

1 A Yeah.

2 Q How tall would you estimate the taller one to be?

3 A I want to say like six foot.

4 Q Okay.

5 A Or taller.

6 Q Could you tell the race of these individuals?

7 A They were black.

8 Q Were they both male?

9 A Yes.

10 Q Can you estimate an age of these individuals?

11 A I want to say early 20s.

12 Q Did -- what were those men wearing?

13 A Oh, gosh. They were covering their face and they

14 were wearing gloves, jacket, I think which was black --

15 black, gray and red.

16 Q Black and gray and red?

17 A I just remember those colors.

18 Q Okay. And that's on their jackets?

19 A I know the -- the jacket was black, and the -- I

20 think black with gray.

21 Q Okay. You indicated they both this masks; is that

22 correct?

23 A Yeah.

24 Q Do you recall what kind of masks they were wearing?

25 A I can't remember, I'm sorry.

1 Q That's all right. And you did indicate both of them
2 had handguns; is that correct?

3 A Yes.

4 Q Did you get a look at both of the handguns?

5 A No.

6 Q No? Okay. I'm going to show you a couple more
7 pictures, okay? Publishing what's been admitted as State's
8 156. And what is that there?

9 A That's the broken door -- the window. The door.

10 Q And 157?

11 A That's from the inside.

12 Q All right. And that window was not broken before
13 you had closed down the shop; is that correct?

14 A No.

15 Q Publishing State's 158. What is this here?

16 A I can't see. It's really dark. I can't --

17 Q I'm trying to brighten it up for you a little.

18 A Oh, that's the -- the register on the counter in the
19 front lobby.

20 Q Did these gunmen have you take that register out?

21 A No. I was counting it, and I got distracted showing
22 Holly how to do inventory.

23 Q Okay. So that one was just sitting out on the
24 counter the whole time?

25 A Um-h'm.

1 Q And these individuals either didn't see it or didn't
2 take it?

3 A They walked right past it. Well, he walked right
4 past it.

5 Q 159, what are we looking at here?

6 A That's our line where we make the food.

7 Q And what's this back room area in the middle?

8 A That's our break room.

9 Q The break room?

10 A Yeah.

11 Q 160? Oh, I'm sorry, go to the right.

12 A That's -- that's the -- the pathway to the back door
13 and the freezer. That's the back area back --

14 Q Is this the freezer --

15 A Yeah.

16 Q -- here, I'm sorry? All right. Do you see that
17 chair on the ground?

18 A Yeah, that's our office chair.

19 Q Okay. Can you see the office from this exhibit?

20 A I can see a sliver of it.

21 Q Can you just draw an X across the office doorway?
22 Okay, so there's that little opening to the left of the
23 photograph, correct?

24 A Uh-huh.

25 Q And that's the manager's office where your safe was

1 and where those men took you?

2 A Yes.

3 Q Publishing 161. What room is this?

4 A That's the break room.

5 Q Okay. And do you notice --

6 A Yeah.

7 Q -- some pieces on the floor?

8 A It's the phone.

9 Q Okay. I'm going to show close-ups of that. This is
10 162 and 163. What are those -- what do those pieces belong
11 to?

12 A To the phone. Our restaurant phone.

13 Q That's the phone that was broken by the suspects?

14 A Yes.

15 Q And then 164?

16 A That's the back door.

17 Q The back door. And that's the door where you were
18 basically captured on your way out?

19 A Yeah.

20 MR. TANASI: Objection, Your Honor.
21 Characterization of "captured" on your way out.

22 THE COURT: Overruled.

23 BY MR. PORTZ:

24 Q And then ma'am, I'm going to publish State's 280 --
25 well, actually, Court's indulgence.

1 MR. PORTZ: Your Honor, I have State's Proposed
2 287. There's no objection for its admission at this time.

3 THE COURT: Is that right?

4 MR. TANASI: Correct, Your Honor.

5 MS. LOBO: Correct.

6 THE COURT: All right. It will be admitted.

7 (Exhibit 287 admitted)

8 BY MR. PORTZ:

9 Q Publishing State's 287. Is this a close-up of that
10 register that was left out?

11 A Yes.

12 Q Okay. And I'm going to darken this a little bit.
13 Do you guys carry rolled coins?

14 A Yes.

15 Q And are they wrapped in paper?

16 A Yeah, some of them.

17 Q Okay. Do we see an example of that in this exhibit
18 on that top left slot?

19 A Yeah, the dimes.

20 Q Okay. Can you read the brand name on that dimes
21 there?

22 A Oh, it's Loomis.

23 Q Loomis? That's L-o-o-m-i-s?

24 A Um-h'm.

25 THE COURT: Is that a "yes", ma'am?

1 THE WITNESS: Yes, sorry.

2 BY MR. PORTZ:

3 Q Now, ma'am, as shift manager, are you familiar with
4 that store's video surveillance system?

5 A Yes.

6 Q And prior to your testifying today, have you had a
7 chance to review the video surveillance of what happened that
8 night?

9 A Yeah. Yes.

10 Q And did that video surveillance fairly and
11 accurately capture what had occurred inside your store?

12 A Yes.

13 Q You also mentioned that Holly gave you her phone and
14 you called 911?

15 A Um-h'm.

16 THE COURT: Is that a "yes", ma'am?

17 THE WITNESS: Yes.

18 BY MR. PORTZ:

19 Q Sorry, we have to answer "yes" or "no".

20 A I'm sorry.

21 Q Did you have a chance to listen to that 911 call
22 prior to your testimony today?

23 A Yes.

24 Q And when you listened to that 911 call, it was a
25 fair and accurate recording of the conversation you had with

1 911?

2 A Yes.

3 MR. PORTZ: Your Honor, at this point, the State is
4 going to ask to publish portions of 165-A.

5 THE COURT: Okay.

6 (911 call played)

7 BY MR. PORTZ:

8 Q Okay, ma'am, do you recognize the voice on the other
9 end of that line?

10 A That's me.

11 (911 call played).

12 BY MS. MERCER:

13 Q And ma'am, I'm showing you from Exhibit 165-A where
14 -- do you recognize what's depicted in this camera angle?

15 A That's the safe.

16 Q I'm sorry?

17 A That's the safe.

18 Q The safe?

19 A Yeah.

20 Q And is this the manager's office as well?

21 A Yes.

22 Q Do you recognize the individual at the bottom of the
23 screen?

24 A That's me with the blonde.

25 Q And is there -- who's the person in the hat?

1 A That's Holly.

2 Q And is this from the night in question, November
3 23rd, 2014?

4 A Yes.

5 MR. PORTZ: Your Honor, at this point, the State
6 would move for the admission of State's 165 and 165-A.

7 MR. TANASI: No objection.

8 THE COURT: Any objection?

9 MS. LOBO: No objection.

10 THE COURT: All right, it will be admitted.

11 (Exhibits 165 and 165-A admitted)

12 BY MR. PORTZ:

13 Q Now, there's a number of files here, so for a
14 reference point, I'm going to list the ones that we'll be
15 playing for the jurors by, including the last four numbers
16 for their review.

17 The first group one we'll play is camera 02, and the
18 last four numbers on that file is 2317.

19 (Surveillance video playing)

20 BY MR. PORTZ:

21 Q Okay, ma'am, what area of the store are we looking
22 at here?

23 A That's the front of the store.

24 Q All right. And did you see the individual that came
25 through the front of your store on the screen?

1 A Yeah. Yes.

2 Q Next will be camera 03. The last four numbers being
3 4416.

4 (Surveillance video playing)

5 BY MR. PORTZ:

6 Q I'm pausing that at 19 seconds and we'll play that
7 all the way through, but what portion of the store are we
8 looking at here, ma'am?

9 A That's the front of the store but behind the
10 register.

11 Q Did we, again, see that individual that you said
12 came in through the front door with a mask and a gun run by?

13 A Yes.

14 Q And is he going from what area of the store to -- is
15 it the front area or the lobby area to the work area?

16 A Yes.

17 Q Did you hear those screams in the background?

18 A Yes.

19 Q Do you know whose screams those were?

20 A That was Holly and me.

21 Q Next will be camera 04, ending in 0705.

22 (Surveillance video playing)

23 BY MR. PORTZ:

24 Q Okay, I'm pausing it at time stamp 11:16:35. Is
25 that, as you indicated previously, you and Holly?

1 A Yeah. I was showing her how to do inventory.

2 (Surveillance video playing)

3 BY MR. PORTZ:

4 Q Okay, ma'am, did you hear a noise and then see
5 yourself turn around quickly there?

6 A Yes.

7 Q What was that?

8 A That was the smash.

9 (Surveillance video playing)

10 BY MR. PORTZ:

11 Q Okay, ma'am, did you see yourself holding a black
12 iPhone in your left hand?

13 A Yes.

14 Q And then the suspect was holding it after he forced
15 you to the ground?

16 A Yes.

17 Q Did he strike you at that point in time?

18 A No. He just snatched it out of my hand.

19 (Surveillance video playing)

20 BY MR. PORTZ:

21 Q Okay, ma'am, I'm going to pause it at time stamp
22 11:18 and 13 seconds. At this point, are those two
23 individuals gone?

24 A Yes.

25 Q Now, you were unable to open the safe. Is this a

1 time lock safe?

2 A Yes.

3 Q And what does that mean exactly?

4 A It means after a certain hour there's no possible
5 way of opening it.

6 Q Now, I meant to direct your attention to earlier in
7 this video right after you hear you and Holly screaming. Do
8 you hear one of the suspects asking, are you the manager?

9 A I didn't hear that.

10 Q I'll go back a little bit.

11 (Surveillance video playing)

12 BY MR. PORTZ:

13 Q Okay. Do you remember a suspect asking you that or
14 no?

15 A I heard it.

16 Q Okay. As you sit here today, do you remember that
17 particular moment from this event?

18 A I can't remember.

19 Q That's okay.

20 A I'm sorry.

21 Q Okay, next will be camera 05. And it's going to be
22 file ending in 6080.

23 (Surveillance video playing)

24 BY MR. PORTZ:

25 Q (Inaudible) start over. Okay. Ma'am, what area of

1 the store are we looking at here?

2 A That's the way toward -- that's the pathway to the
3 lobby. It's -- over here is our kitchen.

4 Q Okay.

5 A And where I'm -- where I am is our second line.

6 Q Okay. So the woman in the foreground, is that you?

7 A Yes.

8 Q And do you see the second individual in this
9 picture?

10 A Yes.

11 Q Is that the suspect that you said came in from the
12 front?

13 A Yes.

14 Q And then behind him, is that your dining/lobby area?

15 A Yes.

16 Q What are you trying to do at this point in time?

17 A I was trying to take my phone.

18 Q Okay. And that's the phone that they ultimately
19 took from you?

20 A Yes.

21 Q And where are they -- okay. Let's give a little
22 context to the jurors. The bottom left corner of the screen,
23 where does that lead to?

24 A To the manager office.

25 Q I'm sorry, the bottom left.

1 A Oh, left, that's to the back door.

2 Q The back door? And is that the area that you
3 initially ran to?

4 A Yeah.

5 Q Okay.

6 A Yes.

7 Q And then we saw -- then we saw you and Holly and the
8 masked men walking to the right, the bottom right screen.
9 What does that lead to you?

10 A To the manager office.

11 (Surveillance video playing)

12 BY MR. PORTZ:

13 Q Okay. The next clip is going to be camera 08,
14 ending in 0824.

15 (Surveillance video playing)

16 BY MR. PORTZ:

17 Q Okay. Ma'am, I've paused it at time stamp 11:16 and
18 51 seconds. What area of the store are we looking at here?

19 A That's the back door.

20 Q And who is the individual at the back door right
21 now?

22 A Jamie.

23 Q And then the woman in the foreground with the hat
24 and the headset?

25 A Is Holly.

1 Q Okay, ma'am, I've paused it at time stamp 11 hours,
2 16 minutes and 56 seconds. At this point in time, has Jamie
3 already escaped?

4 A Yes.

5 Q All right. You and Holly, are you actually all the
6 way outside the store at this point in time?

7 A Yes.

8 Q Now, does this help refresh your memory as to who
9 takes you back into the store?

10 A Yeah. The one that was already outside. Oh, yeah.

11 Q Okay, I'm sorry, did you want to change your answer?

12 A No, that's fine.

13 (Surveillance video playing)

14 BY MR. PORTZ:

15 Q I apologize, let me back it up a little bit. So
16 ma'am, there was -- you said one was taller and one was
17 shorter, correct?

18 A Yes.

19 Q Can you tell which individual was the taller of the
20 two?

21 A The one with the gray and black.

22 Q And that's the one that came inside the room with
23 you?

24 A Yes.

25 Q Is this the individual you said that was acting as a

1 lookout?

2 A Yes.

3 Q Ma'am, I'm going to direct your attention to the
4 bottom left corner. Do you see one of the suspects holding
5 something blue in his hands. Can you see that at all?

6 A The blue?

7 Q The bottom left corner?

8 A It's really dark.

9 Q I'm going to put my arrow in that area. Do you see
10 this blue -- blue something in his hand --

11 A Yeah.

12 Q -- in this photograph?

13 A Yeah.

14 Q Do you recall seeing that or seeing him hand you
15 anything like that while you were being robbed?

16 A No.

17 Q And at 11:17 and 58, have they exited the
18 restaurant?

19 A Yes.

20 MR. PORTZ: I'm going to now publish the 911 call.

21 (Playing 911 recording)

22 BY MR. PORTZ:

23 Q I'm going to stop that at 10 minutes and 49 seconds.
24 Ma'am, the remainder of the call are you just waiting for
25 police to arrive?

1 A Yes.

2 Q Thank you, ma'am.

3 MR. PORTZ: Your Honor, I have no further
4 questions.

5 THE COURT: Any cross?

6 MR. TANASI: Yes, Your Honor.

7 THE COURT: Okay.

8 CROSS-EXAMINATION

9 BY MR. TANASI:

10 Q Ma'am, my name is Rich Tanasi. I represent
11 Mr. Hobson in this case. I just have a few quick questions
12 for you; is that okay?

13 A Yeah.

14 Q You weren't tied up in any way in this case,
15 correct?

16 A No.

17 Q Your hands weren't bound together by tape, correct?

18 A No.

19 Q And you weren't bound together any other way,
20 correct?

21 A And what?

22 Q You weren't bound together in any way, correct?

23 A No.

24 Q They came in, they took your phone, correct?

25 A Yes.

1 Q They tried to take something from the safe, correct?
2 A Yes.
3 Q And then they left, right?
4 A Yes.
5 Q Thank you, ma'am.
6 MR. TANASI: Nothing further.
7 THE COURT: Ms. Lobo?
8 MS. LOBO: No cross.
9 THE COURT: Any redirect?
10 MR. PORTZ: Nothing, Your Honor. Thank you.
11 THE COURT: Okay. All right. Ms. Gonzalez, is it
12 Aparicio?
13 THE WITNESS: Aparicio.
14 THE COURT: You're excused. You can step down.
15 Thank you so much for your testimony. Okay. Call your next
16 witness.
17 MR. PORTZ: State's next witness is Holly Hadeed.
18 HOLLY HADEED, STATE'S WITNESS, SWORN
19 THE CLERK: Thank you. Please be seated.
20 THE COURT: Do you need to get a drink of water?
21 THE WITNESS: No, I'm good. I just -- I'm good.
22 THE COURT: Okay, all right.
23 THE CLERK: Will you please state your full name,
24 spelling of your first and last name for the record.
25 THE WITNESS: Okay, it's Holly Hadeed, H-o-l-l-y

1 and then H-a-d-e-e-d.

2 MR. PORTZ: May I proceed, Your Honor?

3 THE COURT: Yes.

4 MR. PORTZ: Thank you.

5 DIRECT EXAMINATION

6 BY MR. PORTZ:

7 Q Ms. Hadeed, I'm going to direct your attention to
8 November 23rd, 2014. Were you working at a Taco Bell on 9480
9 West Lake Mead that night?

10 A Yes, I was.

11 Q And I'm going to put a picture up on your screen,
12 it's 155, State's 155. Is that a photograph of your Taco
13 Bell?

14 A Yes, it is.

15 Q Who were you working with that night?

16 A I was with Vanessa and Jamie.

17 Q And what's Vanessa's last name?

18 A Gonzalez, I think.

19 Q Is Vanessa the woman that just walked out of the
20 courtroom?

21 A Yes.

22 Q And then Jamie, her last name is Ward?

23 A Yes, I believe so.

24 Q Now, Holly, you have a really soft voice. If you
25 wouldn't mind --

1 A Oh.

2 Q -- leaning a little closer to that microphone.

3 A All right. That's no problem.

4 Q Thank you. What time did the drive-thru close for
5 your store that night?

6 A The drive-thru closed at 11:00 o'clock.

7 Q P.M.?

8 A Yep.

9 Q And were you officially on duty at that hour?

10 A No, I was not.

11 Q Okay. Why were you still at the store?

12 A Because I was helping Vanessa with some inventory
13 and she was teaching me in the process of being a manager.

14 Q And after you had closed the store, while Holly was
15 teaching you how to be -- I guess, take inventory, you said?

16 A Yeah.

17 Q Okay. Where were you learning how to take
18 inventory?

19 A On the computer in the back.

20 Q And is that in the manager's office?

21 A Yep.

22 Q While you were doing that with Vanessa, did
23 something happen out the ordinary?

24 A Nothing. It was just like a regular normal day,
25 closing day.

1 Q At some point in time, did something happen that it
2 caused you concern?

3 A Yep.

4 Q What was that?

5 A It -- it was the -- it was what we heard in like
6 coming from the front which sounded like glass breaking.

7 Q And did you know what it was when you heard that
8 noise?

9 A Um-um.

10 Q What did -- and is that a yes or a no?

11 A Oh, I'm sorry, no.

12 Q And what did you think it was?

13 A I thought it was Jamie accidentally dropping
14 something, but it didn't sound like glass. We don't have
15 anything like glass.

16 Q So what happened after you heard that noise?

17 A Well, I looked back and I looked at Jamie. And I
18 just see her looking at us like -- like she gave us a face
19 like oh, my gosh.

20 Q Is Jamie in the office with you and Vanessa?

21 A No, she was directly kind of like -- I forgot what
22 the word is called, but she was like diagonal from us but in
23 the back.

24 Q Okay. So you could see Jamie?

25 A Yeah.

1 Q And what happened after you saw Jamie and she gave
2 you that look?

3 A I just see Vanessa look at me and says, run back to
4 the -- like run to the back exit and then -- and then I see
5 Jamie in front of me.

6 Q And is Jamie running to the back exit also?

7 A Yes.

8 Q And what happens when you and Jamie get to the back
9 exit?

10 A Well, we open the back door and there was a second
11 person standing outside.

12 Q Did you see the first person?

13 A Not really, because Vanessa was like standing right
14 in front of me. So when she told me to get up -- like get up
15 and run, I didn't really -- I didn't really see anything, and
16 then I just see a gun. Like that part just blanked out.

17 Q Okay. So when Vanessa says run to the back, what do
18 you think is happening at this point?

19 A We are getting robbed.

20 Q So as you run towards the back, what's your
21 intention?

22 A Hopefully getting away. Like, we didn't know
23 someone was going to be in the back.

24 Q So you said -- and who opened the back door, you or
25 Jamie?

1 A Jamie.

2 Q And when Jamie opened the back door, you said that
3 there was a person out there?

4 A Yes.

5 Q Okay. Could you see what this person looked like?

6 A All I know is this person was short.

7 Q Short?

8 A Um-h'm.

9 Q Could you make out any facial features or hair,
10 anything like that?

11 A No.

12 Q Why not?

13 A Because I -- I don't know if he was wearing a mask.

14 Q Okay. Did this person have anything -- and was this
15 a male or a female?

16 A Male.

17 Q Did this guy have anything in his hands?

18 A Not that I saw.

19 Q Not that you saw? What happens when Jamie opens the
20 door and you see that guy out there?

21 A Well, we all scream and then Jamie ended up getting
22 away, and we ended up getting pulled back in.

23 Q Describe to me how Jamie got away.

24 A Jamie got away when like when she ran in front of us
25 and then he tried to grab her by her collar, but, I guess, it

1 slipped because we had different uniforms than -- than like
2 what she was wearing.

3 Q Than who he was wearing?

4 A Jamie.

5 Q Okay. So the man waiting outside grabbed Jamie's
6 collar?

7 A Yeah, because she had -- she had the old Taco Bell
8 uniform on.

9 Q Okay. But Jamie slipped away?

10 A Yeah.

11 Q What happened when Jamie slipped away?

12 A Well, when Jamie slipped away -- I'm sorry, when
13 Jamie slipped away, the guy ended up just letting her go and
14 then faced us and then we -- they ended up just kind of
15 pushing us inside.

16 Q Okay. Did this -- this man waiting outside, did he
17 physically touch you in any way to stop you or to prevent you
18 from leaving?

19 A Yeah. Like, when he pulled Jamie away, he just --
20 he -- when he pulled her away, it just slipped and I guess,
21 because I was like right behind her. I guess, he just ended
22 up getting me in my neck. Like not -- it didn't like show
23 like physical harm, but it's like -- it's just the feeling.

24 Q So what did you do after you were hit in the neck?

25 A Just went right back in because they just pulled us

1 right back in when they pulled Vanessa back.

2 Q When you were going back in, did you at this point
3 see that first suspect that Vanessa had said run from?

4 A Yeah.

5 Q Did you see anything in this person's hand?

6 A Yeah, he had a gun.

7 Q All right. Now, you said the man outside was short.
8 The man inside, was he short or was he tall?

9 A Tall.

10 Q About how tall would you say?

11 A About like six foot.

12 Q Okay. And the short man, about how tall was he?

13 A Are about like five -- about five, six; five, three;
14 five, six.

15 Q Could you tell the race of either of these
16 individuals?

17 A They were African-American.

18 Q Was there anything distinctive about the clothing
19 that they were wearing that you can recall?

20 A Just, I just remember seeing red and black.

21 Q Were they -- was there anything on -- covering their
22 hands?

23 A Yeah. I think it was gloves.

24 Q And the clothing that they were wearing, did they
25 have pants or shorts on?

1 A Pants.

2 Q And the tops that they were wearing, did they cover
3 all the way down their arms or were they short sleeved?

4 A No, it covered their arms.

5 Q Was their clothing dark or light in color?

6 A I believe, it was -- I think it was dark.

7 Q Now, after they pulled you back in, is it just you
8 and Vanessa with these two men at this point?

9 A Yes.

10 Q And where did they take you?

11 A They took us back to the office, like the manager
12 office and they put us right in front of the safe.

13 Q Did both of them do that or one of them?

14 A Well, one of them did that to me first and then one
15 of them started like to push Vanessa in.

16 Q Vanessa was pushed in, did the man pushing Vanessa
17 say anything?

18 A Yeah, he just said open the safe. He kept saying
19 open the safe.

20 Q And was Vanessa able to open the safe?

21 A No.

22 Q Were you able to open the safe?

23 A No.

24 Q Do you -- or does Vanessa tell this -- the man who's
25 pushing Vanessa and says open the safe, is this the guy with

1 the gun?

2 A Yes.

3 Q The taller guy?

4 A Yes.

5 Q Okay. Do you tell the guy with the -- the taller
6 guy that you can't open the safe?

7 A Yes, she did.

8 Q At any point in time, does this man aim the gun at
9 you or Vanessa?

10 A Yes.

11 Q Okay. Is that at both of you or one of you?

12 A Mostly at Vanessa.

13 Q But he did aim it at you as well?

14 A Yeah. I believe so when we were trying to open the
15 safe.

16 Q You were unable to open the safe; is that right?

17 A Yep.

18 Q Did you see the gunman take anything from anyone?

19 A Just Vanessa's phone and the Taco Bell phone.

20 Q What did he do with the Taco Bell phone?

21 A They broke it in the break room.

22 Q And what did they do have Vanessa's phone?

23 A They stole it.

24 Q After he took Vanessa's phone and you weren't able
25 to open the safe, what did these two men do?

1 A Well, one of them was like, just kept saying come
2 on, come on, let's go. And then when me and Vanessa were in
3 front of the safe, we did not hear them leave at all. I
4 thought they left through the front. Or, I'm sorry, I
5 thought they left through the front, and then but we didn't
6 hear anything.

7 Q How long did you wait inside the manager's office
8 until you decided to come out?

9 A It was probably a good five minutes maybe. Yeah,
10 five minutes.

11 Q And what did you do -- well, when you came out, were
12 the men gone?

13 A Yeah.

14 Q And what did you do at that point?

15 A At that point, we just like slowly looked back and
16 then we just quietly like trying to make our way to like not
17 be seen if they were still there and go try to push the alarm
18 that's by the drive-thru because I guess, one of them wasn't
19 working in the break room. And then we didn't -- then we
20 pushed it, we didn't realize that we still had my phone.

21 Q When you realized after you pushed the alarm and you
22 had your phone, what did you do?

23 A We called the police.

24 MR. PORTZ: Court's indulgence.

25 //

1 BY MR. PORTZ:

2 Q Ms. Hadeed, did you get a chance to watch
3 surveillance of this incident?

4 A Yes, sir.

5 Q At this point, we're going to publish a couple clips
6 from that surveillance for you, okay? So I'm just going to
7 publish two separate camera angles, okay? First one is going
8 to be camera 04 ending in 0705.

9 (Surveillance video playing)

10 BY MR. PORTZ:

11 Q Who's that in the office?

12 A That is me and Vanessa.

13 Q Is that that noise that you heard?

14 A Yes, it was.

15 Q Is that you and Vanessa that screamed?

16 A Yes.

17 Q Is that you by the safe?

18 A That is the safe.

19 Q Do you hear that beep, beep, beep noise, ma'am?

20 A No, I didn't.

21 Q Okay. I'm going to direct your attention to the
22 left or the right side of the screen where my arrow, the
23 cursor is. Is that where the Taco Bell phone is?

24 A Yeah.

25 Q Or was, I guess. Publish now camera 8 ending in

1 0824.

2 (Surveillance video playing)

3 BY MR. PORTZ:

4 Q Okay, we're stopping at 11 hours 17 minutes and 55
5 seconds. Was that the -- did we just see you trying to leave
6 the Taco Bell and being forced back in? Is that a yes?

7 A Yes.

8 Q Okay. And then all the way into the conclusion of
9 when these men left the store, correct?

10 A Yes.

11 Q Last question is this, which door would you normally
12 use once your shift was ended to leave the building?

13 A The front door.

14 Q The front door?

15 A Um-h'm.

16 Q Why is that?

17 A Well, because it's just I don't -- it's pretty much
18 like how the rule is. You know, the manager's the last
19 person to leave. So when the second to last person to leave,
20 usually the manager's supposed to stay and watch them leave
21 to their car to wait until that person has to get picked up.
22 And it's just better to use the front door because anything
23 is possible to happen at the back door because that's the get
24 away exit.

25 Q Okay.

1 MR. PORTZ: Not further questions, Your Honor.

2 THE COURT: Cross.

3 MR. TANASI: Briefly.

4 CROSS-EXAMINATION

5 BY MR. TANASI:

6 Q Good afternoon, ma'am. My name is Rich Tanasi. I
7 represent Mr. Hobson. I a few questions for you; is that
8 okay?

9 A Yes.

10 Q All right. During this event you were not tied up
11 in any way, correct?

12 A Correct.

13 Q You weren't taped up in any way, correct?

14 A Yep, correct.

15 Q They essentially came in, tried to take things from
16 the safe and left, correct?

17 A Yep.

18 Q Thank you, ma'am.

19 MR. TANASI: Nothing further.

20 THE COURT: Anything further?

21 MS. LOBO: No cross, Judge.

22 THE COURT: Any redirect?

23 MR. PORTZ: No, Your Honor. Thank you.

24 THE COURT: I have a question. So you indicated
25 that as you went to go out the door, you used the words "we

1 got pulled back in". Can you tell me what you mean by
2 "pulled back in"?

3 THE WITNESS: Well, when -- meaning like when we
4 tried to leave, they just -- well, Vanessa got pulled --
5 like, she got pulled back in by her hoodie. And like, they
6 were gentle with us, but I didn't -- like, how can I put
7 this? Okay. What I meant by like "pulled back in", it
8 didn't -- it meant like -- I didn't meant by like make it
9 feel like we were just like -- like rushed. They were just
10 like -- like pushing us like back in so, you know, when
11 somebody gets away, they're not trying to let anybody go or
12 tell on them, let's say, when they call the police.

13 THE COURT: Okay. Did Jamie ever come back?

14 THE WITNESS: She came back after the police came.

15 THE COURT: After the police came?

16 THE WITNESS: Yeah, because she waited at the Fresh
17 and Easy because that's, I guess, where she went to go and
18 call because that Walgreens was closed.

19 THE COURT: Was the police there when she came
20 back?

21 THE WITNESS: By the time, yeah.

22 THE COURT: Okay. Do you have any questions as a
23 result of my questions?

24 MR. PORTZ: Yes.

25 //

REDIRECT EXAMINATION

BY MR. PORTZ:

Q Ma'am, did you feel free to leave at that point in time when you said you were pulled back in?

