13

Q Aren't you just remembering what you want to remember?

14

A No, sir, that's not true.

15

Q Where did the knife come from?

16

A I don't know, sir.

17

Q Is 68-A-1 your knife?

18

A No, it is not.

19

Q Then it was Deborah's knife; is that correct?

20

A It belonged to the household, sir.

21

Q Didn't it stay in a drawer in the kitchen?

22

A I don't know.

23

Q You killed her in the living room, didn't you?

24

25

A I don't know if it was in no drawer. I don't remember opening no drawer, sir.

5

1

Q At some point after you had beat her into submission you had to walk somewhere to get the steak knife; isn't that correct?

2

3

4

A I don't remember where I got the knife from, sir. If I did, I would tell you. But I don't.

5

6

Q The medical examiner says you stabbed her at least 13 times in the neck and the chest ten times. You're telling us you don't remember any of that?

7

8

9

A No, I do not.

10

11

Q You don't remember stabbing her even once with a knife?

12

13

A No. No, I do not.

14

15

Q Now, when is it that you went into the bedroom and you threw these letters that you had written to her around the room?

16

17

18

A The letters were tossed at her before she had performed oral sex on me, sir, right when we went in the room.

19

20

21

22

Q While you were accusing her; is that true?

A I had accused her when I was laying on top of her, sir. When I got off of her I didn't repeat what I had said to her. I just walked away from her.

23

24

Q How did the two of you get in the bedroom? How did the two of you get into the bedroom?

25

A I walked in there, she followed me and she

6

[Chappelle]-8JDC1646

JChapelle-8JDC1647

6

1

hugged me around my waist like I said, sir.

2

Q But you didn't want her affection at that

3

point; is that what you're telling us?

4

A No, I did not.

5

Q Because you were angry; is that true?

6

A I was upset.

7

Q You were jealous?

8

A Upset.

9

Q Suspicious?

10

A Upset.

11

Q Did you call her a bitch or whore or slut?

12

A No.

13

Q That afternoon?

14

A No, sir, I did not.

15

Q But you've told us at some point you picked up

16

a stack of your letters and suggested that these hadn't

17

meant anything to you?

18

A My exact words, yes.

19

Q You've testified that after this happened you

20

didn't know that you had killed her?

21

A I seen her on the floor, sir. I left. I

22

couldn't sit there.

23

Q Did you check for a pulse?

24

A No. No.

25

Q There is a telephone inside the mobile home,

6

1

isn't there?

2

A Yes, there was.

3

Q Did you go to the telephone since you didn't know that she was dead and call 911?

4

5

A If you see somebody like that laying in front of you, sir, you are not going to sit there and look at that, sir.

6

7

8

Q Did you try to help her?

9

A I couldn't look at that, sir.

10

Q So you chose to ignore her situation; is that what you're telling us? Is that your testimony?

11

12

A I couldn't sit there and look at that, sir. I had to get out of there, sir. I couldn't look at it.

13

14

Q You didn't climb on your bicycle, you stole her car; isn't that true?

15

16

A If you want to call it stealing it. I don't consider myself stealing it, sir.

17

18

Q Were the keys still in the car?

19

A I don't remember, sir.

20

Q And you drove to the Vera Johnson projects in the car and you got high?

21

22

A No, I did not get high. I parked the car, I went inside an abandoned apartment and stayed in there about three hours, sir.

23

24

25

Q Is that where you got the shrimp and the pie?



JChappell-8JDC1649

6           1           A       I didn't get that till like ten o'clock at  
          2       night, sir.

          3           MR. HARMON: May I approach the witness, Your  
          4       Honor?

          5           THE COURT: Yes.

          6       BY MR. HARMON:

          7           Q       Mr. Chappell, this is a couple of pages, it  
          8       looks like they're numbered seven and eight which have been  
          9       removed from letters taken from the bag, Exhibit 75. Is  
         10       that your handwriting?

         11          A       Yes, sir.

         12          Q       So both on the front which is identified as  
         13       page seven and on the back page eight this is a letter  
         14       written by you?

         15          A       Yes, sir.

         16          Q       You wrote this from the jail?

         17          A       Yes, sir.

         18          Q       And you wrote this a few weeks before you  
         19       killed her?

         20          A       I don't know the exact date I wrote the letter,  
         21       sir.

         22          Q       You begin this page of the letter by saying,  
         23       "Hello, Sweetie. Found some more paper. It's Sunday,  
         24       July 30, 1995." Is that date in your handwriting?

         25          A       Yes, sir.

6 1 Q So is that apparently the date you wrote this?

2 A Yes, sir.

3 Q You say, "Been here 35 days. Where are you?"

4 And you have four question marks?

5 A Yes.

6 Q You go on to write, "You must be terrified to  
7 visit me, ha?"

8 A Yes, I wrote that.

9 Q Did you further write, "You know I'll put you  
10 on the witness stand, ha?" Did you write that?

11 A Yes, she knows she can't lie to my face, sir.  
12 That's why I wrote that. I'd know if she was telling the  
13 truth.

14 Q You meant when you saw her you were going to  
15 give her the third degree, didn't you?

16 A I was going to question her, yes.

17 Q About where she'd been and who she'd been with?

18 A I already knew who she was hanging with.

19 Q Who?

20 A Lisa Duran and Claire and Jennifer, that lady  
21 that was sitting in the back of the courtroom.

22 Q And now after you talked about putting her on  
23 the witness stand did you say, "And you can't face it or me,  
24 ha?" Is that what you write, "and you can't face it or me,  
25 ha?"

6 1 A I wrote that, yes, sir.

2 Q You didn't get out of custody between  
3 July the 30th, 1995 and August the 31st, did you?

4 A No.

5 Q Do you then write, "One day soon I'll be at  
6 that front door and what in God's name will you do then?"  
7 Did you write that, sir?

