

1 THE COURT: It shall.

2 THE WITNESS: And Mr. Starr at the far end of the
3 table wearing a black shirt with a black tie.

4 MR. PORTZ: And the record -- I'd ask the record to
5 reflect he has correctly identified with Defendant Starr.

6 THE WITNESS: It shall.

7 MR. PORTZ: Thank you.

8 BY MR. PORTZ:

9 Q Now, as to Defendant Hobson, can you describe what
10 you saw Defendant Hobson doing at the time of his arrest.

11 A He was being taken into custody by patrol officers
12 and escorted to a patrol vehicle that was on the scene.

13 Q As the officers were escorting him or after they
14 take him over to the patrol vehicle, did you notice something
15 on Defendant Hobson's person that was pertinent to you with
16 regards to the windbreaker series?

17 A Yes, sir, he had a blue bag in his front waistband.

18 Q After the scene is secured, Detective, what do you
19 do after that?

20 A After the scene is secure, I walked around with a
21 notepad gathering all the suspects' information, any items
22 that they had on them at the time of their arrest, and the
23 officers that had taken them into custody.

24 Q And I forgot to ask, you mentioned there were three
25 suspects, correct?

1 A Yes, sir.

2 Q Okay.

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

4 THE COURT: Yes.

5 BY MR. PORTZ:

6 Q Do you recognize the individual depicted in State's
7 273?

8 A Yes, sir. I do not recall his name, but he was the
9 driver.

10 Q Donte Johns sound --

11 A Donte.

12 Q -- correct?

13 A Yes, Donte.

14 MR. PORTZ: Publishing to the jury.

15 BY MR. PORTZ:

16 Q Was Donte Johns also taken into custody?

17 A Yes, sir, he was.

18 Q Now, after -- where do you go after the defendants
19 have all been taken into custody?

20 A After they were taken into custody, we had patrol
21 officers that transported them back to headquarters where we
22 had separate interview rooms for each suspect and then I
23 followed the patrol officers up there and took custody of the
24 suspects at the interview room.

25 Q And as part of your role in taking them into

1 custody, were you tasked with documenting property found on
2 each of the three suspects?

3 A Yes, sir.

4 Q And how do you document that property?

5 A We use a property report that we document it on and
6 then impound it also with that property report.

7 Q And what's the purpose of the property report?

8 A To show the items -- list the items that were
9 impounded and recovered off the suspects.

10 Q And do you make this or generate this property
11 report at a time that you are actually, in fact, impounding
12 these items?

13 A Yes, sir.

14 Q And you see each of the items that you're impounding
15 at the time you impound them; correct?

16 A Yes, sir.

17 Q I want to start with -- well, how do you determine
18 after you've taken someone in custody, what items to impound
19 and what items not to impound in evidence?

20 A Any items that possibly could be item that is they
21 wore during the robberies, any of the video surveillance that
22 we had from some of the robberies that the items of clothing
23 or any other items we recognized to be as part of that
24 series.

25 Q And are there times or other arrests that you've

1 made where you actually wouldn't impound anything on a
2 suspect?

3 A Yes, sir.

4 Q Just depends whether or not it's relevant to your
5 case or not, correct?

6 A Correct, yes, sir.

7 Q Okay. So with regards to Mr. Johns, the driver of
8 the vehicle --

9 A Yes, sir.

10 Q -- do you recall what you impounded off of
11 Mr. Johns?

12 A Mr. Johns, I believe, had cash. I believe,
13 Mr. Johns had a pocketknife, if I'm correct. I can't think
14 of the other items at this moment.

15 Q Okay. Would a copy of the property report refresh
16 your recollection?

17 A Yes, sir.

18 MR. PORTZ: I'm showing those to counsel. May I
19 approach, Your Honor?

20 THE COURT: Yes.

21 BY MR. PORTZ:

22 Q Detective, do you recognize that as the property
23 report that you generated following the arrest of the three
24 suspects in the windbreaker series?

25 A Yes, sir.

1 Q And is that your handwriting?

2 A That is, sir.

3 Q Okay. And does it indicate the items that were
4 impounded and which individuals the items came from?

5 A Yes, it does.

6 Q Okay. Would you take a moment just to review that
7 and determine or let me know when your memory's refreshed as
8 to exactly what was impounded off of Donte Johns exactly.

9 A Yes, sir, it was \$727 and a pocketknife.

10 Q So only two items, correct?

11 A Yes, sir.

12 Q I want to turn to --

13 THE COURT: Hold on. How much again?

14 THE WITNESS: \$727, sir.

15 THE COURT: Okay. I'm sorry. Sorry, Mr. --

16 MR. PORTZ: No problem. May I approach the clerk,
17 Your Honor?

18 THE COURT: Yes.

19 BY MR. PORTZ:

20 Q I want to turn to Defendant Starr.

21 MR. PORTZ: Can I approach the witness with what's
22 been marked as State's 283 and 283-A? If you might take
23 (inaudible).

24 BY MR. PORTZ:

25 Q Do you recognize what you're looking at here?

1 A Yes, sir. It's a pair of black boots.

2 Q And how do you recognize those black boots?

3 A I recognize those black boots as items that I
4 impounded that were recovered off of Mr. Starr.

5 Q And do you recall whether or not Mr. Starr was
6 actually wearing those boots at the time of his arrest?

7 A Yes, sir, he was.

8 Q And are those boots in the same or substantially
9 similar conditions as the time that you impounded them
10 according to your property report?

11 A Yes, sir.

12 MR. PORTZ: At this point, the State would move for
13 admission of State's 283 and 283-A.

14 THE COURT: What's the 283? Is that the bag?

15 MR. PORTZ: That's the bag, Your Honor.

16 THE COURT: Any objection?

17 MR. TANASI: No objection, Your Honor.

18 MS. LOBO: No objection.

19 THE COURT: Ms. Lobo, no objection?

20 MS. LOBO: No objection.

21 THE COURT: Okay. It will be admitted.

22 (Exhibits 283 and 283-A admitted)

23 MR. PORTZ: Thank you. Approach the clerk? And
24 may I approach the witness, Your Honor?

25 THE COURT: Yes.

1 BY MR. PORTZ:

2 Q Detective, I'm handing you a bag marked as State's
3 Proposed Exhibit 284. Do you recognize that bag?

4 A Yes, sir, I do.

5 Q Okay. What is this bag?

6 A This bag is an evidence bag that I impounded certain
7 items, items number 5 through 11, under -- this is my
8 evidence sticker with my handwriting on it.

9 Q And what do you do to preserve that evidence to
10 ensure that it has not been tampered with or affected after
11 you impound it inside the bag?

12 A I seal the bag with our evidence seal, which is the
13 red seal up here, and initial and date the evidence seal on
14 both sides of the bag.

15 Q And for the record, the bag is open at this point in
16 time. Was it opened when you sealed it?

17 A When I sealed it, it was completely closed, sir.

18 Q It's been opened by stipulation between the parties
19 at this point in time for purposes of trial. I'm going to
20 ask you to take a look inside that bag, and (inaudible)
21 284-A.

22 (Pause in the proceedings)

23 BY MR. PORTZ:

24 Q (Inaudible) 284-B, and you can place the rest
25 (inaudible).

1 A Okay, sir.

2 Q I'm handing you what's been marked as State's
3 Proposed 284-A. Detective, do you recognize what's contained
4 inside that bag?

5 A Yes. It's a black jacket or yes, black jacket.

6 Q And how do you recognize that exhibit?

7 A That is a item that was worn by the suspect when he
8 was taken into custody, sir.

9 MR. PORTZ: And Court's indulgence.

10 BY MR. PORTZ:

11 Q Detective, I'm going to hand you a pair of gloves
12 and ask you -- well, first of all, do you recognize that as
13 being worn by Mr. Starr during his arrest?

14 A Yes, sir.

15 Q Okay. And then 284-B, would you take a look at
16 that.

17 A 284-B. It's hard to tell, sir, but looks like
18 pants.

19 Q Black pants?

20 A Black pants, yes, sir.

21 Q Were those also impounded off of Defendant Starr at
22 the time of his arrest?

23 A Yes, sir.

24 Q And then 284-C, right here, do you recognize that?

25 A Yes, sir. It's a blue or black hat with Red Sox in

1 the front.

2 Q And was that hat being worn by Mr. Starr at the time
3 of his arrest?

4 A Yes, sir.

5 Q And do all of these items that we've referenced
6 today appear to be substantially similar or same condition as
7 when you impounded them into evidence?

8 A Yes, sir.

9 MR. PORTZ: The State would move at this point for
10 admission of 284-B and C and A, Your Honor.

11 THE COURT: Any objection?

12 MS. LOBO: No objection.

13 MR. TANASI: No objection, Your Honor.

14 MR. MANINGO: No objection.

15 THE COURT: Okay. It will be admitted.

16 (Exhibits 284-A, B and C admitted)

17 BY MR. PORTZ:

18 Q I'd like to start -- and Detective, fair to say you
19 impounded other items of clothing of the defendant?

20 A Yes, sir.

21 Q Defendant Starr specifically? Okay. Let's start
22 with 283-A. If you could please open the bag. (Inaudible).
23 Just hold those up for the jury to see. And Detective,
24 again, can you describe what these exhibit -- what this
25 exhibit is.

1 A These are black Interceptor boots, size 12 that were
2 worn by Mr. Starr when he was taken into custody.

3 Q Thank you. You can place that back inside the bag.
4 Now can you please open Exhibit 284-A. Can you please hold
5 that up for the jury to see, Detective, and describe again
6 what it is they're looking at.

7 A It is a black and gray sweat jacket with a red
8 zipper and red lining in the hood.

9 Q Did that have any relevance to your understanding of
10 the windbreaker series, Detective?

11 A Yes, sir, it looks similar to what we had witnessed
12 in video surveillance.

13 Q Thank you. You can place that back in the bag. And
14 again, with 284-B, would you please open that item. And
15 display for the jury and please explain to them what you're
16 holding.

17 A A pair of black pants with the pockets inside.

18 Q Again, worn by Defendant Starr at the time of his
19 arrest?

20 A Yes, sir.

21 Q All right. Detective, I'll take that. And then
22 finally, would you open 284-C. And what is that, Detective?

23 A It is a blue Red Sox baseball cap.

24 Q Okay. And what's on the -- when you say Red Sox,
25 could you describe the front logo?

1 A The front logo, a pair of Red Sox.

2 Q And then would you describe what's on the back of
3 the ball cap?

4 A That is the major league baseball emblem.

5 Q And again, this is the hat worn by Mr. Starr at the
6 time of his arrest, correct?

7 A Yes, sir.

8 Q Detective, I'm going to approach with State's
9 Proposed Exhibit 281 and ask that you retrieve items 281-A
10 and 281-B. And before we discuss the items that you
11 retrieve, do you recognize this bag marked as State's
12 Proposed Exhibit 281?

13 A Yes, sir, I do.

14 Q Okay. And what is this bag?

15 A It is another evidence bag reference the same event
16 number with my handwriting depicting items 12 through 17 that
17 were impounded by me.

18 Q Okay. And items 12 through 17 that were impounded
19 by you, who did those come from?

20 A Those came from Mr. Hobson.

21 Q Now, as to 281-A, do you recognize what that exhibit
22 is?

23 A Appears to be a black or blue sweatshirt.

24 Q And in 281-B?

25 A Appears to be a pair of black pants.

1 Q And were those -- those were, as you testified, the
2 sweatshirt and pants that Mr. Hobson was wearing at the time
3 of his arrest that you impounded?

4 A Yes, sir.

5 Q And do they appear to be in the same or similar
6 condition as the time that you impounded them?

7 A Yes, sir.

8 MR. PORTZ: The State would move at this point for
9 admission of 281 and 281-A.

10 MR. TANASI: No objection.

11 MS. LOBO: No objection.

12 THE COURT: It will be admitted.

13 MR. PORTZ: I apologize. 281-A and 281-B.

14 MR. TANASI: No objection.

15 MS. LOBO: No objection.

16 THE COURT: It will be admitted.

17 (Exhibits 281-A and 281-B admitted)

18 MR. PORTZ: Thank you.

19 BY MR. PORTZ:

20 Q Would you please open 281-A and publish that to the
21 jury, Detective, and describe what (inaudible).

22 A It is a black hooded sweatshirt with no markings or
23 anything on it.

24 Q Thank you. And would you do the same now for 281-B?

25 A It is a pair of black Dickies pants.

1 Q Thank you. And as it was the case with Defendant
2 Starr, were there additional items of clothing that you
3 impounded from Mr. Hobson?

4 A Yes, sir.

5 Q What were the additional items of clothing that you
6 impounded?

7 A They were a T-shirt, shorts that were worn
8 underneath the pants, belt and a pair of underwear.

9 Q Were any of those items, to your knowledge, visible
10 in any of those surveillance video from the windbreaker
11 series, the undershirt, shorts, belts or underwear?

12 MR. TANASI: Objection, Your Honor. Best evidence.
13 The video speaks for itself.

14 MR. PORTZ: I'm just asking --

15 THE COURT: I'm going to sustain the objection.
16 Okay.

17 BY MR. PORTZ:

18 Q Was there any relevance in your investigation to the
19 defendant's underwear or his socks?

20 A Yes, sir. They were visible in some video
21 surveillance that was put out to (inaudible).

22 Q Approaching now with State's Proposed 280.
23 Detective, do you recognize what's marked as State's Proposed
24 280?

25 A Yes, sir. It's another bag that I impounded in the

1 same event number. It's my handwriting on the sticker, and
2 it was a grocery bag.

3 Q And where did you retrieve this grocery bag from?

4 A From the front waistband of Mr. Hobson.

5 Q And would you take a look at what's marked as --
6 inside that bag as 280-A?

7 A Yes, sir.

8 Q Do you recognize that?

9 A That is the bag that I recovered off of Mr. Hobson.

10 Q And is it in the same and substantially similar
11 condition as it was at the time that you retrieved it from
12 Mr. Hobson's waistband?

13 A Yes, sir.

14 MR. PORTZ: At this point, the State would move for
15 admission of 280 and 280-A.

16 MR. TANASI: No objection, Your Honor.

17 MS. LOBO: No objection.

18 THE COURT: It will be admitted.

19 (Exhibits 280 and 280-A admitted)

20 BY MR. PORTZ:

21 Q Could you please open 280-A and publish it for the
22 jury. Is there a logo on that bag, Detective?

23 A Yes. It's a Walmart logo.

24 Q Is. How many handles does the bag have?

25 A The bag has two handles.

1 Q Is this a plastic or cloth or fabric type bag?

2 A It's a fabric type bag.

3 Q Thank you, Detective. Now, each of the items that
4 we've shown to the jury, physical evidence, these were all
5 impounded on the night of the arrest from Defendant Hobson
6 and Defendant Starr?

7 A Yes, sir.

8 Q Did you subsequently the next day return to retrieve
9 one more item from Defendant Hobson?

10 A Yes, sir. I think it was a pair of shoes.

11 Q And specifically, were they shoes the defendant --
12 Defendant Hobson was wearing at the time of his arrest?

13 A Yes, sir.

14 Q Why were those impounded the next day and not the
15 night of the arrest?

16 A The -- at the time I did not transport them down to
17 CCDC from headquarters. These items were brought back to me
18 once they had the -- Mr. Hobson and Mr. Starr get out of
19 their clothing and get into CCDC uniforms. They did -- the
20 patrol officers did not bring back the pair of shoes that
21 were worn by Mr. Hobson.

22 Q Were you made aware that the shoes may be relevant?

23 A Yes, sir. Detective Abell advised me the shoes may
24 be relevant, too.

25 Q So after you were advised by Detective Abell, what

1 did you do?

2 A The following day I responded to CCDC and got
3 Mr. Hobson's shoes from his property.

4 Q Detective, I'm going to hand you what's been marked
5 as State's Proposed 282. Do you recognize what 282 is?

6 A Yes, sir. It's another bag that was impounded under
7 the same event number the following day with my -- the
8 sticker with my handwriting on it.

9 Q And what item was impounded inside that evidence
10 bag?

11 A A pair of nine and a half size shoes.

12 Q And could you please look inside the bag, 282-A. Do
13 you recognize what's contained inside 282-A?

14 A Yes, sir, a pair of gray worn Reebok shoes.

15 Q And how do you recognize those Reebok shoes?

16 A Those were the shoes that Mr. Hobson was wearing
17 when he was taken into custody.

18 Q And do they appear to be in the same or
19 substantially similar condition as they were on the night
20 when he was taken into custody?

21 A Yes, sir.

22 MR. PORTZ: At this point, the State would move for
23 the admission of 282 and 282-A.

24 MR. TANASI: No objection, Your Honor.

25 MS. LOBO: No objection.

1 THE COURT: They will be admitted.

2 (Exhibits 282 and 282-A admitted)

3 BY MR. PORTZ:

4 Q And would you please retrieve the Reeboks out of the
5 bag and show them to the jury. Thank you. And, Detective,
6 finally, as to all of these items and you testified
7 (inaudible) as to some of these, in addition to impounding
8 they will and notating them on your property report, did you
9 also see these items physically on the suspects on the night
10 of their arrest when you arrived at that Taco Bell on Nellis?

11 A Yes, sir, I did.

12 MR. PORTZ: Court's indulgence. Thank you, Your
13 Honor. I'll pass the witness.

14 THE COURT: Cross.

15 MR. TANASI: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. TANASI:

18 Q Good afternoon, Detective. I'm Rich Tanasi. I
19 represent Mr. Hobson. I've got a few questions for you; is
20 that okay?

21 A Yes, sir.

22 Q All right. So I just want to be clear about this
23 blue bag. You, when you arrived at the scene and Mr. Hobson,
24 Mr. Starr and Mr. Johns are being taken into custody, at that
25 point, you noticed the blue Walmart bag on my client's

1 waistband; is that correct?

2 A That's correct, sir.

3 Q So right when you got there, that's when you noticed
4 it, correct?

5 A Right when I got there, I noticed the suspects being
6 taken out of the car and then separated in front of -- and
7 brought over to separate patrol vehicles by patrol officers
8 in uniform, and I noticed as they were bringing the suspects
9 over by patrol to the patrol vehicles I noticed the blue bag.

10 Q They were in custody, though, correct?

11 A Yes, sir.

12 Q Okay. So they were in handcuffs, correct?

13 A Yes, sir.

14 Q Okay. Would you agree with me that when a person is
15 taken into custody and put into handcuffs a pat down search
16 is one of the first things to be done?

17 A Yes, sir.

18 Q Okay. And the reason you do that is because you
19 want to make sure that there aren't any firearms on the
20 person that you're taking into custody, correct?

21 A Correct, yes, sir.

22 Q You don't want those firearms to wind up back at the
23 police house or back at the jail, correct?

24 A Correct, yes, sir.

25 Q All right. So in this case, cuffs were on, they

1 were being taken into custody; we can agree on that, correct?

2 A Yes, sir.

3 Q Okay. Let's, if we can, take a look at that blue
4 bag again.

5 MR. TANASI: If I may approach.

6 BY MR. TANASI:

7 Q Do you want the gloves on, Officer?

8 A No, sir.

9 Q Do you want to put those back on?

10 A Could you hand me a new (inaudible)?

11 Q I'll get you another one. Absolutely.

12 A Thank you. Thank you, sir.

13 Q Thank you, sir. Do you mind taking out 280-A,
14 Exhibit 280-A? Okay. Now, for the record, again, that's the
15 blue bag that you -- it's your testimony was on Mr. Hobson's
16 waistband when you arrived at the scene, correct?

17 A Yes, sir.

18 Q Okay. Now, if you could just show the jury exactly
19 where it was on his waistband?

20 A It was on his waistband right in the front. It was
21 folded over and then stuffed down to the front hanging half
22 like in his pants and then half out of his pants. And I
23 can't remember if it was folded like this or anything, but I
24 do remember it was folded and then hanging half in and half
25 out of his pants.

1 Q Okay. And you testified earlier that he was wearing
2 black pants, correct?

3 A Yes, sir.

4 Q And we saw those black pants, correct?

5 A Yes, sir.

6 Q All right. And then you also testified he was
7 wearing a black sweatshirt, correct?

8 A Yes, sir.

9 Q We saw that black sweatshirt earlier, correct?

10 A Yes, sir.

11 Q Okay. So where was the sweatshirt in relation to
12 the -- in relation to the --

13 A The sweatshirt was --

14 Q -- bag?

15 A -- over the -- he was wearing over the top. The
16 blue bag, when he was taken into custody, his hands, when I
17 saw him, his hands were behind his back. The sweatshirt was
18 riding up just a little bit and you could see the blue bag
19 poking out from underneath the sweatshirt.

20 Q What time of day was it when you arrived?

21 A It was about, after 11:00 p.m.

22 Q Okay. So it was dark time?

23 A It was nighttime. Yes, sir.

24 Q Okay. In this case, you didn't prepare a report,
25 correct? You can go ahead and sit back down, I'm sorry.

1 A Didn't prepare a report for --

2 Q You prepared an impound report, though, correct?

3 A Yes, sir.

4 Q Other than that impound report, did you prepare any
5 report of any kind of officer narrative kind of outlining
6 exactly how you found that blue bag just like you told this
7 jury?

8 A No, sir.

9 Q Okay. So, no report, but you're going off of memory
10 from almost two years ago; is that fair?

11 A Yes, sir.

12 Q Okay. Prior to today's testimony, did you have a
13 chance to discuss this case at all with some of your fellow
14 detectives?

15 A Prior to this testimony, I did not talk to any other
16 detectives.

17 Q Okay. You spoke to no other detectives. What did
18 you do to prepare yourself for testimony today to remember
19 events that were almost two years old?

20 A I just looked at the property report that I
21 generated and also the grand jury.

22 Q Okay. What did you do to refresh your recollection
23 as to exactly how you found that blue bag?

24 A The property report, I listed that they were taken
25 off of the individuals when they were taken into custody.

1 The blue bag, I distinctly remember only because it's
2 different. It's not cash that were found in pockets. It's
3 not socks that were recovered off of -- everybody wears
4 socks, everybody has cash in their pockets. I distinctly
5 remember a blue bag in a waistband.

6 Q Okay. One of the other reasons to actually go
7 through for an officer and do a pat down search is not just
8 to look for weapons, it's also to look for contraband,
9 correct?

10 A Contraband isn't as, at the time of taking them into
11 custody, as weapons. We immediately pat them down just so
12 they do not have any weapons, whether it be a knife, gun,
13 anything like that. Other items that is are on their person,
14 we can take them off of them at a later time, meaning, a few
15 minutes later. We don't have to immediately recover that
16 firearm or weapon from their waistband.

17 Q So is it your testimony then as a police officer
18 when you're doing a pat down and taking someone into custody,
19 you're not looking for contraband; is that your testimony
20 today?

21 A No. My -- that is something we look for. It
22 depends on the circumstances that we're looking. I mean, the
23 contraband, if you're talking about narcotics or anything
24 like that then, yes, we're going to search for narcotics, if
25 we're looking for narcotics at that point.

1 I mean, when we're taking people into custody
2 reference a robbery series that involves weapons, and
3 anything of that sort, then that doesn't involve the
4 narcotics part of it. So at that point, we're basically
5 patting them down for weapons just to make it safe for all
6 officers out on the scene as they're in custody. Then we
7 remove the items from their pockets or their person back at
8 the patrol vehicle or at headquarters.

9 Q Okay. Officer, if an another police officer working
10 for the Las Vegas Metropolitan Police Department told this
11 jury that one of the two reasons that they pat folks down and
12 take them into custody, one being for contraband and the
13 other being for firearms, would that officer be lying or
14 misinformed?

15 A No, he would not be lying.

16 Q Okay. What did you recover from Donte Johns in this
17 case?

18 A From Donte Johns I recovered \$727 cash and a
19 pocketknife.

20 Q Okay. So it was a pocketknife on Donte Johns?

21 A Yes.

22 MR. TANASI: Court's indulgence, Your Honor.

23 THE COURT: Yes.

24 MR. TANASI: I'll pass the witness, Your Honor.

25 THE COURT: Okay.

CROSS-EXAMINATION

BY MR. MANINGO:

Q Good afternoon, Detective.

A Good afternoon, sir.

Q I believe, you testified on direct examination that when you arrived at the scene, three suspects were already being taken into custody, correct?

A Yes, sir.

Q And you testified that they were being removed from the vehicle when you arrived?

A As I was arriving, I'm not sure how many were left in the vehicle, but they were being removed from the vehicle.

Q Okay. But your testimony before was that as you --

A Yes, as I'm --

Q -- pulled up --

A -- pulling up, the suspects are being taken into custody and being removed from the vehicle and brought back to the --

Q Okay. And is it correct that other officers were doing the pat down and the arrests and putting the suspects in handcuffs?

A Yes.

Q That wasn't your job?

A No, sir.

Q Okay. And so when you arrived, I believe your

1 testimony was that you gathered information about the
2 suspects and property on them?

3 A Correct, yes, sir.

4 Q When did you collect the property that was on them?

5 A The property -- now, not speaking of the clothing,
6 items of clothing that were being worn by the suspects, the
7 property that was on them, the knife was recovered by a
8 patrol officer, I do not remember his name, during the pat
9 down while he was being taken into custody. The cash --

10 Q And you're referring specifically to Donte Johns?

11 A To Donte Johns, yes, sir. The cash was at that
12 point, the only thing that the officer removed from him as he
13 was putting handcuffs on him was the knife. Everything else
14 that was -- because there was no weapons or anything like
15 that -- was removed from each individual after they were
16 brought to the each separate patrol vehicle.

17 Q Now, your property impound report doesn't reference
18 when items are collected from the suspects, does it?

19 A No, it does not.

20 Q Do you know CSA Charlton?

21 A I do not know that CSA very well.

22 Q When you arrived at the scene, was there a crime
23 scene analyst there?

24 A At the scene, no. When I arrived at the scene,
25 there was no crime scene analyst at the scene at that time.

1 Q And your testimony was that you arrived sometime
2 after 11:00 o'clock?

3 A Correct.

4 Q Okay. Now, your report is timed 11:34. Does that
5 sound accurate to you?

6 A If that's what -- yes, sir --

7 Q Okay.

8 A -- if that's what I put on the property --

9 Q And you reviewed that prior to testifying --

10 A Yes, sir.

11 Q -- today? So when you collected these items, was it
12 at the scene or was it later in a different location?

13 A The items -- the knife and the cash that was
14 recovered from Mr. Johns was collected at the scene and put
15 into a separate bag labeled, Mr. Johns' property, and then
16 sent with the patrol officer from the scene who transported
17 Mr. Johns back to headquarters.