A No.

Q Were you afraid to not comply with their commands when they told you to go back in the store?

A Yeah.

Q Were you brought back in at gunpoint?

A No, I didn't see the gunpoint.

Q And you didn't see --

A I didn't see a gun.

Q -- a gun, but you knew one of them had a gun, correct --

A Yeah.

Q -- at least?

A Yes.

Q Okay. Had you escaped, would you have called 911?

A I would have.

MR. PORTZ: Nothing further.

MR. TANASI: Nothing further, Your Honor.

MS. LOBO: No, Your Honor.

THE COURT: Okay. All right, Ms. Hadeed, thank you so much for your testimony. You can step down. You're excused, okay? All right, ladies and gentlemen, I'm going to

1 give you a short recess now. It's 10 until. I'll expect you
2 to be back about 5 after.

3 During this recess, you're admonished not to talk
4 or converse amongst yourselves or with anyone else on any
5 subject connected with this trial or read, watch or listen to
6 any report or commentary on the trial or any person connected
7 with this trial by any medium of information, including
8 without limitation, newspapers, television, Internet or radio
9 or form or express any opinion on any subject connected with
10 this trial until the case is finally submitted to you.

11 We'll be at ease while the jury exits the
12 courtroom.

13 (Outside the presence of the jury)

14 THE COURT: Okay. We're outside the presence of
15 the jury. Is there anything that needs to be put on the
16 record at this time by either party?

17 MR. TANASI: No, Your Honor.

18 MS. MERCER: No, Your Honor.

19 THE COURT: All right. Okay, we'll see you back 5
20 after. Okay? Off the record.

21 (Court recessed at 12:51 p.m. until 1:08 p.m.)

22 (Outside the presence of the jury)

23 (Pause in the proceedings)

24 THE COURT: Okay, we're back on the record in the
25 case of State of Nevada versus Tony Hobson and Brandon Starr

1 in C-303022. I'd like the record to reflect the presence of
2 the defendants and their counsel as well as the State and
3 their counsel. Are we ready to proceed?

4 MR. PORTZ: Yes, Your Honor.

5 MR. TANASI: Yes, Your Honor.

6 MR. MANNINGO: Yes, Your Honor.

7 THE COURT: Jim, you want to bring the jury in?
8 Okay. Jim, you want to get the jury?

9 (Pause in the proceedings)

10 (In the presence of the jury)

11 THE MARSHAL: Be seated. Department 19 is back in
12 session.

13 THE COURT: Okay. We're back on the record in C-
14 303022, Tony Hobson versus Brandon Starr (sic). I want the
15 record to reflect the presence of all parties as well as the
16 jury. Will the parties stipulate to the presence of the
17 jury?

18 MR. TANASI: Yes, Your Honor.

19 MS. LOBO: Yes, Your Honor.

20 THE COURT: State.

21 MS. MERCER: Yes, Your Honor.

22 THE COURT: Okay. Before we took a break, the
23 State was in their case-in-chief. Did you want to call
24 additional witnesses?

25 MR. PORTZ: Yes, Your Honor. The State calls

1 Rafael Velazquez-Borragan.

2 RAFEAL VELAZQUEZ-BORRAGAN, STATE'S WITNESS, SWORN

3 THE CLERK: Thank you, be seated. Please state
4 your full name, spelling of the first and last name for the
5 record.

6 THE WITNESS: Rafael Velazquez.

7 THE COURT: You want to spell it, please?

8 THE WITNESS: Oh, R-a-f-a-e-l. Velazquez,
9 V-e-l-a-z-q-u-e-z.

10 THE COURT: Your witness.

11 MR. PORTZ: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. MERCER:

14 Q Mr. Velazquez, I'm going to direct your attention to
15 November 24th, 2014. Were you working at a Popeye's at 6121
16 Vegas Drive?

17 A Yes.

18 Q I'm going to publish what's been admitted as State's
19 166.

20 (Pause in the proceedings)

21 UNIDENTIFIED JUROR: Your Honor, what count and
22 what --

23 MR. PORTZ: For the jurors' reference this is event
24 number 13 and 14, count 68 through 40 -- 68 through 80,
25 excuse me.

1 UNIDENTIFIED JUROR: Thank you.

2 MR. PORTZ: Thank you.

3 BY MR. PORTZ:

4 Q Sir, do you see that -- is that image coming up on
5 your screen?

6 A Yeah.

7 Q Okay. Is that the Popeye's that you worked at?

8 A Yes, sir.

9 Q And on November 24th, what was the closing time for
10 your store?

11 A Drive-thru closed at 10:00 and lobby at 9:00.

12 Q Okay. Do you recall, sir -- and I just want to know
13 how long -- do you still work at Popeye's?

14 A No.

15 Q Okay. How long has it been since you've worked
16 there?

17 A Almost a year.

18 Q Is it possible that your drive-thru closes at 11:00?

19 A Oh, yes. Yes, it does. I'm sorry. We close the
20 lobby at 10:00, drive-thru at 11:00.

21 Q Okay. Thank you. What was your role or what was
22 your position with Popeye's at that time?

23 A A cashier.

24 Q And when you're finished or closing down the shop at
25 11:00, what does a cashier do?

1 A We just clean up everything there is to be cleaned.
2 Clean the lobby and back.

3 Q Does the manager check the register that you were
4 working?

5 A Yeah, we count it.

6 Q Okay.

7 A We count the register.

8 Q And who was your manager that night?

9 A Alma Gomez.

10 Q Alma Gomez? And when you count -- I'm going to
11 publish State's 261. When you finish counting out your
12 register, does the register generate a receipt or something
13 like this that has the name of your store on top and an
14 amount listed?

15 A Yeah, it does.

16 Q Okay. And I'm going to direct your attention to the
17 bottom of 261. Is that your name there, sir?

18 A Yes.

19 Q Okay. Does that indicate -- what does that
20 indicate, your name down there?

21 A It's just a cash box or that I was on that -- that's
22 my cash box.

23 Q Okay. So that means that you were operating this
24 particular --

25 A Yeah.

1 Q -- register? And again, the date was November 24th,
2 2014, correct?

3 A Um-h'm.

4 Q All right. Other than Alma Gomez, your manager,
5 were there any other employees working with you at 11:00
6 o'clock when you closed the store?

7 A Yes.

8 Q Who else?

9 A There was Roberto or Jose. There was Gabby and
10 Angelica.

11 Q Okay. So you said Roberto or Jose, is that Jose
12 Espinoza?

13 A Yeah, Jose Espinoza.

14 Q And then Gabby, would that be Gabriela Oyoque?

15 A Yeah.

16 Q Did I say that right?

17 A I don't even know the last name.

18 Q And then Angelica, is her last name Abrego?

19 A I'm not too sure on her last name either.

20 Q Okay. That's okay. Where are all of you at about
21 11:00 o'clock at night? What are you doing?

22 A That specific time, I can't say.

23 Q Okay.

24 A I don't remember.

25 Q And at some point after you closed, did something

1 happen that caused you to call the police?

2 A Yes.

3 Q What happened?

4 A Our manager informed us that we were getting robbed.
5 So yeah, we got robbed.

6 Q Do you remember where you were at the time when Alma
7 informed you that you were being robbed?

8 A I was in the back by the dishwasher.

9 Q Were you with the rest of your employees?

10 A Yes, we were all back there.

11 Q Why was Alma coming from when she told you that you
12 were being robbed?

13 A I think she was coming from checking the front. I'm
14 not too sure exactly what she was doing, but she was coming
15 from the front.

16 Q When Alma told you that, what did you and the
17 employees -- rest of your employees do?

18 A I went to go check the front and then I saw a figure
19 so as soon as we were -- find out that we were getting
20 robbed, we all tried to escape through the back door.

21 Q And when you went to the back door, what happened?

22 A My manager, Alma, was first trying to push -- or
23 yeah, push the door out, but it wasn't -- she couldn't. So
24 then I gave it a try. And then --

25 Q Have you ever had trouble opening that back door

1 before?

2 A No.

3 Q When you gave it a try, what happened?

4 A I shoved it a few times and then suddenly I was able
5 to open it, but it was as if someone was forcing it back on
6 me so it opened slowly.

7 Q And when you opened the door, what did you see?

8 A There was a -- a man pointing a gun at us. He
9 slowly let himself in.

10 Q He slowly let himself in? I'm sorry, I didn't hear
11 that.

12 A Yeah, he let himself in.

13 Q What did you and your coworkers do when you saw the
14 man with the gun?

15 A We just kind of -- no one said anything. We just
16 kind of stood there and we just all raised our hands up.

17 Q After this point, did you turn around and go back
18 into the store?

19 A Yeah.

20 Q Now, you had mentioned earlier that you went to
21 check out the front when Alma said you were being robbed, and
22 you saw a figure. Did you see that individual at this point
23 in time when you turned around to go back into the store?

24 A Yes.

25 Q I want to take a moment to talk about these two

1 individuals.

2 A Um-h'm.

3 Q The man who was waiting outside with the gun, was he
4 tall or short?

5 A He was about my height at the time.

6 Q What was your height at that time?

7 A Five -- five, ten; five, eleven.

8 Q Okay. The man who was behind you or coming from the
9 front of the store, was he tall or short?

10 A He was a little taller. Probably around six foot.

11 Q And the man who was waiting outside the back, what
12 was he wearing?

13 A They were both wearing darker clothes, hoodies and
14 pants, black -- darker pants.

15 Q Do you recall what kind of gun the man who was
16 waiting outside was carrying?

17 A He had some sort of a semi-automatic.

18 Q And do you remember what color the semi-automatic
19 was?

20 A No, I can't remember.

21 Q The man who had come from the front of the store, do
22 you recall whether or not he had a weapon of any kind?

23 A He had two.

24 Q Okay. What did he have with him?

25 A He had a little hatchet axe and then he had a

1 revolver type gun.

2 Q Now, at this point in time, when you and your
3 employees turn around from the exit door, the back door, are
4 you -- where are these two men positioned around you and your
5 employees?

6 A From us turning from the back door?

7 Q When you turned around and go back in.

8 A So we're just all centered. We have one on each
9 side.

10 Q And what do they tell you to do?

11 A They just -- they're just saying not to do anything
12 and then started asking for the manager, who was the manager
13 in the store.

14 Q Did anyone respond when they asked that question?

15 A Our manager just kind of raised her hand.

16 Q And that's Alma Gomez?

17 A Alma, yes.

18 Q What happened after Alma raised her hand?

19 A They started asking where the vault was and to take
20 them to the vault. So we just kind of followed in a line to
21 the vault because they had one person behind us.

22 Q As you went to the vault, what did they do with you?

23 A With me specific?

24 Q Well, with you and your coworkers.

25 A Well, when -- on our way to the vault, we were lined

1 up, but once we got to the vault, they just -- they told us
2 to get on the floor while they had our manager open the
3 vault.

4 Q And as they were having your manager open the vault,
5 at any time did you notice them hand anything to Alma?

6 A A blue bag.

7 Q This blue bag, was this a plastic bag, a cloth bag
8 or just a --

9 A It was like a reusable cloth bag.

10 Q So --

11 A The kind you sell like at the store to reuse.

12 Q And do you recall which of the two individuals
13 handed it -- that blue bag to Alma?

14 A The one that had come in from the front.

15 Q The man with the hatchet and the --

16 A Yes.

17 Q -- revolver?

18 A Um-h'm.

19 THE COURT: Is that a yes, sir?

20 THE WITNESS: Yes.

21 BY MR. PORTZ:

22 Q Did you -- you testified they had you all lay down;
23 is that correct?

24 A Yes. They had us all lay down facing down on the
25 floor.

1 Q And when they handed Alma that bag, what did they
2 have her do?

3 A They were just making her put money in it as -- as
4 well as themselves, they were also putting money in it.

5 Q The money that you guys carry in your store, was --
6 did you see whether it was paper money or coins that were
7 going into the bag or was it both?

8 A I saw the paper money, but I just coins dropping on
9 the floor. I don't know if they were taking that with them
10 as well.

11 Q I'm going to publish 288. Do you recognize what
12 we're looking at here?

13 A Yes.

14 Q What area of the store is this?

15 A That's our little office area.

16 Q Is this where the vault is?

17 A Yeah. On the cash register on the right-hand side.

18 Q Okay.

19 A That's where the vault goes.

20 Q On the other side of that doorway, is that where
21 they had you and your coworkers laying down?

22 A Yes.

23 Q I'm going to zoom in on that cash register you
24 referenced on the right. Now, is this how everything looked
25 at the time after the robbery?

1 A Yes.

2 Q The coins that you guys carry in your store, as a
3 cashier, are you familiar with how you guys wrap the coins?

4 A We got them from the bank.

5 Q Okay.

6 A We didn't wrap our own.

7 Q And can you read the logo on the wrapped coins in
8 this image?

9 A Loomis.

10 Q Loomis, L-o-o-m-i-s?

11 A Um-h'm.

12 Q Thank you.

13 THE COURT: Is that a yes?

14 THE WITNESS: Yes.

15 THE COURT: Okay.

16 BY MS. MERCER:

17 Q Do you recall whether either of these suspects had
18 anything covering their hands?

19 A They had gloves.

20 Q While Alma is putting the cash and the coins inside
21 the blue bag, are they say anything to you or your coworkers?

22 A They're just telling us not to try anything. Yeah,
23 just not to do anything stupid.

24 Q And then I think you testified at some point they
25 both went into the office and put money in the bag as well?

1 A Yeah, they were --

2 Q When they finished putting money in the bag, what
3 happened?

4 A They -- they just ran out the back door and they
5 told us to stay where we are.

6 Q After they left, what did you and your coworkers do?

7 A We waited about a minute or so before we got up and
8 then we -- I called the police.

9 Q And whose phone did you use to call the police?

10 A My personal phone.

11 Q Aside from the money from the store, did they take
12 anyone's personal property, to your knowledge?

13 A I think, I remember them mentioning they took our --
14 our manager's phone.

15 Q Have you had a chance, Rafael, to review
16 surveillance footage of the events that took place that
17 night?

18 A Yes.

19 Q I'm going to publish 179-A at this point in time.
20 It's going to come up on your screen and I'm just going to
21 have you watch that, okay?

22 (Surveillance video playing)

23 BY MR. PORTZ:

24 Q Okay, sir, on this bottom middle screen where it
25 says synced --

1 A Um-h'm.

2 Q -- can you tell who's in this -- I know it's a small
3 image, but can you tell who is inside that camera frame?

4 A That's me, Gabriela and Angelica.

5 Q And are you guys cleaning at this point?

6 A Yes.

7 MR. PORTZ: Court's indulgence.

8 BY MR. PORTZ:

9 Q I'm going to pause it at 51 seconds. Sir, I'm going
10 to direct you to the front counter. Now, you said -- you
11 that Alma said you were being robbed and you looked back and
12 saw a figure. Is this the person that you saw?

13 A Yes.

14 Q Okay, sir, looking at the synced area in this bottom
15 right corner of the sync's camera view, what is in that area?

16 A The door, the back door.

17 Q The back door?

18 A Um-h'm.

19 Q The door that you and your coworkers tried to escape
20 from?

21 A Yeah.

22 Q I'm pausing it at 1 minute and 12 seconds. I'm
23 going to direct you to the prep area and cooler down. Do you
24 see the man you described as the taller man who came in from
25 the front handing something to Alma?

1 A Yeah, that's what it looks like.

2 Q I'm pausing it at 1 minute and 28 seconds. Looking
3 in the office area, who's the woman in the turquoise shirt,
4 sir

5 A That's Alma, our manager.

6 Q And what does she have in her hands?

7 A The blue bag.

8 Q And then just outside the office, do you know who
9 that is laying on their stomach?

10 A I don't recall.

11 Q All right. The person standing above them with
12 something this their hand, can you tell what that is where my
13 arrow's pointing?

14 A No, I can't tell.

15 Q Okay, sir, have they left the store at this point in
16 time?

17 A Yes.

18 Q All right. Do you recall what store or I'm sorry,
19 what door they exited from?

20 A The back door.

21 Q Now I'm going to -- you said you were the one who
22 called 911, correct?

23 A Yeah.

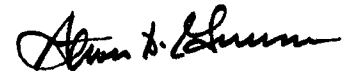
24 Q I'm going to publish that as well.

25 (911 recording played)

CONTINUED

NEXT

VOLUME



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-14-303022-1
	.	CASE NO. C-14-303022-2
Plaintiff,	.	
	.	DEPT. NO. XIX
vs.	.	
	.	TRANSCRIPT OF
TONY LEE HOBSON,	.	PROCEEDINGS
and BRANDON STARR,	.	
	.	
Defendants.	.	
.....	.	

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

JURY TRIAL - DAY 7

THURSDAY, MAY 12, 2016

APPEARANCES:

FOR THE STATE:	ELIZABETH A. MERCER, ESQ. KENNETH PORTZ, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT HOBSON:	RICHARD E. TANASI, ESQ.
FOR DEFENDANT STARR:	LANCE A. MANINGO, ESQ. ADRIAN LOBO, ESQ.

COURT RECORDER:

CHRISTINE ERICKSON
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

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produced by transcription service.

INDEXWITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
Alma Gomez	6	30	34, 36, 38	35, 37 --
Vanessa Gonzalez	40	66		
Holly Hadeed	68	80	82	--
Rafael Velazquez-Borragan	85	99		
Kristen Meckler	101	117, 120	122	124, ---
Det. Abell Weirauch	128	155, 184	191, 200, 204, 207	--- --- --- ---
Off. William Moore	215	239, 246		
	*	*	*	*

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>STATE'S EXHIBITS:</u>	
Exhibits 165 and 165-A.	58
Exhibits 179 and 179-A.	39
Exhibit 287.. . . .	55

1 LAS VEGAS, NEVADA, THURSDAY, MAY 12, 2016, 11:05 A.M.

2 (Outside the presence of the jury)

3 THE COURT: Okay. We're on the record in the case
4 of State of Nevada versus Tony Hobson and Brandon Starr in
5 C-303022. I'd like the record to reflect the presence of the
6 defendants and their counsel as well as the State and their
7 counsel. Is there anything that we need to address outside
8 the presence of the jury?

9 MR. PORTZ: No, Your Honor.

10 THE COURT: Okay.

11 MS. MERCER: No.

12 THE COURT: Jim, do you want to go ahead and bring
13 the jury in, then?

14 MS. MERCER: Actually, Your Honor, I think the
15 parties were going to request that you let the jurors know
16 that we're still on time, and that we anticipate finishing
17 sooner than we had anticipated just so that they're not
18 thinking that we're going to keep them late since we're
19 taking tomorrow off.

20 Since we're going to be dark tomorrow, we don't
21 want the jurors worried that we're going to -- that we're
22 going longer than we thought we were.

23 THE COURT: Okay.

24 MS. MERCER: We just want them to know that we're
25 actually ahead of schedule.

1 THE COURT: Okay.

2 (In the presence of the jury)

3 THE MARSHAL: Please be seated. Department 19 is
4 back in session.

5 THE COURT: Okay. This is the continuation of the
6 jury trial in C-303022. The jury has just come in. Vanessa
7 (sic) Noquez.

8 JUROR NO. 1: Here.

9 THE COURT: Robert Bass.

10 JUROR NO. 2: Here.

11 THE COURT: Vince Gaeta.

12 JUROR NO. 3: Present.

13 THE COURT: Lin-Belle Addington.

14 JUROR NO. 4: Here.

15 THE COURT: Daniel Boggs.

16 JUROR NO. 5: Here.

17 THE COURT: Nicholas Kozlowski.

18 JUROR NO. 6: Here.

19 THE COURT: William Burns.

20 JUROR NO. 7: Here.

21 THE COURT: David Synder.

22 JUROR NO. 9: Here.

23 THE COURT: Glynis Bernard.

24 JUROR NO. 10: Here.

25 THE COURT: Daniel Powers.

1 JUROR NO. 11: Here.

2 THE COURT: Charles Worth.

3 JUROR NO. 12: Here.

4 THE COURT: Heather Hedrick.

5 JUROR NO. 14: Here.

6 THE COURT: Dustin Bigelow.

7 JUROR NO. 15: Here.

8 THE COURT: Will the parties stipulate to the
9 presence of the jury?

10 MS. MERCER: Yes, Your Honor.

11 MR. TANASI: Yes, Your Honor.

12 MS. LOBO: Yes, Your Honor.

13 THE COURT: Okay. When we took our break last
14 night, the State was still in their case-in-chief. They
15 wanted me to indicate -- remind you that we are not going to
16 be in session tomorrow; however, we will be finishing ahead
17 of schedule. So don't worry about the fact that we're not
18 here tomorrow, that it's going to put us back. We're not.
19 We're just waiting -- there's a couple witnesses that they're
20 coming from out of state, and so call your next witness.

21 MS. MERCER: Your Honor, the State calls Alma
22 Gomez, and her testimony pertains to the 13th event, counts
23 68 through 80.

24 UNIDENTIFIED SPEAKER: 68 through 80?

25 MS. MERCER: 68 through 80.

1 UNIDENTIFIED SPEAKER: Thank you.

2 ALMA GOMEZ, STATE'S WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. If you
4 could please state your full name, spelling of your first and
5 last name for the record.

6 THE WITNESS: Alma Gomez, A-L-M-A, G-O-M-E-Z.

7 MS. MERCER: May I proceed, Your Honor?

8 THE COURT: Yes.

9 DIRECT EXAMINATION

10 BY MS. MERCER:

11 Q Ma'am, where are you currently employed?

12 A At Popeye's restaurant.

13 Q Which Popeye's do you work at?

14 A It was on Jones.

15 Q Have you always worked at that location?

16 A I'm not working there anymore.

17 Q Okay. Was the address of your restaurant 6212 Vegas
18 Drive?

19 A Yes.

20 Q You indicated you don't work there any longer. When
21 did you quit working there?

22 A June last year.

23 Q June of 2015?

24 A 2015. Yeah.

25 Q Ma'am, I'm publishing up on the overhead State's

1 Exhibit 13. Do you see this bubble right here where it says
2 6121 Vegas Drive?

3 A Yes.

4 Q Is that the location of your -- of the Popeye's that
5 you used to work at?

6 A Yes.

7 Q And the closest major cross streets are Vegas and --
8 Vegas Drive and --

9 A Vegas Drive.

10 Q -- Jones?

11 A Yes.

12 Q When you worked at that Popeye's, were you the
13 manager of the Popeye's or assistant manager?

14 A It was the general manager.

15 Q General manager?

16 A Yes.

17 THE COURT: Just so we're clear, you have up on the
18 screen what exhibit?

19 MS. MERCER: State's Exhibit 13, Your Honor.

20 THE COURT: And it signifies 6121 Vegas Drive?

21 MS. MERCER: Yes.

22 THE COURT: Okay. You had indicated --

23 MS. MERCER: I'm sorry --

24 THE COURT: -- 6212.

25 MS. MERCER: -- yeah, it's 6121.

1 THE COURT: All right, so 6121?

2 MS. MERCER: Yes, Your Honor.

3 THE COURT: Okay. All right.

4 BY MS. MERCER:

5 Q Ms. Gomez, I want to direct your attention
6 specifically to November 24th of 2014. What time did you
7 work that day?

8 A I start 8:00.

9 Q 8:00 p.m.?

10 A Yes. 8:00 a.m.

11 Q 8:00 a.m.? How late did you work?

12 A I worked until 9:00 -- 11:00 p.m., the time we
13 close.

14 Q Okay. In the evening hours closer to the closing
15 time, were there other employees present working with you?

16 A Four and three.

17 Q Okay. The four boys that were working with you,
18 could you give us their names, please?

19 A Jose Espinoza, Rafael Velazquez, Gabriela Oyoque and
20 Angelica --

21 Q Is it Angelica Abrego?

22 A Abrego, yeah.

23 Q And that's spelled A-b-r-g-o (sic)?

24 A Yes.

25 Q And Oyoque is spelled O-y-o-q-u-e?

1 A Yes.

2 Q And Velazquez is V-a-l-e-s-q-u-e-z?

3 A Yes.

4 Q And those employees were present around 11:00 p.m.,
5 correct?

6 A Yes.

7 Q With regards to your store, did the lobby close at a
8 different time than the drive-thru?

9 A Yes.

10 Q What time did the lobby close?

11 A The lobby closed at 10:00 and the drive-thru 11:00.

12 Q And ma'am, I'm now publishing Exhibit 166 on the
13 overhead. Is this the outside of your business?

14 A Yes.

15 Q Between the time that the main lobby closed at 10:00
16 p.m. and the time that the drive-thru closed at 11:00 p.m.,
17 what were you doing as a manager for the store?

18 A What I was doing at that time?

19 Q Yeah.

20 A I was -- when I -- when I close the lobby, I count
21 the -- the counters and then at that time, it was like 10:00
22 -- like 11:00, I was cleaning in the front.

23 Q Okay. So you counted on the, you said counters.
24 Are you referring to the cash registers?

25 A The -- yes.

1 Q Showing you State's Exhibit 170, can you see the
2 cash registers in this photograph?

3 A Yes.

4 Q And how many were there?

5 A Two.

6 Q And then was there one cash register at the
7 drive-thru as well?

8 A Yes.

9 Q At 11:00 p.m., had that drive-thru cash register
10 also been counted down or just the two front ones?

11 A Just the two front ones.

12 Q When you count down a register, what does that
13 entail? What do you do?

14 A When I count --

15 Q Yeah.

16 A -- I just take the -- the cashes to the back and
17 then to the -- to the office and then I like, take out like
18 tickets from the printer. It tell you who was the -- the
19 register and it tell you how much money (indecipherable) the
20 night.

21 Q Okay. So it tells you which employee handled that
22 cash register?

23 A Yes.

24 Q And how much -- the receipt told you how much money
25 should be in there?

1 A In there, yes.

2 Q And then you count that and make sure it matches
3 what's actually there, correct?

4 A Yes.

5 Q Do you write anything on the receipt?

6 A I wrote the -- the amount that I count that it was
7 in the -- in the register.

8 Q Publishing on the overhead State's Exhibit 261. And
9 let me zoom out real quick. This handwriting up here where
10 it says employment earned \$172.08, that's your handwriting?

11 A Yes.

12 Q And you indicated it also shows which employee was
13 handling the register.

14 A Yes.

15 Q Is that where we see the name Rafael?

16 A Yes.

17 Q Publishing State's Exhibit 260. Do you also
18 recognize your handwriting on this receipt?

19 A Yes.

20 Q And then could you just circle it for us. Okay. So
21 where it says 386.14?

22 A Yes.

23 Q And showing you State's Exhibit 259, do you see your
24 handwriting on this one as well?

25 A Yes.

1 Q And can you circle that, please? And the name on
2 this one is Karen?

3 A Karen, yes.

4 Q Is Karen an employee that was working earlier in the
5 day?

6 A Yes.

7 Q Each time the shift changes, do you have to do a
8 countdown of the --

9 A The register.

10 Q -- drawers?

11 A Yes.

12 Q And going back to State's Exhibit 260, do you see a
13 name on this receipt right here? Angelica?

14 A Angelica, um-h'm.

15 Q Is that the employee that was working that night?

16 A Yes.

17 Q Once you've gone through those steps involving
18 writing down the amount of money in the drawer, et cetera, do
19 you place those receipts with the money?

20 A Yes.

21 Q Is it then placed inside of a safe?

22 A Yes.

23 Q Do you actually remove the money from the drawer or
24 do you put the entire drawer into the safe?

25 A No, we put it into the safe.

1 Q You put the entire drawer in there?

2 A Yeah.

3 Q So you indicated that at about 11:00, you were
4 cleaning the lobby?

5 A Yes. Not the lobby, but in the back of the register
6 -- the registers are in the back.

7 Q Okay. So would it have been in this area right here
8 on State's Exhibit 170 --

9 A Yes.

10 Q -- that we see?

11 A Um-h'm.

12 Q As you were standing there, did you hear something
13 unusual?

14 A Yes. I hear like something break, and I just turn
15 now, and it was the -- the window from the door.

16 Q You turned and you saw that the window was broken?

17 A Yeah.

18 Q Publishing State's Exhibit 167. Do you see the
19 window that was broken in this photograph?

20 A Yes.

21 Q Could you place an X over it? Could you place an X
22 over it on the screen? Thank you. And showing you State's
23 Exhibit 168. Is this a close-up of that same door?

24 A Yes.

25 Q When you looked and you saw that the window was

1 broken, did you also see someone standing there?