8 A Yeah, I wrote that.

9 MR. HARMON: That's all we have, Your Honor.

10 THE COURT: Redirect?

11 MR. BROOKS: Court's indulgence, Your Honor.

12 We have no questions, Judge.

13 THE COURT: All right. Mr. Chappell, you may  
14 step down.

15 We'll declare the evening recess at this time.

7

16 Ladies and gentlemen, thank you very much for your patience  
17 today with us starting so late and that couldn't be avoided.

18 Ladies and gentlemen, during the recess it is  
19 your duty not to converse among yourselves or with anyone  
20 connected with the trial, or read, watch or listen to any  
21 report of or commentary on the trial by any medium of  
22 information including, without limitation, newspaper,  
23 television and radio, and you are not to form or express any  
24 opinion on any subject connected with this case until it is  
25 finally submitted to you.

7

1

We are going to start proceedings tomorrow

2

morning at ten o'clock. So if you'd be in the courthouse

3

sometime between 9:45 and ten o'clock I would appreciate it.

4

Good evening. We will be at ease while you depart the

5

confines of the courtroom.

6

(Jury left.)

7

THE COURT: All right. Anything further from

8

the parties at this time?

9

MR. HARMON: Not from the State.

10

MR. BROOKS: No, Your Honor.

11

THE COURT: We're off the record.

12

13

(The proceedings concluded.)

14

15

\* \* \* \* \*

16

17


ATTEST: Full, true and accurate transcript of

18

proceedings.

19

20

  
LISA BRENSKE, CCR No. 186

21

22

23

24

25

# EXHIBIT 138

JChappell-8JDC1910

90

1

## DISTRICT COURT

2

CLARK COUNTY, NEVADA

3

ORIGINAL

\* \* \* \* \*

OCT 22 1996 19

FILED IN OPEN COURT

LORETTA BOWMAN, CLERK

4

THE STATE OF NEVADA,

BY

*Loretta Bowman*

5

Plaintiff,

CASE NO. C131341

Deputy

6

Vs

DEPT. NO. VII

7

JAMES MONTELL CHAPPELL,

DOCKET P

8

Defendant.

9

10

11

12

BEFORE THE HONORABLE:

13

A. WILLIAM MAUPIN DISTRICT JUDGE

14

MONDAY, OCTOBER 21, 1996, 11:10 A.M.

15

16

PENALTY PHASE - VOLUME I - MORNING SESSION

17

## APPEARANCES:

18

FOR THE STATE:

MELVYN T. HARMON &amp;

19

ABBI SILVER

Deputies District Attorney

20

21

FOR THE DEFENDANT:

HOWARD S. BROOKS &amp;

22

WILLARD N. EWING

Deputies Public Defender

23

24

25

REPORTED BY:

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

PATSY K. SMITH, OFFICIAL COURT REPORTER

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JChapell-8JDC1911

1 MONDAY, OCTOBER 21, 1996, 11:10 A.M.

2 THE COURT: State versus Chappell.

3 We're outside the presence of the jury.

4 MR. EWING: Yes, your Honor. We only have  
5 one motion prior to the jury coming in.

6 It's our understanding that the State  
7 anticipates calling a few witnesses that will continue with  
8 the testimony regarding hearsay comments made to them by  
9 the victim --

10 THE COURT: Correct.

11 MR. EWING: -- going to her state of mind  
12 and what we are going to do is make a continuing objection  
13 so we don't have to keep making an objection.

14 THE COURT: Court notes that hearsay is  
15 admissible during the penalty phase and, to the extent to  
16 which the objection had to be lodged in order to effect the  
17 prior contentions with regard to the prior rulings, you may  
18 have a continuing objection.

19 Let's bring the jury in.

20 MR. EWING: And, Judge, also one other  
21 thing. We would like to put our grounds on the record.  
22 It's in violation of the confrontation clause of the 6th  
23 Amendment.

24 THE COURT: I understand.

25

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JChappell-8JDC1912



JChappell-8JDC1913

1 (At this time the jury entered the  
2 courtroom.)  
3

4 THE COURT: Counsel stipulate to the  
5 presence of the jury?

6 MR. HARMON: Yes, your Honor.

7 MR. EWING: Defense would, your Honor.

8 THE COURT: Good morning, ladies and  
9 gentlemen.

10 THE JURY: (In Unison) Good morning.

11 THE COURT: This is the continuation of the  
12 jury trial in State of Nevada versus James Chappell.

13 The defendant having been convicted of first  
14 degree murder by the jury, the State may now commence with  
15 the prosecution of the penalty phase of this matter. At  
16 this time, the State of Nevada may make its opening  
17 statement.

18 MR. HARMON: Thank you, Judge.

19 Judge Maupin, counsel, good morning, ladies  
20 and gentlemen.

21 Aristotle has declared, "What is justice but  
22 to give every man his due." Your task at this phase of the  
23 trial will be to decide what justice demands in this case  
24 of James Chappell from the law and evidence applicable in  
25 this case. As you will learn, additional evidence will be

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1 presented at this phase of the trial and also you may rely  
2 upon the evidence and exhibits introduced during the guilt  
3 phase of the trial as well, but from all of the law and  
4 evidence applicable to this case, you, during this stage of  
5 the proceedings, and it may not be pleasant, it certainly  
6 is not easy to pass judgment upon a fellow human being, but  
7 your duty is going to be to give Mr. Chappell, in the words  
8 of the philosopher, his due.

9 As the Court will explain to you in more  
10 detail, when he provides the formal Instructions, the  
11 jury's task involves balancing the aggravating and  
12 mitigating circumstances. The defense will allege that  
13 there are certain factors which mitigate the first degree  
14 murder of Deborah Panos. The prosecution alleges that  
15 certain factors exist which aggravate this crime. As the  
16 parties will explain to you, for the death penalty even to  
17 be an option, the prosecution must establish beyond a  
18 reasonable doubt the existence of at least one aggravating  
19 circumstance. The State in this case alleges four  
20 aggravating circumstances and some of them -- in fact, as I  
21 speak, I was about to say some of them, but all of the  
22 circumstances relate to the evidence of this case.