18 The hat we removed from Mr. Starr at the scene, and
19 I don't think anything was in his pockets, but then that was
20 also transported with Mr. Starr -- with patrol -- excuse me,
21 with patrol officers back to headquarters.

22 Q So once at headquarters, that's when the clothing
23 items were collected from Mr. Starr?

24 A Once at headquarters, the clothing items were -- the
25 individuals were photographed by CSA.

1 Q But my question was just specific to Mr. Starr, at
2 -- it was at headquarters what his clothes were collected,
3 correct?

4 A No, sir. The clothing was -- they were transported
5 to CCDC in their clothing --

6 Q Okay.

7 A -- and then they changed into CCDC uniforms.

8 Q And that's when the clothes were --

9 A That's where the clothing was gathered by the patrol
10 officer who transported Mr. Starr or Mr. Hobson or Mr. Johns
11 over and then brought them -- those items back to me and
12 were, yes, impounded --

13 Q Okay.

14 A -- at headquarters.

15 Q Okay. So the clothing was at the scene, then it was
16 at headquarters, then it was at CCDC, then it was back to
17 you?

18 A Yes, sir.

19 Q And that's when it was put into the sealed
20 containers?

21 A Correct, yes, sir.

22 Q Okay. And then so once in those sealed containers,
23 they haven't been removed until today, correct?

24 A They -- to my knowledge, no.

25 Q Okay. So the boots that Mr. Starr -- that were

1 taken from Mr. Starr have not been processed, correct?

2 A No, sir, not to my knowledge.

3 Q When I say processed, I mean not -- no searching for
4 trace evidence, no searching for DNA, no collection of
5 anything, correct?

6 A To my knowledge, no, sir. It's not -- I'm not
7 the --

8 Q Okay.

9 A -- case agent.

10 Q And the same thing would apply to the pants,
11 correct?

12 A Yes, sir.

13 Q Same thing would apply to all the underwear items?

14 A Yes, sir.

15 Q Correct?

16 A Unless the detective requested the items be checked
17 for trace evidence or anything, but I was not the --

18 Q And as far as --

19 A -- main detective.

20 Q And as far as you know, the sweatshirt, the black
21 and gray sweatshirt with the red, that hasn't been tested for
22 anything either, as far as you know, correct?

23 A Correct, yes, sir.

24 Q Okay. It was just brought to you and put it in the
25 bag?

1 A Correct, yes, sir.

2 Q Thank you, sir.

3 A Thank you, sir.

4 THE COURT: Redirect?

5 MR. PORTZ: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. PORTZ:

8 Q Detective, with regards to the pat down at the scene
9 before they're taken custody versus when they're searched
10 prior to entering CCDC, is the search part in CCDC a more
11 thorough or less thorough search?

12 A It is a more thorough search.

13 Q And with regards to the items of clothing that you
14 opened and published to the jury, those were items that you
15 specifically on the defendants' night of their arrest,
16 correct?

17 A Yes, sir.

18 Q And also when they were at headquarters when you
19 were there?

20 A Yes, sir.

21 Q Now, Mr. Tanasi was asking you about the grocery
22 bag, the blue Walmart bag that you found in Mr. Hobson's
23 waistband --

24 A Yes, sir.

25 Q -- do you recall him asking you something along the

1 lines of how can you just all of a sudden two years later
2 remember there was a blue bag in his waistband?

3 A Yes, sir.

4 Q Detective, on the night in question, you've already
5 indicated you've prepared a property report, correct?

6 A Yes, sir.

7 Q On that property report did you indicate -- and that
8 was literally the night they were arrested, correct?

9 A Correct, yes, sir.

10 Q On that property report did you indicate where you
11 actually found the blue grocery bag?

12 A Yes, sir. From the waistband of suspect, I believe,
13 the property -- he's listed as suspect number 2 on the
14 property report.

15 Q Would a copy of the report refresh your
16 recollection?

17 A Yes, sir.

18 Q Okay.

19 MR. PORTZ: May I approach, Your Honor?

20 THE COURT: Yes.

21 THE WITNESS: Oh, I'm sorry, the -- in relating to
22 impound we've got a small little narrative area where item
23 number 1 -- I'm sorry, item number 2 was recovered from
24 suspect number 1's waistband. Suspect 1 listed here is
25 Mr. Tony Hobson.

1 BY MR. PORTZ:

2 Q And what's item number 2?

3 A Item number 2 is listed on here as a blue grocery
4 bag, Walmart.

5 Q So today's not the first time you've indicated that
6 you recognize or found that grocery bag in Defendant Hobson's
7 waistband, correct?

8 A Correct, yes, sir.

9 Q You also testified at the grand jury in January of
10 2015, you recall that?

11 A Yes, sir.

12 Q And this is only approximately two months after the
13 arrest of Mr. Hobson?

14 A Correct, yes, sir.

15 Q And during your testimony, do you recall being asked
16 whether or not you found anything peculiar on Mr. Hobson at
17 the time of his arrest?

18 A Yes, sir.

19 Q And do you recall what your response was
20 (inaudible)?

21 A A blue grocery bag. Blue Walmart grocery bag.

22 Q With regard to Mr. Maningo's questions as to whether
23 or not any of these items of evidence that you impounded had
24 subsequently been tested for trace evidence, who -- you
25 already testified you're not the lead detective on this case,

1 correct?

2 A Correct.

3 Q You have your own case load at the time that these
4 individuals are taken into custody?

5 A Yes, sir.

6 Q So whose responsibility is to make requests for
7 forensic testing on items that are impounded into evidence?

8 A The lead detective, at this time, would have been
9 Detective Jeff Abell.

10 Q Okay. So if requests were made by Detective Abell
11 or the State in this case to test items that you impounded
12 from the defendants after their arrest, would you be
13 notified?

14 A No, sir.

15 Q So you wouldn't have any knowledge as to whether or
16 not these items have been tested since you were not
17 (inaudible).

18 A No, sir, I wouldn't.

19 MR. PORTZ: Court's indulgence. Thank you,
20 Detective.

21 THE WITNESS: Thank you.

22 MR. TANASI: Briefly, Your Honor.

23 RECROSS-EXAMINATION

24 BY MR. TANASI:

25 Q Detective, how long have you been a detective for?

1 A I've been a detective for going on ten years.

2 Q Okay. How many robberies would you say you've
3 investigated that ten years?

4 A I was in the -- assigned to the robbery section for
5 a total of eight years so I would say hundreds.

6 Q How many would you say you've investigated since the
7 series in this case?

8 A Since the series, maybe 60. Fifty to 60.

9 Q Thank you. Nothing further.

10 A Thank you, sir.

11 MR. MANINGO: Nothing else, Your Honor. Thank you.

12 THE COURT: Okay. I have a question, Jim.

13 (Off-record bench conference)

14 THE COURT: Okay, Detective, were the lights of the
15 patrol cars and PO vehicles of the detectives on the suspects
16 at the time of the apprehension?

17 THE WITNESS: Yes, sir, they were.

18 THE COURT: Okay. What is the size of Mr. Starr's
19 jacket and pants?

20 THE WITNESS: Mr. Starr, I would have to look at
21 his jacket and pants to get the exact size.

22 THE COURT: All right. Do you still have the
23 gloves on?

24 THE WITNESS: I do not, sir.

25 THE COURT: Oh, okay, great. Let's go to the next

1 question and then we'll get back to that. Is it conceivable
2 that a pocketknife could have been concealed within the blue
3 bag?

4 THE WITNESS: At the time, no, it is not because
5 it's not -- the blue bag had nothing in it when it was
6 recovered.

7 THE COURT: Okay. Regarding -- I mean, describe
8 the pocketknife recovered from Mr. Johns, size and color.

9 THE WITNESS: Again, sir, I would have to look at
10 the item to describe the knife. I just remember it was a
11 pocketknife. That's the only thing that I remember.

12 THE COURT: Since the arrest of these -- of the
13 three suspects, have there been anymore robberies similar to
14 the windbreaker series?

15 THE WITNESS: To my knowledge, no, sir.

16 THE COURT: All right. Mr. Portz, do you want to
17 assist him with regards to the sizes --

18 MR. PORTZ: Yes, Your Honor.

19 THE COURT: -- in reference to one of the
20 questions?

21 (Pause in the proceedings)

22 MR. PORTZ: Detective, I'm going to hand you what's
23 been admitted as 284-B, pants worn by Mr. Starr at the time
24 of his arrest.

25 THE WITNESS: The pants are a size -- that were

1 worn by Mr. Starr, at the time of his arrest were size 40
2 waist by 32 length pants -- or length legs.

3 MR. PORTZ: Thank you. And handing you -- could
4 you put that back inside the bag? Handing you 284-A. Jacket
5 worn by Defendant Starr at the time of his arrest.

6 THE WITNESS: The jacket size is an extra large, 46
7 to 48.

8 MR. PORTZ: Thank you.

9 (Pause in the proceedings)

10 MR. PORTZ: Your Honor, was that all the jury
11 questions?

12 THE COURT: Yes.

13 MR. PORTZ: Can I ask a few additional follow-ups?

14 THE COURT: Sure.

15 MR. PORTZ: Thank you.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. TANASI:

18 Q Detective, (inaudible) since we're on the topic, I'd
19 like you to open 281-B, the pants worn by Defendant Hobson at
20 the time of his arrest. (Inaudible).

21 A Size 32 by 32.

22 Q And would you do the same with 281-A, the hoodie
23 that he was wearing, once you put that back in the bag.

24 A 3 XL.

25 Q And, thank you. And again, Detective, do you recall

1 Defendant Hobson wearing those items of clothing on the night
2 of his arrest, correct?

3 A Yes, sir.

4 Q Okay. Same as to Mr. Starr with the items that you
5 opened that he was wearing?

6 A Yes, sir.

7 Q I want to publish on your screen just State's
8 Exhibit 203. Is that Mr. Starr at the time of his arrest?

9 A Yes, sir.

10 Q And he's wearing the jacket that you impounded as
11 283-A, correct?

12 A Correct.

13 Q It's got the red zipper, the red hoodie, the gray
14 and black two-toned windbreaker?

15 A Yes, sir.

16 Q And then the pants that he's wearing, sir, those are
17 the pants that were impounded?

18 A Yes, sir.

19 Q And then again, he's wearing the black boots that
20 you said were size 12?

21 A Yes, sir.

22 Q Defendant Hobson was wearing, you testified, size
23 9.5 Reeboks?

24 A Yes, sir.

25 Q And then you said that police lights were shining on

1 the suspects as they were being taken into custody; is that
2 correct?

3 A Correct.

4 Q So which brought up that it was late out, but what
5 was the lighting condition when you were able to visibly see
6 that blue Walmart bag in Mr. Hobson's waistband?

7 A The -- it was -- the area was -- of the car and the
8 suspects was well lit by vehicles, patrol vehicles and patrol
9 spotlights and overhead lights.

10 Q Okay. So was there anything hindering your ability
11 to view that blue bag tucked in his waistband that was coming
12 out from underneath his black hooded sweatshirt?

13 A No, sir.

14 MR. PORTZ: May I approach to retrieve the
15 exhibits, Your Honor?

16 THE COURT: Yes.

17 MR. PORTZ: Thank you, Detective. I have no
18 further questions.

19 THE COURT: Cross?

20 MR. TANASI: Yes, Your Honor. Thank you.

21 RECROSS-EXAMINATION

22 BY MR. TANASI:

23 Q Detective, you indicated that it was well lit,
24 correct?

25 A Yes, sir.

1 Q Okay. So well lit that every other police officer
2 at the scene could have seen that blue bag, right?

3 MR. PORTZ: Objection. Speculation.

4 THE COURT: Sustained.

5 BY MR. TANASI:

6 Q Officer, you -- Detective, you said you have
7 investigated 60 robberies, roughly, since this one?

8 A Roughly, 60.

9 Q Okay. And you've also indicated, if I have it
10 correctly, that to your knowledge, not to your knowledge, are
11 there any robberies that you've investigated since this
12 series that have been similar to this series; is that about
13 right?

14 A I don't know the question. I haven't investigated
15 any robberies that are similar to this with the windbreaker
16 and the specific MO.

17 MR. TANASI: Your Honor, may I approach?

18 THE COURT: Yes.

19 (Pause in the proceedings)

20 MR. TANASI: Thank you, Your Honor.

21 BY MR. TANASI:

22 Q Detective, just to be clear, so I understand your
23 testimony, since the robberies that you were investigating in
24 this case, you've investigated roughly 60, correct?

25 A Roughly, yes, sir.

1 Q Okay. And since then, have you investigated any
2 robberies similar to the robberies in this case?

3 A No, sir.

4 Q Okay. And I think you said not to your knowledge
5 earlier; is that correct?

6 A Right, yes, sir.

7 Q All right. And you'd agree with me that you don't
8 investigate every single robbery in Las Vegas, correct?

9 A Correct, yes, sir.

10 Q You don't -- you haven't investigated every single
11 robbery in Las Vegas since this series, correct?

12 A I have not, no, sir.

13 Q Okay. So is it your testimony then that you had not
14 investigated any robberies involving two or three
15 African-American males?

16 A I would -- since the series; no, sir, not that I
17 recall.

18 Q You've investigated no robberies including two or
19 three African-American males since this robbery series?

20 MR. PORTZ: Asked and answered, Your Honor.

21 THE COURT: Go ahead, he can clarify it.

22 MR. TANASI: Thank you.

23 THE WITNESS: Since this robbery series specific to
24 robbery -- I mean, now I investigate burglaries and other
25 crimes, but specifically robberies, I have not investigated

1 any robberies pertaining with two or three African-American
2 males, no, sir.

3 BY MR. TANASI:

4 Q How about two African-American males?

5 A Not that I can recall, sir, no, sir.

6 Q Okay. What race have the suspects been in the
7 robberies that you've investigated since this case?

8 A Since this case, I have investigated -- I was only
9 in the robbery section from November of 2014 when this crime
10 occurred when they were taken into custody, to July of 2015,
11 so with a total of, what, seven, eight, nine months. So only
12 nine more months I was in the robbery section where all I've
13 investigated specifically was robberies. So --

14 Q Okay. So in that nine month period in those roughly
15 60 robberies that you've investigated --

16 A Yes, sir.

17 Q -- did you investigate any robberies where the
18 robbers were wearing something covering their face?

19 A I've investigated -- yes, I've investigated
20 robberies where the robbers were covering their face.

21 Q Okay. Did you -- have you investigated any
22 robberies where the suspects had gloves on?

23 A Yes, sir.

24 Q Okay. Did you investigate any robberies where the
25 suspect had dark clothing?

1 A Yes, sir.

2 Q Have you investigated any robberies where the
3 suspects were robbing restaurants?

4 A Possibly, sir. I would to look at case loads, but I
5 mean, possibly.

6 Q In those -- in that nine-month time frame and that
7 roughly 60 amount robberies that you had investigated, did
8 any of those robberies include the suspects using firearms?

9 A Yes, sir.

10 Q Were any those robberies involving suspects that
11 wore bandanas?

12 A Yes, sir.

13 Q Did those robberies that you investigated, those 60
14 in that nine-month period, were they at night, any of them?

15 A Yes, sir.

16 Q In those robberies were they -- could they be fairly
17 characterized as the suspects go in, they demand money from
18 the safe, they get the money and they leave; is that just a
19 fair summary for how those robberies would have gone down?

20 A Most of the robberies, I would say 90 percent of the
21 robberies, 95 percent, no one ever demanded money from the
22 safe. They would go in and demand money, but very rarely do
23 they demand money from the safe. It's very few that we got
24 (inaudible).

25 Q Sure. Do they demand money from the cash register?

1 A Yes.

2 Q Okay. Do they demand money and items from the folks
3 that are in the restaurant?

4 A Yes, sir.

5 MR. TANASI: Okay. Court's indulgence. Nothing
6 further, Judge.

7 MR. MANINGO: Nothing else, Your Honor. Thank you.

8 THE COURT: Go ahead, Mr. Portz.

9 MR. PORTZ: Thank you, Your Honor.

10 FURTHER REDIRECT EXAMINATION

11 BY MR. PORTZ:

12 Q Detective, with regards to questions relating to
13 whether or not any similar style robberies to the windbreaker
14 series occurred after the defendants were arrested, you
15 testified, according -- you know, based on Mr. Tanasi
16 questions, as to robberies that you've investigated, correct?

17 A Yes, sir.

18 Q And you found none during your time as a detective
19 that were of a similar MO as those in the windbreaker series,
20 correct?

21 A Correct.

22 Q All right. Is it -- are you also, as you testified
23 earlier, you're briefed when there's a series occurring,
24 correct?

25 A Yes, sir.

1 Q Okay. Have you ever been briefed on any series
2 similar to the windbreaker series?

3 A I've been briefed on series now similar to the
4 windbreaker series being that it was a certain MO that they
5 used when they committed the robberies and the clothing was
6 very distinct being worn by hence the name that we named it
7 windbreaker series. I have not -- I do not recall any series
8 that match that.

9 Q So what was the MO in this windbreaker series?

10 A The MO would be there was -- be two to three black
11 male would enter a business, a fast food type restaurant,
12 either by opening the doors, smashing the glass to -- and
13 climbing in through the glass door, as the business was
14 closing and the individuals inside -- the workers were inside
15 cleaning up, whether it be sweeping, mopping, cleaning the
16 kitchen. The suspects would approach them, force everybody
17 to lay down on the ground, sometimes they would get violent
18 with the suspects and strike the suspects. They would --

19 Q You're saying suspects; do you mean victims?

20 A The suspects would get violent with the victims.

21 Q Okay.

22 A Striking the victims. And then would ask the -- get
23 the manager -- not ask, but demand the manager open up the
24 safe.

25 Q Okay. So all of those were unique to the

1 windbreaker series, correct?

2 A Yes, sir.

3 Q You also said that it was unique for robbers to
4 specifically demand money from the safe as opposed to simply
5 saying hand over the money; is that correct?

6 A Yes, sir.

7 Q Okay.

8 A Yes, sir.

9 Q Was it also unique that they were using a blue bag
10 towards the end of the series?

11 A Yes, sir.

12 Q Was it also unique that they were wearing or that
13 one of the suspects was larger than the second suspect?

14 A Yes, sir.

15 Q Was it also unique that they had used a silver Dodge
16 Charger as a mode of transportation in at least some of these
17 robberies?

18 A Yes, sir.

19 Q Was it also unique that they would wear white
20 surgical masks during the later robberies --

21 A Yes, sir.

22 Q -- in this series? Was it also unique that they
23 wore similar gray shoes and black boots in this series?

24 A Yes, sir.

25 Q Have you had in any of your briefings -- and you're

CONTINUED

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VOLUME

1 A Right.

2 Q Okay. So part of your pat down would include
3 looking for bags, correct?

4 A Yes.

5 Q Okay. In this case, there is no body camera footage
6 that you've seen; is that fair to say?

7 A No, I haven't seen any body cameras.

8 Q Okay. There's no dash cam footage in this case
9 either?

10 A We don't have dash cams at Metro.

11 Q Okay. Again, fair to say there's no dash cam --

12 A Yes.

13 Q -- footage in this case? There's also no video of
14 this incident, this arrest, correct?

15 A No.

16 Q Okay. And again, how many officers -- how many law
17 enforcement personnel would you estimate were at the scene?

18 A Including detectives --

19 Q Everybody who was working for Metro, how many?

20 A Ten, 15 total, maybe.

21 Q Okay.

22 MR. TANASI: Court's indulgence. I have nothing
23 further, Your Honor.

24 THE COURT: Cross?

25 MS. LOBO: Yes. Actually, Court's indulgence

1 briefly.

2 CROSS-EXAMINATION

3 BY MS. LOBO:

4 Q Hi, Detective.

5 A I'm a officer.

6 Q Good afternoon. Oh, officer, sorry. That's right.
7 Okay, so I want to talk to you about your encounter with
8 Mr. Starr when you got to the scene. And I understand you
9 said that you got out of your car and that you had your
10 weapon drawn when you saw the individual at the back trunk?

11 A Yes, ma'am.

12 Q And that you were standing directly behind this
13 person?

14 A I -- I don't know if it was directly. If you saw
15 the -- if you saw the picture that they put up of the
16 vehicle, how it was kind of canted, I came in at kind of an
17 angle. I can't remember the exact angle, but I wouldn't say
18 it was like directly behind the car like as if you were
19 parked at a stop light behind somebody else. It wasn't a
20 straight line, I don't think.

21 Q Okay. He was -- you were behind him, though, and he
22 had his back to you?

23 A Correct.

24 Q Okay.

25 A I could see like kind of a side profile almost of

1 him --

2 Q Okay.

3 A -- but not -- yeah.

4 Q And when you gave that command to put your hands up
5 and walk back, he put his hands up and he was walking back to
6 you?

7 A Eventually, yes.

8 Q Eventually. And you actually stated he didn't
9 initially comply, that it took two times for you to repeat
10 that information before he walked back?

11 A At least two times, yes.

12 Q Okay. And while you're there, it's also your
13 partner who's there right next to you, too?

14 A Yes.

15 Q Okay. And you weren't the arresting officer in this
16 case or the lead detective in this case, but you had contact
17 with Detective Weirauch who was there?

18 A Yes.

19 Q Okay. You did speak to him?

20 A Yes.

21 Q Okay. At that night at that scene?

22 A Yes.

23 Q Okay. And you relayed the information to Detective
24 Weirauch about Mr. Starr not being immediately compliant?

25 A Yes.

1 Q You did?

2 A I believe, I did, yes.

3 Q Okay.

4 A Because it was a -- it was -- it was a scary
5 situation for me.

6 Q Okay.

7 A For personal reasons, but.

8 Q Oh, okay. So it was a scary situation for you, and
9 so that's important information, something that you would
10 want to include in a report?

11 A As far as reports go, when we do reports like that,
12 I wouldn't say that I would even put that in the report.
13 There was no use of force, nothing actually happened, so he
14 came into custody. At the end of the situation, there was
15 nothing that -- other than my personal story to tell, there's
16 nothing that would change the world about what happened. He
17 didn't fight us. He didn't run from us. There's nothing
18 that you would really throw in there.

19 Q So he was compliant with you?

20 A Yes.

21 Q Yes. He was not aggressive towards --

22 A No.

23 Q -- you then?

24 A No, he was --

25 Q At all?

1 A -- not -- he was not aggressive towards me.

2 Q Okay. And you told them to Detective Weirauch as
3 well, correct?

4 A I told -- I told Detective Weirauch pretty much what
5 I just told the -- the lawyer here.

6 Q Okay. And did you have contact with Detective Abell
7 who was the lead on this case?

8 A I don't remember.

9 Q Okay. Probably safe to say that you did, if you had
10 heard briefings that he would be the person that was running
11 the investigation, you probably did have some contact with
12 him?

13 A It would be safe to say that I had some contact with
14 him. The reason I -- I have known Detective Weirauch for a
15 long time so I kind of know him. So I remember him. The
16 other detectives, I don't know every detective on the
17 department so I can't remember what interaction I had with
18 him.

19 Q Right. And you did not generate a report in this
20 case because even though you were the arresting officer for
21 Mr. Starr?

22 A I'm the officer that took him into custody.

23 Q Okay.

24 A I'm not the arresting officer. The arresting
25 officer is the person that made the report.

1 Q That was not present at the scene?

2 A The detective?

3 Q Yes.

4 A The -- I'm sure they came. They probably they came
5 to headquarters when we took him in for the interviews or
6 they showed up at the scene later.

7 Q Okay. So that information would have been in
8 Detective Abell's report, then?

9 A I don't know.

10 Q Okay.

11 A I didn't write his report. I haven't seen it
12 either.

13 Q You gave some information. You said that you were
14 made aware of the Charger about a week and a half that the
15 Dodge Charger through your briefings. Do you remember
16 testifying to that on direct?

17 A Yes, that I had seen it in brief before?

18 Q Yes.

19 A Yes.

20 Q And that you said that there was specific rims that
21 were associated with the Charger.

22 A If I recall correctly, it had specific like upgraded
23 aftermarket rims on it, shiny.

24 Q Right. And it would be black stripes -- sound
25 familiar, black stripes, black rims?

1 A Oh, I don't know, maybe they were -- I don't
2 remember. It was two years ago. Like I -- I think the rims
3 had something to do with the briefing is what I'm saying. I
4 -- I just remember that. But I wasn't the one that spotted
5 the vehicle. Officer -- Detective Weirauch was.

6 Q Right.

7 A He called it out so.

8 Q So let's talk about spotting the vehicle, then. You
9 pointed on diagram that you were near the bottom left-hand
10 part of that photo, and I think you said mobile home park
11 area.

12 A Right.

13 Q In there. And that the purpose of that was to not
14 have anybody interrupt what was going on so if the people
15 were about to commit a crime, they could actually be caught;
16 is that fair to say?

17 A Correct. Detective Weirauch had eyes on the
18 vehicle.

19 Q Right. And you were not in a place where they could
20 see you?

21 A Correct.

22 Q And you couldn't see them?

23 A Correct.

24 Q Okay. So the only person that could see anything
25 was Detective Weirauch at that point?

1 A As far as I know, he was in the vehicle by himself,
2 but I'm not sure of that.

3 Q Okay.

4 A So --

5 MS. LOBO: Court's indulgence. I'm pass the
6 witness.

7 THE COURT: Okay. Any further direct?

8 MR. PORTZ: Not for the State, thank you.

9 THE COURT: Okay. All right, Officer, thank you so
10 much for your testimony. You can step down. You're excused.

11 THE WITNESS: Thank you, sir.

12 THE COURT: Okay? All right.

13 (Pause in the proceedings)

14 THE COURT: Could the parties approach, please.

15 (Off-record bench conference)

16 THE COURT: Ladies and gentlemen, we're going to
17 take our weekend recess. Monday, I'll expect you to be here
18 by 11:00 to get started. The parties assure me that we
19 should be done probably Tuesday, maybe Wednesday, maybe even
20 earlier depending on -- well, at least the State will be and
21 then the defense has their opportunity.

22 So during this time frame, however, ladies and
23 gentlemen, you're admonished not to converse amongst
24 yourselves or with anyone else on any subject connected with
25 this trial or read, watch or listen to any report or

1 commentary on the trial by any person connected with this
2 case or by any medium of information, including without
3 limitation, newspapers, television, the Internet or radio.
4 You're further admonished not to form or express any opinion
5 on any subject connected with this trial until the case is
6 finally submitted to you.