2 A Yes.

3 Q Was that person -- when you turned, could you see
4 what actually broke the glass?

5 A Yes.

6 Q What was it?

7 A It was a hatchet.

8 Q Was the hatchet in someone's hand or had it been
9 just thrown at the door?

10 A It was in someone's hand.

11 Q Okay. So did you see the person that was holding
12 the hatchet when you turned?

13 A Yes.

14 Q The person that was holding the hatchet, what was he
15 wearing?

16 A All black, and it was all covered, the face.

17 Q His face was covered?

18 A Yes.

19 Q Do you know what was covering his face? I'm sorry?

20 A It was like a -- I don't know how to say. It's
21 something like you can cover in the face like a --

22 Q What color was it?

23 A Black.

24 Q Okay. So you indicated he was wearing all black or
25 dark colors --

1 A Black clothes.

2 Q -- dark clothing?

3 A Yeah.

4 Q Was there anything covering his head?

5 A Yes.

6 Q When a was covering his head?

7 A It was all covered and he had like -- I say like it
8 was in the jacket like the hoodie.

9 Q The hoodie from the jacket?

10 A Yeah.

11 Q So he was wearing a dark colored jacket with a
12 hoodie, and the hoodie was pulled up?

13 A Yes.

14 Q And he had something covering his face?

15 A Yes.

16 Q Could you tell what race the individual was? White,
17 black, Hispanic, Asian?

18 A It was black.

19 Q Did he have anything else in his hands?

20 A At the moment, I just saw the hatchet, but the
21 moment that he went in the back, it was a -- he had the gun,
22 too.

23 Q Okay. So eventually, you end up in the back and
24 then you realized he also had a gun?

25 A Yes.

1 Q When you saw that individual standing at your broken
2 door, and I'm publishing State's Exhibit 169, it's the door
3 -- if you're standing at the cash register, it would be --
4 which is over here --

5 A Yes.

6 Q -- it would be to the right, if you're looking into
7 the lobby?

8 A Yes.

9 Q And this is the main entrance to your restaurant,
10 correct?

11 A Yes.

12 Q Once you saw that individual breaking out the
13 window, what did you do?

14 A I went to the back to -- where they were my
15 coworkers. They -- they're cleaning, too. So I just went to
16 the back and told them that the -- someone came in, in the
17 store.

18 Q Okay. The coworkers that were in the back cleaning,
19 it was Jose, Rafael, Angelica and Gabriela?

20 A Yes.

21 Q When you told them that someone was breaking in,
22 what happened at that point?

23 A We tried to -- to go outside to the exit door in the
24 back, but we can't -- I can't open the door so Rafael came
25 and helped me to open the door, but we can't push it. And

1 when -- when the door opened, the door opened like a little
2 bit and someone came in from the -- from outside.

3 Q Publishing on the overhead, State's Exhibit 178. Is
4 this the back door that you indicated you were trying to exit
5 out of?

6 A Yes.

7 Q Right here?

8 A Yes.

9 Q And you said that at first you tried the door?

10 A Yes.

11 Q When you tried the door, did it move at all?

12 A Yes, they tried to -- like to push it.

13 Q So you were able to move the door slightly but not
14 enough to get it open?

15 A Yes.

16 Q Then you indicated that Rafael came and helped you?

17 A Yes.

18 Q And when he opened the door, another person came
19 through the door?

20 A Yes.

21 Q What was that person wearing?

22 A It was the same, all black. They have the same
23 wearing from the -- the first guy.

24 Q The same what?

25 A The same clothes.

1 Q Okay. So did he also have something covering his
2 face?

3 A Yes.

4 Q And was there anything covering his head?

5 A Yes, it was the same. The hoodie.

6 Q Was he carrying anything in his hands?

7 A A gun.

8 Q Could you -- did you get a good look at the gun?

9 A No.

10 Q Once that second person came to the door, were all
11 of the employees standing at the back door?

12 A Yes.

13 Q Including yourself?

14 A Yes.

15 Q What happened at that point?

16 A When the -- the guy came, we tried to -- to go to
17 the back, but the other guy was there so he say who was the
18 -- the manager, and I --

19 Q Okay, let me pause you. You said you ran back in
20 the other direction?

21 A Yes.

22 Q Towards the front of the store?

23 A Not to the front. Like in the same place, but we
24 walk like a little bit to the back.

25 Q And then you said that you saw the same guy. Are

1 you referring to the same guy that you saw breaking the
2 window -- the door?

3 A Yes.

4 Q And he asked who the manager was?

5 A Yes.

6 Q Was it at that point that you realized he had the
7 firearm?

8 A Yes.

9 Q Did you get a good look at that firearm?

10 A No, not exactly.

11 Q Once he asked who the manager was, what did you do?

12 A I say me, and then he -- he just give me a bag, and
13 he say that all the money -- that to go to the office and put
14 all the money in the bag.

15 Q When you say that he gave you a bag, you're still
16 referring to the first person that came through the door,
17 correct?

18 A Yes.

19 Q The broken door?

20 A Yes.

21 Q What kind of bag did he hand you?

22 A It was a blue bag, like a market.

23 Q Was it a -- what material was it? Was it plastic?
24 Was it cloth?

25 A It was cloth.

1 Q Was it a -- was it like a luggage type bag that you
2 would take on a trip with you or it was a tote? What kind of
3 -- can you describe it a little bit more for me?

4 A It was like blue. It was like kind of like the
5 Walmarks bags. Not the plastic ones.

6 Q So like a reusable grocery type bag?

7 A Yes.

8 Q Did you, in fact, go to the safe at that point?

9 A Yes.

10 Q Where is the safe located?

11 A It's in the office like back to the -- like in the
12 middle of the restaurant.

13 Q Showing you State's Exhibit 171 on the overhead.
14 What area in your store is this?

15 A That's the part where the -- where the office is.
16 It's -- it's part of the -- the door -- the window of the
17 drive-thru, and then right here is the -- in this side is the
18 office part.

19 Q Okay. And you indicated that part of this is the
20 drive-thru window. Is that this part right here?

21 A Yes.

22 Q Okay. . Showing you State's 172 on the overhead. Is
23 this the door to the office?

24 A Yes.

25 Q And that safe was in there?

1 A Yes.

2 Q What kind of -- hold on -- showing you State's
3 Exhibit 175. Can you see the safe in this photograph?

4 A Yes.

5 Q Could you just circle it for us, please? And
6 showing you State's Exhibit 176. Is that a closer-up of the
7 safe?

8 A Yes.

9 Q This object down here, that's the drawer from one of
10 the cash registers, correct?

11 A Yes.

12 Q And were these originally stacked inside of that
13 safe --

14 A Inside --

15 Q -- with the money and the receipts?

16 A Yes.

17 Q Showing you State's Exhibit 173. These are -- you
18 can see that there are three separate drawers, correct?

19 A Yes.

20 Q Showing you State's Exhibit 288. Did you also have
21 rolls of coins in the safe?

22 A Yes.

23 Q And did the rolls of coins look like this? Were
24 they wrapped in paper --

25 A Yes.

1 Q -- like that?

2 A Um-h'm.

3 Q And they said Loomis?

4 A We have like this -- this one, but the one in roll,
5 and we have the other ones that are in the register.

6 Q Did you have any boxes of coins in there?

7 A In the same register.

8 Q In the same safe?

9 A Yes.

10 Q When you went to the office to get the contents of
11 the safe, did you actually remove the contents of the safe
12 for him or did he remove it?

13 A I was removing -- I was putting all that in the bag.

14 Q You were putting of it in the bag?

15 A Yes. And then be after -- after that, I -- he came
16 inside and he was putting the -- the money in the bag, the
17 guy.

18 Q And when you say he, are you referring to the first
19 individual that you saw that came through with the hatchet
20 and the --

21 A Yes.

22 Q -- gun? While you were loading the contents of the
23 safe into the blue bag, where was he standing before he
24 entered the office?

25 A In front of me.

1 Q Did he still have the gun out?
2 A Yes.
3 Q What was he doing with the gun?
4 A He was just like point -- pointing.
5 Q Pointing at where, though?
6 A At me.
7 Q From the position that you were in, inside of the
8 office, were you able to see the other employees?
9 A Yes.
10 Q Where were they?
11 A They were outside in the office facing down.
12 Q Facing what?
13 A In the ground -- in the ground facing down.
14 Q Were they standing were they actually laying on the
15 ground?
16 A Laying on the ground.
17 Q Putting 171 back on the overhead. So were they in
18 this area right here?
19 A Yes.
20 Q Did they get on the ground on their own or did
21 someone tell them to get on the ground?
22 A They told them to get own the ground.
23 Q Was it one or both of them that told them --
24 A One.
25 Q -- to get on the ground? Which one of them was it?

1 A The one who came in the back.

2 Q Were you --

3 A The back door.

4 Q Were you able to see whether he still had the gun
5 out at that point?

6 A No.

7 Q Once you emptied the contents of the safe, you and
8 the suspect with the hatchet and the gun, what happened at
9 that point?

10 A When, I'm sorry.

11 Q When the suspects had all the money, what happened
12 that point?

13 A Oh, he -- when he took out the money, he was like
14 looking in the -- in the table on the top, something. He
15 take the -- he take a phone. It was my phone, and after that
16 they just tell us to not move. We stay on the -- on the
17 ground, and they left the back -- to the back door.

18 Q Putting 175 back on the overhead. Is this the table
19 where your phone was?

20 A Yes.

21 Q What type of phone was it?

22 A Samsung Galaxy 4.

23 Q Do you remember which of the two suspects it was
24 that took your phone?

25 A No, I don't remember.

1 Q And I'm sorry, you indicated that once they took
2 your phone what happened at that point?

3 A They -- they just -- they left. They go back --
4 they go to the back door.

5 Q Before going to the back door, did they tell you to
6 do anything?

7 A No, they just tell us to not move and then wait in
8 the ground.

9 Q Did you actually see them walk out the back door?

10 A No. Just when they left to the office.

11 Q How much money was in your safe that night?

12 A Like around 2,000, maybe.

13 Q \$2,000?

14 A Yes.

15 Q Is your store equipped with surveillance equipment?

16 A Yes.

17 Q Have you had the opportunity to review the
18 surveillance from that incident?

19 A No.

20 Q You haven't seen the video?

21 A I seen once.

22 Q You saw the video?

23 A Yes.

24 Q And was it a fair and accurate recording of that --

25 A I'm sorry?

1 Q Was it a fair and accurate recording of the
2 incident?

3 A No.

4 Q Do you understand what I'm asking?

5 A No. Can you repeat it again?

6 Q Okay. The video that you watched, it was an actual
7 video of what happened in your store that night, correct?

8 A Yes, yes.

9 MS. MERCER: Permission to publish a portion of
10 State's Exhibit --

11 THE COURT: Well, hold on a minute. Ma'am, do you
12 need some water?

13 UNIDENTIFIED JUROR: I have some.

14 THE COURT: Okay.

15 MS. MERCER: Permission to publish a portion of
16 State's Exhibit 165-A.

17 THE COURT: Okay. Sure.

18 (Surveillance video playing)

19 BY MS. MERCER:

20 Q Ma'am, do you recognize this as the video of the
21 incident on November 24th of 2014?

22 A Yes.

23 Q After the suspects left your store, did someone call
24 911?

25 A Yes.

1 Q Was that Rafael?

2 A Rafael, yes.

3 Q Do you know Rafael's voice? Would you recognize it?

4 A Yes.

5 (911 Recording played)

6 BY MS. MERCER:

7 Q Is that Rafael's voice?

8 A Yes.

9 MS. MERCER: Your Honor, at this point, I would
10 move for the admission of State's 165 and 165-A.

11 THE COURT: Any objection?

12 MR. TANASI: No objection, Your Honor.

13 THE COURT: Any objection, Ms. Lobo?

14 MS. LOBO: No objection, Judge.

15 THE COURT: All right. They'll be admitted.

16 (Exhibits 165 and 165-A admitted)

17 MS. MERCER: Thank you, Your Honor.

18 BY MS. MERCER:

19 Q Ma'am, are you able to see it up on your monitor?

20 A Yes.

21 Q Okay. Do you see where the arrow is pointing right
22 here?

23 A Yes.

24 Q Is this near the manager's office?

25 A It's -- no. That's where the -- part of the

1 kitchen.

2 Q Okay. And is this where all of your employees were
3 when you were up front?

4 A Yes.

5 Q Can you see the office in the one on the top right?

6 A No.

7 Q And what about in the middle, is that your office?

8 A Yes.

9 Q And on the left top, is that where you were standing
10 cleaning?

11 A Yes.

12 Q And what about bottom left, is this back in there
13 where your employees were cleaning still?

14 A Yes. That's the kitchen.

15 Q Okay. Ma'am, I've got it paused at 48 seconds into
16 that video. The individual that's in the turquoise colored,
17 blue shirt, is that you?

18 A Yes.

19 Q And I've just paused it at 51 seconds. Did you see
20 the person walk in front right here?

21 A Yes.

22 Q Is that the individual that you saw walking with the
23 hatchet and the gun?

24 A Yes.

25 Q And I've got it paused at 102 down here on the left

1 bottom frame. Is that the individual again?

2 A Yes.

3 Q Is this you in the middle one on the bottom?

4 A Yes.

5 Q And the individual with the gun and the hatchet?

6 A Yes.

7 Q And then are these your employees behind you?

8 A Yes.

9 Q Where is your back door in these frames? Where

10 would it be?

11 A On this part, like in the last part of the video.

12 Q Could you place an X where you would see the back

13 door?

14 A Oh, it's in there. Back in there.

15 Q Okay. And now looking at that top right frame, you

16 can see that there were two suspects in there, correct?

17 A Yes.

18 Q And now you are in the office --

19 A Yes.

20 Q -- at the safe?

21 A Um-h'm.

22 Q Okay. Ma'am, and it might be hard for to you see,

23 but if you could look right here. I just covered it up. Is

24 that the hatchet that he was carrying?

25 A Yeah, the -- yes.

1 Q That blue item that's in your hand, is that the blue
2 bag?

3 A Yes.

4 Q Did you see your phone on the table?

5 A Yes.

6 Q And just now did he reach out and take your phone?

7 A Yes.

8 Q And at that point, the suspects walked out, correct?

9 A Yes.

10 Q Ma'am, that phone that they took, you indicated it
11 was a Samsung Galaxy S4. What color was it?

12 A White.

13 MS. MERCER: Your Honor, I'll pass the witness at
14 this point.

15 THE COURT: All right. Mr. Tanasi, any cross?

16 MR. TANASI: Briefly, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. TANASI:

19 Q Good afternoon, ma'am. My name's Rich Tanasi. I
20 have a few questions for you on cross-examination; is that
21 okay?

22 A Okay.

23 Q All right. The suspects that came into the store
24 that night, do you recall what race they were?

25 A Black.

1 Q Okay. And are you a hundred percent certain of
2 that?

3 A Yes.

4 Q And how do you know that?

5 A Because I -- I could see like the part of the -- the
6 eyes, the skin.

7 Q Okay. Isn't it true you told the grand jury in
8 January of 2015, that you could tell that they were black
9 because of their voice?

10 A Oh their voice, too, yes. How they talk.

11 Q But at the time that you gave your testimony to the
12 grand jury, you didn't tell them that it was something you
13 could see? You said it was you could tell they were black
14 because of their voice, correct?

15 A Yes.

16 Q But as you sit here today now you further in time
17 away from the incident remember seeing the color of their
18 skin is black?

19 A Yes.

20 Q You were told to essentially, get the money from the
21 safe, correct? And they took the money from the safe,
22 correct?

23 A Yes.

24 Q And they also took a phone, correct?

25 A Yes.

1 Q They didn't tie you up, right?

2 A No.

3 Q Okay. They didn't tape your hands together or
4 anything like that, right?

5 A No.

6 Q Okay. They took things from you guys and they
7 left --

8 A Yes.

9 Q -- and that was it, correct?

10 A Yes.

11 Q Okay. And again, you remember testifying at the
12 grand jury, correct?

13 A Yes.

14 Q Okay. At the grand jury you were asked about this
15 bag, correct?

16 A Yes.

17 Q Okay. And when you were asked about the bag at the
18 grand jury, you said nothing about it being a Walmart bag;
19 isn't it true?

20 A Well, I remember that I told them it was like a
21 Walmart bag.

22 Q So your testimony is that you told the grand jury
23 that it was a Walmart bag; is that true?

24 A It was like a blue like a Walmart bag.

25 Q Okay. Again, honing in just on the timing of the

1 questions, the time that you were in front of the grand jury,
2 your testimony is that you told the grand jury that it was a
3 Walmart bag; is that what I'm hearing?

4 A Yes, that's what I remember I told them.

5 Q Would seeing a copy of your transcript from the
6 grand jury refresh your recollection?

7 A That I see it?

8 Q Correct. I can show you a copy of --

9 A Oh.

10 Q -- the grand jury transcript. Would that refresh
11 your recollection as to what you said about the color and the
12 description of the bag?

13 A Yes.

14 MR. TANASI: Court's indulgence. May I approach?

15 THE COURT: Yes.

16 BY MR. TANASI:

17 Q And if you could just read the questions on page 13
18 and your answers and let me know when you've refreshed your
19 recollection.

20 A I read it loud or just --

21 Q Has your recollection been refreshed as to what you
22 told the grand jury?

23 A Oh. (Reading). Yes.

24 Q Okay. And ma'am, you said nothing to the grand jury
25 about the bag being a Walmart bag; isn't it true?

1 A Yes.

2 Q Thank you.

3 MR. TANASI: May I approach, Your Honor?

4 THE COURT: Yes.

5 MR. TANASI: No further questions. Thank you.

6 MS. LOBO: No cross, Judge.

7 THE COURT: Okay.

8 MS. MERCER: Your Honor, may I redirect briefly?

9 THE COURT: Yes.

10 REDIRECT EXAMINATION

11 BY MS. MERCER:

12 Q Ma'am, you did describe it as a blue reusable bag,
13 though, correct --

14 A Yes.

15 Q -- at the grand jury? And do you recall meeting
16 with myself and Mr. Portz regarding your --

17 A Yes.

18 Q -- regarding this case?

19 A Yes.

20 Q When you met with us, we told you the most important
21 thing was to tell the truth, correct?

22 A Yes.

23 MS. MERCER: No further questions.

24 THE COURT: Jim, we have a question.

25 MR. TANASI: And Your Honor, if I may, I do have

1 one follow-up, but I can wait.

2 THE COURT: Yeah, that's fine while we get that.
3 Go ahead.

4 MR. TANASI: Sure.

5 THE COURT: Jim, if you want to bring it.

6 RECROSS-EXAMINATION

7 BY MR. TANASI:

8 Q Okay, ma'am, you did meet with the district
9 attorneys prior to your testimony today, correct?

10 A I'm sorry?

11 Q You did meet with Ms. Mercer and Mr. Portz prior to
12 your testimony today, correct?

13 A Yes.

14 Q And you went over what you were going to testify
15 about; is that fair?

16 A Yes.

17 Q Thank you, ma'am.

18 THE COURT: Anything further?

19 MS. MERCER: No, Your Honor.

20 THE COURT: Okay. Come on approach.

21 (Off-record bench conference)

22 THE COURT: All right. So Ms. Gomez.

23 THE WITNESS: Yes.

24 THE COURT: Is that right? Is that your last name?

25 THE WITNESS: Yes.

1 THE COURT: Oh, okay. I wanted to make sure. I
2 have a question, all right?

3 THE WITNESS: Okay.

4 THE COURT: Did the suspects take the cash count
5 receipts with the money from the safe and leave the store
6 with them?

7 THE WITNESS: The receipt to the -- no. The
8 receipt to the money?

9 THE COURT: I'll ask it again.

10 THE WITNESS: Okay.

11 THE COURT: Did the suspects take the cash count
12 receipts with the money from the safe and leave the store
13 with them?

14 THE WITNESS: I don't remember.

15 THE COURT: Okay.

16 THE WITNESS: I'm not sure.

17 MS. MERCER: If I could just ask a --

18 THE COURT: She said she doesn't remember.

19 MS. MERCER: Okay.

20 THE COURT: Here you go.

21 FURTHER REDIRECT EXAMINATION

22 BY MS. MERCER:

23 Q Ma'am, but the receipts from the countdown were in
24 the drawers with the money that was taken, correct?

25 A Some of the receipt -- because we put the receipts

1 in bags with the money.

2 Q Okay. That's what we're getting at. Publishing
3 State's Exhibit 259. This is one of the receipts that you
4 identified as having your handwriting on it?

5 A Yes.

6 Q These were placed in the bag with the money?

7 A Yes.

8 MS. MERCER: No further questions.

9 THE COURT: Okay. Mr. Tanasi?

10 MR. TANASI: Your Honor, court's indulgence. Your
11 Honor, briefly.

12 THE COURT: Yes.

13 FURTHER RECROSS-EXAMINATION

14 BY MR. TANASI:

15 Q Ma'am, again, going back to your testimony in front
16 of the grand jury, you were asked at the grand jury
17 specifically, "And that would have been with the money that
18 the suspects took from the safe; correct?" And you answered,
19 "Yes", correct?

20 A Yes.

21 Q And again, "that would have been" was the question,
22 correct?

23 A Yes.

24 Q So as you sit here today, you can't be 100 percent
25 certain that that receipt was, in fact, the exact receipt

1 that was taken from the safe during that traumatizing night,
2 can you?

3 A No. If like -- I'll try to say like those receipt,
4 there was in the bag with the -- with the money. But I was
5 -- I can't tell exactly if they take it to the -- like with
6 the money, those receipts, because some -- we have like -- it
7 was like five receipts and I don't know if they take all the
8 receipts with the money.

9 Q Okay.

10 A That's what I was trying to say.

11 MR. TANASI: Nothing further. Thank you.

12 MS. MERCER: One clarifying question.

13 FURTHER REDIRECT EXAMINATION

14 BY MS. MERCER:

15 Q You indicated you aren't certain that they took all
16 five receipts. Did they take some of the receipts?

17 A Yes.

18 MS. MERCER: No further questions, Your Honor.

19 THE COURT: Okay. Mr. Tanasi, anything further?

20 MR. TANASI: No, Your Honor, thank you.

21 THE COURT: Okay. All right, Ms. Gomez, thank you
22 so much for your testimony. You can step down. You're
23 excused, okay?

24 THE WITNESS: All right. Thank you.

25 THE COURT: Thank you.

1 MS. MERCER: And Your Honor, with regards to the
2 video, I believe, I incorrectly identified it as 165 and
3 165-A. It's 179 and 179-A.

4 THE COURT: Okay. So previously you said you
5 identified it as 165 and 165-A?

6 MS. MERCER: Correct.

7 THE COURT: And the actual video that we just
8 watched and heard a portion of the audio is 179 and 179-A?

9 MS. MERCER: Yes, Your Honor.

10 THE COURT: And you move to admit that?

11 MS. MERCER: Yes, Your Honor.

12 THE COURT: Do you have any objection, Mr. Tanasi?

13 MR. TANASI: No objection, Your Honor.

14 THE COURT: Any objection, Ms. Lobo?

15 MS. LOBO: No objection.

16 THE COURT: Okay. So we're clear, 179 and 179-A is
17 admitted.

18 (Exhibits 179 and 179-A admitted)

19 MS. MERCER: Thank you, Your Honor.

20 THE COURT: Okay. Okay. Do you want to call your
21 next witness?

22 MS. MERCER: Court's indulgence, Your Honor. Your
23 Honor, State's next witness is going to be Vanessa Gonzalez.

24 THE COURT: Okay. Vanessa.

25 MS. MERCER: And her testimony pertains to the 12th

1 event, Your Honor, which would be counts 60 through 67.

2 VANESSA GONZALEZ-APARICIO, STATE'S WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. If you
4 could please state your full name, spelling of the first and
5 last name for the record.

6 THE WITNESS: Vanessa, V-a-n-e-s-s-a, Marie
7 Gonzalez Aparicio. It's G-o-n-z-a-l-e-z, hyphenated,
8 A-p-a-r-i-c-i-o.

9 MR. PORTZ: May I proceed, Your Honor?

10 THE COURT: Your witness, yes.

11 MR. PORTZ: Thank you.

12 DIRECT EXAMINATION

13 BY MR. PORTZ:

14 Q And good morning, Ms. Gonzalez. Ma'am, how are you
15 currently employed?

16 A Assistant manager, Taco Bell.

17 Q And how long have you worked at Taco Bell?

18 A Two and a years.

19 Q I'm going to direct your attention back to November
20 23rd, 2014. You were working at Taco Bell that day?

21 A Yes.

22 Q And which Taco Bell or where's the location of your
23 store?

24 A It's on Lake Mead and Del Webb.

25 Q I'm going to publish what's been admitted as State's

1 Exhibit 12. There's -- you can see Lake Mead Boulevard and
2 Del Webb. There's a little yellow balloon that says 9480
3 West Lake Mead. Is that the location of your Taco Bell?

4 A Yes.

5 Q And on that day, November 23, 2014, what was your
6 shift?

7 A Night shift. I was closing.

8 Q And what was your position?

9 A Shift leader.

10 Q I'm going to publish State's 155. Do you recognize
11 that?

12 A That's Taco Bell.

13 Q Okay. And specifically, is that the Taco Bell you
14 were working at that night?

15 A Yes.

16 Q What are your store hours?

17 A Back then it was 8:00 to -- 8:00 to 11:00 Sunday
18 through Thursday and Friday and Saturday is 8:00 to 12:00.

19 Q Okay. And on -- is there a different closing time
20 for your restaurant lobby --

21 A Yeah.

22 Q -- versus the drive-thru?

23 A The lobby closes at 9:00.

24 Q On this particular day, do you recall what time the
25 drive-thru closed?

1 A At 11:00.

2 Q And what are your responsibilities as shift manager
3 after the drive-thru closes at 11:00 p.m.?

4 A Counting all the registers, inventory, cleaning up
5 the place.

6 Q And what does counting the registers mean?

7 A Counting them down to 50, ready for the next shift
8 and then depositing all the money into the safe.

9 Q And where is the safe kept?

10 A It was located in the office.

11 Q Is it a manager's office?

12 A Yes.

13 Q Okay. And that's in the back area of the
14 restaurant?

15 A In the back area of the store.

16 Q Do you have access to that safe after you've
17 deposited money into it?

18 A No.

19 Q On that particular night, who were you working with?

20 A I was working with Jamie and Holly.

21 Q And is Jamie's last name Ward?

22 A Yes.

23 Q W-a-r-d?

24 A Yeah.

25 Q And Holly's last name?

1 A Hadeed.

2 Q And is that H-a-d-e-e-d?

3 A I think so.

4 Q What was Jamie's position?

5 A She was just a team member.

6 Q And do team members -- just kind of jack ever all
7 trades?

8 A Just a crew member, yeah.

9 Q Okay. And Holly?

10 A She was also -- she was training. I was training
11 her.

12 Q So you were training her to be a shift manager?

13 A Yeah.

14 Q So I'm going to direct your attention to shortly
15 after you closed. Were you working with Holly that time
16 training her?

17 A Yeah, I was showing her how to do inventory.

18 Q And where do you do the inventory?

19 A In the manager office.

20 Q Is that the same area you keep the safe?

21 A Yes.

22 Q And as you were showing Holly how to do inventory,
23 did something out of the ordinary happen?

24 A Yeah. I heard a smash, which was -- I thought
25 somebody had dropped a pan, but when I went to go in the

1 lobby, it was the broken window.

2 Q So you said you heard a smash and you went to check
3 it out?

4 A Yeah.

5 Q And in the lobby you saw a broken window?

6 A Yeah.

7 Q Did you see anything else at that point?

8 A Yeah, I saw him coming with a gun and told me to go
9 to the back.

10 Q You saw who come in?

11 A I'm not sure, they had masks.

12 Q Was it one man or two men?

13 A It was one.

14 Q And you said he was carrying a gun; is that correct?

15 A Yes.

16 Q What was he doing with that gun when you saw him?

17 A Pointing it at me, telling me to go to the back.

18 Q Okay. And Vanessa, I understand you might be a
19 little nervous, but you have a very soft voice, and I just
20 want to make sure --

21 A Sorry.

22 Q -- all the jurors can hear everything you say,
23 that's really important, okay? So --

24 A Okay.

25 Q -- if you can't speak up, just lean a little closer

1 to that microphone.

2 A Okay.

3 Q All right? So you said he was doing what with the
4 gun?

5 A He was pointing it at me and told me to go to the
6 back.

7 Q What did you do when you saw the man with the gun?

8 A I ran towards the back and I told Holly and Jamie to
9 run out the back door.

10 Q And did Holly and Jamie go out the back door?

11 A Yeah.

12 Q Okay. What happens on your way to the back door?

13 A Well, when we opened it, there was another guy
14 waiting.

15 Q And this other guy, does he have anything with him?

16 A I think, he had a gun, too.

17 Q Who opened the door, the back door?

18 A Jamie.

19 Q And describe the interaction between Jamie and this
20 man at the back door with the gun?

21 A She slipped past him, and she went underneath his
22 arm.

23 Q Do you recall if that person waiting outside the
24 back door actually touched Jamie or grabbed or an item of her
25 clothing?

1 A I can't remember, honestly.

2 Q Okay. So does -- is Jamie able to run away?

3 A Yeah, she ran away.

4 Q Who is the next person to encounter that person?

5 A Holly.

6 Q To encounter the individual waiting outside?

7 A Holly.

8 Q And what happens to Holly?

9 A He pulled her back in and well, we all -- we both

10 tried to get out because I went back for my phone and by the

11 time I came out, it was too late.

12 Q Do you recall if you or Holly were able to get all

13 the way outside before you were pulled back in?

14 A Almost a few -- the not even a few, just like barely

15 one step and pulled back in.