23 It is alleged that a burglary or home  
24 invasion occurred in connection with the murder of Deborah  
25 Panos, that a robbery occurred at the time she was killed.

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1 It is alleged by the prosecution that she was raped in  
2 connection with the crime perpetrated upon her and, fourth,  
3 that the murder involved torture or depravity of mind and  
4 the Court will explain to you what those phrases mean  
5 during his legal Instructions.

6 The prosecution will also present some  
7 additional evidence which will involve friends or  
8 co-workers of the victim, Deborah Panos. You heard from  
9 the defendant on the witness stand. Naturally, Ms. Panos  
10 isn't here to take the witness stand and explain what her  
11 state of mind was, but in the weeks prior to her murder,  
12 she talked quite extensively to good friends and persons  
13 with whom she worked about the relationship with James  
14 Chappell.

15 At a penalty hearing, the rules of evidence  
16 are relaxed somewhat and hearsay evidence is admissible.  
17 So the prosecution will call Clare McGuire, M-C capital  
18 G-U-I-R-E. She lived at 839 North Lamb, space 125, for a  
19 period of time with the victim. We will call also Michelle  
20 Mancho and Michael Pollard. They were good friends of the  
21 victim and also worked with her at G.E. Capital and from  
22 conversations, they were able to determine her state of  
23 mind. So you will hear from those three witnesses.

24 An officer has been produced from Lansing,  
25 Michigan and is prepared to describe an incident occurring

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1 quite a few years ago. It was August the 18th, 1988. His  
2 name is Paul Weidner, W-E-I-D-N-E-R. He's with the Lansing  
3 Police Department. At about 6:40 in the evening on the  
4 date I gave you, August 18 of 1988, he investigated a  
5 situation involving a citizen, Kenneth Gay, G-A-Y, the  
6 defendant, a co-defendant named Harold Smith, and certain  
7 other individuals. The defendant, Mr. Chappell, and Mr.  
8 Smith ended up being charged with felonious assault.

9 There was an argument in an alleyway when  
10 Mr. Gay tried to drive his vehicle to the rear of his  
11 residence. Words were exchanged, some racial words,  
12 bottles, several bricks were thrown at the vehicle and also  
13 at Kenneth Gay, the complaining witness. He became very  
14 upset, produced a bat and even a gun to protect himself  
15 from the individuals, who included the defendant, and he  
16 was hit on at least one occasion in the left side of his  
17 back with a brick that he related to the investigating  
18 officer was thrown by the defendant, Mr. Chappell. So  
19 you'll hear brief testimony about that incident occurring  
20 in the State of Michigan.

21 You will also learn further details at this  
22 hearing regarding the nature and circumstances of the  
23 defendant's release from custody on August the 31st, 1995  
24 at about 10:45 a.m. You understand that he was being  
25 supervised by the Department of Parole & Probation. That

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1 was in addition to the domestic violence case of June the  
2 1st that you are already aware of.

3 You will learn that the defendant had been  
4 arrested at a K-Mart store, 5050 East Charleston Boulevard  
5 on February the 18th, 1995 and charged with burglary, being  
6 under the influence of a controlled substance, and  
7 possession of burglary tools. He had on his person two  
8 pairs of pliers and three screwdrivers at the time he was  
9 apprehended. An officer, in a somewhat similar incident  
10 described by the theft prevention officers from Lucky's,  
11 the defendant was observed putting clothing and cassette  
12 tapes under his clothes. He had removed the security  
13 devices and tried to walk out. Well, that case resulted in  
14 his arrest on felony charges. It was plea bargained.

15 He, at a later date, entered a plea of  
16 guilty to a gross misdemeanor, possession of burglary  
17 tools. He was sentenced on or about April the 27th, 1995  
18 by a local District Court Judge, given a nine month  
19 suspended sentence, and placed onto a year of probation  
20 with a condition of probation -- there were a number of  
21 conditions, but one of them was that he enter and complete  
22 a drug rehabilitation program.

23 The defendant, in connection with the  
24 presentence investigation on that case, filled out a  
25 handwritten statement, which the State will have marked and

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1 offer as evidence also, wherein, basically, he says, "I  
2 have learned my lesson. I am never going to do anything  
3 else wrong if I'm given a break," and, of course, he was  
4 given a break of sorts. He got probation.

5 His supervising officer was Charmaine Smith  
6 of the Department of Parole & Probation. Initially, she  
7 was involved in the case. It was later, shortly before the  
8 murder of Deborah Panos, the case was transferred to Larry  
9 Arve of the Department. Mr. Arve had very little contact  
10 with the defendant.

11 Charmaine Smith will explain that toward the  
12 middle of June, 1995, she received several telephone  
13 conversations from Deborah Panos. She will relate that Ms.  
14 Panos indicated that the defendant didn't -- told her he  
15 didn't intend to report to the Department. They were  
16 concerned because someone being supervised, they have to  
17 maintain regular contact.

18 On June the 15th, 1995, Ms. Panos came in to  
19 the office of Parole & Probation. In the presence of  
20 Charmaine Smith, then the supervising officer, and Paul  
21 Ellis, Ms. Smith's supervisor, she explained the nature of  
22 her relationship with the defendant, explained her fear,  
23 explained the beatings which had occurred, talked about the  
24 knife incident. They encouraged her to move and to change  
25 her locks and they will explain that her response at that

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1 time was she couldn't afford to move.

2 Ms. Smith will tell you that a violation  
3 report of the defendant's probation for the gross  
4 misdemeanor was submitted on June the 30th, 1995 and there  
5 was a hearing before the sentencing judge on August the  
6 1st, 1995, during which certain admissions were made that  
7 violations had occurred as conditions of probation, but,  
8 nevertheless, the defendant was reinstated on probation  
9 with the specific condition that he be, whenever he was  
10 released because he still had the domestic battery pending  
11 in Municipal Court, the condition being that when he was  
12 released, it would be to the care of the Department of  
13 Parole & Probation, who were to transport him to an  
14 in-patient drug rehabilitation program and that was the  
15 Court order.