7 Be here 11:00 o'clock Monday. Everyone have a good
8 weekend and be safe. We'll be at ease while the jury leaves
9 the room.

10 (Outside the presence of the jury)

11 THE COURT: Okay, we're outside the presence of the
12 jury. Before our weekend recess, is there anything that the
13 parties need to put on the record at this time?

14 MS. MERCER: No, Your Honor.

15 MR. TANASI: There isn't, Your Honor. I was just
16 wondering if we had an idea of what next week's schedule
17 looks like. I know Monday would be an 11:00 start.

18 THE COURT: 11:00 on Monday.

19 MR. TANASI: Anything past that? Too early to
20 tell, that's okay, too.

21 THE CLERK: Tuesday --

22 THE COURT: 11:00 again?

23 THE CLERK: -- probably -- it will be probably
24 11:00.

25 THE COURT: 11:00 again.

1 THE CLERK: Wednesday I would say probably by
2 11:00. And then all day Thursday and all day Friday.

3 THE COURT: Yeah. Do I have a hearing Thursday
4 morning?

5 THE CLERK: No.

6 THE COURT: Okay. 11:00, 11:00, 11:00, and
7 Thursday all day, Friday all day.

8 MR. TANASI: Got it.

9 THE COURT: Okay?

10 MR. TANASI: Thank you.

11 MR. MANNINGO: Your Honor, just one thing about
12 Monday --

13 THE COURT: Um-h'm.

14 MR. MANNINGO: -- is I have a conflict in the
15 morning that should be done so I can be here at 11:00. If
16 not --

17 THE COURT: Okay.

18 MR. MANNINGO: -- would the Court be okay just
19 advising the jury that I had a conflict, but that I'm on my
20 way and you guys start without me?

21 THE COURT: As long as you're fine with Ms. Lobo
22 handling your -- anything further.

23 MR. MANNINGO: Absolutely. My only issue --

24 THE COURT: Well, maybe I should say as long as Ms.
25 Lobo allows you to leave.

1 MS. LOBO: Yeah.

2 MR. MANNINGO: Exactly.

3 MS. LOBO: As long as it's not the footwear because
4 that's his -- his.

5 MR. MANNINGO: Yeah, are you guys starting with
6 footwear, do you know, Liz? Your expert on Monday?

7 MS. MERCER: How long is your cross-examination
8 going to be? (Inaudible).

9 MR. MANNINGO: I don't know yet, but is he going to
10 be your first witness on Monday, I guess, is my question.
11 Because I might be a little bit late.

12 MS. MERCER: Do we have any other short witnesses?

13 MR. PORTZ: If we can go with Idania Sacba --

14 MS. MERCER: (Inaudible).

15 MR. PORTZ: -- in at 11:00, we can start with her.

16 MR. MANNINGO: I should be fine, Your Honor.

17 THE COURT: All right. Okay, yeah, I don't mind.
18 I mean, I'll tell them that you're --

19 MR. MANNINGO: Okay.

20 THE COURT: -- that you had something else to do
21 and --

22 MR. MANNINGO: Okay.

23 THE COURT: -- get started. I'll even ask them if
24 they want to wait for you, and if they say yes --

25 MS. LOBO: Lance's face.

1 THE COURT: Okay. All right.

2 MR. MANNINGO: Thanks.

3 THE COURT: So anything else?

4 MR. TANASI: No, Your Honor.

5 THE COURT: All right. So State, you have roughly
6 five witnesses left?

7 MR. PORTZ: Five or six, Your Honor.

8 MS. MERCER: I can't recall, Your Honor.

9 THE COURT: Okay. All right.

10 MS. MERCER: I mean, it's -- we still have a victim
11 that lives out of state. We have a footwear and DNA
12 (inaudible) detective (inaudible).

13 THE COURT: Maybe six. Six witnesses. Okay. All
14 right. All right, we'll see -- you guys all have a good
15 weekend, okay?

16 MR. TANASI: You, too.

17 MR. MANNINGO: Thanks, Judge.

18 (Court recessed at 4:44 P.M., until Monday,
19 May 16, 2016, at 11:16 A.M.)

20 * * * * *

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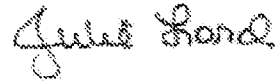
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CERTIFICATE

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,

Plaintiff,

vs.

TONY LEE HOBSON,
and BRANDON STARR,

Defendants.
.....

CASE NO. C-14-303022-1

CASE NO. C-14-303022-2

DEPT. NO. XIX

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

JURY TRIAL - DAY 8

MONDAY, MAY 16, 2016

APPEARANCES:

FOR THE STATE:

ELIZABETH A. MERCER, ESQ.
KENNETH PORTZ, ESQ.
Deputy District Attorneys

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

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>				
Idania Sacba	7	22	25, 29	27 --
Det. Ronald Matlock	30	54, 61	66, 72, 79, 89, 92, 98	69, 74, 85, 90, 95, 98
Eric Gilkerson	99	136, 153	160	--- ---
Noreen Charlton	173	218	221	---
	* * *	* *		

EXHIBITS

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1 LAS VEGAS, NEVADA, MONDAY, MAY 16, 2016, 11:16 A.M.

2 (Outside the presence of the jury)

3 THE COURT: Okay. We're back on the record in the
4 case of the State of Nevada versus Tony Hobson and Brandon
5 Starr in C-303022. I'd like the record to reflect the
6 presence of the defendant and their counsel, as well as State
7 and their counsel. Are the parties ready to proceed?

8 MS. MERCER: Yes, Your Honor.

9 MR. TANASI: Yes, Your Honor.

10 MS. LOBO: Yes, Your Honor.

11 THE COURT: Okay.

12 MS. MERCER: I believe we needed to make a record
13 about some evidence that we opened --

14 THE COURT: Okay.

15 MS. MERCER: -- on Friday, Your Honor.

16 THE COURT: Sure.

17 MR. PORTZ: As for today, Your Honor, I think by
18 stipulation the parties opened Exhibits 274 and 274-A, which
19 was a physical evidence box, and the .38 Smith & Wesson.
20 275, which was a box, and 275-A, which contained the Ruger
21 P90. 277, again, a box, and 277-A, which was a hatchet.

22 As to Friday, we admitted or opened 276 and its
23 contents, 276-A through D, which were knives. 278 and its
24 contents A through J, which contained a variety of gloves,
25 clothing, masks. 279 and contents A through F, which again

1 contained masks, gloves. 280, which contained the Walmart
2 bag, 280-A. 281 and its contents, which were the clothes
3 that Defendant Hobson was wearing at the time of his arrest.
4 282 and contents, which was -- which was the sneakers and
5 socks worn by Hobson during his arrest. 283 and contents,
6 which were Defendant Starr's boots. 284 and contents,
7 Defendant Starr's clothing at the time of his arrest. And I
8 believe that's all the physical evidence that was opened on
9 Friday.

10 THE CLERK: They just were present to open it.

11 THE COURT: Is that it, Mr. Portz?

12 MR. PORTZ: I believe so.

13 THE COURT: All right. Okay, thank you. Anything
14 further, then?

15 MR. TANASI: No, Your Honor.

16 MS. LOBO: No, Your Honor.

17 THE COURT: So then you were all present when this
18 was opened?

19 MR. TANASI: Yes, Your Honor.

20 MS. LOBO: Yes, Your Honor.

21 THE COURT: All right. Okay, Jim, go ahead and get
22 the jury in.

23 (In the presence of the jury)

24 THE MARSHAL: Please be seated. Department 19 is
25 back in session.

1 THE COURT: Okay. This is continuation of jury
2 trial in Case No. C-303022, State of Nevada versus Tony
3 Hobson and Brandon Starr. I'd like the record to reflect the
4 presence of the jury. Is Vissa Noquez?

5 JUROR NO. 1: Here.

6 THE COURT: Robert Bass.

7 JUROR NO. 2: Here.

8 THE COURT: Vince Gaeta.

9 JUROR NO. 3: Present.

10 THE COURT: Lin-Belle Addington.

11 JUROR NO. 4: Here.

12 THE COURT: Daniel Boggs.

13 JUROR NO. 5: Here.

14 THE COURT: Nicholas Kozlowski.

15 JUROR NO. 6: Present.

16 THE COURT: William Burns.

17 JUROR NO. 7: Here.

18 THE COURT: David Synder.

19 JUROR NO. 9: Here.

20 THE COURT: Glynis Bernard.

21 JUROR NO. 10: Here.

22 THE COURT: Daniel Powers.

23 JUROR NO. 11: Here.

24 THE COURT: Charles Worth.

25 JUROR NO. 12: Here.

1 THE COURT: Heather Hedrick.

2 JUROR NO. 14: Here.

3 THE COURT: And Dustin Bigelow.

4 JUROR NO. 15: Here.

5 THE COURT: Will the parties stipulate to the
6 presence of the jury?

7 MS. MERCER: Yes, Your Honor.

8 MR. TANASI: Yes, Your Honor.

9 MS. LOBO: Yes, Your Honor.

10 THE COURT: Before we took a break over the
11 weekend -- hopefully you all had a good weekend -- before we
12 took a break, State was still in their case-in-chief. Ms.
13 Mercer, did you have any further witnesses?

14 MS. MERCER: We do, Your Honor. The State's next
15 witness is Idania Sacba, and her testimony pertains to the
16 fifth event in the series, counts 22 through 25.

17 IDANIA SACBA, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please be seated. If you
19 can state your full name, spelling of your first and last
20 name for the record.

21 THE WITNESS: Idania Sacba. It's I-d-a-n-i-a.
22 Last name S-a-c-b, as in boy, a.

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

24 THE COURT: What was it, S-a-c-b --

25 THE WITNESS: S-a-c-b-a.

1 THE COURT: Okay. Yes.

2 MS. MERCER: Thank you.

3 DIRECT EXAMINATION

4 BY MS. MERCER:

5 Q Ma'am, where do you currently work?

6 A Little Caesar.

7 Q Which store do you work at?

8 A The one on Nellis and Sahara.

9 Q Is there another store that you have to go to each
10 week to turn in paperwork?

11 A Yes. Charleston and Lamb.

12 Q Okay. Is the address of that store actually 2272
13 South Nellis?

14 A No, that's --

15 Q Is that the store that you work at?

16 A -- my store.

17 Q Okay. Oh, I'm sorry, it's 4258 East Charleston.

18 A Yes.

19 Q Correct?

20 MS. MERCER: Publishing on the overhead State's
21 Exhibit 5.

22 (Pause in the proceedings)

23 BY MS. MERCER:

24 Q Do you recognize this to be the location of that
25 store on East Charleston that you have to go to each week?

1 A Yes.

2 Q And you indicated the closest major cross streets
3 are Charleston and Lamb?

4 A Yes.

5 Q Which day of the week do you have to go to that
6 location to turn in paperwork?

7 A Monday nights.

8 Q When you go to turn in the paperwork, is that
9 location's store open or closed?

10 A For the public it's closed.

11 Q Are you a manager with Little Caesars?

12 A Yes.

13 Q At the store on South Nellis?

14 A Yes.

15 Q How long have you been a manager there?

16 A Six years.

17 Q Were you working on November 4th of 2014?

18 A Yes.

19 Q On that night, did you go to turn in paperwork at
20 the 4258 East Charleston store?

21 A Yes.

22 Q When you arrived at that store, were any other
23 employees present at the store?

24 A Only the driver.

25 Q What kind of driver?

1 A The -- the one who deliver the food for Little
2 Caesar.

3 Q Publishing on the overhead State's 65. Is this his
4 truck that was parked in front of the business on that date?

5 A Yes.

6 Q And his name is Jesus?

7 A Yes.

8 Q When you would drop the paperwork off each Monday,
9 was Jesus typically there --

10 A Yes.

11 Q -- delivering? Did he have access to the store
12 through his own key or did you leave it open for him?

13 A No, he has access to the store.

14 Q What time was it on November 4th of 2014 that you
15 went to that store to turn in the paperwork?

16 A I was there like around 11:00, 11:30.

17 Q Had you completed the paperwork already and you just
18 needed to go and drop it off or were you --

19 A No.

20 Q -- still working on it?

21 A I didn't complete my paperwork so that's the reason
22 why I went into the store.

23 Q Where inside of that store did you continue to work
24 on your paperwork?

25 A All the way in the back of the store.

1 Q Publishing on the overhead State's Exhibit 69. The
2 area where you were completing your paperwork, where would it
3 be?

4 A All the way to the back.

5 Q Could you place an X in the area where it might be
6 located. Is it a separate little office area?

7 A Yeah.

8 Q Publishing State's 70. Is this is a close-up of
9 that same area?

10 A Yes.

11 Q Where the chairs pulled out?

12 A Yes, I was sitting right there.

13 Q And so you were the only one in the store other than
14 Jesus on that night, correct?

15 A Yes.

16 Q You indicated that Jesus was making deliveries. Was
17 he going in and out?

18 A Yes.

19 Q When Jesus made delivers at that location, what door
20 would he use?

21 A The front door.

22 Q The main entrance?

23 A Yes.

24 Q Showing you State's Exhibit 66. Is this the front
25 of that store?

1 A Yes.

2 Q And State's 67. This shows the passageway that you
3 would take to get back to that little office area, correct?

4 A Yeah.

5 Q And State's 68, can you see the front door of the
6 business in the back of this photograph? Right here?

7 A Yes.

8 Q Okay. When you were at that location doing the
9 paperwork, did you leave the lights on -- did you leave the
10 lights up front on or off?

11 A They were on.

12 Q At some point, did you become aware that something
13 unusual was happening inside of the store?

14 A After I hear like different voices.

15 Q You heard voices that you didn't recognize?

16 A Yeah.

17 Q Were you still in the office area when you heard
18 those voices?

19 A Yes.

20 Q Could you tell how many different voices it was that
21 you were hearing?

22 A Only one, and I knew it was not Jesus because I know
23 Jesus's voice.

24 Q Could you tell where that voice was coming from?

25 A From the front of the door.

1 Q From the front of which door? The office door --

2 A The entrance.

3 Q -- or -- okay. When you heard that voice, what did
4 you do?

5 A That was the time that I was going to stand up, but
6 when I stand up then he was already at my side.

7 Q Okay. So you went to stand up from the chair where
8 you were doing the paperwork? And you indicated that he was
9 standing next to you. Who are you referring to?

10 A To the rob guy, who was robbing the store.

11 Q The guy that was robbing the store?

12 A Um-h'm.

13 Q Could you --

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

15 THE WITNESS: Yes.

16 BY MS. MERCER:

17 Q Could you describe what he was wearing?

18 A He was wearing like a jacket with a mask on his
19 face. I was only able to see his eyes and regular pants.

20 Q Do you remember what color jacket it was?

21 A Black.

22 Q How tall are you?

23 A Five point 2.

24 Q You're five foot two inches?

25 A Um-h'm.

1 Q When you stood up, about how much taller than you
2 was the person that was standing there?

3 A He was really tall.

4 Q Okay.

5 A Like maybe 6 point 3, 6 point 5. He was taller than
6 me.

7 Q Okay. And when you say 6 point 3, 6 point 5, are
8 you referring to six feet three inches or --

9 A Yes.

10 Q -- to six foot five inches?

11 A Um-h'm.

12 Q How would you describe his build? Would you say
13 that he was thin, medium, heavy?

14 A I would say medium.

15 Q You indicated that his face was covered. Was his
16 entire face covered or just a portion?

17 A The whole face. I was only able to see the eyes.

18 Q From what you could see of his face, the areas
19 around his eyes, were you able to tell what race he was?

20 A Yes.

21 Q What race was he?

22 A African-American.

23 Q Was he holding anything in his hands?

24 A Yes, a gun.

25 Q Do you remember what color gun?

1 A I don't remember anymore. It has been a long time.

2 Q Okay. When --

3 A It had black.

4 Q Black?

5 A Um-h'm.

6 Q When you saw this person standing next to you
7 holding a gun, what happened at that point?

8 A He told me to stand up, and then he grabbed me from
9 my arm with the gun on my head, and he keep on telling me to
10 go to the front.

11 Q Did you go to the front?

12 A Yes, I went to the front.

13 Q Did he tell you why he wanted you to go to the
14 front?

15 A Yeah, he want me to open the safe.

16 Q Where is the safe in that store?

17 A On the front of the -- the store.

18 Q Looking at State's Exhibit 68, do you see the safe?

19 A Yes.

20 Q Could you circle it for the jurors, please?

21 A This is the safe right there.

22 Q Did you have access to that safe that night?

23 A No.

24 Q Did you ever have access to that safe?

25 A Never.

1 Q Do you have access to the safe within your own
2 store?

3 A Yes. Well, not anymore in the night. It gets
4 locked.

5 Q So now it's on a time lock?

6 A Yes.

7 Q But back in November of 2014, you would have been
8 able to access the safe in your own store?

9 A No, it was also time locked.

10 Q Okay. When he told you to open the safe, how did
11 you respond to him?

12 A I told him that I didn't have access to the safe
13 because it wasn't my store. And then he said open the safe
14 and then I told him I can't because it's not my store, and
15 even if it will be my store, I don't have access to that
16 safe.

17 Q What happened at that point?

18 A He keep on telling me open the fucking safe, open
19 the fucking safe.

20 Q At some point did he give up?

21 A Yeah, after a few minutes he did, and that's when he
22 told me to go back to --

23 Q Told you to go back where?

24 A To the office where I was at.

25 Q At any time while you were up at the front of the

1 store with this man with a gun, did you become aware that
2 another person that you didn't recognize was in the store?

3 A Yes.

4 Q And how did you become aware of that fact?

5 A Because he was kind of talking to the guy who had me
6 since the beginning.

7 Q When you say that he was talking to the guy that had
8 you, are you referring to the second person that --

9 A Second person. That's when I became aware there was
10 another -- somebody robbing the store with him.

11 Q Could you tell what he was saying to the person that
12 was standing next to you with the gun telling you to open the
13 safe?

14 A I remember that he said yes, to leave me alone. He
15 said something like that because he saw that I didn't have
16 access to the store -- to the safe.

17 Q When you were at the store that night, did you have
18 any of your personal property with you inside of the store?

19 A I had my purse and my cell phone.

20 Q Did -- what happened to your cell phone that night?

21 A He took my cell phone as soon as I stand up from the
22 back of the back office when he took me to the front. The
23 first thing that he did is took my cell phone away.

24 Q Okay. So the person that you indicated was about
25 six foot three, six foot five took your cell phone?

1 A Yes.

2 Q Did you ever see the second person that you heard
3 talking?

4 A No.

5 Q And I'm sorry, did you say what color your cell
6 phone is?

7 A White.

8 Q And it was just sitting on top of the table you were
9 doing paperwork?

10 A Yes.

11 Q When the individual with the gun finally realized
12 that you couldn't access the safe, did you see which way they
13 left?

14 A No, I didn't even turn around to see.

15 Q Is that store equipped with surveillance equipment?

16 A I'm sorry?

17 Q Is that store equipped with surveillance cameras?

18 A Yes.

19 Q And have you had a chance to review the surveillance
20 footage from that store?

21 A At my store, no.

22 Q From this store?

23 A From that store, no.

24 Q Okay. If I showed you a clip of it, would you be
25 able to recognize yourself in that surveillance footage?

1 A Yes.

2 Q Once they left, did you call 911?

3 A Yes.

4 Q Did the police respond?

5 A Yes.

6 Q And you gave a taped statement to one of the
7 officers that responded, correct?

8 A Yes.

9 MS. MERCER: Permission to publish portions of 71-A
10 Your Honor.

11 THE COURT: Yes.

12 (Surveillance video playing)

13 BY MS. MERCER:

14 Q I'm going to pause it. Do you recognize that man
15 right there?

16 A Yes.

17 Q Is that Jesus?

18 A That's Jesus.

19 Q Did you see the individual that just walked in?

20 A Yes.

21 Q Was that the person that was in the store that night
22 on November 4th that took your cell phone?

23 A Yes.

24 Q Now I'm going to publish a portion of the 911 call.

25 (Playing the 911 call)

1 BY MS. MERCER:

2 Q Ma'am, did you recognize that voice?

3 A Yes.

4 Q Was that you?

5 A Yes.

6 MS. MERCER: Your Honor, at this time, the State
7 would move for the admission of 71 and 71-A.

8 THE COURT: Any objection?

9 MR. TANASI: No objection, Your Honor.

10 MS. LOBO: No objection.

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

12 (Exhibits 71 and 71-A admitted)

13 MS. MERCER: Thank you, Your Honor.

14 (Playing the 911 call)

15 BY MS. MERCER:

16 Q Okay, ma'am, now I'm publishing the clip that's
17 labeled Channel 1. And I'm going to skip ahead to about 13
18 minutes and 40 seconds in. And this is showing that hallway
19 leading back to the office where you were doing paperwork,
20 correct?

21 A Okay, yes.

22 THE COURT: Is this a yes?

23 THE WITNESS: Yes.

24 BY MS. MERCER:

25 Q The direction that the two gentlemen just turned,

1 can you also access that back office from that direction?

2 A Yes.

3 Q Does it kind of make a circle?

4 A Yes.

5 Q And ma'am, is that you that's now walking towards
6 the camera?

7 A Yes.

8 Q Is that when you were being ordered up towards the
9 front of the store?

10 A Yes.

11 Q What are you telling him right now?

12 A About that's not my safe. That's not my store.

13 Q Do you see that object that's in his hand?

14 A Kind of.

15 Q Does that appear to be your cell phone?

16 A Yes.

17 Q And you just walked back towards the office,
18 correct?

19 A Yes.

20 Q Why did you walk back towards the office at that
21 point?

22 A You said why?

23 Q Yes.

24 A Because he told me to go back to the office.

25 Q Now I'm going to publish Channel 2. And I'm going

1 to skip ahead to about 15 minutes and 27 seconds in. Is this
2 the area where the front door would be located?

3 A Yes.

4 Q Is that Jesus bringing in the delivery?

5 A Yes.

6 Q I'm going to skip ahead to about 14:38. Does that
7 appear to be the two suspects leaving?

8 A Yes.

9 Q Now publishing Channel 3. And this is just above
10 the cash registers, correct?

11 A Yes.

12 Q For the record?

13 A Yes.

14 Q And this is, again, them heading out of your
15 business, correct?

16 A Yes.

17 Q Now I'm going to publish Channel 4. Is this another
18 camera mounted in that front area of your store?

19 A Yes.

20 Q Of the store? That's Jesus again?

21 A Yes.

22 Q I'm going to fast forward about 14:30. And that was
23 them leaving again, correct?

24 A Yes.

25 Q Did you ever get your cell phone back --

1 A No.

2 Q -- after that night?

3 MS. MERCER: I'll pass the witness, Your Honor.

4 THE COURT: Cross?

5 CROSS-EXAMINATION

6 BY MR. TANASI:

7 Q Good morning, ma'am. My name is Rich Tanasi. I
8 represent Mr. Hobson. A few questions you for you on cross;
9 is that okay?

10 A Okay.

11 Q Okay. You testified here that you believe that the
12 one man that you saw was 6.3 or 6.5; does that sound right?

13 A Yes.

14 Q You described him as really tall, correct?

15 A Taller than me, yes.

16 Q Okay. Do you remember filling out a voluntary
17 statement in this case the day of the robbery?

18 A Yes.

19 Q Okay. Actually, do you remember speaking with a
20 detective and telling him what happened on that day?

21 A Yes.

22 Q Okay. Do you remember describing the first person
23 as seven foot two?

24 A I don't remember.

25 Q Would seeing a copy of your voluntary statement

1 refresh your recollection? If I showed you the statement?

2 A Yes.

3 Q Okay.

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

5 THE COURT: Yes.

6 BY MR. TANASI:

7 Q Ma'am, if you could just look at this statement and
8 let me know when it refreshes your recollection.

9 A Yeah.

10 Q Okay.

11 A It says six, seven or seven, two.

12 Q So is your recollection refreshed?

13 A Yes.

14 Q Okay. And do you remember telling the officer the
15 day of the robbery you thought that the person who robbed you
16 was seven foot two?

17 A Six, seven or seven, two. That's what I said.

18 Q Understood.

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

20 THE COURT: Yes.

21 MR. TANASI: Okay.

22 BY MR. TANASI:

23 Q Do you remember testifying in front of the grand
24 jury?

25 A Yes.

1 Q Okay. Do you remember telling the grand jury that
2 you believed that the person who robbed you was seven foot
3 two?

4 A I remember that.

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

7 A Okay.

8 Q Okay.

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

10 THE COURT: Yes.

11 BY MR. TANASI:

12 Q Just read the top portion, please. Let me know when
13 this refreshes your recollection.

14 A Okay.

15 Q Do you remember telling the grand jury that you
16 believed he was seven foot two?

17 A I don't remember, but if it's here, I'm really sure
18 I said it.

19 Q Okay. Thank you, ma'am.

20 MR. TANASI: May I approach?

21 THE COURT: Yes.

22 BY MR. TANASI:

23 Q And just to be clear, the second individual that was
24 in the store, you didn't actually see that person, correct?

25 A No.

1 Q Thank you, ma'am. Nothing further.

2 MR. MANINGO: Nothing else, Your Honor. Thank you.

3 THE COURT: Okay.

4 MS. MERCER: May I redirect, Your Honor?

5 THE COURT: Yes.

6 REDIRECT EXAMINATION

7 BY MS. MERCER:

8 Q Ma'am, when you spoke with Detective Weirauch on the
9 night of the robbery, after you indicated that he was six
10 foot seven to seven foot two, did Detective Weirauch ask you
11 to do anything to show him how tall he was?

12 A No.

13 Q Do you recall him saying that's really high, could
14 you show me with your hands how much taller than me he was?
15 Do you recall that?

16 A Yeah.

17 Q And then you showed him, and he indicated, so six
18 foot two?

19 A That's what -- yeah, um-h'm.

20 Q Okay. So the detective told you he was six feet
21 tall and your hands you indicated two inches taller than the
22 detective, correct?

23 A Yes.

24 Q And then in front of the grand jury, do you recall
25 being questioned by my co-counsel, Mr. Portz?

1 A Yes.

2 Q Is that a yes?

3 A Yes.

4 Q Do you recall that when you told Mr. Portz that the
5 suspect was seven foot two, Mr. Portz said, I'm six foot
6 four, would you say --

7 MR. TANASI: Your Honor --

8 BY MS. MERCER:

9 Q -- he's taller than me?

10 MR. TANASI: -- I'm just going to object. This is
11 all leading. Walking her right through the testimony. It's
12 her witness, not a hostile witness.