16 Q Okay. Who pulled you back in?

17 A The robber.

18 Q Okay. Well, there's two men you've indicated so

19 far, correct?

20 A Um-h'm.

21 Q Okay. So the first man is the guy in the lobby with

22 the gun that pointed it at you and you ran away from,

23 correct?

24 A Um-h'm.

25 Q And the second man was the guy waiting outside that

1 Jamie slipped by, but he grabbed Holly.

2 A It was the shorter one. I -- I can't remember, I'm
3 sorry.

4 Q That's all right. All right, let's just take this
5 step by step. So you're -- who is the individual that pulls
6 you back? Is it the guy who comes in from the lobby or is it
7 the gunman who's waiting outside?

8 A I don't want to guess so I can't remember which one
9 it was.

10 Q But one of the them --

11 A Yeah.

12 Q -- forces you back inside the store?

13 A Yeah.

14 Q When you're back inside the store what happens?

15 A He tells me to open the safe and get in the office.

16 Q And do you go to the office?

17 A Yes.

18 Q What happens with Holly?

19 A She went in there with me also.

20 Q And what do they do when you're inside the office?

21 A Tell me to open the safe.

22 Q Is it both of them are just one of them?

23 A Just one of them.

24 Q Do you remember which one? Was it the guy who came
25 in the front or the guy who came in the back?

1 A I think it was the one that came in the back.

2 Q What is that person doing when he's telling you to
3 open the safe?

4 A He's pointing the gun and telling me to hurry up.

5 Q Where is he pointing the gun?

6 A At my head.

7 Q And are you trying to open the safe for him?

8 A Yes.

9 Q Are you able to open the safe?

10 A No.

11 Q Do you have -- does your Taco Bell have a landline
12 or a work phone?

13 A Yes.

14 Q Where is that phone located?

15 A It was located in the office also.

16 Q While you're in there, does anything happen to that
17 work phone?

18 A Yes. They take it and smash it. They break it.

19 Q And did any of your personal property -- was any of
20 your personal property inside the area inside that office?

21 A Yeah, my purse, my wallet and keys.

22 Q Okay. Do you recall if any of your personal
23 property was taken?

24 A Yeah. He took my phone out of my hands.

25 Q What kind of phone did you have?

1 A I a iPhone 5S.

2 Q And what color was it?

3 A Black.

4 Q And he took it from your hands?

5 A Yeah.

6 Q Now, were both men -- were both gunmen inside the
7 office with you or just one?

8 A Just one.

9 Q What was the other one doing, the second suspect?

10 A He was the lookout.

11 Q And what do you mean by that, he was the lookout?

12 A I'm guessing he was looking out to make sure nobody
13 else was coming. Like, people in the drive-thru sometimes
14 come in after we're closed already or --

15 Q Was he saying anything to the man inside the room
16 with you?

17 A Yeah. He was telling him to leave already, but he's
18 like, no, she needs to open the safe. He said let's just go
19 and then they left.

20 Q So at any point before they leave, are you able to
21 get the safe open?

22 A No.

23 Q All right. Other than your phone did they take any
24 -- your cell phone, did they take any other property?

25 A No.

1 Q After they leave, what happens?

2 A Well, we were still somewhat in shock, so we didn't
3 know exactly what time they left. So -- because we were
4 still trying to open it until we realized it was really,
5 really quiet. So we turned around and then we had -- since I
6 didn't have a phone, I went to go push the silent alarm that
7 we have underneath the registers or by the drive-thru on the
8 wall.

9 Q Okay. Did you actually push the silent alarm?

10 A Yeah, we pushed it.

11 Q After that, what did you do?

12 A Oh, well, I was trying to figure out a way to call
13 the police because I wasn't sure if it was working because
14 there's no way to indicate if it -- it went off or anything,
15 and then Holly realized that she had her phone in her pocket
16 so we called the police.

17 Q I want to talk about these two individuals that came
18 into your store. Let's start with the man who came in from
19 the front. Well, just both of them in general. Was one --
20 was there a height disparity between the two men?

21 A Yeah. One was really tall and one a little bit, I
22 think, my height.

23 Q Okay. What is your height?

24 A Five six.

25 Q Okay. So the shorter one was about five, six?

1 Q And who were you working with at that time?

2 A I had Alejandra in there, and then there was -- I
3 believe there was five other coworkers.

4 Q Five other coworkers?

5 A Yeah.

6 Q Was Alejandra the woman that just stepped out of the
7 courtroom before you came in?

8 A Yes.

9 Q And at about 11:17 P.M., did something out of the
10 ordinary happen?

11 A Yes.

12 Q And what is that?

13 A A rock came through the window, and then that's when
14 it all happened.

15 Q All right. Do you recall what window a rock came
16 through?

17 A Yeah, it was one -- through one of the entrance --
18 like entrance or exit doors on the left side, close to the
19 soda machine.

20 Q So, I'm going to publish State's 120. Is that the
21 window that you're referencing?

22 A Yep.

23 Q Okay. And that leads into sort of the main lobby
24 where customers gather, correct?

25 A Yeah.

1 Q Okay. When you heard that noise, what did you think
2 was going on?

3 A I just looked over, and I mean, I seen it right
4 there. Someone was jumping through the window, so I knew
5 right away we were getting robbed.

6 Q Okay.

7 A There wasn't much to it.

8 Q And where were you at this point in time?

9 A I was by the front cash register.

10 Q And what did your fellow employees do?

11 A They ran out the back.

12 Q Out the back door?

13 A Yeah.

14 Q Okay. Did you ever see them again throughout the
15 rest of that night before, say, police came?

16 A No.

17 Q Was anyone else left in the restaurant with you?

18 A Yeah, the manager.

19 Q Alejandra?

20 A Yes.

21 Q Okay. Is there a reason you didn't run out the back
22 door, sir?

23 A Yeah, to stay with her.

24 Q Where was Alejandra when the window broke?

25 A She was closer to the manager's desk.

1 Q At some point, are you in the vicinity of the
2 drive-thru window?

3 A Yes.

4 Q And while you're there, does anything happen?

5 A Yeah. Someone comes through the window, and then
6 that's when they told me to get up, go to the back.

7 Q Okay. Is this a second individual?

8 A Yeah.

9 Q Different from the one who came through the window
10 in the front, correct?

11 A Yeah, and those are the only two.

12 Q All right. This person, when they entered that
13 drive-thru window, what, if anything, did this person have in
14 their hands?

15 A A knife.

16 Q And could you describe what this person was wearing?

17 A Just like baggy clothing, maybe hoodie, like blue --
18 dark blue. That's really all I remember.

19 Q A dark --

20 A Just like -- and then they had like face masks or
21 whatever. That's about it.

22 Q Okay.

23 A Some type -- covering up like the bottom parts of
24 their face.

25 Q Could you tell what race or ethnicity this

1 individual was?

2 A Yeah, African American.

3 Q Could you estimate an age of this individual?

4 A No.

5 Q And was the build thin, medium, or heavy?

6 A Thin.

7 Q All right. So, when this individual with the knife
8 comes through the drive-thru window, does he direct you or
9 take you to a different area of the store?

10 A Yeah, told me to get up to go to the back near the
11 safe where the manager was.

12 Q And when you get to the safe, do you see Alejandra
13 there?

14 A Yeah. We're both put on the floor, and then that's
15 when they throw us the bag, told us to put the money in.

16 Q Can you describe the bag that they threw to you to
17 put money in?

18 A It was like a blue bag, like a tote bag maybe, kind
19 of like a beach bag or like a recycled -- a recyclable, what's
20 it called, grocery bag or something. Like one of those.

21 Q Was it like a plastic, or was it of a cloth?

22 A It was like -- like cloth, yeah. So, like a beach
23 bag; like a tote.

24 Q Did it have any handles on it?

25 A Yes, handles on top, but it didn't close. It was

1 just a bag.

2 Q Now, when you came upon Alejandra, was that first
3 person who entered through this window with her?

4 A Okay. Yeah, that was -- that was the one that
5 stayed with us, and then whoever had the knife was the one
6 that ran to like check the rest of the store, see if anyone
7 else was in there.

8 Q Okay. The one who stayed with you, did he have
9 anything in his hand?

10 A Yeah, one had a gun. That was the guy with the gun.

11 Q And can you describe what he was wearing?

12 A I mean, it was like the same kind of clothing.

13 Q Okay. Just describe that, please.

14 A So, it's like baggy clothing, like a hoodie -- a
15 dark hoodie, something covering the face, maybe like sweats or
16 something. Not positive.

17 Q Were there -- were both of the suspects' arms fully
18 covered?

19 A Yeah.

20 Q Did you notice anything on their hands?

21 A See, I'm not sure if they were wearing gloves or
22 not.

23 Q Okay.

24 A I'm not positive.

25 Q And --

1 A I'm pretty sure they weren't though.

2 Q Okay. Which one handed you the blue bag?

3 A The dude with the gun, pretty sure.

4 Q And when he handed you that bag, did he tell you
5 what to do with it?

6 A Yeah, told us to start putting the money in as fast
7 as possible.

8 Q And did you and Alejandra comply with --

9 A Yes.

10 Q -- what he was -- okay. And what was he doing with
11 the gun as you were putting money into -- from the safe into
12 the blue bag?

13 A Just holding it mostly, but I mean, if -- like, to
14 actually tell us, he had it at us; but other than that, it was
15 just being held. Wasn't really being -- just kind of waving
16 it around, wasn't nothing.

17 Q Can you estimate approximately how much money this
18 individual took from you that night?

19 A I'm not sure at all. I don't remember.

20 Q The money that you were handing over, was this like
21 paper currency, or was it coins, or both?

22 A Both.

23 Q I'm going to publish State's 128. Can you tell us
24 what we're looking at here?

25 A Yeah, that's the safe by the manager's desk.

1 Q And is this the safe that you were taking money out
2 of and putting into the blue bag?

3 A Yes.

4 Q I'm going to zoom-in. Are some of your coins
5 wrapped up or rolled?

6 A Yeah.

7 Q Zoom-in real quick. I want to -- can you see -- are
8 those wrapped coins there on the floor?

9 A Yes.

10 Q Can you read the brand name on those wrapped coins?

11 A Looks like Loomis.

12 Q Loomis? Thank you. After you've put the money in
13 the bag, at any point do you hear these two individuals
14 communicating with each other?

15 A No.

16 Q Okay. Once you've put the money in the bag, what
17 happens?

18 A They leave.

19 Q Do you know which direction they exit?

20 A They just left out the drive-thru window, and then
21 that's was it [inaudible].

22 Q So, both suspects exit the drive-thru window; is
23 that correct?

24 A Yes.

25 Q All right. Now, do you remember calling police

1 after these -- after the robbery took place?

2 A I didn't make the phone call, but I ended up on the
3 call, yes.

4 Q Okay. Who made the phone call originally?

5 A Alejandra.

6 Q And did the police come to the store?

7 A Yes.

8 Q Do you recall the police taking photographs in and
9 around the store, like the photograph we --

10 A Yes.

11 Q -- see here? Okay.

12 MR. PORTZ: Court's indulgence. I'm going to
13 publish State's 117.

14 BY MR. PORTZ:

15 Q Alejandra -- or I'm sorry. Skyler, is this the
16 drive-thru that the suspect -- the second suspect came
17 through?

18 A Yes.

19 Q Okay. Do you know if there's a camera above that
20 drive-thru?

21 A Yeah, there is.

22 Q And I'm going to publish State's 119. Is that a
23 close-up of the drive-thru window itself?

24 A Yes.

25 Q I'm going to direct your attention to this lower

1 right portion of the photograph. Is there a shoe print or a
2 marking on that?

3 A Yeah.

4 Q When you had been working that day, had you or any
5 of your fellow employees stood up on that drive-thru?

6 A No.

7 Q Okay. Had you seen any customers, instead of
8 driving up, try to walk through the window?

9 A No.

10 Q The only people that walked through the window that
11 day were the ones that robbed you?

12 A Yes, the one person. Well, after they left, the
13 two. So yeah, both of them ended up --

14 Q So -- and to be clear, one of them walked in through
15 the drive-thru?

16 A And then both of them exited, yes.

17 Q And both walked out? Okay. And then, the police
18 also took photographs outside your drive-thru on the street.
19 I'm publishing what's been admitted as 132. And there's a
20 marking "A." Do you see a shoe print there?

21 A Yes.

22 Q Okay. And then moving over to the right side, a
23 marking "B." Do you also see two shoe prints there?

24 A Yes.

25 Q Do you recall -- and I'll publish also State's 135.

1 It's a close-up of one of those prints next to marking "B."

2 Again, does that look like a shoe or a print?

3 A Yes.

4 Q Okay. And these are walking away from your
5 drive-thru window?

6 A I can't see the angle, so I'm not sure.

7 Q Okay. Did you recognize the shoes either of these
8 individuals were wearing?

9 A No.

10 MR. PORTZ: Court's indulgence. All right.

11 BY MR. PORTZ:

12 Q Mr. Cox, we're going to publish the video of this
13 incident, what's already been admitted as State's 136A. Sir,
14 do you recognize this as video surveillance of your store?

15 A Yeah.

16 (Surveillance video is played)

17 (Stopped playing of surveillance video)

18 MR. PORTZ: Okay.

19 BY MR. PORTZ:

20 Q Sir, is this your front counter?

21 A Yes.

22 Q Or lobby area? Can you, touching that screen,
23 circle the area where the window was broken?

24 A In that area.

25 Q Okay. So, for the record, just the top middle

1 window in the -- in the painting?

2 MR. PORTZ: Can you clear that, please?

3 THE WITNESS: No, the left.

4 BY MR. PORTZ:

5 Q Oh, top left window? I'm sorry.

6 A Yeah, it's the window to the most -- closest to that
7 door right there.

8 Q I'm going to skip back about five seconds.

9 (Surveillance video is played)

10 (Stopped playing of surveillance video)

11 BY MR. PORTZ:

12 Q Okay, sir, did you see that window break and then
13 that suspect with the firearm enter?

14 A I didn't see the window actually break. I heard it,
15 and then I turned around and seen him.

16 Q Okay, but I'm asking in the video frame --

17 A Oh, yeah, yeah.

18 Q -- we just watched --

19 A Yeah.

20 Q -- did you see that all occur? Okay.

21 (Surveillance video is played)

22 (Stopped playing of surveillance video)

23 MR. PORTZ: Okay, and we've paused at timestamp
24 11:19:27. I'm going to first zoom-in on the bottom right
25 camera.

1 BY MR. PORTZ:

2 Q Sir, what area of the store is this?

3 A That's right before you enter the back.

4 Q Okay. Is that coming from the main restaurant area?

5 A Yeah.

6 Q And --

7 A It's right there by the bathrooms.

8 Q Okay. So, is this the individual coming from the
9 front of your store?

10 A Yes.

11 Q And again, you said he had a pistol?

12 A Yep.

13 Q Do you recall what type of pistol he was carrying?

14 A I forgot what the cop said, because I told him what
15 it looked like, and then it was like a -- had like a wooden
16 handle; it was a revolver. That's all I remember. I forgot
17 what kind it said though.

18 Q Okay, but you recall a wooden-handled revolver?

19 A Yeah, it was like silver.

20 Q Okay. And again, on the same timestamp, I'm going
21 to zoom-in at your -- is this your drive-thru window?

22 A Yes.

23 Q Okay. And does this appear to be the suspect
24 climbing through?

25 A Yes.

1 (Surveillance video is played)

2 (Stopped playing of surveillance video)

3 BY MR. PORTZ:

4 Q I'm going to zoom-in on the -- what camera angle are
5 we looking at here?

6 A The -- by the drive-thru cashier.

7 Q Okay. And where my mouse is, there's an individual
8 by the cash register. Who's that?

9 A That's me.

10 Q Okay. And do you see anything abnormal at the
11 drive-thru window?

12 A It looks like someone was hopping in. [Inaudible].

13 (Surveillance video is played)

14 THE WITNESS: Okay, yeah, [inaudible].

15 BY MR. PORTZ:

16 Q And that's the person you said that had the knife,
17 correct?

18 A Yeah.

19 Q Okay. That's where he takes you to see -- or go to
20 where Alejandra is?

21 A Yes.

22 (Stopped playing of surveillance video)

23 BY MR. PORTZ:

24 Q I'm going to zoom-in on the top left camera. What
25 area of the store is this?

1 A That's by the manager's desk.

2 Q Okay. And we're at the same timestamp, so this
3 individual -- well, who's the individual on their knees at the
4 bottom of the screen?

5 A That's Alejandra.

6 Q Okay. And so, would this individual with her -- who
7 would that be?

8 A I believe that's the guy with the gun.

9 Q Okay.

10 A I don't know.

11 (Surveillance video is played)

12 THE WITNESS: And then that's the dude with the
13 knife, so yeah.

14 BY MR. PORTZ:

15 Q Okay, so the guy with the knife just brought you
16 over to that area?

17 A Yeah.

18 (Stopped playing of surveillance video)

19 BY MR. PORTZ:

20 Q Can you tell what color shoes he's wearing, sir?

21 A I'm not sure.

22 MR. TANASI: Objection, Your Honor. Best evidence.
23 I think the video and the color speaks for itself.

24 THE COURT: Overruled. If you can tell.

25 THE WITNESS: Those?

1 BY MR. PORTZ:

2 Q You can answer, sir.

3 A They look -- they look dark green.

4 Q Okay.

5 (Surveillance video is played)

6 BY MR. PORTZ:

7 Q Now, what items -- what was he having -- or what
8 items did that man with the knife take there?

9 (Stopped playing of surveillance video)

10 THE WITNESS: What was that?

11 BY MR. PORTZ:

12 Q What did the man with the knife just take in that
13 video clip? Could you tell?

14 A Can you go back real quick?

15 Q Sure.

16 (Surveillance video is played)

17 (Stopped playing of surveillance video)

18 THE WITNESS: The little bin that's like one of the
19 food trays that had like a bunch of cash in it, like in the
20 stacks, and then it looked like he grabbed some bank bags. I
21 wasn't sure about the second things, but the first part was
22 the -- it's like a little dish tray where like we put food in.

23 MR. PORTZ: Okay.

24 THE WITNESS: It's -- that's where like money's
25 held, like the actual cash, like stacks of like 1's or

1 whatever. And then the other stuff looked like bank bags, but
2 I'm not sure.

3 MR. PORTZ: Okay.

4 BY MR. PORTZ:

5 Q Now, do you see where my mouse is pointing on the
6 top of this shelf here --

7 A Yeah.

8 Q -- next to the computer? Do you know what that is?

9 A Yeah, that's another coworker's phone that was
10 broken.

11 Q Okay. Do you know what type of phone it was?

12 A I believe it was a Samsung.

13 Q And what color was it?

14 A White.

15 (Surveillance video is played)

16 (Stopped playing of surveillance video)

17 THE WITNESS: I'm pretty sure it was a new phone.

18 MR. PORTZ: Okay.

19 THE WITNESS: Just got it not too long --

20 BY MR. PORTZ:

21 Q I'm going to go back to the drive-thru window at
22 this point. Is this the individual with the knife exiting?

23 A Yes.

24 Q Okay, we'll let that play out.

25 (Surveillance video is played)

1 (Stopped playing of surveillance video)

2 BY MR. PORTZ:

3 Q Okay, and you saw him standing actually on the metal
4 portion of your drive-thru window; is that correct?

5 A Like while it was -- like while it was happening?

6 Q Not you personally. In the video clip, did you --

7 A Yeah, yeah.

8 Q -- see that? Okay. I'm going to cut back to you
9 and Alejandra by the safe now. This individual is the
10 individual with the gun?

11 A Yeah, and the one with the bag, too.

12 Q Okay, and that's the blue bag you referenced?

13 A In his hand, yeah.

14 Q Okay.

15 A And that's when we started emptying the registers at
16 that point.

17 (Surveillance video is played)

18 BY MR. PORTZ:

19 Q Can you tell where he's pointing the firearm?

20 A At first, it looked like he had it at her, but then
21 afterwards, he just kind of held it, like I said.

22 (Stopped playing of surveillance video)

23 BY MR. PORTZ:

24 Q Okay, and sir, we just saw that man with the gun
25 reach to the top right corner of the screen where my mouse is.

1 What is that in that area?

2 A That was the store phone. Afterwards, he grabbed it
3 and threw it on the floor.

4 Q Okay, and did that actually cause it to break?

5 A Yeah.

6 (Surveillance video is played)

7 (Stopped playing of surveillance video)

8 MR. PORTZ: Okay.

9 BY MR. PORTZ:

10 Q So, has that second individual with the gun left
11 now?

12 A Yeah.

13 Q And what is Alejandra's state at this point in time?

14 A She was crying. She was sad, upset, scared.

15 Q I'm going to cut back to the drive-thru window.

16 (Surveillance video is played)

17 (Stopped playing of surveillance video)

18 BY MR. PORTZ:

19 Q And is that the individual with the blue bag exiting
20 through the drive-thru?

21 A Yes.

22 (Surveillance video is played)

23 (Stopped playing of surveillance video)

24 BY MR. PORTZ:

25 Q And did you see that individual actually step over

1 the metal as opposed to stepping onto it?

2 A It looked like he stepped over.

3 Q Thank you. At this point, the robbery was
4 completed?

5 A Yes.

6 Q Okay. And then you -- well, you said Alejandra
7 called the police?

8 A Yeah.

9 Q If the store phone was broken, what phone was used
10 to call the police?

11 A I believe it was her cell phone.

12 Q Okay.

13 A Yeah.

14 Q And why did you have to speak to the police if she
15 was the one who called them?

16 A Because she -- like, they couldn't really understand
17 her because she was like not speaking too clear, I guess, or
18 she was like going too fast or whatever. I'm not positive
19 what the officer said. She wasn't like too calm to talk, so
20 [inaudible].

21 MR. PORTZ: Court's indulgence.

22 THE WITNESS: She didn't know what the exact address
23 was either.

24 MR. PORTZ: And Mr. Cox, thank you again. Your
25 Honor, I have no further questions at this point.

1 THE COURT: Any cross?

2 MR. TANASI: No questions, Your Honor.

3 MR. MANINGO: No questions. Thank you, Your Honor.

4 THE COURT: Okay, all right. Mr. Cox, thank you so
5 much for your testimony. You can step down. You're excused.
6 Okay. Let's take a break. Okay.

7 MR. TANASI: Your Honor, may we approach?

8 THE COURT: Yes.

9 (Off-record bench conference)

10 THE COURT: Okay, ladies and gentlemen. It's about
11 20 after. I'll expect you to be back about 25 'til.

12 During this recess, you're admonished not to talk or
13 converse amongst yourselves or with anyone else on any subject
14 connected with this trial, or read, watch, or listen to any
15 report or commentary on the trial, or any person connected
16 with this trial, by any medium of information, including, but
17 not limited to newspapers, television, internet, or radio, or
18 form or express any opinion on any subject connected with this
19 trial until the case is finally submitted to you.

20 All right. Be back here 25 'til, ready to go, all
21 right? We'll be at ease while the jury leaves the room.

22 (Outside the presence of the jury)

23 THE COURT: Okay, we're outside the presence of the
24 jury. Can you shut the door, please? Okay, we're outside the
25 presence of the jury. Is there anything that needs to be

1 brought before the Court's attention at this time?

2 MS. MERCER: No, Your Honor.

3 MR. TANASI: No, Your Honor.

4 MS. LOBO: No, Your Honor.

5 THE COURT: All right. Okay, so be back 25 'til.
6 We're off the record.

7 MR. MANINGO: Thank you.

8 MR. TANASI: Thank you.

9 (Court recessed at 3:17 P.M. until 3:43 P.M.)

10 (Outside the presence of the jury)

11 (Pause in the proceedings)

12 THE COURT RECORDER: Judge, we're on.

13 THE COURT: Okay. We're back on the record in
14 C-303022, State of Nevada vs. Tony Hobson and Brandon Starr.
15 You ready to bring the jury in, Jim?

16 MR. PORTZ: Judge, before we do, we just wanted to
17 put the Court on notice --

18 THE COURT: Hold on.

19 MR. PORTZ: I didn't know if you wanted to inform
20 the jury. We only have one witness left today. Two of our
21 witnesses had a family emergency and childcare issues. They
22 will be here tomorrow. We will still get through all the
23 witnesses we expected to get through by Thursday. And so, we
24 just wanted to give the Court that notice.

25 THE COURT: Okay. All right, so just go ahead and

1 bring them in. Let's keep going, okay?

2 MR. PORTZ: Thank you.

3 MR. TANASI: Thank you.

4 THE COURT: Did you have something you needed to put
5 on the record, Mr. Maningo?

6 MR. MANINGO: No.

7 THE COURT: Oh, okay.

8 MR. MANINGO: Adrian walked back in, so we're all
9 set.

10 THE COURT: Oh, okay. All right, Jim.

11 MR. MANINGO: Thank you.

12 MS. LOBO: Thanks.

13 MS. MERCER: Your Honor?

14 THE COURT: Um-hum.

15 MS. MERCER: While the jury's walking in, the
16 parties have stipulated to 289, so I was just going to get
17 that marked.

18 THE COURT: Okay.

19 (Within the presence of the jury)

20 THE MARSHAL: Please be seated. Department 19 is
21 back in session.

22 THE COURT: Okay. We're back on the record in
23 C-303022, State of Nevada vs. Tony Hobson and Brandon Starr.
24 I'd like the record to reflect the presence of the defendants
25 and their counsel, as well as State and their counsel, all

1 members of the jury. Will the parties stipulate to the
2 presence of the jury?

3 MS. MERCER: Yes, Your Honor.

4 MR. TANASI: Yes, Your Honor.

5 THE COURT: Okay, call your next witness.

6 MS. MERCER: Your Honor, the State calls Laura
7 Lopez. And this is regarding the 11th event, and it's counts
8 52 through 59.

9 THE MARSHAL: Step up here, please. Watch your step
10 right there. Put your stuff down. Face the clerk over here
11 and raise your right hand.

12 LAURA LOPEZ, STATE'S WITNESS, SWORN

13 THE CLERK: Thank you. Please be seated.

14 THE MARSHAL: Pull up your chair and speak into this
15 microphone.

16 THE CLERK: If you could please state your full
17 name, spelling of the first and last name for the record.

18 THE WITNESS: Laura Lopez. L-a-u-r-a, L-o-p-e-z.

19 MS. MERCER: May I --

20 THE COURT: Your witness.

21 MS. MERCER: -- proceed, Your Honor?

22 THE COURT: Yes.

23 DIRECT EXAMINATION

24 BY MS. MERCER:

25 Q Ma'am, where are you currently employed?

- 1 A El Pollo Loco on West Cheyenne.
- 2 Q Is that at 7380 West Cheyenne?
- 3 A Yeah.
- 4 Q Is that here in Las Vegas, Clark County, Nevada?
- 5 A Yes.
- 6 Q How long have you worked at that location?
- 7 A Almost four years.
- 8 Q What is your position within that company?
- 9 A I am an assistant manager.
- 10 Q Have you been an assistant manager the entire four
- 11 years?
- 12 A No.
- 13 Q When did you become an assistant manager?
- 14 A This last August.
- 15 Q Okay. Directing your attention to November 23rd of
- 16 2014, were you working on that day?
- 17 A Yes.
- 18 Q What was your job function on that day?
- 19 A I was the manager on duty; shift leader.
- 20 Q You were the shift leader?
- 21 A Um-hum.
- 22 Q How many other employees were working on that day?
- 23 A At the time of the --
- 24 Q At the time of the incident.
- 25 A Four, including me.

1 Q Including you?

2 A Yeah.

3 Q Who were the other three?

4 A Sergio, Luis, and Yanais.

5 Q Is that -- sorry. Is that Sergio

6 Hernandez-Bautista?

7 A Yes.

8 Q And Luis Lopez?

9 A Um-hum.

10 Q Are you related to either one of them?

11 A Luis.

12 Q How are you related to him?

13 A He's my brother.

14 Q What was -- Sergio, what was his job duty that day?

15 A I believe he was the hot prep -- or the hot prep, I

16 think.

17 Q And what about Luis?

18 A Luis was the cook.

19 Q And Yanais?

20 A Yanais was the burritos.

21 Q What time did your store close that day?

22 A 10:00, I believe. We were getting ready to leave at

23 11:00. We were about done by 11:00.

24 Q When you -- when you say that the store closed at

25 10:00 --

1 A At 10:00.

2 Q -- did the lobby and the drive-thru close at the
3 same time?

4 A Lobby and drive-thru, right, because it was slow
5 that day.

6 Q Do you know what day of the week it was?

7 A Sunday.

8 Q So, once the lobby closed at 10:00 P.M., did you all
9 start doing everything that was necessary to close down the
10 business that day?