16 You will learn that, for whatever reason,  
17 and Officer William Duffy of the Department of Parole &  
18 Probation will testify that it was he on August the 31st,  
19 1995, who had two officers go to the city jail where the  
20 defendant was then being housed, the Mojave Stewart  
21 facility. At about 9:00 in the morning, the defendant was  
22 released to them. He was then brought to the office of  
23 William Duffy, a supervisor at the Department of Parole &  
24 Probation. Mr. Duffy talked with the defendant, received  
25 an assurance from the defendant that he would go directly

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1 to EOB where the defendant had claimed, despite being  
2 turned down earlier by that agency as not an appropriate  
3 candidate for their drug rehab program, the defendant  
4 convinced Duffy that if he could personally talk to the  
5 person in charge, that they would find a bed space for him  
6 and so, as it turns out for Miss Panos, Mr. Duffy made a  
7 serious error in judgment. He didn't maintain in a  
8 custodial status. He released the defendant to walk to EOB  
9 at about 10:45 a.m. with the understanding that he had to  
10 report back to the Department at 1:00 in the afternoon. Of  
11 course, he didn't report back. The rest is history in  
12 terms of what happened to Deborah Panos.

13 It will be the State's position in this case  
14 that justice occurs when the punishment fits the crime and  
15 it would be your obligation, ladies and gentlemen, from  
16 what character evidence you hear, from the totality of the  
17 evidence, balancing whatever aggravating or mitigating  
18 circumstances are applicable to the case, it is your  
19 responsibility to determine, from the range of punishments  
20 provided in this state for murder of the first degree,  
21 which punishment fits this crime.

22 Thank you.

23 THE COURT: Thank you.

24 Opening statement on behalf of the defense.

25 MR. EWING: Thank you.

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1 Good morning, your Honor, counsel, good  
2 morning, ladies and gentlemen.

3 On Wednesday of last week, you returned your  
4 verdict of first degree murder and you might imagine that,  
5 although we don't agree with that verdict, we do respect it  
6 and we're ready to move on today with the penalty phase of  
7 this trial.

8 It's important for you to realize that  
9 nothing happens in a vacuum. Everything happens because of  
10 reasons. There is reasons why people do things. Some  
11 reasons they control and some reasons that they don't  
12 control and that's what this penalty phase is about.

13 I want to read to you a quote, "The focus of  
14 the penalty phase of a capital trial is twofold. It's on  
15 the defendant seeing in the light not only of the crime  
16 he's committed, but of all that he has done and been. It  
17 is also on ourselves, as a civilized society, for all we  
18 have done and been and are striving to do better." When  
19 carrying out this task, the jury is required to focus on  
20 the defendant as a uniquely individual -- as a uniquely  
21 individual human being.

22 The trial phase of the trial, the guilt  
23 phase of the trial was about evidence, it was about Deborah  
24 Panos, it was about the crime that occurred. The penalty  
25 phase is about James Chappell. It's about his history,

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JChappell-8JDC1921

JChappell-8JDC1922

1 about his childhood, about his unique set of circumstances,  
2 and it's also about the facts of this particular case,  
3 which we can't escape.

4 During the trial -- the course of the trial,  
5 I heard all the same evidence you did about the death of  
6 Deborah Panos and I feel the same compassion that you feel  
7 for her and for her family. It's a tragedy and no one can  
8 help but feel compassion, but the penalty phase is no  
9 longer about Deborah Panos. It's about James Chappell and  
10 that might not seem fair, it might seem insensitive. We  
11 don't want to seem that way. We don't want to act like we  
12 are forgetting her because we're not, but you have got to  
13 keep in mind that the action brought on behalf of the State  
14 of Nevada is not an action brought in the name of Deborah  
15 Panos, it's an action brought in the name of the State of  
16 Nevada. It's an action brought by the State of Nevada to  
17 decide what we should do to redress the injury which  
18 occurred, the injury to us and pursue our goal in living  
19 together as a civilized society.

20 That's why we have crimes. That's why it  
21 says State of Nevada versus James Chappell because we are  
22 trying to decide -- you are going to try to decide what you  
23 should do as members of society to redress the wrong and  
24 you do that by focusing on the life and circumstances of  
25 James Chappell.

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1                   We're not here to dispute the correctness of  
2     the death penalty. During voir dire, you all indicated  
3     that you were in favor of it or, under certain  
4     circumstances, could vote for the death penalty and I think  
5     that each one of us could envision in our minds a fact  
6     scenario which is so egregious where the defendant has the  
7     kind of a history of criminal activity and commits the type  
8     of a crime where he should be removed from society. We can  
9     all probably envision that, but this is not the case in  
10    this particular scenario.

11                  The State of Nevada has seen fit to give you  
12    four options in terms of punishment. You can sentence Mr.  
13    Chappell to 50 years in prison for the murder plus an equal  
14    and consecutive 50 years in prison for the use of a deadly  
15    weapon. Parole eligibility after 20 years on each  
16    element. Meaning he would be 40 years old before he is  
17    eligible for parole.

18                  You can sentence him to life imprisonment  
19    with the possibility of parole, which means his sentence is  
20    life. It would be a life sentence on each element, life  
21    sentence on the murder and life sentence for the use of a  
22    deadly weapon to run consecutive. He would be parole  
23    eligible after he serves 20 years for the murder and 20  
24    years for the use of a weapon, which means he would be  
25    parole eligible after he serves 40 years, which means he

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1 would be approximately 66 years old before he is parole  
2 eligible.

3 You can sentence him to life without the  
4 possibility of parole, which means just that. He would  
5 never have a chance to returning to society or you can  
6 sentence him to the death sentence.

7 In order to arrive at a fair and just  
8 sentence, though, I think it's really important for you to  
9 consider that you need to be able to look at Mr. Chappell  
10 as a human being. You need to be able, to a certain  
11 extent, look beyond what happened when the crime occurred  
12 and look at the circumstances.