13 THE COURT: Just rephrase the question.

14 MS. MERCER: Okay.

15 BY MS. MERCER:

16 Q Do you recall that after you told Mr. Portz the
17 suspect was seven foot two, he asked you some clarifying
18 question?

19 A Yes.

20 Q And do you recall about how tall he indicated he
21 was?

22 A Yes.

23 Q How tall did he indicate that Mr. Portz was?

24 A Six -- six four; six five.

25 Q And when he told you that he was six foot four; six

1 foot five, did that change your --

2 A That changed my mind.

3 Q Okay. And then --

4 A Um-h'm.

5 Q -- at that point, how tall did you say the suspect
6 was?

7 A Like 6.2. I would say 5.9.

8 Q Okay. Do you recall answering, no, he was like your
9 size?

10 A Yes.

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

12 THE COURT: Recross?

13 MR. TANASI: Briefly, Your Honor want.

14 RECROSS-EXAMINATION

15 BY MR. TANASI:

16 Q Ma'am, prior to today's testimony, did you have an
17 opportunity to meet with the State, Ms. Mercer and Mr. Portz?

18 A No. Today?

19 Q You didn't meet with either one of these folks here
20 prior to today's testimony?

21 A No.

22 Q Did you meet with anybody from the District
23 Attorney's Office prior to today's testimony?

24 A No.

25 Q Who told you to come here for today's testimony,

1 ma'am?

2 A Her, Ms. -- I forgot her name, sorry.

3 Q And so did you meet with her prior to testifying
4 here today?

5 A No.

6 Q Okay. But you say that she told you to be here?

7 A Yes.

8 Q How did she tell you to be here?

9 A By text.

10 Q Other than the text message, did you have any other
11 discussion with the State?

12 A No.

13 Q Did you have any discussion with anybody from
14 State's office, an investigator or anything along those
15 lines?

16 A No.

17 Q Okay. Thank you, ma'am.

18 A You're welcome.

19 MS. LOBO: No, Your Honor.

20 THE COURT: Ms. Lobo? Okay. Got a question, Jim.

21 (Off-record bench conference)

22 THE COURT: All right. Ms. Sacba?

23 THE WITNESS: Yes.

24 THE COURT: What was the brand and model of your
25 cell phone again?

1 THE WITNESS: It was a white phone, Verizon
2 Company, a Galaxy phone.

3 THE COURT: A Y phone?

4 THE WITNESS: A white phone, Galaxy.

5 THE COURT: Y phone Galaxy?

6 THE WITNESS: Um-h'm.

7 THE COURT: Okay. Got any questions as a result of
8 that question?

9 MS. MERCER: Yes.

10 FURTHER REDIRECT EXAMINATION

11 BY MS. MERCER:

12 Q Ma'am, are you saying white?

13 A White.

14 Q Okay. And it was a Samsung Galaxy?

15 A Samsung Galaxy.

16 THE COURT: Okay. A white --

17 THE WITNESS: Yes, sorry.

18 THE COURT: Okay. I thought you said Y phone. I
19 never --

20 THE WITNESS: Oh, no.

21 THE COURT: -- heard of a Y phone.

22 THE WITNESS: Sorry.

23 THE COURT: Okay. Did you have any questions --

24 MR. TANASI: No, Your Honor.

25 THE COURT: -- Mr. Tanasi.

1 MS. LOBO: No, Your Honor.

2 THE COURT: Okay. All right. Okay, so Ms. Sacba,
3 thank you so much for your testimony. You can step down.
4 You're excused.

5 THE WITNESS: Thank you.

6 THE COURT: Okay? Call your next witness.

7 MR. PORTZ: Your Honor, the State calls Ronald
8 Matlock.

9 DETECTIVE RONALD MATLOCK, STATE'S WITNESS, SWORN

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

13 THE WITNESS: Ronald Matlock, R-o-n-a-l-d,
14 M-a-t-l-o-c-k.

15 THE COURT: Your witness.

16 MR. PORTZ: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. PORTZ:

19 Q Detective, how are you employed.

20 A With the Las Vegas Metropolitan Police Department.

21 Q And what's your position with Metro?

22 A Currently, I'm at Northwest Area Command
23 investigations as a detective.

24 Q And in November of 2014, what was your position with
25 Metro?

1 A With the -- detective with the robbery section.

2 Q And what are some of the general responsibilities
3 and duties of a robbery detective?

4 A We'll investigate robberies that are reported,
5 whether it be to citizens, businesses, anything of that
6 nature, home invasions, kidnappings.

7 Q And can you just briefly explain how your role
8 differs from say the typical patrol officer in Metro's
9 division?

10 A I would respond if a robbery came out, whether it be
11 to a citizen or to a business, I would respond to that
12 location, speak with the victim, maybe put them on tape -- we
13 do a taped statement with the victim. I would look at any
14 videos, start my investigation as to any surrounding
15 businesses that have video, speak with any witnesses and then
16 in the following days continue that investigation into any
17 other like any video or any other -- anything else we can
18 find to investigate reference that robbery.

19 Q So you would go to a scene of a robbery and then
20 follow up on leads after the fact and investigate it,
21 correct?

22 A Yes, sir.

23 Q Patrol officers typically don't do follow-up
24 investigation like a detective would?

25 A Correct.

1 Q In 2014, November of 2014 specifically, were you
2 aware of an ongoing robbery spree known as the windbreaker
3 series?

4 A Yes, sir.

5 Q Were you the primary detective investigating that
6 series?

7 A No, sir.

8 Q Do you know who was the primary detective?

9 A Detective Jeff Abell.

10 Q And what was your understanding on the nature of the
11 series in November of 2014?

12 A It was the series of two or three suspects that
13 would go into businesses around the same time when they would
14 be closing or cleaning up to close. The suspects would find
15 the victims inside of the businesses cleaning, they would
16 force the victims on the ground, force the manager to open up
17 the safe.

18 Q And towards the end of November 2014, were you aware
19 of approximately how many robberies had been associated with
20 this windbreaker series?

21 A I know it was over 10, but I can't remember the
22 exact amount.

23 Q Have you as a detective with the robbery section
24 actually responded to some of those events that were
25 associated with the windbreaker series?

1 A Yes, sir, I did.

2 Q Your understanding of the windbreaker series,
3 describe how members of your unit and members of the patrol
4 officers in the Metropolitan Police Department are briefed on
5 this series throughout the month of November.

6 A We will get -- we will communicate by e-mail just
7 specific e-mail generated within the robbery section. We
8 would also push that out to patrol officers in our -- the
9 patrol officers' briefing. Each squad would have briefings
10 before they hit the streets. They would be aware of the
11 series, what happened, any specific vehicles that might have
12 been seen leaving the scene, any news specific suspect
13 description that is we gathered, clothing, any weapons of
14 that nature.

15 Q And what's the purpose of being briefed on those
16 facts and circumstances associated with this briefing?

17 A To keep patrol officers up to date as to what's
18 going on across the valley, particularly in their area that
19 they're responsible for patrolling.

20 Q And you mentioned this during some of these
21 briefings they give specific detail so you receive these
22 briefings as well, correct?

23 A Yes, sir.

24 Q Okay. Were you aware or did you have an
25 understanding the type of clothing that these individuals

1 would wear during these robberies?

2 A Yes, sir.

3 Q Were you also aware of or made aware of items that
4 they would use to perpetrate these robberies?

5 A Yes, sir.

6 Q Did that include weapons that they would use?

7 A Yes, sir.

8 Q Were you aware of a means by which at least towards
9 the end of the series they were carrying away money or taking
10 money away?

11 A Yes, sir.

12 Q And what was your understanding of what they would
13 use to put money in towards these later robberies in the
14 series?

15 A Some of the robberies we learned that they were
16 putting the money in some type of blue bag, unknown what type
17 of bag it was at that time, but just some type of blue bag.

18 Q So prior to the arrest of any suspect in this
19 series, you had at least a fair understanding of a lot of
20 variety of different aspects of what occurred during the
21 robberies, what they were wearing, what items they would use
22 and carry on them, correct?

23 A Yes, sir.

24 Q I want to correct your attention now to November
25 25th, 2014. Were you on duty as a robbery detective on that

1 evening?

2 A Yes, sir.

3 Q Do you recall what your shift hours were at that
4 point in time?

5 A 1400 to midnight. So 2:00 p.m. to midnight.

6 Q Fair to say November 25th, this is pretty well into
7 the series at this point?

8 A Yes, sir.

9 Q Before your shift ends was something that you and
10 your fellow detectives would do to -- with regards to the
11 windbreaker series?

12 A If we had time, if we weren't working on anything
13 that was pressing, we knew that the suspects would hit the
14 businesses around a certain time every night. So before we
15 would secure at midnight, we about 9:30, 10:00 o'clock, we
16 would head to local businesses in a certain area command.
17 Like for awhile they were hit not guilty northwest area
18 command. We would go into that area command and sit up on
19 businesses that had not been hit by the windbreaker series,
20 and sit in our plain cars just on the off chance that we
21 would catch them come into that business to commit the
22 robbery.

23 Q And was there a suspect vehicle that you were also
24 searching for at this point in time?

25 A Yes, it was a silver four-door car.

1 Q Now, on this evening, November 25th, 2014, did you
2 and some of your fellow detectives actually attempt to go and
3 sit on some of these locations that you thought maybe might
4 get hit?

5 A Yes, sir.

6 Q And while you were sitting, what area of town did
7 you go to, Detective?

8 A The area of town I went to was northwest, right
9 around Cheyenne and Lake -- Cheyenne and 95.

10 Q While you were there, did something happen at that
11 point in time that caused you to leave at that area?

12 A Yes. We communicated -- those of us, detectives,
13 that were able to go out into the field and set up on
14 businesses, we communicated by a radio channel, a robbery
15 channel that we had specifically for us and got a
16 notification from Detective Weirauch over the radio that he
17 possibly had the suspect vehicle.

18 Q And what was your response to learning that there
19 was a potential suspect vehicle in Weirauch's location?

20 A I left my area that I was at up at Cheyenne and 95
21 and drove to Detective Weirauch's location that he was at.

22 Q Do you recall where Detective Weirauch was?

23 A It was, I believe, the address was 3975 Nellis
24 Boulevard.

25 Q Does 3264 South Nellis sound correct?

1 A Yes, sir.

2 Q Okay. Now, by the time you arrive, can you describe
3 what you see on scene? The dynamic of the scene as you
4 arrive?

5 A As I'm arriving, I see black and white patrol
6 vehicles with officers in uniform taking three suspects into
7 custody in the parking lot.

8 Q And where were these -- was there a vehicle or
9 anything near these suspects that was relevant to you?

10 A Yes. The patrol officers had surrounded a silver
11 vehicle that they were bringing the suspects or having the
12 suspects exit the vehicle as I was arriving.

13 Q Did you happen -- well, when you arrived, you
14 actually get out of your vehicle and approached the scene?

15 A Yes, sir.

16 Q Okay. Did you see an individual in this -- do you
17 see any individuals in this courtroom that were there that
18 night?

19 A Yes, sir.

20 Q Okay. Can you please point to them and identify
21 articles of clothing they're wearing.

22 A Mr. Hobson sitting right here second to the left
23 wearing a light blue shirt, dress-up shirt.

24 MR. PORTZ: I'd ask that the record reflect that
25 the witness has identified Defendant Hobson.

1 understand. So when they -- when either we or they recognize
2 a series, they start putting them all together and chunking
3 them all together on the e-mails so we can see the list of
4 events and maps of where they took place, along with
5 pictures.

6 Q With regards to this particular series, the
7 windbreaker series, why was it that you felt it was necessary
8 to go out and look for a suspect vehicle?

9 A At first I thought this they were getting more
10 violent throughout and they needed to be caught.

11 Q And with regards to this series, you've already
12 indicated that had you didn't have any potential suspects,
13 correct?

14 A No, we didn't have any potential suspects.

15 Q So you believed that if you went out looking for the
16 suspect vehicle, you would potentially catch them doing what?

17 A Either driving or at least -- or maybe commit
18 another one. Just, you know --

19 Q With regards to this incident, why was it that you
20 -- as soon as Brandon Starr exited wearing this hoodie and
21 the white mask, why did you then call patrol in --

22 A It was --

23 Q -- instead of waiting longer?

24 A Oh, no, it was happening right then and there and I
25 -- it -- it's a very small window of time when we can

1 actually catch the people before they get inside the store.
2 So that's why we preset up -- that's why I preset up the
3 units before so if it does happen to start, if it does go
4 down, they can get there before they commit another one.
5 They can at least stop that one from happening.

6 Q With regards to a pat down, what is a pat down?

7 A So what you're going to do is you're going to take
8 the person into custody and then you're going to hold their
9 hands and you're going to literally pat down all their
10 clothing looking for contraband and weapons.

11 Q Okay. So you're not digging through their pockets
12 or their waistbands or anything like that, correct?

13 A That's correct.

14 Q Unless you feel an object that might be a weapon,
15 correct?

16 A Yes.

17 Q In your experience as a robbery detective on the
18 robbery unit for eight years, have you ever decided that a
19 bag, a cloth bag was a weapon?

20 A No.

21 Q Who is Steven Jungy (phonetic)?

22 A That's my sergeant. He's my supervisor, my
23 immediate supervisor.

24 Q Was he also called out to the scene?

25 A Yes.

1 Q And you indicated that how many other units from
2 your squad responded?

3 A I believe, there was seven and then Jeff Abell from
4 the other squad would have been eight.

5 Q With regards to -- you indicated the air unit was
6 put on standby. Why was that?

7 A Just to advise them in case something did happen
8 that they would know -- already know the address, kind of
9 know where we're at so they could come assist.

10 Q In case what happened?

11 A In case another robbery occurred.

12 Q Okay. And then does the air unit often assist in
13 other ways?

14 A Yes.

15 Q What do they do?

16 A They do surveillance from the air and they help
17 track vehicles, they help find suspects, if they run, they --
18 you know, they're usually called out to radio traffic if it's
19 a pursuit. They do a lot of things from above.

20 Q With regards to this incident, do you know whether a
21 canine ever actually responded to the scene or whether they
22 were also put on standby?

23 A I believe that they were put on standby. I don't
24 know if they actually came at the end of it or not.

25 Q Would they have been placed on standby for the same

1 reason as the air unit?

2 A Yes.

3 Q Because they assist in apprehending suspects?

4 A Yes.

5 Q And locating evidence?

6 A Yes.

7 MS. MERCER: Court's indulgence.

8 BY MS. MERCER:

9 Q Oh, during the interview of Donte Johns, were you
10 present throughout the entire interview or did you come in
11 and out of the room?

12 A I came in and out of the room.

13 Q And so oftentimes it was just Detective Abell
14 requesting Donte Johns?

15 A That's true.

16 Q Because he was the lead?

17 A That's true.

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

19 THE COURT: Ms. Lobo, anything further?

20 MS. LOBO: Court's indulgence. No further
21 questions.

22 MR. TANASI: No further questions, Your Honor.

23 Thank you.

24 THE COURT: I have a question, Officer --

25 Detective. In the -- is it your testimony that you witnessed

1 this vehicle, approximately six minutes you witnessed it, you
2 called it in?

3 THE WITNESS: That's -- that's true.

4 THE COURT: And then you viewed it for
5 approximately 30 minutes? Is that including the six minutes
6 or 30 minutes after you called it in?

7 THE WITNESS: 30 minutes total, so that included
8 the six minutes.

9 THE COURT: And that was from the parking lot? And
10 in that -- is that a yes?

11 THE WITNESS: Yeah, the -- yes.

12 THE COURT: And in that 30 minutes did any activity
13 happen at all other than what you testified the -- Mr. Starr
14 got out of the back door?

15 THE WITNESS: Minus some little bit of movement I
16 could see inside the car just to tell that there was some
17 bodies in there.

18 THE COURT: So no one got out of that vehicle --

19 THE WITNESS: No one got out.

20 THE COURT: -- walking, any business or anything in
21 that 30 minutes?

22 THE WITNESS: No one got out.

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

25 MS. MERCER: Yes.

1 THE COURT: Okay.

2 FURTHER REDIRECT EXAMINATION

3 BY MS. MERCER:

4 Q Detective, do you recall what time it was you
5 initiated the event?

6 A 11:00 -- or 11:00 p.m. Oh, initiated? 11:06.

7 Q Okay. And do you recall about what time it was that
8 you called out to patrol that a suspect exited with a mask?

9 A Like 11:30 or 11:29, right around there.

10 MS. MERCER: No addition questions, Your Honor.

11 THE COURT: Mr. -- Ms. Lobo?

12 MR. TANASI: Nothing further, Your Honor.

13 MS. LOBO: No, Your Honor.

14 THE COURT: Okay.

15 MR. TANASI: Thank you.

16 THE COURT: Jim, I think we have some questions.

17 (Off-record bench conference)

18 THE COURT: Okay, Detective -- all right. When did
19 you become aware the suspect vehicle was a Dodge Charger.

20 THE WITNESS: Probably about a -- a week and a half
21 prior.

22 THE COURT: And how was it determined that a Dodge
23 Charger was a suspect vehicle?

24 THE WITNESS: Video surveillance of a prior event.

25 THE COURT: Okay. Did you make -- or was anyone

1 aware of your intentions as you left the office towards the
2 southeast corridor?

3 THE WITNESS: Yes.

4 THE COURT: Okay. And pertaining to how many
5 people were logged into the event, does that just mean
6 watching the event and actively involved, present?

7 THE WITNESS: If they show arrived in CAD, they
8 arrived somewhere at some location on that event. Now, the
9 jobs vary so I don't know how much involvement every single
10 person logged in had, but at the very least they arrived on
11 something to do with the event.

12 THE COURT: How many people log into any robbery
13 event during a regular robbery?

14 THE WITNESS: If -- if we don't catch anyone and
15 it's just a regular old robbery and they're taking a report,
16 it could be two robbery detectives, a couple patrol guys, a
17 crime scene analyst. If we do catch people, we've had some
18 that were larger than this where we had even more. It just
19 varies on the size and how many different locations. It just
20 varies.

21 THE COURT: Okay. Can Detective Winebach
22 (phonetic) -- that's how they --

23 THE WITNESS: That's okay.

24 THE COURT: -- describe the events from the time
25 suspect exited the car and units moved in. Can you describe

1 -- no, can Detective Winebach describe the events from the
2 time suspect exited car and units moved in?

3 THE WITNESS: Yes.

4 THE COURT: He said they were one-quarter to
5 one-half mile away, but then arrived immediately to make
6 arrests after suspect exited with mask and detective made the
7 call. I don't know if that's a question.

8 THE WITNESS: I --

9 THE COURT: It's got a question mark at the end
10 but.

11 THE WITNESS: So when I made the request to have
12 units standby and out of sight, I assume that they would have
13 to be pretty far away to be able to stay out of sight. I
14 don't know exactly where each unit was staged. When the
15 suspect exits that rear passenger seat, he exits, walks to
16 the trunk, and is at the trunk for maybe just a few seconds,
17 and patrol units are already arriving. So they must have
18 been obviously, closer than a quarter mile, but they were
19 still out of sight because I could never see them, but they
20 were close enough to get there in a patrol car within ten
21 seconds.

22 THE COURT: Okay. How do you log in to create an,
23 a quote, event?

24 THE WITNESS: There's different ways to do it. I
25 don't have the -- the ability like patrol to be able to

1 create one on the computer. I have to actually call
2 dispatch. So I call them on -- on their phone and tell them
3 hey, this is my call sign, can you create this type of an
4 event and show me at this location?

5 So tonight -- that night it was done over the
6 phone.

7 THE COURT: Okay. So the rest of the question
8 says, radio, text or other. I imagine that answers the
9 question?

10 THE WITNESS: Yes. Other, phone.

11 THE COURT: Okay. How and when over the course of
12 the windbreaker robbery investigation did the gray Dodge
13 Charger become a suspicious vehicle?

14 THE WITNESS: It was about a week, a week and a
15 half prior.

16 THE COURT: Okay. How many events was the gray
17 Dodge Charger tied to prior to November 25th, the night of
18 the arrest?

19 THE WITNESS: I don't know.

20 THE COURT: And how tall is Donte Johns?

21 THE WITNESS: I believe, he's six, four.

22 THE COURT: Okay. Okay. Why did Detective
23 Theodore not file or do a report on the night of 11/25/2014?

24 THE WITNESS: Case agents do the reports, and there
25 was nothing I did that required me to do a report.

1 THE COURT: Why did Detective Theodore leave the
2 scene of the crime and not stay?

3 THE WITNESS: Because I went back to headquarters
4 to do other things involved with the investigation.

5 THE COURT: While 23 other units were part of the
6 event? I guess that was the ending question of that.

7 THE WITNESS: Oh, sorry.

8 THE COURT: Okay.

9 THE WITNESS: I went to headquarters to continue
10 things that I had to do from the office and other units stay
11 behind and do what they need to do at the scene.

12 THE COURT: Okay. And what time did Detective
13 Theodore leave the scene after suspects were caught?

14 THE WITNESS: Probably 15, 20 minutes after.

15 THE COURT: Okay. All right. All right. Ms.
16 Mercer, did you have any questions as a result of those
17 questions?

18 MS. MERCER: Yes. Court's indulgence.

19 FURTHER REDIRECT EXAMINATION

20 BY MS. MERCER:

21 Q Detective, what's a TCR?

22 A It's the cover sheet used on arrests. It usually
23 has all the defendant's information on it. Temporary custody
24 report.

25 Q So as their height, weight, typical descriptors?

1 A Yes.

2 Q As you sit there today, are you certain about the
3 height of Donte Johns is?

4 A No, I'm not absolutely certain.

5 Q Would it refresh your recollection to see a copy of
6 the temporary custody report?

7 A Yes.

8 MS. MERCER: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes.

11 BY MS. MERCER:

12 Q And I'm showing you a digital version of the
13 temporary custody report pertaining to Donte Johns. If you
14 could look at that and refresh your recollection.

15 A It says five, eleven.

16 Q Okay. So Donte Johns was five, eleven not six,
17 four?

18 A Okay.

19 Q You indicated that just because an officer's name
20 appears on the CAD doesn't mean he necessarily responds to
21 the scene; is that fair?

22 A That's fair, yes.

23 Q Is it true that sometimes officers get assigned to a
24 call but then don't ultimately end up arriving at that scene?

25 A That's true.

1 Q And the number of people logged into the CAD, is
2 that also somewhat dependent upon the officer's checking in
3 with dispatch to say hey, I'm here?

4 A Yes.

5 Q You also indicated that sometimes the CAD would say
6 -- would indicate that they arrived to another location but
7 under that event, correct?

8 A That's correct.

9 Q Would that pertain to say the patrol officers that
10 you asked to respond to your vicinity but not directly at the
11 Taco Bell?

12 A I don't know if any of them showed arrived at other,
13 you know, the distance away.

14 Q Okay.

15 A But, yeah.

16 Q But it would say arrived other, right?

17 A It -- it could, yes.

18 Q Okay. With regards to the reason that you went back
19 to headquarters, once you responded to headquarters, did you
20 continue to assist in the investigation of this case?

21 A Yes.

22 Q Specifically, you were present for the interview of
23 Donte Johns, correct?

24 A Yes.

25 Q And that occurred on that night?

1 A Yes.

2 Q After they were arrested at the scene?

3 A Yes.

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

5 MR. TANASI: Nothing further, Your Honor.

6 MS. LOBO: Nothing further.

7 THE COURT: Okay. We've got another question.

8 (Off-record bench conference)

9 THE COURT: All right. Detective, how tall is
10 Mr. Starr?

11 THE WITNESS: Oh, I'm sorry. He's the taller one.
12 He's the one I think is six, three; six, four. Sorry about
13 that.

14 THE COURT: Do you have any questions as a result
15 of that question?

16 FURTHER REDIRECT EXAMINATION

17 BY MS. MERCER:

18 Q Do you recall his exact height as you sit here
19 today?

20 A No, I don't recall his exact height.

21 Q Would it refresh your recollection to see a copy of
22 the temporary custody report pertaining to Mr. Starr?

23 A Yes, it would, sorry.

24 MS. MERCER: May I approach the witness, Your
25 Honor?

1 THE COURT: Yes.

2 THE WITNESS: It says six, four.

3 BY MS. MERCER:

4 Q Okay. So his physical descriptors indicate that
5 he's six foot four inches tall?

6 A Yes.

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

8 MR. TANASI: No questions, Your Honor.

9 MS. LOBO: No questions, Judge.

10 THE COURT: Okay. I have a question just about the
11 CAD just so I'm clear. Number of individuals contact
12 dispatch be it patrol officers, detectives, crime scene
13 analysts, and does it necessarily mean that everyone that
14 contacts them would be actually at the scene?

15 THE WITNESS: No, it doesn't mean that.

16 THE COURT: Is there also a contact with them
17 saying they're available to let them know that they're
18 available or something or is that --

19 THE WITNESS: No. Everyone's -- anyone that's
20 clear potentially could have been available to dispatch to
21 assign to that call, but some people just will say, hey, I'm
22 en route and then when they're no longer needed, never even
23 arrive, they just get taken off of it or something like that.
24 That could happen where you would have a number of units.

25 THE COURT: Okay. All right. Do you have any

1 questions?

2 MS. MERCER: No, Your Honor.

3 THE COURT: Any?

4 MR. TANASI: No, Your Honor.

5 MS. LOBO: No, Your Honor.

6 THE COURT: Okay. All right. Okay, Detective,
7 thank you so much for your testimony. You can step down.
8 You're excused.

9 Ladies and gentlemen, we're going to take a quick
10 recess so we can stretch our legs and maybe use the restroom.
11 During this recess, you're admonished not to talk or converse
12 amongst yourselves or with anyone else on any subject
13 connected with this trial, read, watch or listen to any
14 report or commentary on the trial or any person connected
15 with this trial or any medium of information, including
16 without limitation, newspapers, television, Internet or radio
17 or form and express any opinion on any subject connected with
18 this trial until the case is finally submitted to you.

19 It's 25 until now. We'll go ahead and I'll give
20 you until 10 until, okay? All right. We'll be at ease while
21 the jury exits the room.