11 A Yes.

12 Q And what specifically were you doing after the store
13 closed?

14 A I was either cleaning the lobby or doing inventory,
15 counting down all the registers.

16 Q You indicated that you were trying to get out of
17 there by 11:00 P.M.?

18 A Um-hum.

19 Q Did any --

20 THE COURT: Is that a yes, ma'am?

21 THE WITNESS: Yes.

22 THE COURT: Please answer yes or no, because we
23 can't understand what "um-hum" or "mm-mm" is. Do you -- okay?

24 THE WITNESS: Sorry.

25 THE COURT: All right, thank you.

1 BY MS. MERCER:

2 Q Did any of your employees actually leave the
3 business around 11:00 P.M.?

4 A Yanais was done and was getting ready to leave by
5 11:00.

6 Q So, she was clocked out and she was getting ready to
7 leave?

8 A Yeah.

9 MS. MERCER: Permission to publish some exhibits on
10 the overhead, Your Honor?

11 THE COURT: Yes.

12 BY MS. MERCER:

13 Q Before I get too much further into your testimony,
14 I'm publishing State's Exhibit 11 on the overhead. Do you see
15 this bubble where it says "7380 West Cheyenne"?

16 A Yes.

17 Q Is that the location of your store?

18 A Yes.

19 Q And it's Cheyenne and Tenaya, basically?

20 A Yeah.

21 Q Or between Tenaya and Buffalo on Cheyenne?

22 A Yes.

23 Q Is that in close proximity to the U.S. 95?

24 A Yes.

25 Q And can you see -- can you actually see the ramps

1 right here?

2 A Yes.

3 Q Is there a Magoo's Gaming Tavern close to your
4 business?

5 A Magoo's?

6 Q Yes.

7 A I believe it's right across the street.

8 Q Publishing State's Exhibit 289. And you can see
9 your El Pollo Loco and the Magoo's, correct?

10 A Yes.

11 Q Publishing State's Exhibit 137, is this the exterior
12 of your business?

13 A Yes.

14 Q As Yanais was leaving that night, did something
15 unusual happen?

16 A I heard a noise through the front door. The ice
17 machine usually make -- drops ice, so I didn't like really pay
18 attention to it until like, you know, it sounded louder. So,
19 I looked over, and I saw somebody was at the front door.

20 Q So, were you in the front of the store at the time
21 you heard the --

22 A I was at the front, right.

23 Q Okay. Do me a favor. The woman that's sitting over
24 here to my right, she's the court recorder, and at some point,
25 she's going to have to do a transcript of our conversation.

1 So, if you could wait until I'm done asking the questions --

2 A Okay.

3 Q -- before you answer so that she doesn't get
4 confused, okay? Thank you.

5 I'm showing you State's Exhibit 138. You said that
6 you heard a loud noise at the front of the business?

7 A Yes.

8 Q Was your door like that prior to the loud noise?

9 A No.

10 Q And you indicated that you saw someone coming
11 through?

12 A Um-hum.

13 Q How was it that they were coming through that door?

14 A I guess they threw something.

15 Q Okay. Did you see him reach in and unlock the door,
16 or did he climb through the broken window? What did -- did
17 you see that part?

18 A I don't -- I don't remember.

19 Q Showing you State's Exhibit 139, is this inside of
20 your business looking out through the broken door?

21 A Yes.

22 Q And showing you State's Exhibit 140. I'm going to
23 zoom-in. It's kind of hard to see. Do you see this object
24 that's underneath like where your drinks -- your ice and your
25 drinks are? And I'll show you --

1 A Yes.

2 Q -- another photo of it closer up. 141.

3 A Yes.

4 Q That rock wasn't something that you typically kept
5 in there, correct?

6 A No.

7 Q When you saw the person coming in through the broken
8 door, what happened at that point?

9 A At that point, I yelled back to the rest of the crew
10 that somebody was coming in, and by the time that I got to
11 like the middle passage, I saw Yanais with another person
12 coming in with a gun.

13 Q Okay. Going back to the first person that you saw
14 entering, do you recall what he was wearing?

15 A Dark clothes, a hoodie, and a mask.

16 Q Was the hoodie pulled up over his head?

17 A I don't remember.

18 Q Do you remember whether there was anything on his
19 hands?

20 A There was gloves.

21 Q Do you remember what color gloves?

22 A No.

23 Q Was he holding anything in his hands when he came
24 through the door?

25 A A gun.

1 Q Did you get a good look at the gun?

2 A No.

3 Q Could you -- did you see enough of it to tell what
4 color it was?

5 A I don't remember.

6 Q So, you start walking to the back to let your other
7 employees know that someone's inside with a gun, and you
8 encounter Yanais with another man?

9 A Um-hum.

10 Q And I believe you said that he also had a gun?

11 A Yes.

12 Q Do you remember what that person was wearing?

13 A A hoodie also, and a mask.

14 Q Do you recall whether he had anything on his hands?

15 A No.

16 Q When you say that they were wearing masks, what did
17 the masks look like?

18 A I don't remember. They were just -- they covered
19 all -- like all their face.

20 Q Could you see enough of their face to be able to
21 tell what race they were?

22 A African American.

23 Q With regards to the person that came in first
24 through the front, can you describe about how tall he was?

25 A I would say like about 5'10.

1 Q What about the person that was with Yanais? About
2 how tall was he?

3 A He was shorter, I believe. About --

4 Q When you say shorter, about how much shorter?

5 A Like 5'7, 5'8.

6 Q Once you encountered Yanais and the second person,
7 what happened?

8 A They had us at the -- by the burrito station in the
9 little passageway, and they asked for the manager, and that's
10 when I said it was me.

11 Q When you say that "they had us," who are you
12 referring to? Who's us?

13 A One of the guys. One of the guys with the gun, they
14 asked who the manager was, and I said me. And then they --
15 one of them took me over to the office, which was locked at
16 that time.

17 Q Had they gotten all of the employees and put them in
18 a group?

19 A Yeah, we were all cornered in the -- by the burrito
20 station.

21 Q Had they given you -- anyone any commands as to what
22 they should do once they got them by the burrito station?

23 A They were just yelling and cussing at us. I don't
24 remember exactly what they were saying.

25 Q Once they took you -- and you said the office was

1 locked already?

2 A Um-hum. Yes.

3 Q Publishing State's Exhibit 142, is this a photograph
4 of the interior of the office?

5 A Yes.

6 Q And inside of that office, is there a safe?

7 A Yes.

8 Q Do you see it in this photograph?

9 A Yes.

10 Q Could you place an X over it?

11 THE COURT: Just touch the screen.

12 THE WITNESS: Okay.

13 BY MS. MERCER:

14 Q Since the office was already locked, does that mean
15 that you had already deposited the money into the safe?

16 A Yes.

17 Q Do you know about how much money you'd deposited
18 into the safe?

19 A The safe had \$1,800 about.

20 Q \$1,800?

21 A Around \$1,800, yes.

22 Q Was it one or both of the suspects that took you to
23 the office?

24 A It was one.

25 Q Which -- which one was it?

- 1 A The taller one.
- 2 Q The one that came in first?
- 3 A Yes.
- 4 Q Through the front?
- 5 A Yes.
- 6 Q And when he took you to the office, was it just you,
7 or were other employees with you?
- 8 A In the office, it was just me and the other guy.
- 9 Q Once you got to the office, what directions was he
10 giving you?
- 11 A He told me to open the safe and to hurry up, and
12 then once I opened it, he gave me a bag.
- 13 Q Do you remember what that bag looked like?
- 14 A It was like a Walmart bag, like a blue Walmart bag.
- 15 Q Okay, so was it a plastic bag or was it a cloth bag?
- 16 A It was cloth. It was like a reusable bag.
- 17 Q When he handed you the bag, did you put the money
18 into the -- into the bag for him?
- 19 A I opened it, and I can't remember if I put it in. I
20 think I was taking money out, and then he was putting --
21 shoving it in there, too.
- 22 Q The money that was in the safe, was it a mixture of
23 coins and bills, or was it --
- 24 A Yes.
- 25 Q The coins that were inside of the safe, were they

1 wrapped coins or loose coins?

2 A No, they were wrapped.

3 Q Were they wrapped in paper or plastic?

4 A In paper, and they were in a box.

5 Q They were in a box?

6 A They were boxed.

7 Q Do you recall what those boxes looked like on the
8 outside?

9 A Yes.

10 Q Publishing State's Exhibit 147. Can you see one of
11 those boxes in the back of the safe on the bottom?

12 A Yes.

13 Q And that's the boxes that the wrapped coins were in?

14 A Um-hum. Yes.

15 Q The wrapper that was on the rolls of coins, do you
16 remember if it had any words or logos on it?

17 A It just said -- it said the same thing that it says
18 on the box, like the quarters, \$10.

19 Q Oh. When he got the coins that were in the boxes,
20 were there varying denominations that he took?

21 A In the coins?

22 Q Yes.

23 A Yes.

24 Q And were the boxes labeled differently then?

25 A Yes.

1 Q So, if it was a box full of dimes, it said "dimes"
2 on the outside?

3 A Yes.

4 Q Were the boxes color-coded as well?

5 A Yes.

6 Q Do you know about how much of the \$1,800 was in
7 coins?

8 A I don't remember.

9 Q While you were in the office with the first
10 gentleman that entered with a gun, could you see your other
11 employees?

12 A No.

13 Q Could you hear what was going on with them?

14 A A lot of yelling.

15 Q Who was yelling?

16 A The other guy.

17 Q The second suspect that entered?

18 A Yeah, they were just back and forth cussing and
19 yelling.

20 Q Could you make -- but you couldn't make out anything
21 that he --

22 A No.

23 Q -- was yelling? Once he had the money, what
24 happened?

25 A He -- he left, and then the other guy came -- one of

1 the other ones came back, the other guy. I think it was the
2 second guy who came back, and he patted me down and took my
3 phone.

4 Q I'm sorry?

5 A He patted me down and took my phone.

6 Q Where was your phone?

7 A It was in my jacket pocket.

8 Q What type of phone was it?

9 A An iPhone 5.

10 Q What -- I'm sorry?

11 A An iPhone 5.

12 Q What color?

13 A It was silver and it had a black OtterBox on it.

14 Q Did you ever get your phone back?

15 A No.

16 Q After he took your phone -- actually, let me ask
17 you. I'm publishing State's Exhibit 143 on the overhead. Did
18 your office have a phone; a landline?

19 A Yes.

20 Q And is that what we see right here?

21 A Yes.

22 Q Showing you a closer up photograph of that, which is
23 144, do you see any part of that phone missing?

24 A Yes, he shattered it.

25 Q He shattered it?

- 1 A Yeah, he threw it.
- 2 Q Where did he throw it?
- 3 A Just in the office, I think, off to the side.
- 4 Q Showing you 148, is this the headset to that phone?
- 5 A Yes.
- 6 Q And when you say that he did that, are you referring
- 7 to the same person that came back and took your phone?
- 8 A I think. I'm not sure; I don't remember.
- 9 Q But one of the two suspects?
- 10 A Yes.
- 11 Q Once the shorter suspect had your phone, what
- 12 happened at that point?
- 13 A At that point, they ran out through the back.
- 14 Q Before they ran out, did they give you guys any
- 15 instructions?
- 16 A They just told us to stay down, and I was kneeling
- 17 down in the office with my head down.
- 18 Q Is your store equipped with surveillance video?
- 19 A Yeah.
- 20 Q I'm sorry, surveillance cameras?
- 21 A The store? Yes.
- 22 Q Have you had a chance to review that surveillance
- 23 footage?
- 24 A Some of it, yeah.
- 25 Q And did -- the portion that you reviewed, did it

1 fairly and accurately depict what happened on that night?

2 A Yes.

3 Q Once the suspects left the store, did you or one of
4 your employees notify 911 about what had happened?

5 A Yes.

6 Q Who was it that called 911?

7 A I called 911 from Yanais's phone, and we stayed in
8 the office and called them, and then she spoke to them.

9 MS. MERCER: Your Honor, at this point, I would
10 request permission to publish a portion --

11 THE COURT: That was already admitted.

12 MS. MERCER: I'm sorry?

13 THE COURT: I thought the video for this one's
14 already been admitted, hasn't it?

15 MS. MERCER: I -- I'm not showing it was admitted,
16 but --

17 THE CLERK: What was the number?

18 MS. MERCER: It's 154.

19 THE COURT: 154?

20 THE CLERK: No.

21 THE COURT: Hm?

22 THE CLERK: No, they haven't admitted it.

23 THE COURT: Okay, guess not. Okay.

24 MS. MERCER: May I publish a portion --

25 THE COURT: Yes.

1 MS. MERCER: -- of both the video and the 911?

2 THE COURT: Yes.

3 (Surveillance video is played)

4 (Stopped playing of surveillance video)

5 BY MS. MERCER:

6 Q And ma'am, I have it paused at 39 seconds into the
7 back door view. Do you recognize that person?

8 A Yes.

9 Q Who is that?

10 A Me.

11 (911 call is played)

12 (Stopped playing of 911 call)

13 BY MS. MERCER:

14 Q Ma'am, did you recognize that voice?

15 A Yes.

16 Q Was that you?

17 A Yes.

18 MS. MERCER: Your Honor, at this point, I would move
19 to admit 154 and 154A.

20 THE COURT: Any objection?

21 MR. TANASI: No objection, Your Honor.

22 THE COURT: They'd be admitted.

23 (Exhibits 154 and 154A are admitted)

24 MS. MERCER: Permission to publish?

25 THE COURT: Yes.

1 (911 call is played)

2 (Stopped playing of 911 call)

3 MS. MERCER: Ma'am, I'm going to publish the
4 surveillance video now.

5 (Surveillance video is played)

6 BY MS. MERCER:

7 Q Is this the lobby area of your store?

8 A Yeah.

9 Q And the door that you can see in the back, is that
10 the door that was broken out?

11 A Yes.

12 (Stopped playing of surveillance video)

13 BY MS. MERCER:

14 Q And ma'am, it's paused at 11:51. Do you see what
15 appears to be a rock laying in the middle of the floor right
16 there?

17 A Yes.

18 Q And there's now a hole in the door?

19 A Yes.

20 (Surveillance video is played)

21 BY MS. MERCER:

22 Q And can you see someone standing outside that door?

23 A Yes.

24 Q And now the top part of that door has been broken
25 in?

1 A Yes.

2 Q And the individual that just ran in, that's the
3 first person that you saw?

4 A Yes.

5 Q Is that him standing over behind the counter?

6 A Yes.

7 (Stopped playing of surveillance video)

8 BY MS. MERCER:

9 Q Ma'am, it's paused at 13 minutes and 29 seconds.
10 And do you see that blue object behind the counter?

11 A Yes.

12 Q Is that the blue bag that you were referring to?

13 A Yes.

14 (Surveillance video is played)

15 BY MS. MERCER:

16 Q And this is behind the cash registers now?

17 A Yes.

18 Q Where that counter is that he jumped over?

19 A Yes.

20 Q Who were the two people that just leaned over the
21 counter?

22 A That was me and Luis.

23 Q Luis, your brother?

24 A Yes.

25 Q And right there, that's the subject jumping over the

1 counter, correct?

2 A Yes.

3 (Stopped playing of surveillance video)

4 (Surveillance video is played)

5 BY MS. MERCER:

6 Q Is this inside of the office that was locked?

7 A Yes.

8 Q Is that you?

9 A Yes.

10 Q And the subject that handed you the blue bag?

11 A Yes.

12 Q And that was the subject walking out with the blue
13 bag, full?

14 A Yes.

15 (Stopped playing of surveillance video)

16 (Surveillance video is played)

17 BY MS. MERCER:

18 Q Who's that person right there?

19 A Was it Luis or Sergio?

20 (Stopped playing of surveillance video)

21 BY MS. MERCER:

22 Q Okay. And the woman that's walking towards the
23 door, who is that?

24 A That's Yanais.

25 (Surveillance video is played)

1 (Stopped playing of surveillance video)

2 BY MS. MERCER:

3 Q The individual that just walked in with Yanais, is
4 that the person that you encountered as you were heading
5 towards the back to warn everyone?

6 A Yes.

7 (Surveillance video is played)

8 (Stopped playing of surveillance video)

9 BY MS. MERCER:

10 Q And is that the subject that took the blue bag --

11 A Yes.

12 Q -- full of cash?

13 (Surveillance video is played)

14 (Stopped playing of surveillance video)

15 BY MS. MERCER:

16 Q And that's the second person that was with Yanais?

17 A Yes.

18 (Surveillance video is played)

19 BY MS. MERCER:

20 Q After they left, did anyone lock that back door?

21 A I don't remember. I stayed in the office, or I
22 don't remember.

23 (Stopped playing of surveillance video)

24 BY MS. MERCER:

25 Q Was that someone locking the door?

1 A Yeah.

2 Q Who is that?

3 A Luis.

4 (Surveillance video is played)

5 (Stopped playing of surveillance video)

6 MS. MERCER: I don't believe I have any additional
7 questions for this witness, Your Honor.

8 THE COURT: What's that? I'm sorry.

9 MS. MERCER: I don't have any further questions for
10 this witness.

11 THE COURT: Okay. Do you have any cross?

12 MR. TANASI: Briefly, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. TANASI:

15 Q Good afternoon, ma'am.

16 A Hello.

17 Q My name's Rich Tanasi. I represent Tony Hobson. I
18 have just a few questions for you on cross-examination; is
19 that okay?

20 A Yes.

21 Q All right. So, you were ordered at first to get to
22 the floor, right?

23 A Yes.

24 Q Okay. When they came in, they demanded to know
25 where the manager was, right?

1 A Yes.

2 Q Okay. And then they demanded -- that was you that
3 was the manager, right?

4 A Yes.

5 Q And then they demanded you to go to the area where
6 the safe was, correct?

7 A Yes.

8 Q And you in fact did that, right?

9 A Yes.

10 Q Okay. They took your cell phone from you as well?

11 A Yes.

12 Q And they took money from the safe, right?

13 A Yes.

14 Q Okay. No one was tied up in this altercation,
15 correct?

16 A No.

17 Q No one was -- no one's hands were taped up in any
18 way, correct?

19 A No.

20 Q No one was locked up in any room or anything like
21 that, correct?

22 A Correct.

23 Q And then, on the way out -- well, just backing up.
24 And then, after they came in and took those things from you,
25 they left, correct?

1 A Yes.

2 Q And then, after they left, the door was locked,
3 correct, in the back?

4 A Yes. Yes.

5 Q Is that a yes? And it was Luis who locked the door,
6 correct?

7 A Yes.

8 Q It wasn't the two suspects who were in the store
9 that locked the door, correct?

10 A Yes.

11 Q Okay, thank you.

12 MR. TANASI: Nothing further.

13 THE COURT: Ms. Lobo?

14 MS. LOBO: No cross, Your Honor.

15 THE COURT: Okay. Any redirect?

16 REDIRECT EXAMINATION

17 BY MS. MERCER:

18 Q Ma'am, did you feel like you were free to leave with
19 guns pointed at you?

20 A No.

21 MS. MERCER: No further questions.

22 THE COURT: Okay. All right, so at this time then,
23 is -- I guess it's -- is it Laura Lopez?

24 THE WITNESS: Yes.

25 THE COURT: Ms. Lopez, thank you so much for your

1 testimony. You can step down. You're excused, okay? Okay.
2 Parties, want to approach?

3 (Off-record bench conference)

4 THE COURT: Okay. Ladies and gentlemen, that
5 concludes our testimony for today. Tomorrow, we're going to
6 start at 11:00 o'clock.

7 The parties have informed me that there were some
8 issues that they have with a couple out of state witnesses;
9 will not be here until Monday. So, Friday, we will not be in
10 session, so if you have anything you need to do with work or
11 with your family, you'll be free on Friday. So -- but
12 tomorrow, we won't start until 11:00. They informed me they
13 have roughly eight witnesses tomorrow.

14 So -- but during the overnight recess, you're
15 admonished not to talk or converse amongst yourself or with
16 anyone else on any subject connected with this trial, read, or
17 watch, or listen to any report or commentary on the trial, or
18 any person connected with this trial, by any medium of
19 information, including, without limitation, newspapers,
20 television, the internet, or radio, form or -- or you're not
21 to form or express any opinion on any subject connected with
22 this trial until the case is finally submitted to you, and
23 you're not allowed to get in any car accidents, okay? So --

24 UNKNOWN SPEAKER: Or fall.

25 THE COURT: Okay.

1 UNKNOWN SPEAKER: Or fall.

2 THE COURT: Yeah, I understand. All right, so do
3 you have any questions at this time? All right. Okay, we'll
4 see you back tomorrow at 11:00. We'll be at ease while the
5 jury exits the room.

6 (Outside the presence of the jury)

7 THE COURT: Okay, we're outside the presence of the
8 jury. Before our evening recess, is there anything that the
9 parties need to put on the record at this time?

10 MS. MERCER: No, Your Honor.

11 MR. TANASI: No, Your Honor.

12 MS. LOBO: No, Your Honor.

13 THE COURT: Okay. All right, so I plan on getting
14 started tomorrow at 11:00, and if you have your witnesses
15 here, we'll just go right after another. I'll give the jury a
16 break, ask them if they want to have lunch. If your witnesses
17 are here, they'll just have to abide by what we're going to do
18 with that. If not, I want to kind of get through them if --
19 okay?

20 MS. MERCER: Okay.

21 MR. TANASI: Okay.

22 THE COURT: All right. Come in a little early, too.
23 Make sure everything's working, too, because we -- I don't
24 know what it is. This courtroom, we have issues with -- with
25 -- well, you saw what happened here and --

1 MS. MERCER: Yeah.

2 THE COURT: So, okay? All right.

3 MS. MERCER: Thank you, Your Honor.

4 THE COURT: So, does the defense have anything they
5 need to put on the record?

6 MR. TANASI: No, Your Honor.

7 MS. LOBO: No.

8 THE COURT: You have a good evening, okay?

9 MR. TANASI: You, too. Thank you.

10 MR. PORTZ: You, too.

11 THE COURT: All right. We're off the record,
12 Christine.

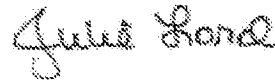
13 (Court recessed at 4:25 P.M., until Thursday,
14 May 12, 2016, at 11:05 A.M.)

15 * * * * *

16 CERTIFICATE

17 ATTEST: I hereby certify that I have truly and correctly
18 transcribed the audio/visual proceedings in the above-entitled
19 case to the best of my ability.

20



21

22 _____
JULIE LORD, INDEPENDENT TRANSCRIBER

23

24

25

1 A No, he didn't.

2 Q When he -- when you say that the man directed you to
3 open the safe, what was he doing with the gun at that time?

4 A He had it pointed towards my head.

5 Q How close to your head?

6 A I would say like right next to it.

7 Q And you've just indicated that it was almost
8 touching your head?

9 A Yes.

10 Q After you emptied the contents of that safe, did he
11 give you any other instructions?

12 A He -- no, he didn't. I just stayed in the office.

13 Q What did they do once they had the money?

14 A They proceeded to leave.

15 Q Were there any phones inside of the business?

16 A We had the work phones, and then I had my cell phone
17 on the desk.

18 Q When you say you had work phones, were they cordless
19 phones?

20 A Yes.

21 Q And where were they?

22 A The one I believe was on the desk right behind the
23 computer, and then the other one was on top of the
24 surveillance -- where we keep our surveillance --

25 Q So, were they both in the manager's office?

1 A Yes.

2 Q You said that you also had your cell phone?

3 A Yes.

4 Q What kind of cell phone was it?

5 A It was a Samsung Galaxy S4.

6 Q What color was it?

7 A White.

8 Q What, if anything, happened with those phones; the
9 cordless phone and your cell phone?

10 A Well, the cordless phones, I found them in the
11 chili. And then my cell phone, I couldn't find it, so I'm
12 assuming it got taken.

13 Q When you say that you found it in the chili, where
14 was the chili?

15 A The chili was on the prep sink.

16 Q Showing you State's Exhibit 113 on the overhead, is
17 this the chili that you're referring to?

18 A Yes.

19 Q Showing you State's Exhibit 114, are those the two
20 cordless phones that were inside of the business?

21 A Yes, they were.

22 Q Did you ever get your cell phone back, your Samsung
23 Galaxy?

24 A No, I did not.

25 Q Do you know how they left the store, which door they

1 used?

2 A I'm assuming they went out the same door they came
3 in.

4 Q Okay. While you were in your office, after they had
5 the money, did you ever see either one of them try to go out
6 the back door?

7 A They first tried to go out the back door, and they
8 didn't get it open, so they proceeded to go towards the front
9 door.

10 Q Is your store equipped with surveillance cameras?

11 A Yes, it is.

12 Q And have you had the opportunity to review that
13 surveillance footage?

14 A Yes.

15 Q Did the surveillance footage that you reviewed
16 fairly and accurately depict the events of November 21st of
17 2014?

18 A Yes, it did.

19 Q And you did not call 911, correct?

20 A No, I did not.

21 Q But at some point, did the police arrive?

22 A Yes.

23 Q How -- what did you do to get their attention -- to
24 get them there?

25 A Well, when I went to go up towards the front to go

1 get the other cordless phone that we had up front, I seen -- I
2 looked outside and I seen that there was a cop driving through
3 the parking lot, and I ran outside and flagged down the cop.

4 MS. MERCER: Your Honor, at this point, I would
5 request permission to play a portion of the surveillance
6 video, which is State's Exhibit 115A to have the witness
7 authenticate it.

8 THE COURT: Okay.

9 (Surveillance video is played)

10 (Stopped playing of surveillance video)

11 BY MS. MERCER:

12 Q And ma'am, do you recognize this surveillance
13 footage?

14 A Yes, I do.

15 Q Does it appear to be the surveillance footage of the
16 incident on November 21st of 2014?

17 A Yes.

18 MS. MERCER: Your Honor, at this point, I would move
19 to admit 115 and 115A, and request to publish 115A.

20 THE COURT: What's 115A?

21 MS. MERCER: Yes, Your Honor. The disk is 115A, and
22 then the envelope is 115.

23 THE COURT: Is there any audio in this one?

24 MS. MERCER: No.

25 THE COURT: Any objection?

1 MR. TANASI: No objection, Your Honor.

2 THE COURT: Any objection?

3 MS. LOBO: No objection.

4 THE COURT: All right, they'd be admitted.

5 (Exhibits 115 and 115A are admitted)

6 MS. MERCER: Thank you, Your Honor.

7 BY MS. MERCER:

8 Q And ma'am, the larger screen, that's you, correct?

9 A Yes.

10 (Surveillance video is played)

11 (Stopped playing of surveillance video)

12 BY MS. MERCER:

13 Q And did you just see the gentlemen entering on the
14 top right screen?

15 A Yes, I did.

16 Q Are those the two suspects that entered your
17 business that night?

18 A Yes.

19 Q When you got up and walked out of the office, was
20 that you going to check out the sound that you heard from the
21 front?

22 A Yes.

23 (Surveillance video is played)

24 (Stopped playing of surveillance video)

25 BY MS. MERCER:

1 Q And is this the gentleman with the gun that you said
2 directed you to the office?

3 A Yes.

4 (Surveillance video is played)

5 (Stopped playing of surveillance video)

6 BY MS. MERCER:

7 Q The gentleman that has the headset on --

8 A Yes.

9 Q -- standing by the second suspect, who is that?

10 A That is Jorge Morales -- Jorge Morales.

11 Q And can you see the person behind him?

12 A Yes.

13 Q Who is that?

14 A That's Daniel.

15 (Surveillance video is played)

16 (Stopped playing of surveillance video)

17 BY MS. MERCER:

18 Q The cardboard box that he just emptied out, is that
19 the cardboard box that you were referring to placing the money
20 inside of?

21 A Yes.

22 (Surveillance video is played)

23 (Stopped playing of surveillance video)

24 BY MS. MERCER:

25 Q What's going on at this point, ma'am?

1 A Jorge was telling them that they -- because they
2 were still asking for more cash, Jorge was telling them that I
3 couldn't open the time lock safe or the Brink's.

4 Q Had you already deposited the money from the -- most
5 of the money from the cash registers into the time lock safe?

6 A Yes.

7 (Surveillance video is played)

8 (Stopped playing of surveillance video)

9 BY MS. MERCER:

10 Q Ms. Hubbard, one of the employees appears to have
11 knelt down, and the other one is still standing?

12 A Yes.

13 Q The employee that's still standing, was he able to
14 kneel down?

15 A No, he wasn't.

16 Q Why not?

17 A He has a bad knee.

18 (Surveillance video is played)

19 BY MS. MERCER:

20 Q Did he kneel down on his own, or did someone tell
21 him to do --

22 A The gentleman told him to do it.

23 (Stopped playing of surveillance video)

24 MS. MERCER: And I'm just going to pause it right
25 here.

1 BY MS. MERCER:

2 Q Do you see that tiny camera on the bottom on the
3 left?

4 A Yes.

5 Q Is that your back door?

6 A Yes, it is.

7 Q And is that them trying to get out the back door?

8 A Yes.

9 (Surveillance video is played)

10 (Stopped playing of surveillance video)

11 BY MS. MERCER:

12 Q Ma'am, the area where the chili was kept, is that in
13 the area where that -- the suspect is standing?

14 A Yes.

15 (Surveillance video is played)

16 (Stopped playing of surveillance video)

17 BY MS. MERCER:

18 Q And at that point, the second suspect exited the
19 business?

20 A Yes.

21 MS. MERCER: Your Honor, I'll pass the witness at
22 this point.

23 THE COURT: Cross?

24 MR. TANASI: No questions, Your Honor. Thank you.

25 MR. MANINGO: No questions, Your Honor.

1 THE COURT: Okay. At this time then, can Ms.
2 Hubbard be excused?

3 MS. MERCER: Yes, Your Honor.

4 THE COURT: Ms. Hubbard, thank you so much for your
5 testimony. You can step down. You're excused, okay? Call
6 your next witness.