13 It's easy to inflict an unduly harsh  
14 sentence on someone when you don't understand them and what  
15 we're asking for is fairness and in order to be fair, you  
16 need to understand the totality of the circumstances and  
17 that's what we're going to try to present to you during the  
18 penalty phase.

19 During the guilt phase of the trial, we  
20 called Dr. Etcoff to the stand, who is a clinical  
21 psychologist and a neuropsychologist. We're not going to  
22 call him again at the penalty phase, but everything he said  
23 is applicable and important to the penalty phase. We  
24 didn't want to bring him in here to say everything all over  
25 again because you've heard him once.

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JChappell-8JDC1925

1                   Now, I don't know how you considered that  
2     testimony when you arrived at your verdict. I don't know  
3     if you felt like it was not important to the reasons why  
4     the crime occurred, but I would submit to you that in  
5     regards to punishment, it is absolutely critical to  
6     understand what was going on in the mind of James Chappell  
7     prior to the date that this occurred and on the date that  
8     this occurred and if we are in a situation where we can't  
9     look at the circumstances like learning disabilities,  
10    psychological problems, emotional problems in arriving at a  
11    just sentence, then, in a sense, we're not demonstrating  
12    humanity ourselves and we need to do that in this penalty  
13    phase.

14                  We're also going to call Clara Aksum  
15    (phonetic), who is Mr. Chappell's grandmother and who was  
16    responsible for raising him. That way she can give you a  
17    little history about his childhood, the neighborhood he  
18    grew up in, his school situation, how he struggled in  
19    school, how he struggled in relationships.

20                  We are also going to call Sharon Aksum, his  
21    aunt, and she, while his grandmother was working, was  
22    responsible for a lot of the raising him and can give you a  
23    good insight of how the person he was, how he was a kind  
24    person, good to his brothers and sisters, he was respectful  
25    of his elders, and things of this nature. We're going to

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1 call a Willy Moore, who was a probation officer, a juvenile  
2 probation officer in Lansing, Michigan, who had an  
3 opportunity to work with James and supervise him and was  
4 available to visit him in his environment and was also able  
5 to observe him and how he responded to having a good  
6 favorable authority figure in his life, to a good positive  
7 stimulus, how he responded to opportunities to work and be  
8 productive. And we're also going to put Mr. Chappell back  
9 on the stand, not to give a sworn statement, but to give an  
10 allocution statement about his feelings about what  
11 occurred.

12 Now, Mr. Harmon talked to you a few minutes  
13 about the role of the penalty phase, the fact of weighing  
14 mitigating circumstances and aggravating circumstances.  
15 The State has alleged four aggravators, two of which you  
16 have already decided. You have already decided there was a  
17 burglary and you have already decided that there was a  
18 robbery. So it's a foregone conclusion that there are  
19 going to be two aggravators in this case.

20 The State also alleges sexual assault. You  
21 have heard -- at least we believe that you have heard all  
22 of the evidence that can be heard as to whether or not  
23 there was a sexual assault and we believe that the evidence  
24 doesn't support that. The State also alleges that the  
25 crime involved torture and I think the critical testimony

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1 there for you to remember is the testimony of the coroner.  
2 I don't know if the State is going to call him back or not,  
3 but he testified in the guilt phase that all of the  
4 injuries were contemporaneous, that they all happen to have  
5 happened at the same time, which doesn't indicate torture.  
6 That leaves the two remaining aggravators which you have  
7 already found exist.

8 So your role from that point then is to look  
9 at the mitigating circumstances. Also, let me go back to  
10 the aggravators for one moment. The aggravators must be  
11 found beyond a reasonable doubt and they must be  
12 unanimous. You must all agree. The mitigating  
13 circumstances don't have to be unanimous and they don't  
14 have to be beyond a reasonable doubt. One of you can find  
15 something to be mitigating that someone else doesn't and  
16 you can still consider that. The law provides that a first  
17 degree murder may be mitigated by anything that you find to  
18 be mitigating. You'll receive an instruction listing some  
19 possible mitigating circumstances, but you are not bound by  
20 that. You might find something else that is important and  
21 we want you to consider that.

22 We're going to highlight some of them in the  
23 penalty phase and I'm going to list those for you, but,  
24 again, this isn't an exclusive list of mitigating  
25 circumstances. The youth of the defendant, the fact that

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1 he had no significant history of criminal activity. A lot  
2 of you felt like that was important when we were doing the  
3 initial jury selection. The murder was committed while the  
4 defendant was influenced by extreme mental or emotional  
5 disturbances. We also will ask you to consider his  
6 childhood, the loss of his mother, the non-existence of his  
7 father, his learning disabilities. We will ask you to  
8 examine the love he has for his family and the love his  
9 family has for him and we are going to ask you to consider  
10 remorse, which you saw from the witness stand, which Dr.  
11 Etcoff saw when he saw him. The fact that he accepts  
12 responsibility for what he did. You can remember, when he  
13 testified in the guilt phase, he said, "If I could change  
14 places with her, I would." He acknowledged that he was  
15 criminally responsible for what he did and he also said  
16 that he's going to accept whatever decision you make. We  
17 think that's mitigating.

18 Also consider anything else that you  
19 consider to be mitigating because that's your option.

20 What do you do with the aggravating and  
21 mitigating circumstances? First of all, you have to find  
22 some aggravating circumstances and you are going to because  
23 you already have. Then you look at the mitigating  
24 circumstances and you ask yourself do the mitigating  
25 circumstances outweigh the aggravating circumstances and if

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1 they do, then death is not an option. Are the mitigating  
2 circumstances equal to the aggravating circumstances? If  
3 they are, then the death penalty is not an option.

4 Only if the aggravators outweigh the  
5 mitigators does the death sentence even enter into the  
6 picture and even under that scenario, you are still not  
7 obligated, you still have the right to decide. You can  
8 determine that there are two aggravators and no mitigators  
9 and still decide that a life sentence is appropriate in  
10 this case. That's your discretion.