22 (Outside the presence of the jury)

23 THE COURT: Okay. We're outside the presence of
24 the jury. Is there anything that anybody wants to be -- you
25 want to put on the record at this time, Ms. Lobo, Mr. --

1 (Pause in the proceedings)

2 MR. MANNINGO: I'll make a record, briefly, Your
3 Honor.

4 THE COURT: Okay.

5 MR. MANNINGO: I believe there was question and
6 answer while Ms. Lobo was questioning Detective Weirauch
7 going into the Donte Johns' interview. Ms. Mercer for the
8 State objected, I believe. I believe her only objection at
9 the time was to hearsay. The question and answer with the
10 witness on the stand proceeded. I asked and interrupted Ms.
11 Lobo to approach the bench where I suggested to the Court
12 that the sustained objections should have been overruled
13 because per hearsay, it was not hearsay because it was not
14 necessarily being offered for the truth of the matter
15 asserted, but was going towards the effect on the listener
16 and how the conversation was progressing during the
17 interview.

18 I also threw in there that it shouldn't have been
19 precluded testimony because Donte Johns at one point was an
20 alleged co-conspirator in his testimony. I mean, reference
21 as to what he said during that interview would have been
22 appropriate. And you then overruled my statements.

23 MS. MERCER: And Your Honor, it was State's
24 position that it wasn't being offered for the effect it had
25 on the listener because Detective Weirauch wasn't even the

1 lead investigating detective on this case, (A).

2 (B), as to co-conspirator statements, we -- at this
3 point, they were all in custody because the conspiracy ended.
4 So those statements were no longer statements of a
5 co-conspirator in furtherance of that conspiracy, which is
6 the hearsay exception that we were referring to.

7 THE COURT: Okay. Yeah, I sustained the objection;
8 however, we had a discussion at the bench with regards to the
9 specific questioning that Mr. Tanasi had. Questions that he
10 had requested about statements made by Mr. Johns that went to
11 the fact that he was in the military. And then later there
12 was -- he was going to be asking questions about having a
13 discussion with the JAG officer.

14 So I sustained that objection in light of the fact
15 that it would have been hearsay for Mr. Johns. It's somewhat
16 different than the hearsay that was being elicited by Ms.
17 Lobo. However, I think that because we had a bench
18 conference, Mr. Manningo actually was addressing the issue
19 involving the statement made about the JAG officer as well.

20 So are you --

21 MR. MANNINGO: I think I addressed both things,
22 Your Honor. And I'll let --

23 THE COURT: Okay.

24 MR. MANNINGO: -- I'll let Mr. Tanasi follow up --

25 THE COURT: Okay.

1 MR. MANNINGO: -- but I believe we had that
2 discussion, and my recollection is, Your Honor, that we are
3 at liberty to call back Detective Weirauch in the event that
4 Donte Johns takes the stand and testifies that he had no
5 communications with a JAG officer or that Mr. Johns never
6 denied the events of this case.

7 In that event, I -- if that were to happen, I think
8 Your Honor gave us leave to call Detective Weirauch back.

9 THE COURT: Yeah, my understanding was, is that the
10 statement was made to him and that Detective Weirauch
11 actually contacted the JAG officer or the JAG officer
12 contacted Weirauch?

13 MR. TANASI: Yeah, the JAG officer relayed what was
14 told to him by Donte Johns, which was denying --

15 THE COURT: Okay.

16 MR. TANASI: -- his involvement in the case.

17 MS. MERCER: For the --

18 MR. TANASI: And I'd -- we'll just put --

19 MS. MERCER: I'm sorry.

20 MR. TANASI: -- for the record, sorry, that it's
21 the same basis, legal basis, in that it's the effect of the
22 listener and not offered for the truth of the matter
23 asserted. So it's not hearsay.

24 THE COURT: Well --

25 MS. MERCER: And I would just object because I

1 don't believe that it is effect on the listener. It doesn't
2 explain why he did anything, A.

3 B, it's still hearsay. If he wants to get into the
4 prior inconsistent statement, I provided him the name and
5 contact information of the JAG officer who Donte Johns
6 actually spoke to, and he should have subpoenaed him.

7 THE COURT: Yeah. Well, I'm going to allow you
8 because I do believe it will be a prior inconsistent
9 statement. The difference in between that statement and what
10 was -- what Ms. Lobo was eliciting had to do with the actual
11 statement involving his involvement in the crime so that's
12 why I sustained it as a hearsay.

13 But I'm going to allow you to -- if in the event
14 Mr. Johns testifies and you ask him those questions and he
15 denies it, I'll allow you for impeachment purposes to elicit
16 the statement that was made. Although, I know the State's
17 objection is it's hearsay from the JAG officer, but under the
18 circumstances, I believe under a general exception, I believe
19 that the JAG officer making that statement to the detective,
20 I believe, would be -- there's sufficient grounds that it
21 would be truthful. So that's why I do believe it is hearsay,
22 but I do believe there's a exception to it as well.

23 So I will allow you to question -- either of you
24 question Mr. Johns in that regard.

25 MR. TANASI: Okay.

1 THE COURT: Okay?

2 MR. TANASI: Thank you, Judge.

3 MR. MANNINGO: Thanks, Your Honor.

4 THE COURT: All right. Anything further?

5 MS. LOBO: No.

6 MR. TANASI: That's it.

7 THE COURT: Okay. All right, so go to the restroom
8 and come back.

9 MS. LOBO: What time are we coming back?

10 THE COURT: Ten till.

11 MS. LOBO: Ten till.

12 MR. TANASI: Ten till.

13 MS. MERCER: Your Honor --

14 (Court recessed at 3:42 p.m. until 3:59 p.m.)

15 (Outside the presence of the jury)

16 (Pause in the proceedings)

17 THE COURT: Jim, go ahead and get the jury. Jim,
18 go ahead and get the jury. All right.

19 (Pause in the proceedings)

20 (In the presence of the jury)

21 THE MARSHAL: Please be seated. Department 19 is
22 back in session.

23 THE COURT: Okay. We're back on the record in Case
24 C-303022, State of Nevada versus Tony Hobson and Brandon
25 Starr. I'd like the record to reflect the presence of the

1 defendants and their counsel as well as the State and their
2 counsel, all members of the jury. Will the parties stipulate
3 to the presence of the jury?

4 MS. MERCER: Yes, Your Honor.

5 MR. TANASI: Yes, Your Honor.

6 MS. LOBO: Yes, Your Honor.

7 THE COURT: Okay. When we took our break, the
8 State was still in their case-in-chief. Call your next
9 witness.

10 MR. PORTZ: Thank you. Your Honor, the State calls
11 Officer William Moore.

12 OFFICER WILLIAM MOORE, STATE'S WITNESS, SWORN

13 THE CLERK: Thank you. Please be seated. Please
14 state your full name, spelling your first and last name for
15 the record.

16 THE WITNESS: William Moore, W-i-l-l-i-a-m,
17 M-o-o-r-e.

18 THE COURT: Your witness, Mr. Portz.

19 MR. PORTZ: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. PORTZ:

22 Q Officer Moore, where do you work?

23 A I work for the Las Vegas Metropolitan Police
24 Department.

25 Q And what is your current position with Metro?

1 A My current position is field training officer. I'm
2 a PO2.

3 Q And I want to direct your attention back to November
4 of 2014. What was your position with Metro at that time?

5 A I was a patrol officer assigned to graveyard,
6 Southeast Area Command.

7 Q And how long had you been working with Metro?

8 A In 2014, it would have been eight years.

9 Q Eight years. So you were hired in what year?

10 A 2006, sir.

11 Q Can you just for the members of the jury describe
12 sort of the day-to-day duties and job responsibilities of a
13 patrol officer.

14 A Basically, we go out on patrol, answer calls for
15 service, anything that needs to be done, proactive work
16 requires car stops, person stops. We just try to basically
17 deter crime when we can and help people when they need help.

18 Q And by helping people do you oftentimes respond to
19 crime scenes?

20 A Yes.

21 Q Is it your job as a patrol officer when you respond
22 to a crime scene, say a robbery event, to do follow-up
23 investigative work after you have secured a scene and taken
24 statements?

25 A At times, yes.

1 Q Okay. But who primarily takes over as an
2 investigator in the days following the occurrence of a crime?

3 A In the case of a robbery specifically, it would --
4 normally we would show up, take a report if the robbery is
5 completed, have ID come out, process the scene and then the
6 case would then get turned over to a robbery detective.

7 Q And then is it the detective's responsibility to do
8 follow-up investigation?

9 A Yes.

10 Q And you go back to patrol, correct?

11 A Yes.

12 Q Okay. Are you familiar with the term Area Command?

13 A Yes.

14 Q And what was your Area Command back in 2014?

15 A Southeast Area Command.

16 Q And what area does that cover generally?

17 A Southeast Area Command covers from Maryland Parkway,
18 which is the border of south central, all the way down to
19 basically Henderson. Well, it is Henderson, and then you can
20 go all the way east to where the mountains start and like
21 past Hollywood as far north of Sahara. Sahara is where we
22 border northeast.

23 Q Now, in the month of November in 2014, were -- well,
24 before I get to that, let me ask you before you begin your
25 patrol shifts for the day, are you briefed on certain events

1 occurring around the Valley that your sergeants and
2 supervising officers want you to be on the lookout for?

3 A Yes.

4 Q And at times is it fair to say that you might be
5 briefed on a robbery series that is occurring?

6 A Yes.

7 Q And what are the purpose of these briefings?

8 A To make patrol officers aware while we're on the
9 job. So in the series of a briefing they may have video of
10 persons of interest or time -- like, let's say a certain area
11 or a certain time there's a crime occurring to be more aware
12 or be in that area during that time or that event. There may
13 be a vehicle that we're looking for that has certain physical
14 descriptors that is of interest to the robbery directs or
15 whoever is looking for the vehicle or certain persons, we may
16 have pictures of clothing or facial descriptions or persons
17 of interest.

18 Just so we can kind of know where to look out, what
19 kind of to look for while we're out there so we're not just
20 driving around using gas.

21 Q And fair to say, if there were a robbery series
22 occurring and you were called out to say a scene that you
23 felt matched that series, as a patrol officer would know you
24 should notify a particular detective?

25 A Yes.

1 Q Okay. In the month of November 2014, were you aware
2 of a robbery series occurring around the Valley?

3 A Yes.

4 Q And was that known as the windbreaker series?

5 A Yes.

6 Q About how many times would you say you had you been
7 briefed on the windbreaker series throughout the month of
8 November?

9 A I don't remember how many times, but it was in the
10 briefing system consistently throughout, you know, about the
11 month because I think that windbreaker series there was --
12 the crimes were occurring multiple times.

13 So what they'll do on robbery series a lot of times
14 they'll say they hit again, they hit again last night, be
15 aware they hit again. So they can try and find patterns of
16 maybe what side of town those robberies are occurring on,
17 vehicle descriptions, person descriptions, be on the lookout
18 for these things, what kind of places they're hitting. Like,
19 if it's say a fast food restaurants, gas stations, some
20 people do different things. Maybe they use day shift and
21 they're robbing banks.

22 So we know kind of what to look for. So they keep
23 us up and it's becomes the modus operandi, the MO, of what's
24 going on so that we can kind of be more aware of where to be
25 and how to be on the lookout for these things.

1 Q So by the end of November, what sort of information
2 had been relayed to you regarding the windbreaker series for
3 you to be on the lookout while you were on patrol?

4 A What I remember from the briefings was that the --
5 it was called a windbreaker series, I think, because the
6 specific articles of clothing that the suspects were wearing
7 but also, the main things was that they were hitting no
8 particular ones, but they were hitting fast food restaurants
9 particularly late at night close to closing hours.

10 Q And were you ever made aware of a potential suspect
11 vehicle that may be tied to the windbreaker series?

12 A Yes.

13 Q What was the make and model of that vehicle?

14 A It was a Dodge Charger, and I believe the rims were
15 specific on it, too.

16 Q Was there a color to that Dodge Charger?

17 A Gray.

18 Q I'm going to direct your attention to the evening of
19 November 25th, 2014 at about 11:00 p.m., were you on duty as
20 a patrol officer in the Southeast Area Command that night?

21 A What night of the week was that?

22 Q November 25th, 2014? Tuesday.

23 A Yep, I was working.

24 Q And what were your hours around that time, your
25 shift hours?

1 A My -- my shift starts at 10:00 p.m., ends at -- and
2 that's when my briefing starts at 10:00 p.m., and my shift
3 ends at 8:00 in the morning or used to.

4 Q I'm going to publish State's Exhibit 14. Officer,
5 did you have occasion to go to a Taco Bell that night at
6 about 11:00 p.m. at 3264 Nellis, there on Nellis and Desert
7 Inn?

8 A Yes.

9 Q And does that fall in the Southeast Area Command?

10 A Yes. It's John 2, I believe is the Sector B.

11 Q On that evening as a patrol officer are you plain
12 clothes or where were you wearing (inaudible)?

13 A I was -- November, I would be in my what used to be
14 our winters, which was the long sleeve, the dark green, looks
15 almost brownish, tan shirt with LVMPD patches with my badge
16 in full uniform driving a black and white vehicle. I think I
17 was in one of the new -- the new SUVs that is we drive now,
18 the Explorers.

19 Q Okay. And were you patrolling solo that evening or
20 were you with another officer?

21 A No, I had a partner with me that night.

22 Q And what was that person's name?

23 A Eric Myrold. I believe, his P number is 13064.

24 Q At some point, do you become aware of a potential
25 break in the windbreaker series?

1 A Yes.

2 Q Describe how you're made aware of this.

3 A Robbery Detective Ted Weirauch, who I worked with
4 before at southeast, put a call over the air, and I believe,
5 he made a -- I don't remember if he made a phone call too,
6 but over the air, I believe, he had spotted a vehicle that
7 matched the description from the windbreaker series, the gray
8 Dodge Charger parked outside of Taco Bell at 3264 Nellis.

9 Q And were you given direction as a patrol officer as
10 to what to do from there?

11 A Yes. Detective Weirauch at that point requested
12 multiple officers to be in the area, but it was observing the
13 vehicle from where he was, and he didn't want any black and
14 white marked vehicles to be seen for a while. He wanted us
15 to keep a -- a certain distance that we weren't seen while he
16 was observing them.

17 Q What would be the reason for keeping marked patrol
18 vehicles away from a suspect vehicle parked in the Taco Bell
19 parking lot?

20 A Because if -- so the first thing that we do with
21 officer presence as patrol officers that wear uniforms and
22 have, you know, marked vehicles is we deter crime. Sometimes
23 the simple fact of us being in a parking lot will stop a
24 robbery that we never knew about because if -- if someone's
25 going to rob a place and there's a cop right in the parking

1 lot, they're just going to go somewhere else.

2 So obviously, if someone's going to commit a
3 robbery and there's a black and white marked vehicle in the
4 parking lot, it may stop that crime from occurring or actions
5 that are suspicious or indicative of a windbreaker series or
6 something from happening and modify the behavior of the
7 suspects, and so they don't want that.

8 Q Okay. So did you and other units, to your
9 knowledge, respond to this area but remain out of visible
10 sight to the Charger itself?

11 A Yes.

12 Q Do you recall exactly where you positioned your
13 marked vehicle?

14 A I don't remember where I exactly positioned it. I
15 believe, if I recall correctly, I was on the south side of
16 Desert Inn -- the southwest side of Desert Inn across the
17 street.

18 Q Is it visible on this map?

19 A There is -- if you -- you see this like at the very
20 bottom of the map there's like a -- it looks like a trailer
21 park or this group of buildings or whatever.

22 Q To the -- to the left of Nellis?

23 A The bottom left corner. To the left of Nellis, the
24 bottom left corner.

25 Q Here's what I'll have you do, if you touch that

1 screen, you can actually just draw an X where you were.

2 A I was in this neighborhood, I believe.

3 Q Okay.

4 A If I recall correctly.

5 Q So approximately, how far away, since we don't have
6 a scale on this map, would you say you were from that Taco
7 Bell?

8 A If you just go across the street, I would say it's
9 maybe a tenth of a mile.

10 Q Okay. Were you aware of other patrol units in the
11 area notifying of their location?

12 A Yes. And I believe, we called out our locations
13 through dispatch so that dispatch knew where we were as if
14 the same as we were setting up a perimeter. But I just don't
15 remember where I was exactly.

16 Q Okay. And by setting up a perimeter you mean what
17 exactly?

18 A Well, when we set up perimeters and such and the
19 dispatch needs to know where there's multiple units on one
20 scene, they like to know where we're at for safety purposes
21 in case something happens, they can kind of know what unit is
22 where and how it to control the situation from their angle.

23 So we probably would have told her that we were on
24 a certain street or a certain corner waiting for further
25 instruction so that she knew where we were at at the time.

1 And there was other units that were on that as well, but I
2 don't know where they were at.

3 Q Okay. Would it -- would it would be fair to say
4 that they were surrounding this Taco Bell in a manner which
5 no matter which the direction suspects left, should they
6 flee, there would be someone there to help or attempt to stop
7 them?

8 A It's more than fair to say, yes.

9 Q Okay. As you're waiting in that area about a tenth
10 of a mile away, does Detective Weirauch update the status of
11 his situation?

12 A Yes.

13 Q What does he relay?

14 A He observed the male get out of the vehicle, out of
15 the back seat of the vehicle and walk to the trunk and open
16 the trunk of the vehicle. And at that point was when he
17 asked us to take the vehicle down.

18 Q Now, when you say take the vehicle down, what does
19 that mean to you?

20 A That -- that means that from our covered positions,
21 to come out of the cover and concealment and go in and take
22 -- detain people, detain the people in the vehicle, take them
23 into custody.

24 Q And was this labeled a code four, to your knowledge?

25 A A code four means everything's okay.

1 Q Code red. I apologize. I misspoke. Code red?

2 A Yeah, there was going to be a code red initiated for
3 that, absolutely.

4 Q And so at what -- how quickly would you say you got
5 from your location to the suspect vehicle in that Taco Bell
6 property?

7 A It was extremely fast. I move fast. I was driving
8 the vehicle. It was fast. I can't give you an exact time.
9 I would say, if I guessed, 20 seconds, maybe.

10 Q And when you respond or approach the vehicle, are
11 you coming in sirens blazing? Are you coming in quiet?
12 What's the --

13 A No, I come in quiet at that point. Sirens are also
14 -- same -- same reason that we hide the vehicle, when you're
15 close to a crime scene or a crime that's getting ready to
16 occur like that, especially a violent in nature crime like
17 that, sirens aren't going to do anything but modify the
18 suspect's behavior and also give our positions away before we
19 want them known.

20 So we -- we would have came in without the -- the
21 sirens on.

22 Q And that gives you some sort of tactical advantage
23 to position yourself before they're aware of your presence?

24 A Correct. The element of surprise.

25 Q I'm going to publish State's 180. Do you recognize

1 what we're looking at here?

2 A That is the suspect vehicle.

3 Q Now, when you arrive with Officer Myrold, were any
4 other patrol units arriving at the same time?

5 A Yes.

6 Q Do you recall seeing those officers after the scene
7 was secure?

8 A Yes.

9 Q And what other officers arrived at that time?

10 A I remember, Officer Millard Walt (phonetic), I want
11 -- Steve Mohler. Obviously, Eric Myrold was there with me in
12 the car. Cesar Urena, and I'm sure there was more. I don't
13 remember everybody from two years ago.

14 Q Where in this photograph do you position your
15 vehicle?

16 A Almost exactly from where -- if -- if that -- that
17 camera angle probably could have been on the windshield of my
18 car at the end when I did the takedown.

19 Q So when you stopped your vehicle, you were behind
20 the vehicle and on the driver's side?

21 A Correct. Or close to it. Maybe a little farther
22 out from the driver's side. The door of the driver car
23 wasn't open, though, so.

24 Q Okay, so in this exhibit that's published right now,
25 the door is open, but when you approached it wasn't?

1 A No.

2 Q How about the trunk of the vehicle, was that --

3 A The trunk -- the trunk was open and there was a
4 black male standing at the trunk of the vehicle with his
5 hands in the trunk.

6 Q Okay. Did you and -- I'm sorry, you were with
7 Detective -- or Officer Myrold?

8 A Correct. He was the passenger.

9 Q Did you and Officer Myrold have a strategy when you
10 got out as to how you were going to handle this given that
11 there were multiple suspects?

12 A Yes. We have contact and cover, which is basic
13 stuff that we learn in the academy. So I'm usually -- I've
14 worked with Eric for a long time, and normally because I'm
15 the more talkative of us, I'm usually the contact officer,
16 which means I'm usually the one giving the verbal commands.
17 He's usually my cover officer.

18 So his job is to make sure that I'm being safe and
19 cover my surroundings while I'm giving the verbal commands to
20 whoever I'm talking to.

21 Q When you exit -- when you stop your vehicle and
22 exit, what's the first thing that you do?

23 A I draw my side arm and I point it at the black male
24 that's got his hands in the trunk, and I start giving him
25 verbal commands step away from the trunk at gunpoint.

1 Q And Officer Myrold, what does he do?

2 A Officer Myrold's at gunpoint, and he's listening to
3 -- and he's watching to see if the male at the trunk is
4 following the verbal commands. He's also watching for the
5 vehicle which is an unknown to see if there's anyone else in
6 the vehicle, if -- if anyone else is going to pop out of the
7 vehicle.

8 This particular crime series was known that there
9 was firearms involved in it. Also had weapons involved in it
10 so we were aware coming into this that there was a
11 probability that there would be weapons so we were aware of
12 that and trying to make sure that we were doing things as
13 safely as possible.

14 Q Okay. And so drawing your firearms, given your
15 understanding of this case, was police protocol?

16 A Yes.

17 Q And for officer safety?

18 A If -- if I didn't, I would have probably gotten
19 written up for it.

20 Q Okay. Did you, in fact, notice any other occupants
21 in that vehicle?

22 A I did.

23 Q Okay. Where were they located?

24 A Both -- two black males. One was in the driver's
25 seat, one was in the passenger seat front.

1 Q Front passenger seat?

2 A Yes.

3 Q Now, before I get into what happens next, I want to
4 take a step back. Officer, are you familiar with Metro's
5 body cam program?

6 A Yes.

7 Q What's a body cam?

8 A A body worn camera is basically a camera that is
9 worn on the lapel or the -- some people put it on their
10 sunglasses and it basically records incidents that we go on
11 as they happen. Generally, when you're dispatched to a call
12 or your on something, on a proactive person stop or car stop,
13 the officer wearing the body camera will have to press a
14 button on their -- if their pocket to turn that body camera
15 on and then it records audio and visual from there.

16 Q Does every single Metro officer and detective, et
17 cetera, wear a body cam?

18 A No.

19 Q What is Metro's policy with regards to those who are
20 required to wear body cameras at this point?

21 A So there was an issue with it. They -- the -- right
22 now body cameras are only required to be worn by patrol
23 officers hired after 2014, according to the contract as I
24 know it.

25 Q Okay. And those hired before 2014, can they request

1 to wear a body cam?

2 A Yes, they can -- it is optional for them.

3 Q Is it your understanding that those who were hired
4 before 2014, have been supplied with and provided body
5 cameras when they volunteer to wear them?

6 A Say that one more time, sir.

7 Q Officers hired before this 2014 policy took place,
8 have they been -- if they volunteer to wear body cameras,
9 have they been provided body cameras to wear?

10 A Some of them have and there's still a wait also for
11 others. There's -- there's currently a wait list for people
12 that volunteer to wear body cameras that they don't have
13 enough to supply them.

14 So the policy also says because officers -- all
15 these officers that are coming out of the academy now that
16 are hired after 2014, they must be supplied first and then
17 anything, if there's extra, can go to a more senior officer
18 after that if it's available and they've requested it.

19 Q Okay. So there's a wait list for senior officers?

20 A Yes.

21 Q All right. You and Officer Myrold and Officer
22 Mohler, you worked with these individuals for a long time?

23 A Long time -- I was on graveyard since 2007. I just
24 left southeast graveyard in February, and I worked with them
25 for probably over of my career.

1 Q Okay. So all of these individuals were hired long
2 before 2014, their start dates with Metro?

3 A Yes. Eric, I think, has seven and a half years on
4 and so does Steve. So yeah, Cesar is -- was in my academy in
5 January 2006, so yes.

6 Q And then you said currently you're an FTO; is that
7 correct?

8 A Yes.

9 Q What's an FTO?

10 A Field training officer.

11 Q Okay. So you train new recruits, new cadets?

12 A Yes.

13 Q Or --

14 A Officers.

15 Q Officers.

16 A They actually graduated the academy and they're --
17 they're on the streets getting field training.

18 Q Got ya. And these are the new officers that are
19 required to wear body cameras, correct?

20 A Yes.

21 Q Okay. Are you under policy now that you are a field
22 training officer at this point and time able to wear a body
23 camera?

24 A I am not required to wear a body camera at this time
25 as a field training officer because it was not a condition of

1 hire for me, and there's still a wait list. So there's still
2 -- they -- even though the trainees that we have are required
3 to wear them, many of the FTOs still don't have them either,
4 but the trainees have to have them first. They must wear
5 them. So they have to give any body cameras to those guys
6 before they give them to us.

7 Q And then Officer, before November 2014, just a rough
8 estimate, how many arrests have you made without a body
9 camera?

10 A Before 2014?

11 Q Yeah.

12 A In eight years?

13 Q Is just the number too high to count?

14 A A hundred and fifty.

15 Q Okay.

16 A Two hundred arrests in -- I mean, I worked Boulder
17 Highway for nine years, graveyard so a lot.

18 Q Okay. So let's go back to you stepped out of the
19 vehicle, you had your firearm trained on the black male
20 suspect who is at the rear trunk of this Charger with his
21 hands inside the trunk?

22 A That's correct.

23 Q What commands are you issuing at this point?

24 A I am telling him to step away from the trunk, put
25 his hands in the air and to walk backwards towards the sound

1 of my voice.

2 Q Does this individual comply initially?

3 A Not initially.

4 Q What does this individual do in response to those
5 commands?

6 A He froze initially, kept his hands in the trunk. I
7 had to repeat myself a couple of times, and then the red flag
8 for me was he -- he was looking around. That's when I saw
9 the fight or flight. He was trying to, I think, make a
10 decision what he was going to do next as I'm giving him the
11 verbal commands, and then he spoke to me at that point.

12 Q And what did he say to you, Officer?

13 A He said are you going to shoot me?

14 Q Could you see what his hands were doing inside the
15 trunk at that point in time?

16 A No, because if you look at the -- if you look at the
17 trunk where his hands were, there's like a lip that comes up,
18 and his hands were kind of down in it so I could just see his
19 wrists, if that makes sense.