7 MR. PORTZ: Your Honor, I believe the interpreter is
8 here now, so we'll be calling Sonia Soto De Mason.

9 THE COURT: Okay.

10 MR. PORTZ: And again, for the jurors' reference,
11 this will be event number seven of 14, related to counts 33
12 through 36.

13 THE MARSHAL: Okay, step up here again. Watch your
14 step. Have her face the clerk and raise your right hand.

15 THE CLERK: We'll do the interpreter first.

16 MAGDALENA BECERRA, INTERPRETER, SWORN

17 THE CLERK: Thank you. Can you please state and
18 spell your name?

19 THE INTERPRETER: Magdalena Becerra.
20 M-a-g-d-a-l-e-n-a. Last name is B as in boy, e-c-e-r-r-a.

21 THE CLERK: Okay. And then --

22 SONIA SOTO DE MASON, STATE'S WITNESS, SWORN

23 THE CLERK: Thank you. Please be seated.

24 THE MARSHAL: Just have her pull her chair up. Sit
25 there. Do you want a chair?

1 THE COURT RECORDER: We need the interpreter by the
2 mic. Yeah, thank you.

3 THE CLERK: And then if you could please state your
4 full name, spelling of the first and last name for the record.

5 THE WITNESS: Sonia Leticia (phonetic) Soto De
6 Mason.

7 THE COURT: Can you spell it?

8 THE WITNESS: Okay. Sonia is S-o-n-i-a. L-t --

9 THE INTERPRETER: She said S, but it's c-i-a.

10 THE WITNESS: Last name, Soto, S-o-t-o, space, D-e,
11 space, M-a-s-o-n.

12 THE COURT: Your witness, Mr. Portz.

13 MR. PORTZ: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. PORTZ:

16 Q Ma'am, I'm going to direct your attention to
17 November 17th of 2014. Where were you working at that time?

18 A At Burger King.

19 Q And specifically, did you work at the Burger King on
20 2599 South Nellis?

21 A Yes.

22 Q And what hours were you working on November 17th,
23 2014?

24 A I start at 7:00 until 2:00 or 1:00 A.M.

25 Q And who were you working with that night?

1 A My manager, the name is Jose; and my other coworker,
2 his name is Cornell.

3 Q Is Jose's last name Romero?

4 A Yes.

5 Q And is Cornell's last name Combs?

6 A Yes.

7 Q At about 12:40 in the morning, did something out of
8 the ordinary happen at your store?

9 A Yes.

10 Q What were you -- what happened at that point in
11 time?

12 A I was doing the dishes at that time, and my manager
13 I heard that was like yelling outside.

14 Q Did you hear the yelling?

15 A I didn't hear anything.

16 Q What did your manager do at that point?

17 A He kept on working, but then he heard that they
18 pound on the door three times.

19 Q Now, is this the front door or the back door?

20 A Front. Front door.

21 Q Okay. And Ms. Soto De Mason, is it fair to say you
22 understand a little English?

23 A Yes.

24 Q Okay. Because you're using an interpreter today, I
25 ask that you wait until she fully interprets my question

1 before you respond in Spanish, okay? Okay? Thank you.

2 So, when you hear this noise coming from the front
3 door, what does your manager do at that point?

4 A He told us to run to the back door.

5 Q And would that be you and Cornell?

6 A Exactly.

7 Q And do you and Cornell run to the back door?

8 A Yes.

9 Q Is Jose with you?

10 A Yes.

11 Q What happens -- well, who gets to the back door
12 first?

13 A Cornell.

14 Q And what happens when Cornell opens the back door?

15 A There was a person there, and then threw him to the
16 floor.

17 Q After they threw Cornell to the floor, did you see
18 what that person did to Cornell?

19 A He told him that he saw his face, and that if he saw
20 him on the street, he could do something to him.

21 Q Okay. This person at the back door, did they have
22 anything in their hands?

23 A A weapon.

24 Q What kind of weapon?

25 A A gun.

1 Q What was this person doing with the gun?

2 A Just pointing at Cornell while he was on the floor.

3 Q This person who was pointing the gun at Cornell,
4 could you give us a description of this person?

5 A Yeah. He was chubby, he had a sweatshirt over his
6 head, and a handkerchief right here.

7 Q And for the record, you're indicating a handkerchief
8 over the bottom of his face?

9 A Yes.

10 Q About how tall was this chubby person with the gun?

11 A I cannot tell you the measurements, but he was tall.

12 Q Okay. This person with the gun, could you see any
13 hair?

14 A Yeah. He had long hair with little like curls like
15 this.

16 Q Okay, so longer curly hair?

17 A Those are the curls that they make like that.

18 Q Okay. And did this person -- could you tell the
19 race of this person?

20 A He was dark-skinned.

21 Q When this person's pointing the gun at Cornell, what
22 is Cornell doing?

23 A He -- Cornell just said that, we're just workers, we
24 don't know anything about money, please don't harm us.

25 Q What do you do when you see this person pointing the

1 gun at Cornell?

2 A I left in the back and hid behind some racks.

3 Q And did anyone come and get you while you were back
4 there?

5 A Yeah, another person came with a gun, and grabbed
6 me, and asked me where the money was.

7 Q Was this a different person from the chubby person
8 with the gun pointed at Cornell?

9 A Yes.

10 Q Okay. How tall was this person?

11 A He was skinny and tall, about your height.

12 Q Okay. I'm about 6-foot-4, so would you estimate
13 about 6'4 then?

14 A Yes.

15 Q Was this person also chubby, or was this person
16 skinny?

17 A No, thin.

18 Q And could you tell the race of this person?

19 A I cannot identify that person, but I'm sure that
20 that person was white.

21 Q Did you see what this person was wearing?

22 A I remember that he had a green sweater.

23 Q Anything over his face?

24 A Yes, a handkerchief all the way up here. He did --
25 he had it up to here, and his -- and he had colored eyes.

1 Q Okay, so he had a handkerchief covering all the way
2 over his nose?

3 A Yes.

4 Q What did he do when he found you?

5 A He told me to come and show him where the money was.

6 Q And did you go with him?

7 A Yes. He said, where is the money, and I said, I
8 don't know anything, I only wash the dishes.

9 Q At any point, do you notice another person?

10 A Exactly, because that person was right here next to
11 me.

12 Q Is this after the taller person took you into the
13 store?

14 A Yes, the other person was here with me.

15 Q Okay. So this -- so there are three people total
16 who come to your store that night?

17 A Yes.

18 Q The third person that you saw, was this person tall,
19 short? How would you describe their height?

20 A They were short and skinny, and also a dark-skinned
21 race.

22 Q When they ask you for the money, what do you tell
23 them?

24 A That I didn't know anything about the money; that I
25 only cooked and washed the dishes.

1 Q And were you -- were you speaking to them in
2 English?

3 A Yes.

4 Q Was Cornell shouting anything else when they brought
5 you back into the back area?

6 THE INTERPRETER: Interpreter wants -- was Cornell
7 shoving?

8 BY MR. PORTZ:

9 Q Was Cornell saying anything else --

10 THE INTERPRETER: Oh.

11 MR. PORTZ: -- at this time?

12 THE WITNESS: Yeah, he -- while he remained on the
13 floor, he said, we're just workers; Sonia and I, we just clean
14 and -- clean here.

15 BY MR. PORTZ:

16 Q After you tell them you can't give them money, what
17 do they do?

18 A They left.

19 Q Did they say anything to you before they left?

20 A No, they didn't say anything. No, they just said,
21 there's nothing, let's go.

22 Q The tall man with the gun that came and got you when
23 you were hiding behind the racks, where was he pointing that
24 gun?

25 A With a gun?

1 Q Where was he pointing the gun?

2 A To me, like this.

3 Q After these individuals left your store, what did
4 you do?

5 A Okay. I took my phone out of the pocket of my
6 sweatshirt, and I called my son and told him that -- that I
7 didn't know what happened to my manager that had gone out of
8 the store.

9 Q Did you tell your son what had happened to you that
10 night?

11 A I told him what was going on, and he said, I already
12 called the police, and they called someone else.

13 Q Does your son live nearby to the -- to your store?

14 A We live next to the store.

15 Q And what kind of vehicle does your son drive?

16 A A gray Toyota. Oh, sorry, it's a Honda.

17 Q And does your son ultimately show up at the store
18 that night?

19 A Yeah, they called the police, they told him that
20 they're on their way there, what color was the car, and don't
21 get too close to it.

22 Q Okay, but did you see your son that night after the
23 robbery?

24 A Yes.

25 Q And to be clear, did these three suspects -- did any

1 of them take anything from you?

2 A No, they didn't take anything away. They didn't rob
3 anything.

4 Q Okay, and did they take anything away from your
5 store?

6 A No, they didn't take anything, but I was scared for
7 a week.

8 Q And ma'am, we're going to publish a video now. It's
9 going to be State's 92A. Sonia, the sweater that you saw, I
10 just want to clarify, was it gray or was it green?

11 A Gray. You mean -- you're talking about the one that
12 went and got me?

13 Q Yes, the taller guy that came in and got you.

14 A It was gray with a black stripe right here.

15 Q Okay. Where -- can you specify where the black
16 stripe was? I'm sorry.

17 A Right here on the side.

18 Q On the -- okay, so you're indicating on the side --
19 on both sides of the --

20 A On both sides.

21 Q -- of the person's body?

22 A Yes.

23 (Surveillance video is played)

24 (Stopped playing of surveillance video)

25 BY MR. PORTZ:

1 Q Okay, ma'am, is that you on the screen there?

2 A Yes.

3 Q And you recognize this as the back area of your
4 store; is that correct?

5 A Yes.

6 (Surveillance video is played)

7 THE WITNESS: I went to hide.

8 (Stopped playing of surveillance video)

9 BY MR. PORTZ:

10 Q Okay, ma'am, who is that that just came onto the
11 screen?

12 A My coworker, Cornell.

13 Q And then there's a second person with a red sweater
14 -- red and black sweater. Who is that person?

15 A Jose, my manager.

16 (Surveillance video is played)

17 (Stopped playing of surveillance video)

18 BY MR. PORTZ:

19 Q Okay, who's laying on the ground by the door now?

20 A Cornell.

21 Q And then, you said that there was a person -- a
22 chubby person that was pointing a gun at him?

23 A Yes.

24 Q Can you see the -- can you see the hand of the
25 person with the gun in this frame?

1 A No, I don't see it.

2 Q Okay.

3 (Surveillance video is played)

4 THE WITNESS: He was saying there.

5 (Stopped playing of surveillance video)

6 BY MR. PORTZ:

7 Q What was he saying -- what was Cornell saying there?

8 A First, he said, don't kill me, because I don't know
9 if his baby was born or was ready to born (sic). He said,
10 don't kill me because I got my baby.

11 Q And ma'am, are you still in the room to the left
12 where we saw you walk off earlier?

13 A Yes. Yeah, I was in there, but I was like in the
14 middle, seeing when they were saying that to Cornell.

15 (Surveillance video is played)

16 THE WITNESS: There is the one with the gray
17 sweatshirt to go get me.

18 (Stopped playing of surveillance video)

19 BY MR. PORTZ:

20 Q Okay, is that the man with the gray sweatshirt again
21 that we see?

22 A Yes, the one that went looking for me.

23 Q And where is he taking you right now?

24 A Like -- like three steps away from the office door.

25 Q This man in the gray, is this man the one that you

1 said is taller than the man in the black who's behind him?

2 A Yes.

3 (Surveillance video is played)

4 THE WITNESS: And then Cornell was yelling at that
5 time.

6 (Stopped playing of surveillance video)

7 BY MR. PORTZ:

8 Q Okay, did they just leave the back door?

9 A Yes, they left.

10 Q And then, just to be clear, the two men that came
11 with you onto the camera, neither of them was the chubby one
12 with the gun, correct?

13 A No, the one that was pointing at me was like the
14 tall man, and then the skinny one that -- that was right next
15 to me here.

16 Q Okay. Thank you, ma'am.

17 MR. PORTZ: I'll pass the witness, Your Honor.

18 THE COURT: Cross?

19 MR. TANASI: No questions, Your Honor.

20 THE COURT: Cross?

21 MR. MANINGO: Court's indulgence, Your Honor.

22 THE COURT: Okay.

23 MR. MANINGO: No more questions, Your Honor. Thank
24 you.

25 THE COURT: Okay. Okay. So, Ms. Soto De Mason,

1 thank you so much for your testimony. You're excused. You
2 can step down, okay?

3 THE WITNESS: Thank you.

4 THE COURT: Thank you. Call your next witness.

5 MS. MERCER: Your Honor, the State calls Alejandra
6 Uribe. And this is with regards to the tenth event, counts 48
7 through 51.

8 THE MARSHAL: Step up here and watch your step.
9 Okay, put your stuff [inaudible]. Face the clerk over here
10 and raise your right hand.

11 ALEJANDRA URIBE, STATE'S WITNESS, SWORN

12 THE CLERK: Thank you. Please be seated.

13 THE MARSHAL: Okay, just pull your chair up and
14 speak into this microphone.

15 THE CLERK: If you could please state your full
16 name, spelling of the first and last name for the record.

17 THE WITNESS: My first name is Alejandra,
18 A-l-e-j-a-n-d-r-a. Last name, Uribe, U-r-i-b-e.

19 THE COURT: Your witness --

20 MS. MERCER: May I proceed, Your Honor?

21 THE COURT: -- Ms. Mercer.

22 DIRECT EXAMINATION

23 BY MS. MERCER:

24 Q Ma'am, where are you currently employed?

25 A I am currently employed at New York-New York Hotel

1 and Casino for room service, answering the phone.

2 Q Were you previously employed at Popeye's?

3 A Yes.

4 Q Which location?

5 A The one on 60 -- on Stephanie in Henderson.

6 Q So, the address was 60 Stephanie in Henderson,
7 Nevada?

8 A I don't really remember the address.

9 Q Okay, but it was on Stephanie and it was in
10 Henderson?

11 A Yes.

12 Q And that's here in Clark County, Nevada?

13 A Yes.

14 Q How long did you work at that location?

15 A About four months. Four to five.

16 Q Were you working there back in November of 2014?

17 A Yes.

18 Q Specifically, with regards to November 22nd, 2014,
19 were you working?

20 A Yes.

21 Q What was your position with the company on that
22 date?

23 A My position for that company was an assistant
24 manager.

25 Q Is there any way that you could get a little bit

1 closer to the microphone for me, please?

2 A Yes.

3 Q Thank you. So, you were working as an assistant
4 manager on the 22nd of 2000 -- of November in 2014?

5 A Yes, that is correct.

6 Q What shift did you work on that date?

7 A Night.

8 Q Night shift?

9 A Yes.

10 Q What were the hours for that shift?

11 A 3:00 to 11:00.

12 Q So, 3:00 P.M. to 11:00 P.M.?

13 A Um-hum.

14 THE COURT: Is that a yes, ma'am?

15 THE WITNESS: Yes.

16 BY MS. MERCER:

17 Q Ma'am, I'm going to publish some exhibits on the
18 overhead for you. Showing you State's Exhibit 10, do you
19 recognize this as the location of your store right here where
20 it says "60 South Stephanie"?

21 A Yes.

22 Q And it's off of Paseo Verde Parkway and South
23 Stephanie, and close to the 215?

24 A Yes.

25 Q Is there an RC Willey nearby?

1 A Yes.

2 Q Showing -- or --

3 MS. MERCER: May I approach the witness, Your Honor?

4 THE COURT: Yes.

5 BY MS. MERCER:

6 Q Ma'am, I'm showing you what's been marked for
7 identification purposes as State's Proposed Exhibit 290.
8 Could you take a look at that and tell me whether you
9 recognize it?

10 A Yes.

11 Q And do you recognize that because it's another
12 aerial image of that vicinity?

13 A That is correct.

14 MS. MERCER: Your Honor, at this point, I would move
15 for the admission of State's Proposed 290.

16 THE COURT: Any objection?

17 MR. TANASI: No objection, Your Honor.

18 MS. LOBO: No objection.

19 THE COURT: 290 will be admitted.

20 (Exhibit 290 is admitted)

21 MS. MERCER: Permission to publish?

22 THE COURT: Yes.

23 BY MS. MERCER:

24 Q And on this aerial, you can see that your store is
25 here, and the RC Willey is over here, correct?

- 1 A That is correct.
- 2 Q When you were working on November 22nd of 2014, were
3 there any other employees working with you?
- 4 A Yes.
- 5 Q Do you recall who it was?
- 6 A It was Maria.
- 7 Q Is that Maria Lucia Sanchez?
- 8 A Yes.
- 9 Q And who else?
- 10 A Silvia.
- 11 Q What is Silvia's last name?
- 12 A I don't remember.
- 13 Q Who else?
- 14 A Gamaliel.
- 15 Q Is that G-a-m-a-l-i-e-l?
- 16 A Yes.
- 17 Q Do you recall his last name?
- 18 A Zavala.
- 19 Q Z-a-v-a-l-a?
- 20 A Yes.
- 21 Q And who else?
- 22 A Guillermo.
- 23 Q Is that Guillermo Ramirez?
- 24 A Um-hum. Yes.
- 25 Q And it's spelled -- is that a yes?

1 A Yes.

2 Q G-u-i-l-l-e-r-m-o?

3 A Yes.

4 Q And common spelling of the last name, Ramirez?

5 A Uh-huh.

6 THE COURT: Is that a yes, ma'am?

7 THE WITNESS: Yes.

8 THE COURT: Okay.

9 BY MS. MERCER:

10 Q Was there anyone else working with you?

11 A And Skyler.

12 Q Is that Skyler Cox?

13 A Yes.

14 Q And his name is spelled S-k-y-l-e-r?

15 A Yes.

16 Q What time did your lobby of the store close?

17 A The lobby closes at 10:00 P.M.

18 Q What time did your drive-thru close?

19 A At 11:00 P.M.

20 Q Between 10:00 and 11:00, what typically were your
21 employees doing?

22 A People who are assigned to be in lobby need to clean
23 lobby and clean the kitchen, and the other people are taking
24 care of drive-thru.

25 Q Is there any way you can speak up just a tiny bit

1 for me, please?

2 A Yes. And the other people take care of the
3 drive-thru.

4 Q Who was -- who specifically was working the
5 drive-thru that night?

6 A There was a guy named Dominic (phonetic), but he
7 left at 10:00.

8 Q So, once he left, who was watching the drive-thru
9 for that last hour that it was open?

10 A Skyler.

11 Q Skyler Cox?

12 A Yes.

13 Q And what would you typically do between 10:00 and
14 11:00 as the manager?

15 A Make sure everyone, they do their duties, and count
16 registers and count the money.

17 Q Okay. And what does that process entail, the
18 counting of the registers? What do you do? Do you have to
19 print receipts so that you see how much should be in the
20 drawer and compare it to what's actually in the drawer? What
21 do you do?

22 A We would have to print out a receipt in the -- in
23 the main lobby register, and then from there, we would have to
24 see how many sales we did for the day and how much each drawer
25 is supposed to have in total.

1 Q Okay. And then once you've counted the contents of
2 the drawer, what would you do with the contents of the drawer,
3 as well as the drawer?

4 A Leave the drawer \$200, and take the rest of it and
5 put it in a pouch.

6 Q You would leave \$200 in the drawer?

7 A We would just leave \$100 in each drawer.

8 Q How many drawers were there in the lobby?

9 A Two.

10 Q And I take it there was only one drawer in the
11 drive-thru?

12 A Yes.

13 Q So, in total, by the time that you've counted down
14 all the money, there should only be \$300 between those three
15 drawers at the end of the night?

16 A Yes.

17 Q You said that you put the remainder of the money in
18 a pouch?

19 A Yes.

20 Q Where does the pouch go?

21 A The -- our safe had a little box at the top, and we
22 would have to put it -- put the little pouches inside the
23 pouch in the safe.

24 Q So, there's a slot in the safe?

25 A Yes.

1 Q Once the money's placed in the safe, do you have
2 access to the safe?

3 A Yes.

4 Q How do you access the safe?

5 A We had a key.

6 Q You had a key?

7 A Uh-huh.

8 Q Did everyone have a key, or just you because you
9 were the manager?

10 A Just me.

11 Q Okay. While you were at work on November 22nd of
12 2015, did something unusual happen?

13 A Can you repeat that again for me?

14 Q Yes. While you were at work on November 22nd of
15 2015, did -- I'm sorry, 2014, did something unusual happen?

16 A Yes.

17 Q What happened?

18 A We got robbed that night.

19 Q Where were you inside of the business when you first
20 realized that something unusual was happening?

21 A In front of the registers in the lobby.

22 Q Who was in the front of the store with you?

23 A Skyler.

24 Q Publishing State's Exhibit 123, is this the area
25 where you were when you realized that something was happening?

1 A Yes.

2 Q Showing you State's Exhibit 124, is this that same
3 area, also depicting the drive-thru window?

4 A That is correct.

5 Q Was Skyler standing at the drive-thru window, or was
6 he at the cash registers in the lobby with you?

7 A I don't really remember exactly where he was
8 located, but he was not that far from me, so he was by -- like
9 by the main registers where I was.

10 Q And what was it that alerted you to the fact that
11 something unusual was happening in your store that night?

12 A All of a sudden, someone threw a big rock in the
13 window, and that's when I noticed something was happening.

14 Q When you say that they threw a big rock through the
15 window, which window was it?

16 A Not by the main entrance door, but we had another
17 door by the drive-thru, and it was next to that one.

18 Q Publishing State's Exhibit 120, is this the window
19 that you're referring to?

20 A Yes.

21 Q Showing you State's Exhibit 121, and I'm going to
22 zoom-in so it's a little bit more clear. Is this that same
23 window from the inside of the restaurant?

24 A Yes.

25 Q Showing you State's Exhibit 122, is this the rock

1 that was thrown through that window that night?

2 A That is correct.

3 Q You said that you saw someone throw the rock through
4 the window. What happened after he threw the rock through the
5 window?

6 A The guy came in through the -- through the hole.

7 Q The guy that threw the rock came in through the hole
8 in the window?

9 A Yes.

10 Q Do you recall what that person was wearing?

11 A I don't really remember, but I remember he was
12 wearing a dark hoodie.

13 Q A dark hoodie?

14 A Yes.

15 Q Was he wearing anything on his face?

16 A A surgical mask.

17 Q What about on his hands? Was he wearing anything on
18 his hands?

19 A I don't remember.

20 Q Do you remember what he was wearing on the lower
21 part of his body?

22 A Yes, some dark gray --

23 Q What was he wearing?

24 A Some dark pants.

25 Q Dark pants? Was he carrying anything in his hands?

1 A Yes.

2 Q What was it?

3 A A gun.

4 Q Do you recall what color that gun was?

5 A Black.

6 Q Could you tell what race the individual was?

7 A Yes.

8 Q What race was he? What race was the individual?

9 A He was dark-skinned.

10 Q Dark-skinned?

11 A Yes.

12 Q When the person came through the window, where did

13 he go?

14 A He -- once he entered through the hole, he came

15 through to where I was located.

16 Q At the -- behind the counter?

17 A Yes.

18 Q I'm showing you 124 again. This is where you were

19 standing, this area?

20 A Yes.

21 Q When he came to where you were, did he say anything

22 to you?

23 A Yes.

24 Q What did he say?

25 A He was -- he was yelling at us to get on the ground.

1 Q And when you say "us," you're referring to yourself
2 and Skyler?

3 A Uh-huh. Well, to everyone.

4 Q And you said -- that was an "uh-huh," as in yes?

5 A I'm -- yes.

6 Q What was he doing with the gun?

7 A He was pointing at us with a gun.

8 Q When you say "pointing at us," was he moving it back
9 and forth between the persons present, or was he just pointing
10 it at one specific individual?

11 A Just pointing it to one specific individual.

12 Q Who was he pointing it at?

13 A Me.

14 Q Once -- did he -- did everyone get on the ground?

15 A Only me and Skyler.

16 Q What happened at that point?

17 A After that point we got on the ground, he told me to
18 go to the safe.

19 Q He being the individual that came through the window
20 with the gun?

21 A Yes.

22 Q Did you go to the safe?

23 A Yes.

24 Q Where is the safe?

25 A The safe is located --

1 Q Can you see it in this photograph that's up there?
2 A I mean, you would have to turn toward like that --
3 the other --
4 Q Generally speaking, in which direction would it be?
5 A It would be on the lefthand side.
6 Q So, back here somewhere?
7 A No, I'm sorry, the other side. Like --
8 Q Over here?
9 A Like where your finger was pointing, but like more
10 behind.
11 Q Right here?
12 A Yeah.
13 Q Okay. Were you by yourself with that individual at
14 the safe, or was someone else with you?
15 A Someone else was with me.
16 Q Who was with you?
17 A Skyler.
18 Q What happened at that point?
19 A He told me to open the safe.
20 Q What was he doing with the gun?
21 A He was pointing it at me.
22 Q Where specifically was he pointing the gun at you?
23 A At my head.
24 Q How much money was in the safe?
25 A I don't remember exactly how much we did, but I know

1 we sold a lot that day.

2 Q Would you say that it was a couple hundred dollars,
3 or closer to \$1,000?

4 A Closer to 1,000.

5 Q Had you counted down all the drawers at that point?

6 A No, I still needed one more.

7 Q Which drawer? The drive-thru drawer?

8 A Yes.

9 Q Did you -- once you opened the safe, did you empty
10 the safe for the person with the gun, or did the person with
11 the gun empty the safe?

12 A He reached in, got some -- got the roll of coins and
13 started putting it in his bag, and then after that, then he
14 was like -- to start putting the money (sic).

15 Q The rolled coins that you're referring to, were they
16 wrapped in paper?

17 A Yes.

18 Q Do you remember if they said anything on the rolls
19 of paper?

20 A I think it just had like quarters, dimes, nickels,
21 and pennies.

22 Q You said that he was putting them in a bag. What
23 kind of a bag was he putting them in?

24 A I don't recall.

25 Q Do you remember what color it was?

1 A White.

2 Q At any point during this incident, did you become
3 aware of a second person that was also inside of the
4 restaurant?

5 A Yes.

6 Q When did you learn of that person's presence?

7 A When I turned around and I saw Skyler.

8 Q Turned around at what point? Were you at the safe
9 when you turned around and saw him?

10 A Yes.

11 Q And what was that second person wearing?

12 A The second person, you -- Skyler, or?

13 Q Was there a second suspect that entered your
14 business that day?

15 A Yes.

16 Q What was he wearing?

17 A I don't recall, but he was wearing I believe a dark
18 gray sweater.

19 Q Dark gray sweater? Did he have anything covering
20 his face as well?

21 A I don't recall.

22 Q Was he carrying anything in his hands?

23 A Yes.

24 Q What was he carrying?

25 A A knife.

1 Q Could you tell what race that person was?

2 A Yes.

3 Q What race was he?

4 A Dark skin.

5 Q When that -- when you noticed that person present in
6 your restaurant, what did that person do?

7 A He was pointing the knife at us to tell to put the
8 money in another bag (sic).

9 Q Put the money in another bag?

10 A Uh-huh.

11 Q What kind of --

12 THE COURT: Is that a yes, ma'am?

13 THE WITNESS: Yes.

14 BY MS. MERCER:

15 Q What kind of bag was that?

16 A It was a -- I don't recall if it was exactly
17 Walmart, but it was a blue cloth bag.

18 Q A blue cloth bag?

19 A Yes.

20 Q When you say blue, was it a light blue, a dark blue,
21 a bright blue? How would you describe it?

22 A The Walmart blue.

23 Q Walmart blue?

24 A Yes.

25 Q What did you -- you indicated that the person with

1 the white bag, the first person that came into the store with
2 the gun, ordered you to put the coins in the white bag?

3 A Yes.

4 Q Did you put any dollar bills in the bag --

5 A Yes.

6 Q -- for him? What went into the blue bag?

7 A The other money that -- the ones that we put in the
8 black pouch, which was the deposit for the night that we would
9 have to return in the morning at the bank.

10 Q Did you place the entire pouch into the blue bag, or
11 just dump it into the blue bag?

12 A He just -- we just dumped them in there.

13 THE COURT: I didn't hear that. You want to repeat
14 that, please?

15 THE WITNESS: We just dumped it in there.

16 THE COURT: Okay.

17 BY MS. MERCER:

18 Q At that point when you were filling the blue bag,
19 was the person with the knife standing at the safe with you
20 and the person with the gun?