11 The penalty phase is about reasons. It's  
12 not about excuses and I don't want you to be confused about  
13 that. We're not up here to try to justify what happened,  
14 we're not up here to try to give excuses for what  
15 happened. We are trying to explain what happened and why  
16 it happened so that you can arrive at a fair verdict  
17 considering James Chappell as a human being and if you do  
18 those things, then we're confident that you will decide  
19 that a life sentence is what is appropriate.

20 Thank you.

21 THE COURT: Thank you.

22 Is the State ready to proceed with its  
23 witnesses?

24 MR. HARMON: Yes, your Honor.

25 THE COURT: Call your first witness.

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1 MR. HARMON: Paul Weidner.

2

3 PAUL WEIDNER,

4 having been first duly sworn to tell the truth, the whole  
5 truth and nothing but the truth, testified and said as  
6 follows:

7

8 DIRECT EXAMINATION

9 BY MR. HARMON:

10 Q Will you state your name, please?

11 A Paul Weidner.

12 Q Please spell your last name.

13 A W-E-I-D-N-E-R.

14 Q Is it Officer Paul Weidner?

15 A Detective.

16 Q Detective Weidner, what is your  
17 business or occupation?

18 A I am a homicide investigator with the  
19 City of Lansing Police Department, Lansing, Michigan.

20 Q How long have you been in law  
21 enforcement?

22 A Twenty four years.

23 Q How long with the Lansing Police  
24 Department?

25 A Twenty four years.

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1 Q Were you employed as either a detective  
2 or police officer with the Lansing Police Department on  
3 August the 18th, 1988?

4 A Yes, it was.

5 Q What were your duties?

6 A I was a uniformed police officer at the  
7 time assigned to the crime suppression unit.

8 Q On August the 18th, 1988, at about 6:45  
9 p.m., did you have occasion to respond to the 1700 block of  
10 South Washington Street in Lansing, Michigan?

11 A Yes.

12 Q What was your reason for going to that  
13 location?

14 A My partner and I had been sent into the  
15 area regarding a disturbance in the 1700 block of South  
16 Washington.

17 Q Identify for the record your partner.

18 A Officer John Priebe.

19 Q Will you spell his names, please.

20 A I believe P-R-I-E-B-E.

21 Q What happened after you arrived?

22 A We made contact with the victim. He  
23 stated that he had been assaulted. When we first arrived,  
24 we exited our vehicle, we encountered a subject that was  
25 standing at his front porch with a shotgun that turned out

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1 to be the victim of our crime.

2 Q You have just explained that he was  
3 standing on his front porch?

4 A Yes, I believe so.

5 Q You are referring to the front porch of  
6 his residence?

7 A Yes, 1705 South Washington Avenue.

8 Q Did you identify the victim by name?

9 A His name was Kenneth Gay.

10 Q G-A-Y?

11 A G-A-Y.

12 Q Are you able to describe whether Mr.  
13 Gay was armed in any fashion when you and your partner,  
14 Officer Priebe, arrived?

15 A According to my report, it indicated  
16 that Mr. Gay was armed with a shotgun.

17 Q Are you able to describe the demeanor  
18 of the victim, Mr. Gay, at that time?

19 A I recall that he was very upset. My  
20 recollection is that there appeared to be a lot of tension  
21 and the victim was very upset.

22 Q Were there other subjects in the area?

23 A Yes.

24 Q Did you have occasion to investigate  
25 the allegations made by Kenneth Gay?

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JChappell-8JDC1933

1 A We interviewed Mr. Gay and upon  
2 receiving his statement and information, we subsequently  
3 made an arrest on two individuals that evening for an  
4 assault.

5 Q What individuals did you arrest that  
6 evening?

7 A We arrested a James Montell Chappell  
8 and also a -- I believe his name was Harold Smith.

9 Q Did you obtain dates of birth for the  
10 two arrestees?

11 A Yes, we did.

12 Q Let's start with Mr. Chappell, what was  
13 his date of birth?

14 A According to my police report, Mr.  
15 Chappell's date of birth was 12/27 of '69.

16 Q What about the other subject, William  
17 Smith?

18 A It's Harold Smith.

19 Q I'm sorry.

20 A His date of birth was 10/30 of '66.

21 Q You mentioned that you interviewed the  
22 complaining witness, Mr. Gay?

23 A Yes.

24 Q Did he tell you what occurred?

25 A Yes, he did.

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1 Q What did he tell you?

2 A According to my report, Mr. Gay advised  
3 that he was coming home that evening in his vehicle. There  
4 is an alley that runs behind his house. He attempted to  
5 pull into that alley and encountered several subjects that  
6 were in the alley yelling and screaming at him. He stated  
7 to us that the subjects began pounding on his vehicle and a  
8 brick was thrown at his vehicle. He stated that he  
9 encountered these subjects after he got out of his vehicle  
10 and was struck in the back with what appeared to be a brick  
11 or a rock on the left side and he identified his assailant  
12 as Mr. Smith and Mr. Chappell.

13 Q Did the complaining witness, Mr. Gay,  
14 identify Harold Smith and James Chappell as individuals who  
15 had participated in the assault?

16 A Yes. According to my report, he named  
17 them by name, that Smith and Chappell had been involved in  
18 the assault.

19 Q Did he say specifically whether  
20 anything, any object was thrown at him by James Chappell?

21 A He stated, according to my report, that  
22 he also observed Mr. Chappell -- he was hit on the left  
23 side of his back with a brick and stated that the subject  
24 Chappell threw the brick.

25 Q Did you have occasion to examine the

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1 back of Kenneth Gay?

2 A Yes. He did receive some injury to the  
3 left side. There was an imprint of what appeared to be a  
4 brick on his shirt and also he sustained what appeared to  
5 be some bruising and some lacerations.

6 Q Do you happen to recall what type of  
7 shirt Mr. Gay was wearing?

8 A I believe it was a T-shirt; a light  
9 colored T-shirt, to the best of my recollection.

10 Q Now is it your testimony that his  
11 report to you was that the individual, who threw the brick  
12 which hit him in the area on the back where he was injured,  
13 was James Chappell?