20 Q Was that a cause for concern for you?

21 A Yes.

22 Q Was his statement or question to you a cause for
23 concern?

24 A Yes.

25 Q What happens next?

1 A I repeat the verbal commands after that, repeat the
2 verbal commands a couple more times and eventually, he pulls
3 his hands out of the trunk, takes a couple steps backwards,
4 he goes on his knees, puts his hands behind his head and we
5 take him into custody without any incident or use of force.

6 Q And are you one of the officers to take him into
7 custody?

8 A I believe, I'm the one that handcuffed him, yes.

9 Q Do you see that man in the courtroom today?

10 A Yes.

11 Q Could you please point to him and identify an
12 article of clothing that he's wearing?

13 A It's the gentleman on the far left and he's wearing
14 a short-sleeved blue shirt, collar.

15 MR. PORTZ: Ask that the record reflect the witness
16 has identified Defendant Starr.

17 THE COURT: It shall.

18 BY MR. PORTZ:

19 Q And I'm sorry, did I cut you off, Officer?

20 A No, you did not.

21 Q Did you look into that trunk after you had him in
22 cuffs?

23 A Yes.

24 Q What did you see when you looked in that trunk?

25 A I saw two weapons in plain view, an orange handled

1 what I -- what looks like a -- like a wood cutting ax or like
2 a fire axe kind of thing, a small one, and a black revolver.

3 Q Publishing State's 191. Do you see the black
4 revolver in this photograph?

5 A Yes. It's got the wood handle, and you can see the
6 -- the trigger -- the trigger well for it.

7 Q Publishing State's 192. Is that black revolver
8 uncovered?

9 A Yes, that's the -- that's the revolver.

10 Q State's 203. Does this fairly and accurately depict
11 Mr. Starr on the evening you arrested him?

12 A As I remember, yes.

13 Q And the clothing that he was wearing?

14 A As I remember, yes.

15 Q What is your job after taking Mr. Starr into
16 custody?

17 A Once we make the scene -- well, so first thing we do
18 is we slow down the scene. Mr. Starr and the other two
19 passengers in the vehicle need to be taken into custody.
20 Once they're in custody and we've checked them for any
21 weapons that might be on their person, we separate them, put
22 them in separate vehicles, and then we preserve the scene,
23 which would be the vehicle at this point, for any evidence
24 that might be related to the windbreaker series of the crime.
25 So we do scene preservation at that point.

1 Q Okay.

2 A And we -- and we set everyone up for the detectives
3 to now come in and take over and do their interviews,
4 interrogations or any -- anything else that might be done.
5 They kind of take over once we stop everything.

6 Q Okay. So just so there's no confusion, Mr. Starr
7 was taken into custody first?

8 A Yes.

9 Q Did the two individuals, the driver and the front
10 passenger, remain in the car during this portion of taking
11 Mr. Starr into custody?

12 A As far as I remember, they were still in the car
13 when I handcuffed Mr. Starr.

14 Q Do you recall the process by which those two
15 individuals who remained in the car were then taken into
16 custody?

17 A I -- I know that there was no incident with use of
18 force. I know that they -- they complied. I don't remember
19 if an -- I -- I -- I -- I don't remember if an officer opened
20 the door and pulled them out. I don't remember if they came
21 out on their own because I was dealing with Mr. Starr so I
22 really wasn't a part of that portion.

23 Q Were they taken into custody at separate times or
24 you don't -- you just tell them to --

25 A Well, it was all like I would consider at the same

1 time.

2 Q Okay.

3 A Yeah.

4 Q Now, you said that the suspects -- do you search
5 these suspects or pat them down after you arrest them to make
6 sure they're not carrying any weapons or --

7 A Correct.

8 Q -- anything that could hurt anyone?

9 A Right. At this point, we consider them in custody
10 so we pat them down for weapons, especially because they may
11 have weapons unrelated to the crime that we're looking at
12 them for and then we put them in the vehicle once we deem
13 them safe without contraband and stuff like that and we set
14 them there and wait for the detectives.

15 Q Now, why do you separate these individuals?

16 A So that they cannot talk to each other and
17 corroborate a story.

18 Q And why do you, yourselves -- strike that. Why are
19 you waiting to hand them off to detectives?

20 A Because detectives generally in a windbreaker -- in
21 the series, they're following the entire series. As a patrol
22 officer I'm in the specific event only. So my -- my job is
23 to handle this event, but they handle the totality of the
24 situation, not me.

25 And so these -- the detectives that come and take

1 over the scene, they have much more knowledge and detail
2 about what the windbreaker series is and what they're looking
3 for than I ever would.

4 Q Officer, thank you very much. I appreciate your
5 testimony.

6 MR. PORTZ: And I have no further questions, Your
7 Honor.

8 THE COURT: Cross?

9 MR. TANASI: Yes, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. TANASI:

12 Q Officer, good afternoon.

13 A Good afternoon, sir.

14 Q My name is Rich Tanasi. I represent Mr. Hobson. I
15 have some questions for you, okay?

16 A Yes, sir.

17 Q All right, so as I understand it, I was taking notes
18 here, that you have been an officer for ten years; is that
19 about right?

20 A Yes. January 6th, 2006, my hire date, I got my
21 ten-year pin on January 6th, 2016.

22 Q Okay. So seasoned officer, correct?

23 A There's more seasoned than me, but yes.

24 Q Ten years in, that's pretty seasoned, though; you'd
25 agree with me, right?

1 A I hope so, yes.

2 Q Okay. In fact, you're training officers now, right?

3 A Yes.

4 Q Okay. So you went to the academy, right?

5 A Yes.

6 Q Okay. And now you're training officers after
7 they've gone through the academy, correct?

8 A Yes.

9 Q Okay. In the academy you learned about the
10 importance of reports, right?

11 A Yes.

12 Q Okay. Tell me why a report's important. What would
13 you put into a report?

14 A Any facts and circumstances that may be relevant to
15 probable cause for a crime.

16 Q Okay. Is it important to prepare reports and put
17 all the information in the reports relative to any incident
18 or event that you partake in?

19 A It would be, yes.

20 Q Yeah. Because you want to -- after all, you want to
21 put everything in so you're thorough so that another officer
22 can read that report and have an idea of what's going on if
23 that officer needs to pick up with the case?

24 A Yes.

25 Q Right? If you leave the force after ten years, you

1 decide to retire, right, you want an officer who comes in to
2 replace you, if they're investigating something that you had
3 something to do with, you want that officer to look at your
4 report and know what happened, correct?

5 A Um-h'm.

6 Q Okay. So when you arrest folks, typically, you fill
7 out a report; is that accurate? Arrest report of some kind?

8 A If I arrest somebody, yes.

9 Q Yeah? Okay. And again, ten years that you've been
10 doing this. I think you mentioned 150 to 200 arrests.

11 A I think you can look it up, but I don't -- I don't
12 know the number. I don't usually pay attention to that
13 stuff.

14 Q That's okay. And I'll take your word for it, but
15 you said 150 to 200; is that fair?

16 A I guess, yes.

17 Q Okay. All right, so of those 150 to say 200
18 arrests, how many reports do you think you prepared?

19 A I mean, if I'm the arresting officer, I would have
20 prepared the majority of them or all of them.

21 Q Okay. In this case, you didn't prepare a report,
22 though, right?

23 A I wasn't the arresting officer in this case.

24 Q You didn't arrest Mr. Starr in this case?

25 A I took him into custody, but the arresting officer

1 would have been the robbery detective.

2 Q Okay. Took him into custody and didn't prepare a
3 report, correct?

4 A Correct.

5 Q Okay. You also mentioned that with respect to
6 robbery incidents that reports are prepared in those,
7 correct?

8 A Correct.

9 Q Okay. And in those reports you want to include
10 things relative to the MO, correct?

11 A Correct.

12 Q Okay. You want to talk about the robber's entry
13 point, correct?

14 A Correct.

15 Q The exit point, correct?

16 A Yes.

17 Q Okay. You want to do the -- put suspect
18 descriptions in that report, correct?

19 A Yes, absolutely.

20 Q Okay. You want to ID whether or not their hands are
21 covered with things, correct?

22 A Yes. Gloves or no gloves, right.

23 Q You want to ID whether there's firearms involved,
24 correct?

25 A Yes.

1 Q And in this case, your involvement in the Taco Bell
2 incident, you prepared no report indicating any of that,
3 correct?

4 A Right. So the --

5 Q Yes or no, Officer?

6 A Oh, no, I did not -- I'm not the one that prepared
7 the reports, no.

8 Q Thank you. You had indicated that you took
9 Mr. Starr into custody, correct?

10 A Yes.

11 Q Okay. And then so that leaves either Officer Mohler
12 or Officer Myrold to have taken my client, Mr. Hobson, into
13 custody, correct?

14 A No. There was other officers there that I
15 indicated. I don't remember all the ones that were there.
16 It was most of my squad, though, that night. I can't tell
17 you -- I -- every single person that was there, but there
18 were -- there were multiple officers. I would say there was
19 probably six to ten somewhere in that range of patrol
20 officers that were there at that time.

21 Q Okay. So if it's reported that either Officer
22 Mohler or Myrold or yourself took all suspects into custody,
23 that would be incorrect?

24 A Well, we were involved in the incident so they were
25 taken into custody while we were there so I think it's

1 correct. It may not be like exactly specifically the way you
2 want it stated, but it's correct.

3 Q Okay. Fair enough. And then you also indicated
4 that you do pat downs of folks that you take into custody,
5 right?

6 A Correct.

7 Q Right? You want to make sure there's no firearms,
8 right?

9 A Correct.

10 Q And you also want to make sure there's no
11 contraband, right?

12 A Correct.

13 Q Can you tell the jury what contraband is?

14 A Sometimes any illegal narcotics, needles, knives,
15 anything else that could hurt us or they could use to hurt
16 themselves if they're like in the back of the vehicle where
17 we don't see what they're doing with their hands behind their
18 backs. So it's just anything that could hurt somebody in
19 general we're looking for for safety purposes.

20 Q You want to be thorough about that, right?

21 A Yes.

22 Q Okay. And contraband, those items you referenced,
23 sometimes those -- fair to say you can find those in a bag?

24 A Yes.

25 Q Right? Contraband can be found in a bag, right?

1 they could get patrol officers within the vicinity?

2 A That's true.

3 Q Did they actually situate themselves around this
4 Taco Bell?

5 A No, I asked them -- or yeah, I asked them to send --
6 assign two patrol units, but keep them far enough away until
7 they're out of sight. So they were, I don't know, a quarter
8 mile, half mile away nearby knowing what was going on.

9 Q Why did you want them out of sight?

10 A So I could still do covert surveillance on the
11 vehicle and not have patrol just pull right up on it and
12 scare them away or anything.

13 Q So once the individual exits the right front
14 passenger seat and he's wearing a hoodie and a mask, what do
15 you do at that point?

16 A I notify over Southeast Area Command's radio channel
17 that I needed the patrol officers to move in and take them
18 down.

19 Q And then what happened at that point?

20 A Patrol units start to arrive, and they basically,
21 cover each side of the vehicle, and that's at about the same
22 time when the guy exited, he exited and went to the trunk of
23 the vehicle.

24 Q Did you also exit your vehicle as patrol --

25 A Yes, I did.

1 Q -- was arriving? Where did you position yourself in
2 regards to the patrol officers who arrived on scene?

3 A I was north of them probably 45 feet north of the
4 vehicle behind the trunk.

5 Q Now, you indicated that previously you did not have
6 probable cause to conduct a stop on those individuals,
7 correct?

8 A That's correct.

9 Q On that vehicle? Why was it that at that point you
10 called in patrol to basically effectuate a felony stop?

11 A Immediately recognized that that was the suspect.
12 It was the same clothing, same white mask, we're parked right
13 in front of a Taco Bell. I thought that the robbery was
14 going to go down right there.

15 Q As you got out of your vehicle and started walking
16 towards the gray Charger where the patrol officers were, did
17 you notice the suspect that had exited the right side
18 passenger rear seat do anything while he was at the trunk of
19 the car?

20 A He leans into the trunk of the car.

21 Q Did you get close enough to see him once patrol had
22 taken him into custody?

23 A Yeah, after they took him into custody I saw him.

24 Q Was there --

25 A Got closer.

1 Q -- anything different about his face at this point?

2 A He didn't have the white mask on.

3 Q You indicated that when you first pulled in behind
4 that car, you obtained a license plate number; do you recall
5 that?

6 A I recall obtaining it. I can't remember the license
7 plate number.

8 Q Okay.

9 A Sorry.

10 Q But did you do something with that license plate
11 number eventually, other than just write it down?

12 A Yeah, we -- when the call went into dispatch and I
13 told them that I needed that event number, I logged that
14 plate into the event.

15 Q And is that so that they can run the plate and see
16 who the vehicle's registered to?

17 A Yes.

18 Q At some point, did you learn that the vehicle was
19 registered to Donte Johns?

20 A Yes, I did.

21 Q Showing you State's Exhibit 180 on the overhead, do
22 you recognize the vehicle on this photograph?

23 A Yes, that's the vehicle I was watching.

24 Q And the trunk is open in this photograph, correct?

25 A Yes.

1 Q When you first pulled in behind that vehicle, was
2 the trunk open or closed?

3 A It was closed.

4 Q When you saw the suspect exit the right rear
5 passenger seat, was the trunk open or closed?

6 A When I'm watching him, the trunk was still closed.
7 By the time he got to the back, it was opened.

8 Q So as he walked back, the trunk opened?

9 A I -- I'm watching him. I don't know if he opened it
10 or it just popped open.

11 Q Okay.

12 A My mind was pretty focused on him.

13 Q And showing you a close-up of that car's license
14 plate. It's State's Exhibit 182. That's the license plate
15 number that you logged that night, correct?

16 A Yes, it is.

17 Q Showing you 181, is that the trunk of the vehicle?

18 A Yes.

19 Q At some point, did -- you indicated that initially
20 when the patrol officers responded and assisted with the stop
21 that you stood a distance back?

22 A Yes.

23 Q Did you see them take the occupants of that vehicle
24 into custody?

25 A Yes.

1 Q How many occupants of the vehicle did there
2 ultimately end up being?

3 A Three total.

4 Q With regards to the person that walked to the back
5 of the trunk with the medical mask on initially, the first
6 one that you saw exit the car --

7 A Um-h'm.

8 Q -- do you see that person in the courtroom today?

9 A Yes, I do.

10 Q Could you please point to him and identify an
11 article of clothing that he's wearing?

12 A He's sitting on the far left with the blue shirt and
13 the gray tie.

14 MS. MERCER: Your Honor, may the record reflect
15 he's identified Defendant Starr?

16 THE COURT: It shall.

17 BY MS. MERCER:

18 Q Who did you see them remove from the right front
19 passenger seat?

20 A The guy in the red shirt right there. Do you want
21 me to give the name?

22 Q Are you -- okay, if you could just point to him
23 and --

24 A Sorry. Tony Hobson. He's sitting in -- right there
25 with a red and black shirt.

1 MS. MERCER: Your Honor, may the record reflect
2 that he's identified Defendant Hobson?

3 THE COURT: It shall.

4 BY MS. MERCER:

5 Q What about the driver? Who was the driver of the
6 vehicle?

7 A Donte Johns.

8 Q Showing you State's Exhibit 273. Is this a
9 photograph of Donte Johns, the person that was removed from
10 the driver's seat of that car?

11 A Yes, it is.

12 Q Once they were removed from the car, were they
13 placed into handcuffs?

14 A Yes, they were.

15 Q And is that because of the nature of the events
16 leading up to the arrest, the violence, et cetera?

17 A Yes.

18 Q Did you ever get close enough to the trunk to see
19 anything significant in the trunk?

20 A Yes.

21 Q What specifically did you see that was significant
22 to the investigation and to the windbreaker series?

23 A There was an axe, a shorter ax with an orange
24 handle.

25 Q And do you see that in this photograph --

1 A Yes.

2 Q -- which is 181 again, for the record.

3 A You could --

4 Q Could you please circle it?

5 A You can see the handle.

6 Q And why was that important?

7 A In prior events it was used as a tool to break the
8 glass in order to gain entry into the store -- or into the
9 restaurant.

10 Q What is a felony stop?

11 A It's when we do a car stop or a person stop on
12 someone who we believe is committing or committed a felony.
13 It's usually -- it's different than a regular car stop where
14 you just walk up to the window. You're actually pulling
15 people out and take them into custody.

16 Q And are you pulling them out and taking them into
17 custody at gunpoint?

18 A Yes.

19 Q Did the patrol officers have their weapons drawn
20 when they pulled the occupants of the car out?

21 A Yes, they did.

22 Q Did you have any -- well, as a plain clothes
23 detective, do you also carry a weapon?

24 A Yes, I do.

25 Q Did you have your weapon drawn?

1 A Yes.

2 Q When you got close enough to this trunk to see the
3 axe, did you notice anything else in the trunk?

4 A The -- the medical masks were still there and there
5 was also a firearm in the trunk.

6 Q And which firearm is it that you recall seeing?

7 A It was a handgun in the trunk.

8 Q You indicated that once you advised your fellow
9 robbery detectives that you had a suspect vehicle in front of
10 you, they all started heading your direction, correct?

11 A That's correct.

12 Q After patrol took these individuals into custody,
13 how long did it take for the rest of them to arrive?

14 A Some of them got there a minute later, after
15 everything was pretty much done.

16 Q So they -- some of them arrived rather quickly?

17 A It took them about 25 minutes to get there, but some
18 of them arrived quickly after the stop.

19 Q That's what I meant, thank you.

20 A Okay.

21 Q Once -- with regards to a case like this, you've
22 indicated that there's usually one primary detective,
23 correct?

24 A That's correct.

25 Q Does that primary detective often assign duties to

1 other detectives on the robbery unit to assist with the
2 investigation?

3 A Yes.

4 Q With regards to this event, you were not asked to
5 search that vehicle, correct?

6 A That's correct.

7 Q After other robbery detectives arrived on scene,
8 patrol stuck around for a while, correct?

9 A That's correct.

10 Q And it's you all's policy not to disturb any
11 evidence before it's photographed and collected by crime
12 scene analysts, et cetera, correct?

13 A Correct.

14 Q So that was not done in this case? No one touched
15 anything, correct?

16 A No.

17 Q After other robbery detectives arrived and patrol
18 officers arrived, did thank you eventually leave the scene?

19 A Yes.

20 Q And you went back to headquarters, correct?

21 A That's correct.

22 Q To assist with the investigation in other
23 capacities?

24 A That's correct.

25 MS. MERCER: Court's indulgence.

1 BY MS. MERCER:

2 Q Detective, you indicated that once you notified
3 dispatch that you had a potential suspect vehicle in front of
4 you, and by dispatch I mean Southeast Area Command dispatch,
5 you did that so that other patrol officers would be ready to
6 assist?

7 A That's correct.

8 Q Did you call out what is called a code red?

9 A That's correct.

10 Q What is a code red?

11 A Once a unit calls for a code red, the dispatch will
12 actually put like a tone over the radio channel. It's like a
13 beeping sound. It happens every like three or four seconds,
14 but all the other units know that that unit now has the radio
15 and no one else should try to call out any other car stops or
16 anything like that until that code red is over. So the only
17 people talking on the radio are the units that are involved
18 with that particular --

19 Q So that would be you and the other patrol units that
20 responded to assist?

21 A Yes.

22 Q Or not responded to your exact location, but in the
23 vicinity?

24 A Yes.

25 MS. MERCER: I'll pass the witness, Your Honor.

1 THE COURT: Cross?

2 MS. LOBO: I'll start first, Your Honor.

3 THE COURT: Ms. Lobo, okay.

4 CROSS-EXAMINATION

5 BY MS. LOBO:

6 Q Okay. Good afternoon, Detective.

7 A Good afternoon.

8 Q I understand when you were speaking to Ms. Mercer,
9 you were describing just the general squad breakdown that
10 they're used to be, I believe, seven -- five squads at the
11 time that this event happened; is that correct?

12 A That's correct.

13 Q Okay. And that there was about 7 to 18 members on
14 each squad?

15 A Minus the task force, they were smaller, but yes.

16 Q Okay. And these squads, Detective Abell, who's the
17 lead detective in this case, was on that same squad, correct?

18 A No, he was not on my squad.

19 Q Okay. He was on the squad that was in the Southeast
20 Area Command?

21 A No. He was on our sister squad, which means that we
22 have three days off, they have three days off. The only
23 common day we have is Wednesday, but we both work swing
24 shift.

25 Q Okay.

1 A So it's -- it's not -- it's just another robbery
2 squad that has the opposite days as me.

3 Q Same police station, same unit, same area in the
4 police department?

5 A We -- we're entire -- we're responsible for the
6 entire Valley, so we really don't get -- so all the squad has
7 to take the whole Valley. So it's not like we have just --
8 we're not stationed just in southeast. We have all of the
9 Valley.

10 Q Okay. Got it. So, I guess, my point is, is that
11 you worked closely with Detective Abell, and you guys all
12 worked together as a unit; is that right?

13 A We're a unit. We only share one day a week that we
14 work together.

15 Q Right.

16 A Okay.

17 Q Physically?

18 A Physically, yes.

19 Q But you have e-mail access?

20 A Oh, yes, yes.

21 Q Text messages?

22 A I have his phone number, yes.

23 Q Right. Department issued?

24 A Yes.

25 Q And you have constant contact and communication with

1 the rest of the robbery detectives?

2 A I can get ahold of them, yes.

3 Q Right. It's easy for you?

4 A Well, it's an e-mail.

5 Q Right.

6 A It's as easy as an e-mail, yes.

7 Q Okay. And information was shared about the
8 windbreaker series that you spoke of on direct examination?

9 A Yes.

10 Q And that was shared through e-mails?

11 A Through -- one of the ways, yes.

12 Q Okay. Through text messages?

13 A Not really through text messages, no.

14 Q And these were e-mails that went back and forth
15 throughout the robbery division?

16 A They get group sent.

17 Q Right. To robbery?

18 A To robbery, yes.

19 Q Okay. And then you have other, I guess, one-on-one
20 contact with Detective Abell?

21 A Not a whole lot, but on a Wednesday I'll see him,
22 you know.

23 Q Right.

24 A Yeah.

25 Q And you would talk about the case?

1 A Not really. I have my own cases. I mean, it's not
2 like we're sitting there all day talking about this one case.

3 Q Right. But there was 14 -- or 13 robberies that had
4 occurred within less than 30 days.

5 A Yes.

6 Q And you were aware of that?

7 A Yes.

8 Q And it was a pressing issue for the Valley judging
9 about I that photograph; is that fair?

10 A Yeah, I would -- it's pretty important to get it
11 stopped, yes.

12 Q Okay. And there were 43 victims that had had these
13 horrible things happen to them, so it was important that you
14 guys catch the people who were doing this?

15 A It was important that we catch them. I didn't know
16 if it was exactly 43, but yeah.

17 Q Right. You don't have any reason to disagree with
18 that number that I just said?

19 A No.

20 Q Okay. All right. So up until the night of the
21 arrest, there hadn't been any sort of witness that had been
22 able to identify the people that had robbed these businesses;
23 you're aware of that, right?

24 A What do you mean? We didn't know any suspect names,
25 no.

1 Q Right. You didn't have any sort of identifying
2 information until you found the Charger, right?

3 A We knew like heights, weights, possible ages. But
4 no, no names of any suspects or anything like that. What do
5 you mean?

6 Q Okay.

7 A Is that what you meant by identifying?

8 Q Well, identifying, yeah --

9 A Right.

10 Q -- I guess, in terms of you didn't have a name,
11 right?

12 A No, we didn't have a name.

13 Q Right. You just had different heights and weights
14 that you just stated?

15 A We had a suspect description, yeah.

16 Q Right. And you said that some of them were grouped
17 together by clothing, right?

18 A The events, yes.

19 Q Yeah. You saw that there was a windbreaker, you
20 said actually that they were wearing throughout in all of the
21 events; is that right?

22 A I think I did say throughout, but I would imagine I
23 probably misspoke. I wouldn't -- I would have to look at the
24 pictures again to see if it was in all 13.

25 Q You don't have any reason to disagree that there was

1 variations, slight variations throughout the photographs
2 probably, right?

3 A There always is, yes.

4 Q Okay. And you're aware that those variations
5 included a suspect that could have been possibly described as
6 being as tall as seven, two?

7 A I didn't know that.

8 Q Okay. Well, you don't have any reason to disagree
9 if a victim had said that, right?

10 MS. MERCER: Well, I would object to that, Your
11 Honor. That would be speculation on his part.

12 THE COURT: Sustained.

13 BY MS. LOBO:

14 Q You reviewed -- at least when you found out about
15 each significant or each individual robbery event, you had a
16 synopsis to work off of; is that correct? Is that a fair
17 statement?

18 A I never did a review of his entire case file. I
19 didn't know the details of every single particular event. I
20 did know the basic MO and that we had a decent car
21 description.

22 Q Okay. But you knew that there was some variation of
23 clothing? You'll give them that much, right?

24 A Yeah, I mean, it's -- I -- without looking at them
25 again, it wouldn't be unusual that some clothing slightly --

1 Q Okay.

2 A -- varies over 13 days.

3 Q All right. So up until November 25th, when you saw
4 the Charger, this was pretty much the only sort of
5 information that you had, a silver Charger and some
6 surveillance photo?

7 A Yeah. I mean, only available about the car?

8 Q Um-h'm.

9 A Yeah, I knew it was a silver Charger. That's -- we
10 didn't have a plate. We didn't have -- it wasn't -- it was
11 just a silver Charger.

12 Q Okay. And you just took it upon yourself to go out
13 and look for the Charger that night --

14 A Yes.

15 Q -- on your way home?

16 A Yes.

17 Q And --

18 A Before I went home. Not like, I wasn't driving
19 straight home. I was driving out southeast a little bit, you
20 know. It wasn't on my way home.

21 Q Okay. Well, you made it --

22 A Before I -- before I went home.

23 Q Okay.

24 A Okay.

25 Q So you left your desk because usually you said

1 you're at your desk investigating in the office?

2 A It's about 60/40, yeah.

3 Q Okay. Well, correct me if I -- you said that you
4 were usually investigating in the office. Is that what you
5 stated on direct?

6 A That's where we do a lot of your administrative
7 type. Typing on the computer, we're doing case notes and
8 stuff like that. But it's not unusual for us to go out and,
9 you know, like go to crime scenes and things like that, too.