21 A Yes.

22 Q What happened at that point?

23 A When the second guy got the money, they were just
24 rushing out of the restaurant.

25 Q How did they leave the restaurant?

1 A Through the drive-thru window.

2 Q At the time that this was happening, do you know
3 where your other employees were?

4 A They all ran out.

5 Q Ma'am, I'm publishing State's Exhibit 126 on the
6 overhead. Is this the safe that you're referring to?

7 A Yes.

8 Q And showing you State's Exhibit 127, is this the
9 same safe, just at a different angle?

10 A That is correct.

11 Q Showing you State's Exhibit 128, is this the same
12 safe that was there that night --

13 A Yes.

14 Q -- on the floor? And you don't normally keep your
15 drawers on the floor, correct?

16 A No.

17 Q That happened during the robbery?

18 A Yes.

19 Q And you can see the rolled paper coins?

20 A Uh-huh. Yes.

21 Q Showing you State's Exhibit 129, this is a
22 photograph of the interior of that safe, correct?

23 A That is correct.

24 Q Showing you State's Exhibit 130, are these the
25 pouches that you're referring to?

1 A Yes.

2 Q Showing you State's Exhibit 131, what is this and
3 where was it?

4 A It's on top of the shelf, and that is where we left
5 our phone for the restaurant when someone would call to make a
6 big order, or they would make -- there were just -- something
7 was missing in their bag and they would do a complaint.

8 Q Was it a cordless phone?

9 A I'm sorry?

10 Q Was it a cordless phone?

11 A Yes.

12 Q What happened to that cell phone that night -- or
13 that cordless phone that night?

14 A They took it.

15 Q Was there also a cell phone at your work station at
16 the time of the robbery?

17 A Yes.

18 Q Whose cell phone was that?

19 A Guillermo's.

20 Q And what happened to that cell phone?

21 A They took it as well.

22 Q You indicated that they both fled out the
23 drive-thru, correct?

24 A Yes.

25 Q Generally speaking, do you all wipe down your

1 drive-thru counter every day?

2 A Yes.

3 Q And there's no reason that there would be shoe
4 prints on it, correct?

5 A No.

6 Q You guys don't stand up there?

7 A No.

8 Q Is it a metal bar -- a metal counter? Showing you
9 State's Exhibit 118, I'm going to zoom-in. Is that your
10 drive-thru window?

11 A Yes.

12 Q And this is metal right here?

13 A Yes.

14 Q Showing you State's Exhibit 119, this is that same
15 counter, correct?

16 A Yes.

17 Q Is your store equipped with surveillance equipment?
18 Did you have surveillance cameras in your store?

19 A Yes.

20 Q Were they working that night?

21 A Yes.

22 Q Have you had the opportunity to review that
23 surveillance video?

24 A Yes.

25 Q Was it a fair and accurate recording of what

1 occurred that night?

2 A That is correct.

3 Q After the robbery, did you contact 911?

4 A Yes.

5 Q After you contacted 911, did Skyler have to get on
6 the phone?

7 A Yes.

8 Q Were you present when Skyler spoke to the 911
9 operator?

10 A I handed him the phone to speak with 911.

11 Q Have you had an opportunity to review that
12 conversation with the 911 operator?

13 A I'm sorry?

14 Q Did you have an opportunity to listen to your
15 conversation with the 911 operator?

16 A Yes.

17 Q Was that a fair and accurate recording of your
18 conversation?

19 A Yes.

20 MS. MERCER: Your Honor, at this point, I would
21 request permission to publish portions of State's Exhibit 136A
22 so that the witness can authenticate the surveillance and the
23 call.

24 THE COURT: Yes.

25 (Surveillance video is played)

1 (Stopped playing of surveillance video)

2 BY MS. MERCER:

3 Q And ma'am, does that appear to be the surveillance
4 video of your store that night on November 22nd of 2014?

5 A Yes.

6 (911 call is played)

7 (Stopped playing of 911 call)

8 BY MS. MERCER:

9 Q Ma'am, was that your voice that you heard on that
10 recording?

11 A Yes.

12 MS. MERCER: Your Honor, at this point, I would move
13 for the admission of State's 136 and 136A.

14 THE COURT: Any objection?

15 MR. TANASI: No objection, Your Honor.

16 MS. LOBO: No objection.

17 THE COURT: Okay, they'd be admitted.

18 (Exhibits 136 and 136A are admitted)

19 MS. MERCER: Permission to publish both?

20 THE COURT: Yes.

21 (911 call is played)

22 (Stopped playing of 911 call)

23 (Surveillance video is played)

24 (Stopped playing of surveillance video)

25 BY MS. MERCER:

1 Q Ma'am, is -- do you see the video camera that was
2 just blown up?

3 A Yes.

4 Q Is that one of the individuals that came into your
5 store that night?

6 A Yes.

7 Q Is that the individual that had the gun or the
8 knife?

9 A The gun.

10 Q And this camera right here that's black and white,
11 is that a camera that's mounted outside of your drive-thru
12 window?

13 A Yes.

14 Q And does this appear to be someone coming in through
15 that window?

16 A Yes.

17 Q Is that the second suspect?

18 A Yes.

19 (Surveillance video is played)

20 (Stopped playing of surveillance video)

21 BY MS. MERCER:

22 Q And in this camera, is that Skyler that's on the
23 ground in the baseball cap?

24 A Yes.

25 Q Is that you behind him?

1 A Yes.

2 Q And which individual is that that's standing to your
3 left?

4 A I believe it's the first one.

5 Q Is that the area where the safe was?

6 A I'm sorry?

7 Q Is that the area where the safe was when you and
8 Skyler were on the ground?

9 A Yes.

10 Q And in this camera angle, that's Skyler crouched
11 down by the drive-thru window, correct?

12 A Yes.

13 Q And is this the second suspect entering?

14 A Yes.

15 (Surveillance video is played)

16 BY MS. MERCER:

17 Q At this point, you're emptying the safe?

18 A Yes.

19 Q Or they're emptying the safe?

20 (Stopped playing of surveillance video)

21 MS. MERCER: Okay, we've paused it now at 11:19:59
22 seconds.

23 BY MS. MERCER:

24 Q Do you see the blue item in that suspect's hand?

25 A Yes.

1 Q Is that the blue bag that you were referring to?

2 A Yes.

3 Q And that's the individual with the gun?

4 A I don't really recall.

5 Q Okay.

6 (Surveillance video is played)

7 (Stopped playing of surveillance video)

8 BY MS. MERCER:

9 Q Did you see him reach up and take the cordless phone
10 just now?

11 A Yes.

12 (Surveillance video is played)

13 (Stopped playing of surveillance video)

14 BY MS. MERCER:

15 Q And that's the individual with the blue bag leaving
16 out the drive-thru window?

17 A Yes.

18 (Surveillance video is played)

19 (Stopped playing of surveillance video)

20 BY MS. MERCER:

21 Q And at that point, the robbery was completed,
22 correct?

23 A Yes.

24 Q And that's when you called 911?

25 A Yes.

1 MS. MERCER: Your Honor, I'll pass the witness at
2 this time.

3 THE COURT: Cross?

4 MR. TANASI: No questions, Your Honor.

5 MR. MANINGO: No questions. Thank you.

6 THE COURT: Okay, okay. So, Ms. Uribe, thank you so
7 much for your testimony. You can step down. You're excused.

8 THE MARSHAL: The jury has some questions.

9 THE COURT: Oh, wait, no you can't. Sorry. Hold
10 on. Hold on, ma'am. Can the parties approach?

11 (Off-record bench conference)

12 THE COURT: Okay. Ms. Uribe, do you recall the type
13 of shoes the suspect was wearing that was with you at the
14 safe?

15 THE WITNESS: I don't remember the brand, but I
16 remember they were dark tennis shoes.

17 THE COURT: Okay. Any questions as a result of
18 those questions?

19 MS. MERCER: Yes.

20 THE COURT: Okay.

21 REDIRECT EXAMINATION

22 BY MS. MERCER:

23 Q When you say that you remember they were dark tennis
24 shoes, which individual are you referring to; the one with the
25 knife or the one with the gun?

1 A The first one that -- with the gun.

2 Q Okay. Do you recall what the -- what shoes the
3 individual with the knife was wearing?

4 A I don't recall.

5 MS. MERCER: I don't have any additional questions,
6 Your Honor.

7 THE COURT: Any cross?

8 MR. TANASI: No questions, Your Honor.

9 THE COURT: Any cross?

10 MR. MANINGO: No, sir.

11 THE COURT: Okay. All right. Ms. Uribe, thank you
12 so much. You can step down. You're excused. Call your next
13 witness.

14 MR. PORTZ: Thank you, Your Honor. The State calls
15 Skyler Cox.

16 THE MARSHAL: Step up here, please. Watch your step
17 there. Remain standing, face the clerk over here, and raise
18 your right hand.

19 SKYLER COX, STATE'S WITNESS, SWORN

20 THE CLERK: Thank you. Please be seated.

21 THE MARSHAL: Pull up your chair and speak into the
22 mic.

23 THE CLERK: If you could please state your full
24 name, spelling of the first and last name for the record.

25 THE WITNESS: Skyler Cox. S-k-y-l-e-r. Last name,

1 Cox, C-o-x.

2 THE COURT: Your witness, Mr. Portz.

3 MR. PORTZ: Thank you.

4 DIRECT EXAMINATION

5 BY MR. PORTZ:

6 Q Mr. Cox, I want to direct your attention back to
7 November 22nd, 2014. Were you working at a Popeye's on 60
8 North Stephanie on that evening?

9 A Yes.

10 Q And what was your shift that day?

11 A Night shift, 4:00 to 11:00.

12 Q I'm going to publish State's 116.

13 MR. PORTZ: Can we switch over to the Elmo? Thank
14 you.

15 BY MR. PORTZ:

16 Q Is that a photograph of your Popeye's, sir?

17 A Yes.

18 Q Do you know -- happen to know whether or not that
19 Popeye's is located next to or nearby an RC Willey?

20 A Yes.

21 Q Is it visible from the parking lot?

22 A Yes.

23 Q At about 11:15 P.M. that evening, were you still
24 working at Popeye's?

25 A Yes.

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON STARR,)
#1165964,)
Appellant,)
v.)
STATE OF NEVADA,)
Respondent.)
_____)

CASE NO.: 71401 Electronically Filed
E-FILE Jun 21 2017 09:23 a.m.
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APPELLANT'S APPENDIX VOLUME VII

Appeal from a Denial of Post Conviction Relief
Eighth Judicial District Court, Clark County

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MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
Amended Judgment of Conviction [Jury Trial] (10/19/16)	3	556-00567
Case Appeal Statement [Terrence M. Jackson] (9/23/16)	3	548-00550
Case Appeal Statement [clerk of court] (10/4/16)	3	551-00552
Cert. of Service: Motion to Sever: Hobson (6/3/15)	1	142-00143
Defendant's Joint Memorandum in Support of Proposed Jury Instructions (5/19/2016)	2	359-00370
Defendant's Notice of Witnesses (4/22/2016)	2	326-00327
Findings of Fact, Conclusions of Law, Order (4/13/16)	2	315-00323
Indictment: (December 12, 2014)	1	01-00006
Instructions to the Jury (5/23/2016)	2	371-00472
Joinder in Hobson's Motion to Sever: Starr: (6/5/2015)	1	144-00146
Judgment of Conviction [Jury Trial] (9/20/16)	3	532-00542
Jury Trial - Day 13 - heard 5/23/16 @ 1:44 p (7/22/16)	3	504-00531
Jury Trial - Day 1 - heard 5/4/2016 (1/3/17)	3	568-00686
Jury Trial - Day 1 - heard 5/4/2016 (1/3/17)	3	687-00750
Jury Trial - Day 2 - heard 5/5/2016 (1/3/17)	4	751-00978
Jury Trial - Day 3 - heard 5/6/16 (1/3/17)	5	979-01133
Jury Trial - Day 4 - heard 5/9/16 (1/3/17)	5	1134-1225
Jury Trial - Day 4 - heard 5/9/16 (1/3/17)	6	1226-1362
Jury Trial - Day 5 - heard 5/10/16 (1/3/17)	6	1363-1426
Jury Trial - Day 5 - heard 5/10/16 (1/3/17)	6	1427-1476
Jury Trial - Day 6 - heard 5/11/16 (1/3/17)	7	1477-1622
Jury Trial - Day 7 - heard 5/12/16 (1/3/17)	7	1623-1720
Jury Trial - Day 7 - heard 5/12/16 (1/3/17)	8	1721-1879

MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
Jury Trial - Day 8 - heard 5/16/16 (1/3/17)	8	1880-1960
Jury Trial - Day 8 - heard 5/16/16 (1/3/17)	9	1961-2115
Jury Trial - Day 9 - heard 5/17/16 (1/3/17)	9	2116-2210
Jury Trial - Day 9 - heard 5/17/16 (1/3/17)	10	2211-2304
Jury Trial - Day 10 - heard 5/18/16 (1/3/17)	10	2305-2455
Jury Trial - Day 10 - heard 5/18/16 (1/3/17)	11	2456-2610
Jury Trial - Day 11 - heard 5/19/16 (1/3/17)	11	2611-2714
Jury Trial - Day 12 - heard 5/20/16 (1/3/17)	12	2715-2858
Motion to Continue Trial: Starr: (4/6/2016)	2	299-00303
Motion for Discovery & Alt. Motion in Limine (4/27/16)	2	328-00358
Motion to Sever from Co-Defendant's: Hobson: (6/1/15)	1	107-00129
Motion to Sever by Defendant: Starr: (June 2, 2015)	1	130-00141
Motion to Withdraw Counsel & Motion to Appoint Appellant Counsel [<i>pro per</i>] (9/21/2016)	3	543-00545
Notice of Alibi Witnesses: Starr: (4/22/2016)	2	324-00325
Notice of Appeal [Terrence M. Jackson] (9/23/16)	3	546-00547
Notice of Appeal [<i>pro per</i>] Defendant Starr (10/10/16)	3	554-00555
Notice of Witnesses and/or Expert Witnesses (8/4/2015)	2	264-00298
Order Appointing Terrence M. Jackson, Esquire (10/7/16)	3	00553
Order Denying Defendant's Motion to Sever (7/21/2015)	2	262-00263
Second Superseding Indictment (April 24, 2015)	1	57-00106
Sentencing - heard 9/8/16 (1/3/17)	12	2859-2895
State's Opposition to Motion to Sever: (6/19/2015)	1	147-00250
State's Opposition to Motion to Sever: (6/19/2015)	2	251-00261
State's Opposition to Motion to Continue (4/7/2016)	2	304-00306

MASTER INDEX

Case No.: 71401

Document (File stamp date in parenthesis)	Vol.	Page No.
State's Supplemental Notice of Witnesses &/or Expert	2	307-00314
Superseding Indictment: (February 20, 2016)	1	007-00056
Verdict: Defendant Starr (5/23/2016)	2	473-00503

CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esq., am a person competent to serve papers and not a party to the above-entitled action and on the 19th day of June, 2017, I served a copy of the foregoing: Appellant's Appendix and Index, Volumes I - XII, as follows:

[X] Via Electronic Service (*eFlex*) to the Nevada Supreme Court and to the Eighth Judicial District Court, and by U.S. mail with first class postage affixed to the Petitioner/Appellant as follows:

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By: /s/ Ila C. Wills
Assistant to Terrence M. Jackson, Esq.

1 A A mixture of both.

2 Q A mixture of both? Were the coins wrapped, or were
3 they loose coins, or both?

4 A Both. No, wrapped and money -- paper and wrapped,
5 that's correct. And one drawer was in there, so it would --
6 just wrapped.

7 Q Okay. These individuals -- and I apologize if you
8 answered this already. Could you determine -- I know they
9 were wearing bandanas, but could you tell the race of these
10 individuals?

11 A I would say they were dark-toned, but as for race,
12 not 100 percent sure, sir.

13 Q Okay.

14 A But they did have brown eyes and shaved heads.

15 Q Okay. Brown eyes and shaved heads, and then
16 dark-toned skin?

17 A Yes.

18 Q When they put all the -- after they put the money
19 inside that blue bag with the handles, what did they do?

20 A They exited through the SYGMA Food Corp. drop-off
21 door, which is not accessible to employees or to guests.

22 Q Did they say anything to you or your fellow
23 employees before they left that evening?

24 A I do not recall. At that point, I was just kind of
25 sitting there.

1 Q Did you notice anything on their hands?

2 A They were gloved.

3 Q And do you recall the style of dress they were
4 wearing?

5 A Plain clothing.

6 Q Plain clothing?

7 A Like so that you couldn't really distinguish them
8 kind of clothing, like -- you know.

9 Q Would you characterize the clothing as dark in color
10 or light in color, or can you answer that?

11 A I cannot recall. I remember that they had blue
12 gloves though.

13 Q And the sleeves, do you recall whether they were
14 long-sleeved or short-sleeved, what they were wearing? It's
15 okay.

16 A I'm trying.

17 Q If you don't recall, that's fine.

18 A It's on the tip of my tongue. I apologize, I
19 cannot.

20 Q That's all right. Again, would a copy of your
21 voluntary statement that you gave to officers that night
22 refresh your recollection?

23 A Please.

24 MR. PORTZ: Your Honor, may I approach?

25 THE COURT: Yes.

1 MR. PORTZ: I'm showing page 6 of the voluntary.

2 BY MR. PORTZ:

3 Q Okay, I'm going to show you your voluntary statement
4 again, and I'm going to direct you to the top portion question
5 and answer. Take a moment. Have you --

6 A [Inaudible].

7 Q Sorry. So, after reading that, is your memory
8 refreshed as to whether they were wearing long sleeves or
9 short sleeves?

10 A They would have to be wearing long sleeves. That
11 was in the statement.

12 Q Now, you said that you had suffered injuries. We
13 see obviously in the exhibit that's currently published,
14 Exhibit 98, some blood on the ground. I'm going to publish
15 State's 100. Is that a photograph of you from that night,
16 sir?

17 A Those firemen do like to wrap you up in headdresses.
18 Yes, sir.

19 Q Okay. So, that is you from that night in question,
20 right? Did you go to the hospital that evening?

21 A I did.

22 Q And you testified that you had to get what sort
23 of --

24 A Sutures. Just --

25 Q Sutures?

1 A Just get stitched up.

2 Q Okay. And are you familiar as the closing manager
3 or shift manager of your store with the store surveillance
4 system?

5 A I was only a shift manager, so unfortunately, I did
6 not have access to it.

7 Q Okay, but were you familiar with the --

8 A The monitors that are by the door, yes.

9 Q Okay. And did you have a chance prior to your
10 testimony today to review footage of the incident that you've
11 just testified to?

12 A Yes.

13 MR. PORTZ: At this point, Your Honor, the State's
14 going to move to publish what's already been admitted as
15 State's 101A.

16 THE COURT: Okay.

17 THE WITNESS: Oh, I got a monitor.

18 (Surveillance video is played)

19 (Stopped playing of surveillance video)

20 MR. PORTZ: For the record, we've paused it at 38
21 seconds. Sorry, difficult to read.

22 BY MR. PORTZ:

23 Q And sir, can you tell us what is captured in the
24 bottom left corner? There's four video cameras in this
25 instance. What's the bottom left corner?

1 A That looks like the manager's office.

2 Q Okay, and is that where you were when the robbery
3 took place?

4 A I was just outside of it.

5 Q Okay. Did you see yourself being forced back inside
6 and being attacked?

7 A I was attacked outside of it, and forced into it.

8 Q Okay, thank you.

9 (Surveillance video is played)

10 THE WITNESS: Oh, look at that, it did have handles.

11 (Stopped playing of surveillance video)

12 THE COURT: Mr. Portz, did you have any further
13 questions?

14 MR. PORTZ: Yes, Court's indulgence.

15 BY MR. PORTZ:

16 Q You may have already testified to this, sir, but
17 those -- the coins that were taken by the suspects, were they
18 loose coins, or wrapped, or both?

19 A Wrapped. The ones inside the containers were
20 wrapped.

21 Q The wrapped ones, do you recall if any company name
22 is placed on the logo of the wrapped coins?

23 A I do not. That's funny, because you see them like
24 100 times every -- throughout your career and you don't notice
25 those little things.

1 Q Do you recall if they had logos on them at all?

2 A I believe they did. I know they had the mount, what
3 the little wrapping was on it, and I remember the colors of
4 the -- of the -- of the packaging.

5 Q These wrapped coins, they would -- would they --
6 they would obviously wrap coins of different denominations,
7 right? Like quarters would be wrapped together, pennies,
8 dimes; is that correct?

9 A Yes.

10 Q Okay. Would --

11 A Nickels would have been blue wrapping, quarters
12 would have been like an orange/yellow wrapping, dimes would
13 have been green, and pennies would have been pinkish-red.

14 Q Perfect. You predicted my next question. Thank
15 you. And then, last question. Could you estimate the age of
16 these individuals who attacked you?

17 A Youthful, but not -- I can't say they'd break 30.
18 [Inaudible], but they'd be -- they looked very youthful,
19 looked very young, but they were definitely over 20 or 18.

20 Q Somewhere in their 20s?

21 A Yeah.

22 Q Is that a yes?

23 A Yes.

24 Q Okay.

25 MR. PORTZ: Court's brief indulgence. Mr. Mendoza,

1 thank you very much for your time. Your Honor, I have no
2 further questions at this point.

3 THE COURT: Any cross?

4 MR. TANASI: No cross, Your Honor. Thank you.

5 MS. LOBO: No, Your Honor.

6 THE COURT: Okay, let's see. Okay, we have a
7 question -- a number of questions. Will the parties approach?

8 (Off-record bench conference)

9 THE COURT: All right. This is -- Mr. Mendoza, how
10 did you determine the two individuals had shaved heads?

11 THE WITNESS: I could see the one above me -- in
12 front of me with a shaved head, but they had hoodies, but you
13 can -- even with the hoodie, some of your head -- forehead is
14 showing.

15 THE COURT: Okay.

16 THE WITNESS: But as for the second one, I don't --
17 the one with Janie, I -- I was more focused on the gun on me.

18 THE COURT: Okay. You clearly stated that one of
19 the guns was a silver metallic revolver. What do you
20 remember, if anything, about the second gun?

21 THE WITNESS: Only that it was pointed at the -- at
22 the other employee.

23 THE COURT: Okay.

24 THE WITNESS: Well, not employee. Jesus's --

25 THE COURT: How many rolls of coins do you estimate

1 they took?

2 THE WITNESS: Oh, plus \$50.

3 THE COURT: Did you hit -- I mean, did they hit you
4 with the handle of the gun?

5 THE WITNESS: It happened too swiftly for me to know
6 exactly.

7 THE COURT: Okay, and if -- whatever they hit you
8 with, if so, do you recall if the handle was wood or plastic?

9 THE WITNESS: I do not.

10 THE COURT: Okay. Any questions as a result of my
11 -- the questions of the jury?

12 MR. PORTZ: Not for the State. Thank you.

13 THE COURT: Any questions?

14 MR. TANASI: No, Your Honor. Thank you.

15 MS. LOBO: No, Your Honor.

16 THE COURT: Any questions? Okay. Mr. Mendoza,
17 thank you so much for your testimony. You can step down.
18 You're excused.

19 THE WITNESS: Thank you.

20 THE COURT: Okay.

21 THE WITNESS: Enjoy your day, Your Honor.

22 THE COURT: You, too. Call your next witness.

23 MS. MERCER: Your Honor, the State calls Jose
24 Romero, and his testimony pertains to the seventh event, and
25 counts 33 through 36.

1 THE COURT: Which event?

2 MS. MERCER: The seventh.

3 THE COURT: Seventh.

4 JUROR NO. 6: Your Honor, I have two general
5 questions. Can I --

6 THE COURT: Well, hold on for my marshal to come
7 back, okay? Where'd he go?

8 MS. MERCER: Your Honor, may we approach, please?

9 THE COURT: Sure. Jim, in the meantime, jurors have
10 a question, so why don't you grab that, okay?

11 (Off-record bench conference)

12 THE COURT: Okay. What was asked -- and I will go
13 ahead and clarify it. I talked to both parties; everyone
14 agrees. In the instructions, you're going to get a copy of
15 all the counts.

16 JUROR NO. 6: Okay.

17 THE COURT: And right now, before each person
18 testifies, the State is saying this applies to count, you
19 know, number 1, number 10, number whatever. So, you have
20 notepads maybe that would assist you if you wrote down what
21 they're saying each person --

22 JUROR NO. 6: Yeah.

23 THE COURT: -- applies to.

24 JUROR NO. 6: And I -- the reason why I'm clarifying
25 is because in the case of a witness, there may have been an

1 additional question that I would have asked had I known if one
2 of the -- if there was -- one of the counts pertained to
3 something. Do you know what I mean?

4 THE COURT: Okay.

5 JUROR NO. 6: Like, I generally know what most of
6 the counts are, but in the case of violence, for instance, I
7 don't know if that's one of the counts in that instance,
8 because there's 14 cases, there's 82 counts --

9 THE COURT: Okay. All right.

10 JUROR NO. 6: -- and she read them really fast.

11 THE COURT: Yeah.

12 JUROR NO. 6: And I'm a good note-taker, sir, but
13 I'm not that good.

14 THE COURT: Okay, okay. All right, I understand.
15 Okay. Just relax. We're waiting for -- seeing whether or not
16 they can get a last witness here, okay?

17 MS. MERCER: Your Honor, the witness indicated he
18 was refilling his parking meter so he wouldn't get a ticket.
19 He's on his way --

20 THE COURT: Is he here now?

21 MS. MERCER: He's on his way back in.

22 THE COURT: Okay.

23 (Pause in the proceedings)

24 (Off the record at 4:19 P.M. until 4:22 P.M.)

25 (Within the presence of the jury)

1 THE MARSHAL: Step up here. Watch your step there.

2 THE COURT: Okay. Hold on a minute, Jim. Hold on.

3 We're getting back on the record. Okay, go ahead.

4 THE MARSHAL: Raise your right hand and face the
5 clerk.

6 JOSE ROMERO, STATE'S WITNESS, SWORN

7 THE CLERK: Thank you. Please be seated.

8 THE MARSHAL: Pull up your chair and speak into this
9 microphone.

10 THE CLERK: Please state your full name, spelling
11 your first and last name for the record.

12 THE WITNESS: Jose Romero. J-o-s-e, R-o-m-e-r-o.

13 MS. MERCER: May I proceed, Your Honor?

14 THE COURT: Yes.

15 DIRECT EXAMINATION

16 BY MS. MERCER:

17 Q Good afternoon, sir. Where do you currently work?

18 A At Burger King.

19 Q Is that the Burger King located at 2599 South
20 Nellis?

21 A No, I work at the one on Charleston and Lamb.

22 Q Did you previously work at the one on South Nellis?

23 A Yes.

24 Q And how long have you been at the one on Charleston
25 and Lamb?

1 A About a month.

2 Q When you were working at the location on South

3 Nellis, were you the manager?

4 A Yeah.

5 Q How long did you work at that location?

6 A About six months.

7 Q When you were working there as the manager, what

8 shift did you typically work?

9 A The closing shift.

10 Q Which is what time to what time?

11 A 5:00 P.M. to 1:30.

12 Q Directing your attention specifically to November

13 17th of 2014, were you working that day?

14 A Yes.

15 Q Were you working with any other employees?

16 A Yes.

17 Q What other employees were you working with?

18 A Sonia and Cornell.

19 Q I'm sorry?

20 A Cornell.

21 Q Is that Cornell Combs, C-o-m-b-s?

22 A Yes.

23 Q And Sonia Soto De Mason?

24 A Yes.

25 Q And that's S-o-t-o, D-e, M-a-s-o-n?

1 A Yes.

2 Q What time did your store typically close?

3 A 12:00.

4 Q Sometime after the store closed, did something
5 unusual happen that night?

6 A Yes.

7 Q Where were you when you first got alerted to that
8 situation?

9 A In the office.

10 Q What were you doing in the office?

11 A I was finishing the last paperwork. I had deposited
12 the money already and I was just closing down the system.

13 Q When you say that you deposited the money already,
14 what does -- how do you deposit the money? Where does it go?

15 A You put it in the safe.

16 Q What type of safe is it?

17 A It's a Brink's safe, and --

18 Q Is -- I'm sorry?

19 A It -- I mean, you just -- there's a screen, and you
20 just put a cash drop, and then you just put the money in
21 there.

22 Q Once you place the money in there, could you access
23 the contents of the safe?

24 A No.

25 Q Is it a time locked safe?

1 A Yeah.

2 Q When would be the next time that the safe could be
3 opened?

4 A About 5:00 in the morning.

5 Q Was there only the one time locked safe in your
6 office?

7 A No.

8 Q Was there another safe?

9 A Oh, no, there was just one.

10 Q Okay. While you were in the manager's office doing
11 your tasks, what were Cornell and Sonia doing?

12 A Cornell was finishing up cleaning the kitchen, he
13 was getting ready to scrub the floors, and Sonia was cleaning
14 the broiler at the time.

15 Q How did you become aware that something unusual was
16 happening in your --

17 A Because --

18 Q -- business?

19 A -- I heard the banging on the door, and then Cornell
20 was walking with one of the -- I think it was trash cans to
21 the back, and he heard the banging on the door, and he turned
22 and told me that somebody was trying to break in.