14 A That is -- I'm referring to my police  
15 report and that's what my report reflects.

16 Q Now, you've mentioned that the two  
17 subjects, Harold Smith and James Chappell, were arrested in  
18 connection with the incident?

19 A That is correct.

20 Q On what charge?

21 A Felonious assault.

22 Q Did you have occasion to interview Mr.  
23 Chappell, one of the arrestees, after you had commenced the  
24 investigation?

25 A My partner, once we arrived at the

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1 station, read the accused his Miranda warnings and then did  
2 take a statement from him.

3 Q Did Mr. Chappell give a statement which  
4 was somewhat contradictory of the account given by Kenneth  
5 Gay, the victim?

6 A Somewhat.

7 Q What was the account provided by Mr.  
8 Chappell?

9 A If I may refer to my report?

10 MR. HARMON: May he do so, your Honor, to  
11 refresh his memory?

12 THE COURT: Yes.

13 Q (BY MR. HARMON) You may, sir.

14 A Yes, sir. According to the statement  
15 here written by Officer Priebe, it stated that Mr. Chappell  
16 told Officer Priebe that we were standing in the alley when  
17 the car started driving up the alley. It wasn't going very  
18 fast, but it didn't honk and while I was getting out of the  
19 way, Harold yelled that he tried to run us over and so he  
20 threw a brick at the car as it went by. He didn't hit the  
21 car, but the white guy, complainant Gay, came out of his  
22 house with a baseball bat and under some derogatory  
23 statements made, if you'd like me to state those?

24 Q What were those statements?

25 A The victim stated, according to Mr.

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1 Chappell, saying, "Come on you, niggers. I'm not afraid of  
2 you." Harold then threw a brick at the white guy and it  
3 knocked him down. The guy went into his house and Harold  
4 picked up the bat. The guy came onto the porch with a gun  
5 and one of the other guys threw a bottle at him, which hit  
6 him on the shoulder.

7 He continues with the police arrived and  
8 that the guy who threw the bottle ran off between the  
9 houses. There were four of us and I don't know the other  
10 two guys that left. They were Harold's friends. The one  
11 that threw the bottle was described as a black male, 6  
12 foot, heavy build with a red shirt and blue jeans and he  
13 stays on Elm Street.

14 Q I take it, from your description of Mr.  
15 Chappell's statement, that except for acknowledging his  
16 presence, he didn't admit to any active participation in  
17 the felonious assault?

18 A According to his statement, no.

19 Q However, as you examined your report,  
20 is it very clear that the victim, Mr. Gay, identified  
21 Chappell as one of the persons who had thrown and, in fact,  
22 hit him in the back with a brick?

23 A Yes, it is.

24 Q Were you ever called upon to testify in  
25 court on this matter?

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1 A No.

2 Q Do you have a personal recollection now  
3 of the disposition of the charge?

4 A No, I do not. I have no idea what  
5 happened to the charge.

6 MR. HARMON: That concludes direct, your  
7 Honor.

8 THE COURT: Thank you.

9 Cross.

10

11 CROSS EXAMINATION

12 BY MR. BROOKS:

13 Q Officer, going back to this date, this  
14 occurred when again, please?

15 A It occurred on August 18th, 1988.

16 Q So that's about what, almost eight,  
17 little more than eight years ago?

18 A That is correct.

19 Q Now, as far as what happened, you  
20 personally didn't see anything, did you?

21 A No, we did not.

22 Q All you did was talk to the victim and  
23 apparently a witness and apparently you talked to James?

24 A Yes. Upon our arrival, we conducted an  
25 investigation and talked with the people that were there.

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JChappell-8JDC1938

1 Q Do you recall if the victim -- can you  
2 describe the victim at all?

3 A I just recall him being a older white  
4 male. He was -- I remember him specifically being very  
5 irate, very upset, but anything else except for the police  
6 report, I could tell you his date of birth and so on.

7 Q And when you first saw him, he  
8 apparently had a shotgun out?

9 A Yes.

10 Q And you learned, during the course of  
11 your talking to people, at one time he had a baseball bat  
12 out?

13 A He -- yes, he did.

14 Q When you talked to him, he never  
15 admitted anything about calling these guys, "Come on you  
16 bunch of niggers?"

17 A If I could review my report quickly?

18 Q Go ahead.

19 A No, I do not see anything in the  
20 report.

21 Q And based on his statement, he did not  
22 indicate any responsibility on his part for starting any of  
23 this, did he?

24 A The only thing he indicated, according  
25 to the report, that he attempted to pull in the alley

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1 behind his house and he was confronted by several subjects  
2 in the alley.

3 Q When apparently you guys arrested Mr.  
4 Smith and Mr. Chappell; is that correct?

5 A Yes.

6 Q Now Mr. Smith was not cooperative, was  
7 he?

8 A According to the report, he was quite  
9 combative.

10 Q He didn't give you a statement?

11 A No, he did not.

12 Q Was Mr. Chappell cooperative?

13 A He gave us a statement.

14 Q He was more cooperative than Mr.  
15 Smith?

16 A Well, it would appear so according to  
17 the report.

18 Q And while he had not acknowledged  
19 throwing the brick, apparently the evidence is that both he  
20 and Smith both threw a brick at one point or another?

21 A Yes.

22 Q Do you recall who the other witness was  
23 that you interviewed that was not necessarily the victim?

24 A I have a name on my police report by  
25 the name of Dennis -- I think it's Wersbicky (phonetic).

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JChappell-8JDC1941

1 Q What did he say he observed?

2 A If I may refer to my report?

3 Q Go ahead.

4 A He stated that he was out and about  
5 walking his dog when he observed the victim drive down the  
6 alley and was attacked by the black males. The witness  
7 stated he stated two accused subjects, along with other  
8 subjects, started beating on the victim's vehicle and  
9 started throwing rocks at the vehicle. He also observed  
10 the victim being struck with the bricks and observed  
11 accused Smith throw a brick and strike the victim.