10 Q Right.

11 A So --

12 Q But you're not out roaming the streets looking for
13 cars usually? That's something that usually you don't do?

14 A That's true.

15 Q Right. That's patrol's job.

16 A They -- I mean, one of many jobs they have, yeah.

17 Q Right.

18 A Yeah.

19 Q Okay. And as far as, let's see -- I want to talk to
20 you about the mask you said that you claim you saw my client,
21 Mr. Starr, wearing that night, okay?

22 A Um-h'm.

23 Q You had pointed out on the photo --

24 (Pause in the proceedings)

25 BY MS. LOBO:

1 Q So you stated on direct that you were in between a
2 Taco Bell and a Fresh and Easy; is that right?

3 A That's correct.

4 Q And that -- let's see, which one is it now -- that
5 you pulled into the Taco Bell parking lot and you made like
6 almost a u-turn behind the car and looped around; is that
7 right?

8 A Yeah, I went behind the vehicle, kind of followed
9 the rest of the parking lot. It makes you make a u-turn and
10 then parked again behind it.

11 Q Were you in front of Fresh and Easy? Like because
12 it -- I'm trying to find the photograph. Hold on.

13 (Pause in the proceedings)

14 BY MS. LOBO:

15 Q Were you in front of Fresh and Easy because it
16 looked like you drew around --

17 A It --

18 Q -- say you were kind of at least on the side.

19 A I'm in between Fresh and Easy and Taco Bell. Not in
20 the front of --

21 Q Okay.

22 A -- the Fresh and Easy.

23 Q So you were directly behind the Charger?

24 A Not directly behind. Slightly offset.

25 Q Okay.

1 A Well, more than slightly offset. Probably at like a
2 45.

3 Q A 45 degree angle?

4 A Yeah, it's -- yeah.

5 Q So that way they wouldn't see you?

6 A I -- yeah, that was the goal. Yeah.

7 Q Okay.

8 (Pause in the proceedings)

9 BY MS. LOBO:

10 Q Okay. I'm going to show you what's previously been
11 admitted as State's Exhibit 14. And if you can show us one
12 more time where -- I believe right here, where the yellow
13 caption is, that's Taco Bell. So if you could show us one
14 more time. And then be show us where the Fresh and Easy is
15 also on that photo.

16 A Okay. So -- so this is the Fresh and Easy.

17 Q Okay.

18 A The -- my vehicle is going to be probably like just
19 above between like maybe the 6 and the 4 right here. Oh, my
20 God, this thing's off a little bit.

21 Q So if you --

22 A So a little -- a little bit farther north than the
23 dot I just made. Like that next row.

24 Q Closer to the Fresh and Easy at least on the other
25 side of that dot?

1 A Like almost -- still in the yellow part where it's
2 labeled, but on the top part of the yellow part.

3 Q Okay.

4 A (Inaudible) there.

5 Q All right. And so they were parked -- where was the
6 car parked, the Charger, in this photograph?

7 A I believe, it's going to be -- do you see how
8 there's dirt, a little median right here? It's going to be
9 pulled right through the dirt on the front. It's in that row
10 right here. Maybe right --

11 Q If you can mark -- I don't know if you're touching,
12 but it's not showing up.

13 A So when I touch it, it -- yeah, sorry. Is there any
14 way you can expand it and make it larger or is it not like a
15 screen like that, right?

16 Q I think --

17 THE COURT: Yeah, you can blow it up.

18 BY MS. LOBO:

19 Q -- I can.

20 A Oh, okay. Okay.

21 Q Yeah. Is that better?

22 A Yeah. So I'm thinking I'm right about here, and
23 they're like right about here.

24 Q Okay. So it looks like by the 3 and then it looks
25 like there's a white vehicle that's unrelated to this case

1 there you marked on top of that.

2 A Yeah.

3 Q So you were off center enough to see. And there's
4 -- actually in that parking lot there's a median with trees
5 in the middle of it, right?

6 A But we're both on that side of those trees.

7 Q Okay.

8 A Yeah.

9 Q Okay.

10 A We're both on that side.

11 Q And at that time, there was construction that was
12 going on in that Fresh and Easy, right?

13 A Oh, I don't know.

14 Q There was trash bins that were set up for
15 construction. You recall that from the photographs that
16 night, right, Detective?

17 A I don't remember there being construction going on
18 at --

19 Q Okay.

20 A -- at the Fresh and Easy but --

21 Q Okay. All right. All right. Ms. Mercer pointed
22 out that as part of your detective's assigned vehicle, you
23 don't have a dash cam on the front?

24 A No, I don't.

25 Q And you don't have a body cam because you're not in

1 uniform, right?

2 A That's true.

3 Q And but do you have a department issued cell phone?

4 A Yes, I do.

5 Q And you have your own personal cell phone?

6 A Yes, I do.

7 Q And both of those cell phones have video on them?

8 A Yes, they do.

9 Q And you have used those before to record or take
10 pictures when you absolutely need to, when CSA is not
11 available?

12 A It's on the department one, never -- not my personal
13 one.

14 Q Okay.

15 A All right.

16 Q And so you can take video on that phone, too, as
17 well, right?

18 A I think can take video on my department. I know I
19 can take pictures.

20 Q Okay. And what kind of phone do you have?

21 A My personally, an iPhone 6.

22 Q For the department?

23 A It's a smart phone, and it's -- it's -- I really
24 don't know. It might be whatever the windows phone is, I
25 think.

1 Q Okay.

2 A I don't know. I don't have that now, sorry.

3 Q Okay. And you mentioned that -- you described that
4 you logged on to an event number and you had called into
5 dispatch to tell your location.

6 A Yes.

7 Q Okay. And so every time you call in on an event,
8 that is logged into a CAD log, right?

9 A That's correct.

10 Q And that CAD log documents your unit number, it has
11 an identifying information, you're R16?

12 A I was then, yeah.

13 Q Okay. And all the other units that are in the area,
14 they also have identifying numbers and letters?

15 A Call signs, yes.

16 Q Call signs, sorry.

17 A Yes.

18 Q Okay. So they have all of those on as well, too.
19 So you can see everybody that logged on that the event that
20 you created and generated when you called that in?

21 A You should be able to in CAD, yes.

22 Q Right. And I believe that when you testified in the
23 grand jury, you said that you had been watching for six
24 minutes, and I think that, and correct me if I'm wrong, you
25 probably referenced the CAD log because the call was

1 generated at 11:06; does that sound right?

2 A Yes. I was -- I was watching it for a while before
3 I called it out.

4 Q Right.

5 A Yes.

6 Q And you aren't timing -- I mean, six minutes is a
7 pretty unique number, right, to say that I was watching for
8 exactly six minutes?

9 A It was -- yeah, I mean, it's not like I had a stop
10 watch and knew exactly six minutes, yes.

11 Q Right. So you probably, fair to say, you referenced
12 the CAD log?

13 A What are you saying?

14 Q To see how -- what time it was because you can see
15 the time that you're actually calling in and it was 11:06.
16 Did you look at the CAD log?

17 A Yeah, the -- well, yeah. So in order to -- yeah, I
18 looked at the CAD log, and I can't remember what question you
19 were asking about the grand jury.

20 Q You mentioned that you were watching the vehicle for
21 six minutes.

22 A Yes.

23 Q And the CAD log says 11:06?

24 A Yes.

25 Q Okay. So probably got the six minutes from the CAD

1 log; is that fair?

2 A No, I got the six minutes because it felt like six
3 minutes.

4 Q Okay, all right.

5 A Yeah.

6 Q And it just so happened to be 11:06?

7 A Is when I called dispatch.

8 Q Correct.

9 A Yes.

10 Q Okay. And there was a big response in the area.
11 You said that you had two patrol that had to stay back and
12 were waiting for a felony stop, if it was going to happen,
13 right?

14 A I requested two, yes.

15 Q Right. But then actually, 23 total units showed up;
16 that is correct?

17 A I --

18 Q You would have no reason --

19 A I --

20 Q -- disagree --

21 A I would have no reason to disagree with you.

22 Q Right.

23 MS. MERCER: Your Honor, I would object to
24 foundation. And she said (inaudible).

25 MS. LOBO: Well, it's Cross-Examination, Your

1 Honor.

2 THE COURT: Well, I know, but you're still -- he --
3 he doesn't know. You know, is there something you can show
4 him --

5 MS. LOBO: Sure.

6 THE COURT: -- to maybe support that?

7 (Pause in the proceedings)

8 THE COURT: Well, just see if that refreshes his
9 memory. If that will help refresh -- what is it?

10 MS. LOBO: Do you mind if I approach with it?

11 THE COURT: What is it?

12 MS. LOBO: It's a CAD log.

13 THE COURT: Oh, okay. Do have you a copy of the
14 CAD log?

15 MS. MERCER: I do, Your Honor.

16 THE COURT: All right. Yeah, just let him look at
17 it and see if he knows and --

18 MS. LOBO: Yeah.

19 BY MS. LOBO:

20 Q If you could just look at the first -- I think it's
21 the first three pages.

22 A Okay.

23 Q It looks like there's 23 units that were logged on
24 to the event.

25 A I -- I don't know that if it gives a total number of

1 units. I would have to add up all of -- all of the different
2 call signs down these three pages.

3 Q That's correct, and --

4 A It's --

5 Q -- that's --

6 A Is that -- you got to 23? Okay. So yeah, so
7 throughout the course of the entire event --

8 Q Right.

9 A -- that lasted for sometime, 23 different units
10 would have at one time or another been assigned to it.

11 Q Various detectives showed up?

12 A Yes, various detectives did show up.

13 Q Eight detectives showed up?

14 A I would have guessed seven, but if you're getting
15 eight, then eight. I -- I would have said my whole squad.

16 Q Okay. So your whole squad showed up for this?

17 A I would think so.

18 Q And nine patrol officers?

19 A I could count them, but if -- 12 (indecipherable).
20 Do you count patrol sergeants, too, or just patrol officers?

21 Q No, there's three sergeants.

22 A Okay. Yeah, I think that's what it adds up to.

23 Q One canine?

24 A It looks like a canine sergeant.

25 Q Yes.

1 A Okay. He's on here.

2 Q And then an air unit was in the area.

3 A I don't see the air unit arriving, but I don't see
4 where it says air and gives air call sign at.

5 MS. LOBO: May I approach, Judge?

6 THE WITNESS: Sorry. Sorry. Oh, so the air unit
7 was advised.

8 BY MS. LOBO:

9 Q Was advised?

10 A Yeah.

11 Q In the area. Okay.

12 A Well, it doesn't mean they ever responded. It just
13 means that they knew that this was going on.

14 Q Okay.

15 A Okay.

16 Q All right. But patrol did respond?

17 A Yes, they did.

18 Q Okay. And those patrol officers who showed up, they
19 have dash cams on their vehicles because they're not plain
20 clothes robbery detectives?

21 A I don't think they do.

22 Q They don't have dash cams?

23 A When I was in patrol I didn't have dash cams and --

24 Q How long ago were you in patrol?

25 A Eight years ago.

1 Q Okay.

2 A So -- so I wouldn't be the best person to ask.

3 Q Okay.

4 A Okay.

5 Q All right. But patrol is the people who would have
6 body cams, though?

7 A Now they have body cams. I don't know about dash
8 cams.

9 Q Okay.

10 A Okay. I mean, all the new hires and everything have
11 body cams now, not -- I don't know if we're throwing dash
12 cams in vehicles or not.

13 Q Okay. So you're sitting about 75 feet away from the
14 car?

15 A Yes.

16 Q And it's at nighttime. It's 11:00 p.m.?

17 A Yes.

18 Q You're in the parking lot?

19 A Yes.

20 Q And it's -- the only lighting is the lights that are
21 by the Taco Bell and one light pole that's in the middle and
22 then the one by Fresh and Easy; is that correct?

23 A That's correct.

24 Q Okay. And you're watching all of this happen in
25 front of you for about 30 minutes?

1 A Yes.

2 Q And during that time, you did not ever use your cell
3 phone to take any sort of video when you saw somebody exiting
4 the vehicle?

5 A No. I didn't know when he was going to exit. I
6 never really -- there's other things going on other than me
7 trying to videotape stuff.

8 Q Okay. There were other things that were going on
9 besides you trying to videotape stuff?

10 A Yes.

11 Q Okay. I want to talk to you about your involvement
12 once you left the scene of the arrest and you went to the
13 police station to headquarters.

14 A Okay.

15 Q Okay? And you went there and that's when you met up
16 with Detective Abell?

17 A Yes.

18 Q And the two of you conducted an interrogation that
19 evening?

20 A Yes.

21 Q And that was with Donte Johns?

22 A Yes.

23 Q And that you spoke to him for the purposes of trying
24 to get a confession, a statement from him about his
25 involvement in this case?

1 A Yes.

2 Q And would you agree with me that when you don't have
3 a victim to ID or forensic evidence, a confession is
4 beneficial to your case?

5 A Yes, confessions are beneficial to the case.

6 Q Okay. And I see you smiling.

7 A I mean, it's -- it's -- well, I mean, it's -- even
8 when we have that stuff, a confession is still beneficial.

9 Q Absolutely.

10 A There would never be a scenario where it wouldn't be
11 beneficial.

12 Q Right.

13 A Okay.

14 Q You never miss the opportunity to interrogate
15 somebody?

16 A Well, sometimes there's --

17 Q If it's available --

18 A If it's available and legal, yes, I'll talk to them.
19 Yes.

20 Q Okay.

21 A All right.

22 Q And so it's always possible -- I mean, it's always
23 something that you're striving to get in a case?

24 A To get their statement, yes.

25 Q To get a confession?

1 A There's been times where we got statements from
2 people and it's not a confession. It was still beneficial.

3 Q I understand that.

4 A Okay.

5 Q But when you're interrogating somebody who has been
6 arrested for 13 robberies, you're not looking for a
7 statement, Detective?

8 MS. MERCER: Your Honor, may we please approach?

9 THE COURT: Yes.

10 (Off-record bench conference)

11 THE COURT: Ms. Lobo, go ahead, continue.

12 MS. LOBO: All right, thank you, Judge.

13 BY MS. LOBO:

14 Q Okay. You spoke to Donte Johns that night?

15 A Yes, I did.

16 Q That was with Detective Abell?

17 A Yes.

18 Q And during the course of that interview, Donte Johns
19 said that --

20 MS. MERCER: Objection, Your Honor. That's
21 hearsay.

22 THE COURT: Sustained.

23 BY MS. LOBO:

24 Q Okay. So part of when you spoke to Donte Johns, you
25 wanted Mr. Johns to be aware that you were seeking

1 information about this crime and his involvement?

2 A Yes.

3 Q Okay. And when you're speaking to somebody who
4 you're investigating as a potential suspect in the case,
5 oftentimes people don't want to speak to you, right? It
6 sometimes happens?

7 A Do you want a percentage? I don't have an exact
8 percentage.

9 Q No, I don't want a percentage.

10 A Okay.

11 Q I'm just saying does this happen at all --

12 A There have been times --

13 Q There have been --

14 A -- where people didn't want to talk to me.

15 Q Okay. And part of that is -- well, actually, to get
16 someone to talk to you, you can take a variety of different
17 tactics in an interrogation, right?

18 A I'm sure there's more than one way, yes.

19 Q Right. There's actually a read technique, right?
20 The read technique you're familiar with?

21 A I've heard of it.

22 Q Okay.

23 A I don't --

24 Q Let's say if you're nice to somebody, sometimes in
25 interrogation, they will be forthcoming with information.

1 A It's -- it's true for almost everything in life,
2 yeah. If you're nice, people will talk to you.

3 Q Right. And sometimes if people know that they're
4 about to go to jail, they'll also talk to you?

5 A I've never -- I've never really questioned why
6 people talk to me. I never asked them at the end of an
7 interview, hey, why did you talk to me, so I wouldn't really
8 know why they did. Some people talk, some people don't.

9 Q You told Donte Johns when you were interrogating him
10 that you needed him to show remorse; do you remember saying
11 that, Detective?

12 A I think remorse is important, yeah. It's something
13 that I would -- I don't have the entire interview memorized.
14 I was --

15 Q You don't have any reason to disagree with that?
16 You remember mentioning remorse?

17 A I remember -- yeah, I usually mention remorse in my
18 interviews, yes.

19 Q Okay. And you said that someone who doesn't show
20 remorse will be punished more?

21 A I believe that, yes.

22 Q And -- no, I'm not talking about what you believe.

23 A All right.

24 Q Let's talk about what you said.

25 A Okay.

1 Q Do you recall saying that?

2 A If it's in there, then yes, I said it. It sounds
3 like something I would probably say because I believe it.

4 Q Okay. And you told him that the person who would
5 make that determination would be -- would want to know if he
6 was remorseful or not?

7 A I think it's a -- it's something that people think
8 about is whether or not the suspect's remorseful or whether
9 or not they're going to do it again and -- and things like
10 that. I think people think about that.

11 Q And by people, you mean the district attorney and
12 the court system?

13 A I think the court system looks at that, yeah.
14 Whether or not they're going to reoffend? Yeah.

15 Q Whether or not they're going to reoffend. Well, you
16 told him that no one else was going to come into that room
17 and talk to him. This was his one chance to say whether or
18 not he was remorseful.

19 A At some point, he's going to get -- we're not going
20 to be able to come interview him again and again and again,
21 and this was going to be my only time I get him to talk to
22 him. So yes, when I said I'm not coming back in again, this
23 is your one time.

24 Q Right. And you didn't go back to talk to him after
25 that one time that night, correct?

1 A That -- no, after that night, no.

2 Q Right. And you told him that a judge would be the
3 one to decide how long he was going to go to prison?

4 A I believe -- yeah. I mean, it's -- that's what I
5 told him, yeah, that's what I --

6 Q And that you wanted to know what happened with that
7 night and the 13 other incidents?

8 A I asked him what happened that night, yes, and with
9 the other incidents, yes.

10 Q And --

11 A That's what I -- that was my -- what I was trying to
12 get is what happened.

13 Q I understand, Detective.

14 A Okay.

15 Q And after you told him about -- you gave him the
16 speech about remorse and that he needed to say something or
17 else nobody was going to come back in the room, he admitted
18 to his involvement --

19 MS. MERCER: Objection, Your Honor. That's
20 hearsay.

21 BY MS. LOBO:

22 Q You learned that there was four to five --

23 THE COURT: I'm going to sustain the objection as
24 to any statements made by Mr. Johns.

25 MS. LOBO: Okay.

1 THE COURT: Okay?

2 BY MS. LOBO:

3 Q You learned that there was involvement with
4 Mr. Johns in four robberies?

5 MS. MERCER: Objection, Your Honor. Again, that's
6 hearsay.

7 THE COURT: Sustained.

8 MS. LOBO: It's learned.

9 THE COURT: Sustained.

10 BY MS. LOBO:

11 Q You arrested Mr. Johns that night?

12 A No, I think Detective Abell did the arrest paperwork
13 that night.

14 Q The Las Vegas Metropolitan Police Department
15 arrested Mr. Johns that night?

16 A Yes.

17 Q And you are employed with them, Detective?

18 A Yes.

19 Q Okay. And you also arrested Mr. Starr after having
20 this interview with Donte Johns?

21 A Yes.

22 Q You actually asked Mr. Johns if it was the same
23 people that was involved in all of the events?

24 A Did I ask him that or did the other detective in the
25 room ask him that?

1 Q You said, always the same people, question mark.

2 A Okay. Okay, then, yeah, then I asked him that, yes.

3 MR. MANNINGO: I'm sorry to interrupt, Ms. Lobo.

4 May we approach?

5 THE COURT: Yes.

6 (Off-record bench conference)

7 BY MS. LOBO:

8 Q Okay. Based on whatever Mr. Johns' response was to
9 your question, if always the same people were involved, he
10 made a response. We won't talk about what that response is.
11 You didn't do any additional follow-up investigation.

12 A No, I didn't.

13 Q You never made arrests for a person that may have
14 been seven, two?

15 A No, I didn't.

16 Q You did not make an arrest for a woman?

17 A No, I didn't.

18 Q You did not make an arrest for a woman that -- or
19 I'm sorry, a woman -- a man that might have been 300 pounds?

20 A No, I didn't.

21 Q You didn't do any sort of follow-up investigation
22 about Mr. Starr's employment?

23 A No, I didn't.

24 Q His place of residence?

25 A No, I didn't.

1 Q And to your knowledge, if you do know, Detective
2 Abell did not do those things as well?

3 A I wouldn't know. I didn't --

4 MS. LOBO: Court's indulgence.

5 THE COURT: Okay.

6 MS. LOBO: I will pass the witness, Your Honor.

7 THE COURT: Do you want to cross?

8 MR. TANASI: Yes, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. TANASI:

11 Q Good afternoon, Detective.

12 A Good afternoon.

13 Q My name's Rich Tanasi. I represent Mr. Hobson.

14 I've got some questions for you, okay?

15 A Okay.

16 Q All right, so in this case, you did not prepare a
17 report; isn't that true?

18 A That's true.

19 Q Okay. You said you'd been a robbery detective for
20 how many years?

21 A Eight years.

22 Q How many reports do you think you've prepared,
23 prepared in eight years?

24 A All reports, property reports, arrest reports?

25 Q Sure.

1 A Hundreds.
2 Q Hundreds?
3 A Hundreds, yes.
4 Q Maybe over 500?
5 A I don't know, definitely over 350, I would imagine,
6 yeah. Hundreds.
7 Q Okay.
8 A Yeah.
9 Q And again, in this case, you didn't prepare a
10 report, though?
11 A It -- no, I did not.
12 Q And you testified earlier that you watched the
13 vehicle for six minutes, right?
14 A 30 minutes.
15 Q Okay. You watched the vehicle at one point for six
16 minutes, though, that was your testimony earlier, correct?
17 A Are you talking about total?
18 Q No, not total. At the very beginning when you first
19 ran into the vehicle, you watched it for about six minutes,
20 correct?
21 A Yeah, I watched it for a total of 30 so yeah, I
22 watched it for six minutes.
23 Q Okay.
24 A Seven minutes, eight minutes.
25 Q But again --

1 A All the way up to 30.

2 Q -- earlier your testimony was very specific. You
3 said six minutes; am I not remembering that correctly?

4 A When I was -- six minutes before I called it into
5 dispatch.

6 Q Sure.

7 A Yes.

8 Q Okay. So six minutes, you remember that exact time
9 frame, correct?

10 A I felt like it was six minutes, yes.

11 Q Without preparing a report?

12 A Without preparing a report.

13 Q Okay. And you discovered that the car, the Dodge
14 Charger that you were looking for that was owned by Donte
15 Johns, right?

16 A That's right.

17 Q Registered Donte Johns, correct?

18 A I believe so, yes.

19 Q Donte Johns' vehicle, correct?

20 A Correct.

21 Q Donte Johns' trunk, correct?

22 A Did you say truck or trunk?

23 Q Trunk.

24 A Yes, part -- yes, it's part of the vehicle. Yes.

25 Q Okay. And you called the crime scene analyst to

1 come out to the scene, correct?

2 A Someone requested them. I don't know if it was me
3 or not. Somebody would have requested crime scene analysts.

4 Q Okay. And that was -- the crime scene analyst comes
5 out to the scene for the very important reason of documenting
6 evidence exactly as it lays or where it's found, correct?

7 A Yes.

8 Q You interviewed Donte Johns, right?

9 A Yes, I did.

10 Q Okay. Detective Abell was with you?

11 A For the -- yes.

12 Q You learned that Donte Johns was in the military,
13 correct?

14 A Yes, I did.

15 Q Okay.

16 MS. MERCER: Objection, Your Honor. Hearsay.

17 THE COURT: Sustained.

18 BY MR. TANASI:

19 Q In speaking to Donte Johns --

20 THE COURT: Wait, hold on, hold on. Approach.

21 (Off-record bench conference)

22 THE COURT: Okay. All right, Mr. Tanasi.

23 MR. TANASI: Thank you, Your Honor.

24 BY MR. TANASI:

25 Q Detective, did you have a conversation with a JAG

1 officer in this case?

2 A A phone conversation.

3 Q Okay. What is a JAG officer, to your knowledge?

4 A I really don't know. They have something to do with
5 the military.

6 Q Okay. Would you have any reason to disagree with me
7 if I told you that it was a --

8 MS. MERCER: Objection, Your Honor.

9 BY MR. TANASI:

10 Q -- legal branch of the military judicial advocate
11 general?

12 THE COURT: Hold on, what's the objection?

13 MS. MERCER: He said he doesn't know what a JAG
14 officer does and then his response was would you disagree
15 with -- or would you have any reason to disagree with me if I
16 told you X, Y and Z. That's speculation and --

17 THE COURT: Oh, overruled. Sorry, Mr. --
18 overruled.

19 MR. TANASI: Thank you, Judge.

20 THE COURT: Go ahead.

21 BY MR. TANASI:

22 Q Any reason to disagree with me if I told you that
23 with a JAG officer is a judge advocate general?

24 A Okay. No reason to disagree.

25 Q Okay. And that's the legal branch of the military.

1 A Okay.

2 Q Okay? All right, so let's just go back to the
3 arrest itself, okay? Mr. Hobson and Mr. Starr, they were
4 taken into custody, correct?

5 A Correct.

6 Q Not by you, right?

7 A Not by me.

8 Q Okay. They were taken into custody by patrol
9 officers, either Officer Moore, Mohler or Myrold, correct?

10 A Did you say -- I believe so. I think it's -- I
11 don't think it's Malloid. I think it's like Mynard (sic)
12 or --

13 Q And I might be -- I'll tell you how I have it
14 spelled.

15 A Okay.

16 Q M-y-r-o-l-d.

17 A Okay.

18 Q Sound like --

19 A Okay. That's about right, yes.

20 Q Okay. So one of those three officers, Moore, Mohler
21 or Myrold?

22 A Okay.

23 Q That's probably better. One of those three took
24 Mr. Hobson or Mr. Starr into custody, correct?

25 A Yes.

1 Q Not you, correct?

2 A Not me.

3 Q Okay. And at the time a person is taken into
4 custody, you'd agree with me that just for officer safety an
5 officer's going to go through and do a pat down, right?

6 A I would believe so, yes.

7 Q I mean, that's pretty standard. I mean, you want to
8 make sure that the person you're taking to the jail doesn't
9 take a gun with them, right?

10 A Yes.

11 Q So you're going to pat their waist down, right?

12 A Yes.

13 Q That's standard protocol?

14 A That's -- for this type of stop, yes.

15 Q Okay. All right. In this case, you didn't see --
16 oh, and you told Detective Abell everything that you observed
17 at the Taco Bell arrest, correct? Without getting into what
18 you told him, but you told him everything you observed,
19 correct?