23 Q When you say the banging on the door, which door?

24 A The main entrance door.

25 MS. MERCER: Permission to publish, Your Honor?

1 THE COURT: Yes.

2 BY MS. MERCER:

3 Q Publishing State's Exhibit 83 on the overhead, is
4 this the outside of your business?

5 A Yes.

6 Q And I know that it's kind of hard to see on this
7 exhibit, and I'm going to zoom-in. Do you see any damage to
8 that -- one of the windows of that door?

9 A Yes.

10 Q Was that there prior to the night of November 17th
11 when this happened?

12 A No.

13 Q And showing you State's Exhibit 84, is that a
14 close-up of that damage to the door?

15 A Yes.

16 Q And showing you State's Exhibit 85, is this from the
17 opposite side of that door, the interior side?

18 A Yes.

19 Q So, this is inside of your store?

20 A Yes.

21 Q When you heard the loud banging, what did you do?

22 A I -- I got up from my chair and I walked out of the
23 office, and then Cornell was kind of paranoid and he tried to
24 run out through the back.

25 Q He tried to run out through the back?

1 A Yeah, and --

2 Q What happened when he tried to run out through the
3 back?

4 A Well, we -- me and -- well, Sonia didn't really know
5 what was going on, so she turned and said, like, what's going
6 on? And me and Cornell didn't really tell her anything. And
7 I followed Cornell at the time, and then he opened the back
8 door.

9 Q What happened when Cornell opened that back door?

10 A There was somebody right there waiting for him, and
11 he just got hit and he fell to the floor.

12 Q Was it just one somebody, or were there more than
13 one person?

14 A It was just one, but he yelled -- he yelled
15 something towards -- I mean, to the back.

16 Q Behind him?

17 A Yeah.

18 Q Do you know what he yelled?

19 A No.

20 Q You said that he hit Cornell?

21 A Yes.

22 Q Where did he hit Cornell?

23 A In the face.

24 Q Could you tell whether it was with an open hand or a
25 closed fist?

1 A A closed fist.

2 Q And you said that Cornell fell?

3 A Yeah.

4 Q What happened at that point?

5 A At that point, I actually turned back the other way,
6 and I actually was able to get out through the main entrance
7 door.

8 Q Publishing State's Exhibit 86, is this -- is this
9 the door that you walked out of?

10 A Yes.

11 Q And do you see right here this little passageway?

12 A Yes.

13 Q Does that lead to the back of your store?

14 A Yes.

15 Q Publishing State's Exhibit 87, is this the office
16 where you'd been doing your work?

17 A Yes.

18 Q And is this the time locked safe?

19 A Yes.

20 Q Showing you State's Exhibit 88, is that just another
21 picture --

22 A Yes.

23 Q -- of your office? And showing you State's Exhibit
24 90, is this the door that Cornell tried to open?

25 A Yes.

1 Q Is that a door that is generally left open to the
2 public?

3 A No.

4 Q Showing you State's Exhibit 91, is this the other
5 side of that door --

6 A Yes.

7 Q -- from the outside? Showing you State's Exhibit
8 89, where in -- where -- what are we looking at here?

9 A There, you're looking at -- like if you were coming
10 in from the back door.

11 Q Where would the back door be in relation to this
12 photograph?

13 A Right as you walk in.

14 Q Okay. Could you draw an X or a line?

15 A The back door?

16 Q Yes. You can touch the screen and it will --

17 A Okay.

18 Q -- it will make a line.

19 A It would be right there, behind that.

20 Q So, behind those racks?

21 A Yeah.

22 Q Once you were able to get out of the front of the
23 store, what did you do?

24 A I called 911 as soon as I got out.

25 Q Did Sonia and Cornell stay inside of the business?

1 A Yes.

2 Q You indicated that you called 911. Were you on the
3 phone with 911 for quite a while?

4 A Yes.

5 Q Have you had an opportunity to review that 911 call?

6 A Yes.

7 Q To listen to it?

8 A Yes.

9 Q Was it a fair and accurate recording of the
10 conversation as you recall it with the 911 operator?

11 A Yes.

12 Q As the manager at that store, are you aware of
13 whether or not your store is equipped with surveillance
14 equipment?

15 A Yes.

16 Q And have you had a chance to review the surveillance
17 equipment from that night -- or the surveillance video from
18 that night?

19 A Yes.

20 Q Was it a fair and accurate depiction of what
21 occurred that night?

22 A Yes.

23 Q With regards to the person that hit Cornell and
24 knocked him to the ground, did you get a look at him?

25 A I was able to see a little bit of when he -- we --

1 the door was first opened.

2 Q The little bit that you were able to see, can you
3 describe what he was wearing?

4 A He was wearing about -- a gray sweater. It looked
5 like it had -- it was like darker on the torso than on the
6 sleeves.

7 Q So, you recall two tones?

8 A Yeah.

9 Q And what else do you recall?

10 A A red bandana.

11 Q What about his build? How would you describe his
12 build?

13 A About medium.

14 Q Do you recall about how tall he was?

15 A Maybe about 5'8, 5'9.

16 Q How -- was he the same height or taller than
17 Cornell?

18 A Taller.

19 MS. MERCER: Your Honor, at this point, I would
20 request permission to publish portions of State's Exhibit 92A.

21 THE COURT: Yes.

22 BY MS. MERCER:

23 Q Sir, what area of the store was that camera pointed
24 at? What area of the store is that? Is that the lobby?

25 UNKNOWN SPEAKER: He doesn't have it on his screen.

1 THE WITNESS: I can't --

2 BY MS. MERCER:

3 Q Oh, you can't see anything on your --

4 A Yeah, I can't see.

5 THE COURT: Try again, Christine.

6 THE COURT RECORDER: It's on the big monitor.

7 THE COURT: No, it doesn't show up on there either?

8 THE COURT RECORDER: No, it was on there.

9 UNKNOWN SPEAKER: [Inaudible].

10 THE COURT: Oh.

11 BY MS. MERCER:

12 Q Can you see anything yet?

13 A Yeah.

14 Q Okay. Is this the front counter area --

15 A Yes.

16 Q -- of your store that you were working in that
17 night?

18 A Yes.

19 Q And is this the front of the store, looking towards
20 the back?

21 A Yes.

22 Q Do you recognize the person in that video?

23 A Yes.

24 Q Is that you?

25 A Yes.

1 Q On November 17th?

2 A Yes.

3 Q Is this the camera that is aimed at that back door?

4 A Yes.

5 (Surveillance video is played)

6 (Stopped playing of surveillance video)

7 MS. MERCER: And it's paused at 40 seconds into that
8 last video.

9 BY MS. MERCER:

10 Q Is that you again?

11 A Yes.

12 Q On November 17th?

13 A Yes.

14 (911 call is played)

15 (Stopped playing of 911 call)

16 BY MS. MERCER:

17 Q Was that your voice on that recording?

18 A Yes.

19 MS. MERCER: Your Honor, at this point, I would move
20 for the admission of 92 and 92A.

21 THE COURT: Any objection?

22 MR. TANASI: No objection, Your Honor.

23 THE COURT: Any objection?

24 MS. LOBO: No objection.

25 THE COURT: All right, they'll be admitted.

1 (Exhibits 92 and 92A are admitted)

2 MS. MERCER: May I finish publishing the 911, Your
3 Honor?

4 THE COURT: Yes, um-hum.

5 (911 call is played)

6 (Stopped playing of 911 call)

7 BY MS. MERCER:

8 Q Sir, in the 911 call, you indicated that Cornell and
9 Sonia didn't have access to the safe, correct?

10 A Yes.

11 Q Is it a passcode that you have to enter?

12 A Yes.

13 Q And are -- only the managers get the passcodes?

14 A Yes.

15 Q And on the 911 call, you referred to it as being
16 2599 East Sahara. It's actually 2599 South Nellis, correct?

17 A Yes.

18 Q And I'm going to publish State's Exhibit 7 in a
19 minute when we're done with the video, so I'm just going to
20 leave it up there.

21 (Surveillance video is played)

22 (Stopped playing of surveillance video)

23 (Surveillance video is played)

24 BY MS. MERCER:

25 Q Mr. Romero, was that Sonia Soto De Mason?

1 A Yes.

2 Q Is that Cornell Combs that just walked into the
3 frame?

4 A Yes.

5 Q And that's Cornell on the ground?

6 A Yes.

7 Q And was that after he got struck?

8 A Yes.

9 (Stopped playing of surveillance video)

10 MS. MERCER: May I just have it switched back over
11 to the dot cam real quick?

12 BY MS. MERCER:

13 Q Showing you State's Exhibit 7, this is the location
14 of your store, correct?

15 A Yes.

16 Q Where it says "2599 South Nellis"?

17 A Yes.

18 Q So, the closest major cross-streets are South Nellis
19 and East Sahara?

20 A Yes.

21 Q Where did you run to when you called 911?

22 A The Walgreens that was on the corner.

23 Q Were you calling from your cell phone or their
24 phone?

25 A My cell phone.

1 Q So, you took your cell phone with you when you left
2 the store?

3 A Yes.

4 MS. MERCER: No further questions.

5 THE COURT: Cross?

6 MR. TANASI: No, Your Honor. Thank you.

7 MR. MANINGO: Nothing, Your Honor. Thank you.

8 THE COURT: Okay. All right. Mr. Romero, thank you
9 so much for your testimony. You can step down. You're
10 excused, okay?

11 THE WITNESS: Thank you.

12 THE COURT: All right, okay. All right. Ladies and
13 gentlemen, we'll take our evening recess at this time.

14 You're admonished not to converse amongst yourselves
15 or with anyone else on any subject connected with this trial,
16 or read, watch, or listen to any report or commentary on this
17 trial by any person connected with this case, or by any medium
18 of information, including, without limitation, newspapers,
19 television, the internet, or radio. You are further
20 admonished not to express or form any opinion on any subject
21 connected with this trial until the case is finally submitted
22 to you.

23 1:00 o'clock tomorrow, okay? So, please return
24 here. Do not come in the courtroom. The marshal will pick
25 you up at 1:00 o'clock. We'll see you tomorrow. We'll be at

1 ease while the jury leaves the room. Okay.

2 You know, one last thing. Before you leave, Mr.
3 Kozlowski, if something happens and they need to keep you or
4 something, please let us know, okay?

5 JUROR NO. 6: I will.

6 THE COURT: All right, thank you so much. Okay.

7 JUROR NO. 6: Thank you, Your Honor.

8 THE COURT: Have a good evening, everyone.

9 JUROR NO. 6: [Inaudible].

10 THE COURT: Okay.

11 (Outside the presence of the jury)

12 THE COURT: Okay, we're outside the presence of the
13 jury. Is there anything that needs to be put on the record by
14 either party at this time?

15 MS. LOBO: No, Your Honor.

16 MS. MERCER: I don't believe so, Your Honor.

17 MR. TANASI: No, Your Honor.

18 THE COURT: Okay. We'll see you tomorrow at 1:00
19 o'clock, all right? Have a good evening.

20 MS. LOBO: Thank you.

21 MS. MERCER: Thank you.

22 (Court recessed at 4:48 P.M., until Wednesday,

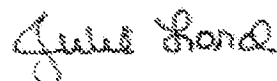
23 May 11, 2016, at 1:13 P.M.)

24 * * * * *

25

CERTIFICATE

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



JULIE LORD, INDEPENDENT TRANSCRIBER


CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-14-303022-1
	.	CASE NO. C-14-303022-2
Plaintiff,	.	
	.	DEPT. NO. XIX
vs.	.	
	.	TRANSCRIPT OF
TONY LEE HOBSON,	.	PROCEEDINGS
and BRANDON STARR,	.	
	.	
Defendants.	.	
.....	.	

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

JURY TRIAL - DAY 6

WEDNESDAY, MAY 11, 2016

APPEARANCES:

FOR THE STATE:	ELIZABETH A. MERCER, ESQ. KENNETH PORTZ, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT HOBSON:	RICHARD E. TANASI, ESQ.
FOR DEFENDANT STARR:	LANCE A. MANINGO, ESQ. ADRIAN LOBO, ESQ.

ALSO PRESENT:

Magdalena Becerra
Spanish Interpreter

COURT RECORDER:

CHRISTINE ERICKSON
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

INDEXWITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
Jessica Hubbard	8	--		
Sonia Soto De Mason*	29	--		
Alejandra Uribe	41	--	67	--
Skyler Cox	69	--		
Laura Lopez	92	114	116	--

****Testimony with Spanish Interpreter***

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>STATE'S EXHIBITS:</u>	
Exhibits 115 and 115A.. . . .	24
Exhibit 290.. . . .	44
Exhibits 136 and 136A.. . . .	63
Exhibits 154 and 154A.. . . .	109

1 LAS VEGAS, NEVADA, WEDNESDAY, MAY 11, 2016, 1:12 P.M.

2 (Outside the presence of the jury)

3 THE COURT RECORDER: We're on the record.

4 THE COURT: Okay. All right, back on the record in
5 case of C-303022, State of Nevada vs. Tony Hobson and Brandon
6 Starr. I'd like the record to reflect the presence of the
7 defendants and their counsel, Mr. Tanasi, Mr. Maningo, and Ms.
8 Lobo. Also, the State's here with their counsel, Ms. Mercer
9 and Mr. Portz.

10 During our evening recess and just before we started
11 the trial again, I was notified that Juror number 8, Angila
12 Jenkins, was involved in a car accident and is currently being
13 transported to the University Medical Center, so she will not
14 be attending as well. I'm going to have to excuse her for
15 reasons just explained, okay?

16 So, other than what I've just represented to the
17 parties, is there anything that needs to be put on the record
18 at this time?

19 MS. MERCER: No, Your Honor.

20 MS. LOBO: No.

21 MR. TANASI: No, Your Honor.

22 THE COURT: Okay.

23 MR. MANINGO: No, sir.

24 THE COURT: Okay. All right. Jim, go ahead and get
25 the jury in then.

1 (Pause in the proceedings)

2 (Within the presence of the jury)

3 THE MARSHAL: Please be seated. Department 19 is
4 back in session.

5 THE COURT: Okay. For the record, this is
6 continuation of the jury trial in case of C-303022, State of
7 Nevada vs. Tony Hobson and Brandon Starr.

8 Ladies and gentlemen, the -- we were notified this
9 -- just within about an hour that upon everyone arriving at
10 the -- for -- to continue on with this, one of your fellow
11 jurors, Ms. Jenkins, seated in seat 8, was involved in a
12 traffic accident, and she is being transported to the
13 University Medical Center as we speak. So, for that reason,
14 I'm going to be excusing her as well.

15 And so -- but this is the continuation of this jury
16 trial, and as we took a break, the State was still in their
17 case in chief. I'd ask the State, do you have any additional
18 witnesses --

19 MR. PORTZ: Yes, Your Honor, we do.

20 THE COURT: -- at this point? Okay. We just
21 contacted -- we had an issue this morning with our -- with our
22 -- your monitor. And I don't know, is it on now?

23 MS. MERCER: The TV's on, but it's not showing
24 anything.

25 THE COURT: Okay. All right. Just so we're clear

1 on the record, with the exception of Ms. Jenkins in this last
2 go-around, will the parties stipulate to the presence of the
3 jury?

4 MS. LOBO: Yes, Your Honor.

5 MR. TANASI: Yes, Your Honor.

6 MR. PORTZ: Yes, Your Honor.

7 MS. MERCER: Yes, Your Honor.

8 THE COURT: Okay. I'm going to call roll again. Is
9 Vissa Noquez here?

10 JUROR NO. 1: Here.

11 THE COURT: Robert Bass?

12 JUROR NO. 2: Here.

13 THE COURT: Vince Gaeta?

14 JUROR NO. 3: Present.

15 THE COURT: Lin-Belle Addington?

16 JUROR NO. 4: Here.

17 THE COURT: Daniel Boggs?

18 JUROR NO. 5: Here.

19 THE COURT: Nicholas Kozlowski?

20 JUROR NO. 6: Present.

21 THE COURT: William Burns?

22 JUROR NO. 7: Here.

23 THE COURT: David Snyder?

24 JUROR NO. 9: Here.

25 THE COURT: Glynis Bernard?

1 JUROR NO. 10: Here.
2 THE COURT: Daniel Powers?
3 JUROR NO. 11: Here.
4 THE COURT: Charles Worth?
5 JUROR NO. 12: Here.
6 THE COURT: Heather Hedrick?
7 JUROR NO. 14: Here.
8 THE COURT: And Dustin Bigelow?
9 JUROR NO. 15: Here.
10 THE COURT: Okay. Do you want to go ahead and go
11 forward, or do --
12 MS. MERCER: Court's indulgence, Your Honor.
13 (Pause in the proceedings)
14 THE COURT: All right, call your next witness then,
15 Mr. Portz.
16 MR. PORTZ: Thank you, Your Honor. The State's next
17 witness is Sonia Soto De Mason. And for the jury, this will
18 be event number 7 of 14, referencing counts 33 through 36.
19 THE MARSHAL: Can you call an interpreter? You're
20 going to need an interpreter.
21 THE CLERK: Yeah, she was here. I'm sorry, Jim, I
22 sent her back [inaudible]. She's awaiting the call.
23 THE MARSHAL: Come on, step up here.
24 THE COURT: We'll get an interpreter. Okay.
25 THE MARSHAL: Step up here. Just have a seat.

1 (Pause in the proceedings)

2 THE COURT: Do you have another witness?

3 MS. MERCER: We do, Your Honor.

4 THE COURT: Okay. Jim, let's call another witness.
5 I just hate to -- by the time we do this, the interpreter will
6 walk in. Jim, if you run into the interpreter as you're going
7 out the door, turn right back around with Ms. De Soto, okay?

8 THE MARSHAL: What's the next witness?

9 MS. MERCER: Jessica Hubbard, and her testimony
10 pertains to counts 44 through 47 of the Indictment.

11 UNKNOWN SPEAKER: 44?

12 MS. MERCER: It's the ninth event, and it's 44
13 through 47.

14 UNKNOWN SPEAKER: Thank you.

15 THE MARSHAL: Just step up here, please. Watch your
16 step there. Face the clerk over here and raise your right
17 hand.

18 JESSICA HUBBARD, STATE'S WITNESS, SWORN

19 THE CLERK: Thank you. Please be seated.

20 THE MARSHAL: Just pull your chair up and speak into
21 that thing.

22 THE WITNESS: Okay.

23 THE CLERK: If you could please state your full
24 name, spelling of the first and last name for the record.

25 THE WITNESS: Jessica Hubbard. J-e-s-s-i-c-a,

1 H-u-b-b-a-r-d.

2 MS. MERCER: May I proceed, Your Honor?

3 THE COURT: Yes, your witness.

4 DIRECT EXAMINATION

5 BY MS. MERCER:

6 Q Ma'am, where are you currently employed?

7 A I'm currently employed with Wendy's.

8 Q Which Wendy's do you currently work at?

9 A I actually changed locations. I'm on Cheyenne and
10 Las Vegas Boulevard now.

11 Q You said that you changed locations. Did you used
12 to work at a different location?

13 A Yes, I did.

14 Q Which location was that?

15 A It was on Lake Mead and Rock Springs.

16 Q Was the address 7150 West Lake Mead?

17 A Yes.

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

19 A Yes, it is.

20 MS. MERCER: Can I get it switched over to the dot
21 cam, please?

22 BY MS. MERCER:

23 Q Ma'am, I'm publishing on the overhead, which you'll
24 be able to see in a second, Exhibit 9. Do you see this bubble
25 here that says "7150 West Lake Mead"?

1 A Yes.

2 Q Is that the location of the restaurant where you
3 used to work?

4 A Yes, it is.

5 Q And you can see the 95 on-ramp, Lake Mead, and North
6 Tenaya Way?

7 A Yes.

8 Q How long did you work at that location?

9 A I worked there for probably about two -- about two
10 years.

11 Q Were you a manager at that location, or just an
12 employee?

13 A A manager.

14 Q Were you a manager for the entire two years?

15 A Yes.

16 Q Directing your attention specifically to November
17 21st of 2014, were you working on that night?

18 A Yes, I was.

19 Q Were there other employees working with you that
20 night?

21 A Yes.

22 Q Do you recall their names?

23 A Jorge Morales, Daniel, and Andrea.

24 Q Andrea or Adrianna?

25 A Adrianna, sorry.

1 Q Do you know David or Adrianna's last names?

2 A No, I do not.

3 Q What time did your store close back on November 21st
4 of 2014?

5 A Our lobby closes at 10:00, but our drive-thru closes
6 at 1:00.

7 Q Between 10:00 and 1:00, what were the employees
8 doing?

9 A They -- we were cleaning, you know, just doing stuff
10 around the -- around the store to get ready to go home.

11 Q As the manager, what were your responsibilities
12 before the store closed?

13 A I do the paperwork, cash, and all the -- and making
14 -- following up with the crew members to make sure they get
15 their stuff done.

16 Q When you say you deal with the paperwork and the
17 cash, do you countdown the cash registers?

18 A Yes, I do.

19 Q When you countdown the cash registers, do you do
20 something specific with the cash from those registers?

21 A Yes. I put them in the safe, and then I drop the
22 rest of the cash into our time lock safe.

23 Q At approximately 1:00 A.M., did something unusual
24 happen on that date?

25 A Yes.

1 Q Where were you when you first realized that
2 something unusual was taking place --

3 A I was in --

4 Q -- inside of your restaurant?

5 A -- the office.

6 Q Okay. Ma'am, the court recorder is recording
7 everything that we -- that we say so that she can type it up
8 into a transcript later.

9 A Okay.

10 Q If you could just let me finish my questions before
11 you answer, that would help keep the transcript clear.

12 A Yeah, sorry.

13 Q Thank you. You were in your office doing paperwork?

14 A Yes.

15 Q Do you know the locations of your other employees?

16 A At the time, I did not know, but then when I -- they
17 were -- I found out that they were in the crew area next to
18 the office.

19 Q What is the crew area?

20 A It's just like a break area where the employees can
21 put their purses, coats.

22 Q And ma'am, I'm going to publish a few more exhibits
23 up on the overhead.

24 A Okay.

25 Q Showing you State's Exhibit 102, do you recognize

1 this photograph?

2 A Yes, I do.

3 Q Is this a photograph of the outdoor -- the exterior
4 of your restaurant?

5 A Yes.

6 Q Do you see this broken door right here?

7 A Yes.

8 Q Was it like that prior to 1:00 A.M. on November 21st
9 of 2014?

10 A No, it wasn't.

11 Q Showing you State's Exhibit 103. I'm going to
12 zoom-in a little bit. Do you see this rock right here?

13 A Yes.

14 Q Was that the normal location for that rock?

15 A No.

16 Q Showing you 104. Just another close-up of that,
17 correct?

18 A Yes.

19 Q Showing you State's Exhibit 105, what is this that
20 we're looking at?

21 A That's the -- one of the entrances.

22 Q How many entrances -- main entrances are there to
23 your restaurant?

24 A We have two.

25 Q That customers can use?

1 A Yes.

2 Q Is there also a back exit to your restaurant?

3 A Yes, there is.

4 Q Showing you State's Exhibit 106, what is this that
5 we're looking at?

6 A That is the front counter, looking towards the back
7 of the store.

8 Q Showing you State's Exhibit 107, what is this?

9 A That's the back area, plus the office.

10 Q Could you place an X over the door to the office for
11 me, please? And that's where you were at about 1:00 A.M.?

12 A Yes.

13 Q Showing you State's Exhibit 108, is this looking
14 directly into that office?

15 A Yes, it is.

16 Q Showing you State's Exhibit 109. Is this another
17 photograph of your office?

18 A Yes, it is.

19 Q What are these boxes right here on the floor?

20 A I believe those were fliers that we were handing out
21 at the time.

22 Q And you -- did you normally keep your cash drawers
23 on the floor like that?

24 A No, I don't.

25 Q 110. Is this just another close-up of those same

1 items?

2 A Yes, it is.

3 Q Showing you State's Exhibit 111, what is this a
4 photograph of?

5 A That is the inside of the safe.

6 Q And it says "time lock" on here?

7 A Yes.

8 Q Meaning what?

9 A That's where the majority of the cash goes for --
10 that we use for -- in the morning when we open the time lock
11 for the store.

12 Q Okay. So, after you deposit the money into there at
13 the end of the shift at night, the safe is on a time lock and
14 can't be opened until the morning?

15 A Yeah, the -- the spot right at the top where it has
16 the door.

17 Q Showing you State's Exhibit 112, is this looking out
18 from your office?

19 A Yes.

20 Q And let me just remove some of these other
21 photographs. What area of your -- like back area, kitchen
22 area are you able to see from inside of your office?

23 A That is our prep area; our prep sink.

24 Q Okay. So, you were in your office when you first
25 realized that something was going wrong. What was it that

1 made you aware that something was happening inside of your
2 store?

3 A I heard glass shatter, and I know we do have glass
4 coffee pots, so I thought maybe the employee had dropped a
5 coffee pot, so I went out to see what happened and make sure
6 everyone was okay.

7 Q When you went out of your office, what did you
8 observe?

9 A While I was walking up, and then maybe like a minute
10 after I was walking up, the two gentlemen came around the
11 corner, pointing -- one of them had a gun pointed straight at
12 me.

13 Q When you say that they came around the corner, where
14 were they coming from?

15 A They -- I'm assuming they were coming from outside,
16 from the front of the store.

17 Q From the front of the store?

18 A Yes.

19 Q The two gentlemen that approached you as you were
20 walking out, what were they wearing?

21 A They were wearing all black, and then they had like
22 the surgical masks over their face.

23 Q When you say surgical mask, you mean like a medical
24 type mask?

25 A Yes.

1 Q Did you notice anything on their hands?

2 A They had gloves on.

3 Q Were they holding anything in their hands?

4 A One of them had a gun.

5 Q The individual with the gun, how would you describe
6 him physically in comparison to the other person?

7 A Well, he was tall. He was probably about 6-foot,
8 6'2. I would say maybe 200 pounds, maybe. Dark -- dark hair,
9 because I could barely see their hair, but they had a hood on,
10 but I could see it.

11 Q Could you tell whether they -- what race they were?

12 A They were both black.

13 Q The gentleman with the gun, was he the first person
14 that you saw or the second person that you saw?

15 A First person.

16 Q What about the other person? What were his physical
17 descriptors?

18 A He was a little bit shorter, probably about 5'7 to
19 maybe 6-foot. He had -- he was black, wearing all black as
20 well. He had gloves on his hands as well, and probably maybe
21 -- about -- probably about 200.

22 Q Do you remember anything specific about the gloves
23 that either one of them was wearing?

24 A No, I do not.

25 Q Was the second individual holding anything in his

1 hands?

2 A No.

3 Q Once you ran into these two individuals, what
4 happened at that point?

5 A The one with the gun pushed me back towards the
6 office.

7 Q When he pushed you back towards the office, did he
8 say anything to you?

9 A No, he just told me to go towards the office.

10 Q Could you see your other employees at this point?

11 A No, I couldn't.

12 Q Did you in fact start heading back towards your
13 office?

14 A Yes, I did.

15 Q When you went back towards your office, did either
16 of the gentlemen follow you to the office?

17 A The gentleman with the gun did.

18 Q Could you see what the other gentleman was doing?

19 A Not at the time, but then, shortly after, he -- the
20 other gentleman came with my other crew members.

21 Q When you say that he came with, where did he bring
22 the other crew members?

23 A He came from the -- I'm assuming the crew area,
24 because that's where they were at, so --

25 Q But did he bring them just outside of your office,

1 or inside of your office? Where did he bring them?

2 A Just to the office door.

3 Q Okay. So, publishing State's Exhibit 112, just
4 inside this area right here?

5 A Yes.

6 Q Once you were in the office with the gentleman with
7 the gun, did he say anything else to you?

8 A He asked me to open the safe.

9 Q Did you open the safe for him?

10 A Yes, I did.

11 Q Do you know about how much money was in the safe?

12 A A little less than \$200 in change.

13 Q Once you opened the safe, what happened?

14 A He told me to take everything out, put it into a
15 cardboard box.

16 Q So, you physically removed the money from the safe?

17 A Yes.

18 Q And when you say you -- a cardboard box, about how
19 big was this cardboard box?

20 A I'd --

21 Q Was it a moving box or a shipping box?

22 A It's like a small shipping box, probably.

23 Q When you placed the money inside of the shipping
24 box, what -- was it all bills, or did it also include coins?

25 A It was just coins.

1 Q Just coins?

2 A Yeah, rolled coins, and just loose.

3 Q Do you remember what the coins were wrapped in?

4 A I believe it was paper, because we get paper and
5 plastic wraps for our coins.

6 Q The paper wrapped coins, do they bear any company
7 name or logo on them?

8 A No, they do not.

9 Q Okay. So, there was less than \$200 in the safe, but
10 it was all coins?

11 A Yes.

12 Q And did you put it all into the cardboard box for
13 him?

14 A I believe I got it all in there. I think some of it
15 fell out around the box, because it was loose change, too, so
16 when I dumped it in, it just kind of went wherever.

17 Q While you were doing that, could you see what the
18 other individual without the gun was doing with your other
19 employees?

20 A He was just standing outside the door, watching
21 them.

22 Q Was he saying anything to them?

23 A No.

24 Q Other than telling you to open the safe, did the
25 gentleman with the gun say anything else to you?