12 Q He doesn't actually say he observed Mr.  
13 Chappell throw a brick?

14 A That is correct.

15 Q If you could, Officer, refer if you  
16 would to page 6 of your report, if you don't mind, look  
17 down in the lower right-hand corner.

18 A Which would be page six?

19 Q Mine just says page six of and I don't  
20 have the last part of that. I think it's the one that has  
21 all the little blanks to fill in.

22 May I approach, Judge?

23 THE COURT: Yes.

24 THE WITNESS: Okay, I see it. Is it a  
25 descriptor?

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JChapell-8JDC1942

1 Q (BY MR. BROOKS) It has all the little  
2 numbers to fill in a report quickly. It says subject  
3 injury, how did your associate respond to that?

4 A Let me find that modus operandi page.  
5 Means of attack?

6 Q No, subject injury, down on the farther  
7 right-hand side. This is the -- Judge, may I approach?

8 THE COURT: Yes.

9 Q (BY MR. BROOKS) This is the sheet on  
10 Harold Lee Smith, this one here.

11 A Oh, okay. Let me see.

12 Q How did you fill that out or how did  
13 you and your associate fill that out?

14 A It indicates no injury.

15 Q Now is that speaking of Mr. Gay, the  
16 one who is hit by the brick?

17 A No, that's speaking of the arrestee.

18 Q Oh, I see. That's probably Mr. Smith  
19 then?

20 A Yes.

21 Q Okay.

22 Do you know if Mr. Gay had to go to the  
23 hospital at all?

24 A I do not recall.

25 Q Would you guys have put that in the

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1 report someplace if he had sustained serious injuries of  
2 any kind?

3 A Yes. If we would have requested the  
4 Lansing Fire Department and Ambulance to arrive at the  
5 scene, it would be on the report. If he was seeking his  
6 own medical attention, it may not be.

7 Q But there is no indication on the  
8 report that you guys called an ambulance?

9 A That is correct.

10 Q You've indicated that you don't know  
11 exactly how this eventually got resolved; is that correct?

12 A You mean how the case was adjudicated?

13 Q Right.

14 A No, I have no idea.

15 Q Would it surprise you if I said there  
16 was no judgment of conviction for a felony in this case?

17 A One way or the other, it wouldn't  
18 because I have no idea.

19 MR. BROOKS: Thank you. I have no further  
20 questions.

21 MR. HARMON: No redirect, Judge.

22 THE COURT: All right, in that case, we'll  
23 take our noon recess. Sir, you may step down.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you very much.

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1 Ladies and gentlemen of the jury, during  
2 this recess, it is your duty not to converse among  
3 yourselves or with anyone else on any subject connected  
4 with this trial or to read, watch, or listen to any report  
5 of or commentary on this trial or any person connected with  
6 this trial by any medium of information, including, without  
7 limitation, newspapers, television, or radio, and you are  
8 not to form or express an opinion on any subject connected  
9 with this case until it is finally submitted to you.

10 We will reconvene at the hour of 1:30 this  
11 afternoon. Please be downstairs ready to be collected  
12 about that time. We will be at ease while you depart the  
13 confines of the courtroom.

14 Anything further from the parties before we  
15 recess?

16 MR. BROOKS: Not from the defense, your  
17 Honor.

18 THE COURT: All right.

19

20 (Off the record at 11:58 a.m. and back on  
21 the record at 1:56 p.m.)

22

23 THE COURT: Counsel stipulate to the  
24 presence of the jury?

25 MR. HARMON: Yes, your Honor.

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1 MR. EWING: Yes, your Honor.

2 THE COURT: State may call its next

3 witness.

4 MS. SILVER: The State would call Clare

5 McGuire.

6

7 CLARE MCGUIRE,

8 having been first duly sworn to tell the truth, the whole

9 truth and nothing but the truth, testified and said as

10 follows:

11

12 DIRECT EXAMINATION

13 BY MS. SILVER:

14 Q Could you please state your name and

15 spell it for the record.

16 A Clare McGuire, C-L-A-R-E

17 M-c-G-U-I-R-E.

18 Q And how old are you?

19 A Twenty 6.

20 Q And do you live here in Las Vegas

21 currently?

22 A Yes.

23 Q Are you employed?

24 A Yes.

25 Q Where are you employed?

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1 A At the Showboat.

2 Q What do you do at the Showboat?

3 A Soft count.

4 Q What is soft count?

5 A We count the bills from validators and  
6 from the pit.

7 Q I'm sorry, I'm having trouble hearing.  
8 Can you speak up?

9 A We count the bills from the slot  
10 machines and also from the pit from blackjack and craps and  
11 stuff like that.

12 Q Before moving to Las Vegas, did you  
13 live anywhere else?

14 A No. Oh, I'm sorry, I lived in Tucson.  
15 Before moving to Vegas?

16 Q Yes.

17 A I lived in Tucson, Arizona.

18 Q While living in Tucson, Arizona, did  
19 you come to know a person by the name of Deborah Panos?

20 A Yes.

21 Q And when was it that you met Deborah  
22 Panos approximately?

23 A In February or March of 1990.

24 Q And where did you meet her?

25 A At work.

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1 Q Where were you working?

2 A At Computer Services of the City of  
3 Tucson.

4 Q Computer Services, City of Tucson?

5 A Uh-huh.

6 Q You have to say yes or no for the  
7 record.

8 A Yes.

9 Q And what was that?

10 A We entered -- we entered things into  
11 the computer for the city like sales tax and paychecks so  
12 that people ended up getting paid. It all has to do with  
13 revenue or anything going into the main computer system for  
14 the City of Tucson.

15 Q Was Deborah Panos also a employee of  
16 the City of Tucson at that time?

17 A Yes.

18 Q And were you aware of how old Deborah  
19 Panos was at the time of her death approximately?

20 A Twenty 6.

21 Q At the time that you met Deborah Panos,  
22 did she have any children?

23 A Yes, she had two.

24 Q And what were their names?

25 A JP and Anthony.

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