20 A All the things I saw that were important, yes.

21 Q Okay. And you, you didn't notice a blue bag on
22 Mr. Hobson's waistband at any point in time, did you?

23 A No.

24 Q Okay. And again, you weren't wearing any body
25 camera in this case?

1 A No, I wasn't.

2 Q As far as you know, there is no video footage at all
3 of the arrest at Taco Bell, correct?

4 A As far as I know.

5 Q I mean, if it was out there, you'd know about it,
6 right?

7 A I mean, not necessarily. I don't know about any
8 body cam or any video footage of the arrest.

9 Q Okay.

10 MR. TANASI: Nothing further.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MS. MERCER:

14 Q Detective, just to reiterate, you were not the lead
15 detective on this -- in this series, correct?

16 A I'm not the lead detective.

17 Q So the follow-up investigation that Ms. Lobo --
18 MS. LOBO: Objection. Leading.

19 BY MS. MERCER:

20 Q The follow-up investigation --

21 THE COURT: Hold on, hold on. Just rephrase your
22 question.

23 BY MS. MERCER:

24 Q You would not have been responsible for doing any of
25 the follow-up investigation, correct?

1 MS. LOBO: Objection. Leading.

2 THE COURT: Sustained.

3 BY MS. MERCER:

4 Q Between yourself or Detective Abell, who would have
5 been responsible for doing the follow-up investigation?

6 A Detective Abell, the case agent.

7 Q Who is it that would have been responsible for
8 determining where Defendant Starr lived?

9 A Detective Abell.

10 Q Who would have been responsible for determining
11 where Detective -- or where Defendant Hobson lived?

12 A Detective Abell.

13 Q She also asked you a question about whether or not
14 the suspects were arrest the within the night, correct?

15 A That's correct.

16 Q And do you recall it following a line of questioning
17 about your interview with Donte Johns?

18 A Yes.

19 Q Publishing on the overhead State's Exhibit 203.
20 This is what Brandon Starr was wearing that night, correct?

21 A That's correct.

22 Q As he exited the car putting on a white medical
23 mask?

24 A He had -- he already had it on when he exited.

25 Q Okay. And as he approached the trunk where an

1 orange hatchet was located?

2 A That's correct.

3 Q He would have been arrested regardless of what Donte
4 Johns said, correct?

5 MS. LOBO: Objection. Leading.

6 MR. TANASI: And speculation, Your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: That's correct.

9 BY MS. MERCER:

10 Q In fact, they were taken into custody before you
11 interviewed Donte Johns, correct?

12 MS. LOBO: Objection. Leading.

13 THE COURT: Overruled.

14 THE WITNESS: That's correct.

15 BY MS. MERCER:

16 Q You indicated that one of the methods that you
17 learned or that you all related information about this series
18 was e-mail?

19 A Yes.

20 Q How else do you all communicate information about
21 series that are occurring?

22 A We have our analytical crime analyst section sends
23 out reports via e-mail, we look at those. And we also have
24 white boards in the office where we're actually putting
25 pictures up on walls and for each different series. So

1 either just walking around the office or checking my e-mail.

2 Q Okay. So the white board, you indicated you put
3 pictures up on the white board?

4 A I didn't, people do, yeah.

5 Q Right. But do they -- they just tape them up there?

6 A Yes.

7 Q You also referenced an analytical section?

8 A Yes.

9 Q Can you tell me what -- how that analytical section
10 works?

11 A I know that they do all the analysis of crimes, all
12 of them, you know, robberies, shootings, everything like
13 that, and they try to -- they make the maps of where the high
14 crime areas are. They just do all the analysis, all the --

15 Q Okay.

16 A Yeah.

17 Q Is it basically another way of assisting you all
18 with identifying potentially related robberies?

19 MS. LOBO: Objection. Counsel testifying, leading.

20 THE COURT: Sustained.

21 BY MS. MERCER:

22 Q How is their work important to you all in the
23 robbery unit?

24 A We use it in the robbery unit because they help
25 gather all the information and make it easier for us to

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 09:24 a.m.
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APPELLANT'S APPENDIX VOLUME VIII

Appeal from a Denial of Post Conviction Relief
Eighth Judicial District Court, Clark County

TERRENCE M. JACKSON, ESQ.
Nevada Bar No. 000854
Law Office of Terrence M. Jackson
624 South 9th Street
Las Vegas, Nevada 89101
(702) 386-0001
Terry.jackson.esq@gmail.com

STEVEN B. WOLFSON
Nevada Bar No. 001565
Clark County District Attorney
200 E. Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2750
Steven.Wolfson@clarkcountynvda.com

ADAM LAXALT
Nevada Bar No. 003926
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

Counsel for Appellant

Counsel for Respondent

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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:

STEVEN B. WOLFSON
Clark County District Attorney
steven.wolfson@clarkcountynyda.com

STEVEN S. OWENS
APPELLATE DIVISION

steven.owens@clarkcountynyda.com

ADAM LAXALT
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

BRANDON STARR

ID# 1165964

Ely State Prison

P. O. Box 1989

Ely, NV 89301

By: /s/ Ila C. Wills
Assistant to Terrence M. Jackson, Esq.

1 BY MR. PORTZ:

2 Q Okay, sir, did your 911 call cut out there while you
3 were speaking with the operator? Do you recall that?

4 A I don't remember.

5 Q Do you know who that was in the background crying?

6 A I think they were all crying, Gabriela, Alma and
7 Angelica.

8 Q Thank you, sir.

9 MR. PORTZ: Your Honor, I have no further
10 questions.

11 THE COURT: Any cross?

12 MR. TANASI: Briefly.

13 CROSS-EXAMINATION

14 BY MR. TANASI:

15 Q Sir, my name is Rich Tanasi. I represent
16 Mr. Hobson. I have a few questions for you on cross; is that
17 okay?

18 A Um-h'm.

19 Q All right. During the course of these events no one
20 was tied up, correct?

21 A No.

22 Q No one was taped up --

23 A No.

24 Q -- correct? Essentially came into the store, took
25 things from the store and left; is that correct?

1 A Correct.

2 Q All right, thank you.

3 MR. TANASI: Nothing further.

4 THE COURT: Any cross, Ms. Lobo?

5 MS. LOBO: No, Your Honor.

6 THE COURT: Okay. Any redirect?

7 MR. PORTZ: Nothing from the State, Your Honor.

8 Thank you.

9 THE COURT: Okay. All right, Mr. Velazquez --

10 THE WITNESS: Velazquez.

11 THE COURT: -- you're excused. You can step down.

12 Thank you so much for your testimony.

13 THE WITNESS: Thank you.

14 THE COURT: State, you want to call your next

15 witness?

16 MR. PORTZ: Yes, Your Honor. State calls Kristen
17 Meckler. For the jury's reference, this will relate to
18 essentially all counts. Although, we will focus on events
19 number 3, 6 and 11.

20 KRISTEN MECKLER, STATE'S WITNESS, SWORN

21 THE CLERK: Thank you, please be seated. If you
22 could please state your full name, spelling of your first and
23 last name for the record.

24 THE WITNESS: Kristen Meckler, K-r-i-s-t-e-n,
25 M-e-c-k-l-e-r.

1 THE COURT: Your witness.

2 MR. PORTZ: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. PORTZ:

5 Q Ms. Meckler, I'm going to direct your attention back
6 to November of 2014. What was your job back then?

7 A I was a crime scene analyst for LVMPD.

8 Q And by LVMPD, that's Las Vegas Metropolitan Police
9 Department, correct?

10 A Yes.

11 Q And how long had you been working for Metro?

12 A I -- at that time, approximately, almost four years.

13 Q And can you describe for the members of the jury
14 what sort of educational background you have to become a CSA.

15 A For myself, I have a associate of science in
16 forensic technology. I also have completed a two-year
17 internship as a forensic specialist volunteer for the Chula
18 Vista Police Department's crime laboratory. Upon being hired
19 with Metro, I went through an extensive crime scene
20 investigations academy. Also completed a 12-week field
21 training program. And I also have over 500 hours of training
22 in related subjects to crime scene investigation.

23 Q Thank you. And approximately, rough estimate, how
24 many crime scenes had you been called out to as a CSA by
25 November of 2014?

1 A Probably pushing about a thousand.

2 Q Now, can you tell the members of the jury what it is
3 that a crime scene analyst actually does when they arrive to
4 a scene?

5 A Yes. Well, a crime scene analyst is responsible for
6 documenting crime scenes. And we document crime scenes
7 through photography, through note-taking, through evidence
8 collection, preservation, fingerprint processing, and then
9 ultimately writing a report, testifying in court.

10 When we arrive to a scene, we meet with detectives
11 or patrol officers and we're first briefed on the scene
12 before we do a walkthrough.

13 Q And when do you a walkthrough, is it primarily or
14 typically with a detective as opposed to say a patrol
15 officer?

16 A Depending on the case, if there's detectives
17 present, yes. If it's just a patrol officer, it will be with
18 just the officer.

19 Q And you went through a lot of different evidence
20 types that you might collect like DNA, latent prints, things
21 of that nature, correct?

22 A Correct.

23 Q Okay. Do you try to test for or collect that -- all
24 those types of evidence at every crime scene you go to?

25 A Not at every crime scene. Depends on the

1 circumstance.

2 Q Okay. So what's a circumstance in which say, you
3 might not test for latent prints?

4 A If the subjects are wearing gloves at the scene.

5 Q What is a circumstance that you might not test for
6 DNA if you went to -- if you arrived at a crime scene?

7 A It would be the same, if they were wearing gloves.

8 Q So you could dust as much as you want approximate
9 this crime scene, but you're not going to find fingerprints
10 anywhere so there's no point to it?

11 A Correct. Also, it's a public area so a lot of
12 people have touched that surface.

13 Q Now, the last question before I get into some
14 specifics, how is it that you are assigned to a specific
15 crime scene compared to say your fellow CSAs?

16 A So we work on three different squads. At the time,
17 I was working on graveyard and there are so many people to a
18 squad and we work on a rotation. So just depending if it's
19 your turn up to take the next call, the next call that comes
20 in will ultimately be your call.

21 Q So it's sort of a randomly assigned process based on
22 when you're up?

23 A Correct, yeah, it's just a rotation.

24 Q I'm going to direct your attention now to November
25 1st, of 2014. Were you called out at approximately sometime

1 around 11:00 at night to a Pizza Hut on 6230 West Lake Mead?

2 A Yes.

3 Q I apologize, 61 --

4 A 6-1.

5 Q -- 30 West Lake Mead. And I'm going to publish
6 State's Exhibit 3. Is that the address you were called out
7 to?

8 A Yes.

9 Q And State's 37, is that the Pizza Hut that you were
10 called to process as a crime scene analyst?

11 A Yes.

12 Q When you arrived at the crime scene, can you
13 describe what sort of briefing you received before you made
14 the rounds?

15 A Well, arriving to the scene, I was briefed that the
16 Pizza Hut had -- multiple subjects had gone in, they were
17 wearing gloves. There was surveillance videos to show. And
18 we had watched the videos to see that they had jumped over
19 the counter and there was disturbance to the register as well
20 as was on the floor.

21 Q And you testified that as a crime scene analyst you
22 often take photographs to document the whole scene as well,
23 correct?

24 A Yes, that's correct.

25 Q So for instance, we've seen a lot of these, but

1 State's 38, is this documentation of as you referenced
2 disturbance to the cash register or computer?

3 A Yes.

4 Q Now, you testified that you reviewed -- well, you
5 testified that reviewed video of the event, correct?

6 A Yes.

7 Q And do you also receive witness accounts of what had
8 occurred before you determine how to process a scene?

9 A Yes, from the detectives.

10 Q And you said that you learned that the individuals
11 from in case were wearing gloves throughout the entirety of
12 the robbery; is that correct?

13 A Correct.

14 Q So based on that, did you test for or dust for
15 latent prints?

16 A No, I did not.

17 Q And also, based on having that information, did you
18 test for or would you have tested for DNA?

19 A No, I did not.

20 Q Now, you said when you reviewed the video you had
21 seen suspects jump over the counter; is that correct?

22 A Correct.

23 Q Based on that, did you document anything about that
24 particular counter?

25 A Yes. I looked for and found footwear on top of the

1 counter.

2 Q And did you use that video to assist in locating
3 where the footprints were for a particular suspect or
4 subject?

5 A Yes.

6 Q I'm going to publish State's 44. Is this one of the
7 photographs that you took of the footprints at the Pizza Hut?

8 A Yes, it is.

9 Q State's 45. Is that also one of the photographs of
10 the footwear impressions?

11 A Yes.

12 Q Same question as to State's 46?

13 A Yes.

14 Q And as to State's 47?

15 A Yes.

16 Q Okay. So in total you located four individual
17 footwear impressions on that counter?

18 A That's correct.

19 Q Is footwear impression evidence something that
20 you're trained to collect as a crime scene analyst?

21 A Yes, it is.

22 Q Can you describe the process of how you document and
23 collect footwear impression evidence?

24 A Yes. So when I find footwear impression evidence,
25 my first thing that I'm going to do is photograph it as it

1 is. I use oblique lighting, whether it is my flashlight
2 holding parallel to the surface or my flash of my camera. I
3 set up my cam on a tripod and I first photograph it as it is
4 on the surface. And then to recover it, I use an adhesive
5 lift or it's like a big vinyl type sticker, and that's laid
6 over it. It's flattened with a little roller and then it is
7 lifted. And that's how we recover that evidence.

8 Q What is the purpose of photographing the footwear
9 impression if you're going to take a lift of it already?

10 A We want to show it as-is before I do anything to it
11 just in case while I'm trying to lift it, if something were
12 to go wrong, we do have the photographic evidence before I
13 ever did anything to it.

14 Q Now, so just looking back at State's 44, you
15 referenced using oblique lighting to, I guess, draw out the
16 details of the print itself?

17 A Correct.

18 Q So this isn't like say fingerprint where you
19 actually are dusting for anything?

20 A Right. There's no fingerprint powder involved in
21 this.

22 Q This is just residue rest behind from the foot?

23 A Yes.

24 Q Now, you also mentioned that you take lifts; is that
25 correct?

1 A Yes.

2 Q All right. Did you take lifts from this event at
3 the Pizza Hut?

4 A I did.

5 Q And I'm going to publish State's 48. Is that one of
6 your lifts?

7 A Yes, it is.

8 Q So describe what we're looking at here.

9 A So this is the actual vinyl lift or the adhesive
10 lift laid flat on to the footwear impression, and I put
11 markings on it so I know that this is now F1 as in footwear
12 impression number 1. There's an arrow, and the arrows to
13 locate it when you're looking at an overall photograph.

14 Q What does the arrow signify?

15 A It's pointing a specific direction so that when a
16 footwear examiner is looking at an overall picture they can
17 match it up so they know the actual direction that the
18 footwear was left.

19 Q And then State's 49, is this a -- what is this a
20 photograph of?

21 A So this is an overall; you can see all four of the
22 footwear lifts that I took. You can see the markings F1
23 through F4 and then also the arrows. The arrows are all
24 pointing to the employee side of the -- of the counter.

25 Q And I'm going to zoom in. You're referencing

1 numbers here. So you give each particular footwear
2 impression, that lift that you take, its own specific number;
3 is that correct?

4 A Yes.

5 Q And what's the purpose of that?

6 A Again, that's to identify each one so once it's
7 lifted, if a footwear examiner were to go back and have it,
8 they would know where it came from on the counter. They
9 could have say, for instance, F2 in their hand and know
10 exactly where it was by looking at this picture.

11 Q And do you document all of this in a report?

12 A Yes.

13 Q And that's sent off to detectives investigating the
14 case that you're assigned to?

15 A Correct. It's uploaded into the Metro system.

16 Q Now, when you remove one of these lifts, what comes
17 off with it?

18 A So when one of the lifts is removed, any of the
19 residue from the footwear or dust will lift with that vinyl
20 lifter.

21 Q And once you remove the vinyl, what do you do to
22 preserve the impression that you've lifted off of the counter
23 now?

24 A So to preserve it, I put the lifter right back on to
25 the shiny paper that it was originally lifted off of. It

1 goes back onto that shiny surface to preserve it. And then
2 it's put into an envelope.

3 Q And what is the purpose of putting it in the
4 envelope?

5 A We put it in the envelope to impound it as an item
6 of evidence.

7 Q And can you describe for the members of the jury how
8 you impound footwear lifts --

9 A Yes.

10 Q -- exactly?

11 A So footwear lifts are impounded like any other item
12 of evidence. It goes into the envelope. The envelope is
13 sealed with red evidence tape with my initials and date
14 across when it was sealed. I write an evidence impound
15 report stating what I'm impounding. There's a label that
16 goes on the front. It has all of the case information and
17 also has a description of what is inside of that envelope and
18 it's impounded to our evidence vault.

19 Q These envelopes that your lifts go in, are they
20 sturdy to preserve the lift from being bent or anything of
21 that nature?

22 A It's like a regular, I guess, Manila envelope that
23 has the little silver clasp on the back and then that's taped
24 over. But it's large enough for the footwear impression lift
25 to go in there without being folded or bent.

1 Q And then you said when you put it in an envelope,
2 you put an a piece of tape or evidence tape along the seal of
3 the envelope and initial it.

4 A Correct.

5 Q What is the purpose of that?

6 A So that's to now preserve that item of evidence so
7 that -- to show it hasn't been tampered with. It has my
8 initials across the tape and the envelope and also the date
9 that it was sealed. Now, if those were to be broken, anyone
10 would be able to see that evidence had been tampered with.

11 Q Other than impounding the footwear impressions from
12 this Pizza Hut on November 1st, 2014 and the photographing of
13 the crime scene, did you document or impound any other
14 evidence?

15 A No, I did not.

16 Q I'm going to turn your attention now to November
17 15th, 2014. Were you called to respond to a Popeye's Chicken
18 at 4505 East Bonanza?

19 A Yes, I was.

20 Q Publishing State's 6. Is that the location of the
21 Popeye's?

22 A Yes, it is.

23 Q And State's 75. Is this the front door to that
24 Popeye's?

25 A Yes.

1 Q Do you recall -- what do you recall from this scene?

2 A I recall this scene, the -- this was the door on --
3 can I refer to my notes?

4 Q If that would --

5 A My report.

6 Q -- help refresh your recollection.

7 A Yes, it would.

8 Q Okay.

9 A This was the point of entry on the west wall of the
10 dining area and all the glass in the window was broken out.

11 Q And do you recall what caused that glass to break?

12 A No, I do not.

13 Q Bear with me. While I'm looking for this
14 photograph, again, when you arrive at the scene are you
15 briefed on what had occurred prior to your arrival?

16 A Yes.

17 Q And what was your understanding of the crime that
18 had taken place?

19 A That they had already closed for the night so the
20 door was locked, but I believe the employees were still
21 inside like cleaning up after the night. And the window --
22 the glass in the door was broken out and subjects came into
23 the business.

24 Q Were you made aware of whether or not the subjects
25 had anything covering their hands that might prevent you from

1 getting DNA or fingerprint evidence?

2 A Yes. I was told that they were wearing gloves.

3 Q Based on that representation and understanding, did
4 you attempt to look for fingerprints or DNA evidence?

5 A No, I did not.

6 Q Beyond photographing the business itself, did you
7 acquire any other physical evidence from the scene?

8 A This scene, no, I didn't.

9 Q No footprints at this scene?

10 A No.

11 Q Now moving on to November 23rd, 2014, an El Pollo
12 Loco at 7380 West Cheyenne. Publishing State's 11. And now
13 publishing State's 137. Ma'am, is this the El Pollo Loco
14 that you responded to on November 23rd?

15 A Yes, it is.

16 Q At this event, what sort of briefing did you receive
17 upon arrival?

18 A This one as well, I believe it had closed for the
19 night already. The employees were inside. The glass in the
20 door had been broken; however, it was held intact with the
21 tint on it and there was a rock inside of the kitchen area --
22 or I'm sorry, the dining room area.

23 Q Did you review any video surveillance from this
24 event?

25 A Yes, I did.

1 Q And when you reviewed that had video surveillance,
2 did you notice anything about the suspect or suspects' hands
3 that would prevent you or any -- anything about them would
4 prevent you from acquiring DNA or fingerprint evidence?

5 A Yes. In this one, as well, the subjects were
6 wearing gloves.

7 Q After reviewing the video evidence and photographing
8 the scene, did you find any -- anything of evidentiary value
9 besides photographs?

10 A Yes, on this scene there were footwear, again, on
11 the counter.

12 Q And did you go through the same process of
13 photographing and then lifting that you described from the
14 Pizza Hut on November 1st, 2014?

15 A Yes, I did.

16 Q So publishing State's 150. Is that a photograph of
17 the counter with a footprint?

18 A Yes, it is.

19 Q 151, it's difficult to completely see, but what's
20 the -- do you know what this is a photograph of?

21 A Yes, this is footwear marked as F1. It's -- it's
22 hard to see because of the type of surface that it is.

23 Q But when you were present at the scene you could
24 visibly see a footwear impression --

25 A Yes.

1 Q -- that you could lift from?

2 A Yes.

3 Q Okay. And what's the purpose of the ruler and the
4 -- this sticker right here at the bottom of the ruler?

5 A So we put the ruler in to scale it. It basically,
6 shows the size of the footwear. I put a label on it so when
7 you're looking at the a photo, we know what we're looking at.
8 It's marked with the event number, the location, also the --
9 what I labeled it impression F1 and then an arrow pointing
10 where north is.

11 Q And is all that to assist again, in -- when
12 reviewing this evidence down the road, looking back at your
13 photographs, they can --

14 A Yes, it is.

15 Q -- make reference to those images or lifts that
16 you've taken?

17 A Correct.

18 Q State's 152. Is this a second footprint that you
19 took?

20 A Yes, it is.

21 Q Okay. And you labeled it F2; is that correct?

22 A Correct.

23 Q And then 153, what are we looking at here?

24 A So this is another overall photo showing the vinyl
25 adhesive lifters on a counter where the footwear impressions

1 are.

2 Q And again, did you use the video evidence to
3 determine where the suspects had placed their feet when they
4 were entering or exiting the store?

5 A Yes.

6 MR. PORTZ: Court's indulgence.

7 BY MR. PORTZ:

8 Q Did you go through the same process of impounding
9 these particular adhesive lifts that you described from that
10 Pizza Hut event?

11 A Yes, I did.

12 Q And then finally, while we're talk being impounding
13 these vinyl lifts, on the tape that you place on the envelope
14 and you initial, do you also place your P number on that
15 piece of tape yes?

16 A Yes, I do.

17 Q And can you describe what a P number is?

18 A A P number is the -- is your personnel number for
19 the police department. Everyone is assigned their own unique
20 number when they are hired.

21 Q And finally, ma'am, do you respond to calls or crime
22 scenes in Henderson's jurisdiction?

23 A No.

24 Q Only the Las Vegas Metropolitan Police Department
25 jurisdiction?

1 A Correct.

2 Q Thank you.

3 MR. PORTZ: Thank you, Your Honor. I have no
4 further questions at this point.

5 THE COURT: Cross.

6 MR. TANASI: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. TANASI:

9 Q Good afternoon, ma'am.

10 A Hi.

11 Q My name's Rich Tanasi. I represent Mr. Hobson.
12 I've got a few questions for you, okay?

13 A Okay.

14 Q All right, so as a crime scene analyst, you conduct
15 detailed inspections of crime scenes, correct?

16 A Yes.

17 Q Okay, you look for the -- you look for the presence
18 of evidence, right?

19 A Correct.

20 Q Okay, and you document crime scenes?

21 A Yes.

22 Q Okay. You collect and process physical evidence,
23 right?

24 A Correct.

25 Q You take pictures of the crime scene, correct?

1 A Yes.

2 Q Okay. You take a general comparison photography,
3 correct?

4 A Correct, if it's present.

5 Q Okay. You maintain the chain of custody, correct?

6 A Yes.

7 Q And that's important to do so that evidence makes
8 its way in a proper way to this courtroom, correct?

9 A Correct.

10 Q Okay. So for example, if you're told that there's
11 gun evidence in the trunk of a car, you're going to take a
12 picture of that gun in the trunk of the car, correct?

13 A Yes.

14 Q In you're told there is an axe in the trunk of a
15 car, you're going to take a picture of that axe as it lies in
16 the car, correct?

17 A Correct.

18 Q If you're told there's blood evidence at the scene,
19 you're going to take pictures of that blood exactly as it is
20 at the scene, correct?

21 A Correct.

22 Q If there's shoe print evidence, like you've already
23 mentioned, you're going to take a picture of it before you
24 touch it or do anything to do it, correct?

25 A That is correct.

1 Q And that's important. You want to preserve evidence
2 exactly as you find it, correct?

3 A Right.

4 Q Because you want to be able to come into this
5 courtroom and say this is exactly how I found this evidence,
6 correct?

7 A Right.

8 Q Okay. So with respect to the El Pollo Loco event,
9 the November 23rd 2014 event, that report you prepared, it
10 contains all of your findings and all of your information,
11 correct?

12 A Right. I read it from the notes that I took on the
13 scene.

14 Q Okay. And in that case, you didn't take any
15 pictures of any of the employees' shoes, correct?

16 A Correct.

17 Q Okay. And then same thing for the November 1st,
18 2014 event at Pizza Hut?

19 A Correct.

20 Q Prepared a report for that, correct?

21 A Correct.

22 Q And that contains everything from your notes and
23 from your findings in that investigation, correct?

24 A Right.

25 Q And in that case you didn't take pictures of any of

1 the employees' shoes, correct?

2 A No, I did not.

3 Q Okay. Thank you, ma'am.

4 MR. TANASI: Nothing further.

5 THE COURT: Ms. Lobo?

6 MS. LOBO: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. LOBO:

9 Q Good afternoon, Ms. Meckler.

10 A Hi.

11 Q I have a couple of questions. You mentioned to the
12 ladies and gentlemen of the jury that you would not -- you
13 didn't lift any sort of DNA evidence or fingerprints from any
14 of the locations because you received information that the
15 suspects were wearing gloves?

16 A Right.

17 Q As a crime scene analyst you have a little bit of
18 background about where DNA comes from, right?

19 A Yes.

20 Q And DNA doesn't only come from hands, right?

21 A Right.

22 Q It comes from any part of your body, your skin?

23 A Right.

24 Q And if you had any sort of skin surface exposed, DNA
25 can be transferred?

1 A Right. And normally, if it brushes up against a
2 surface will it be transferred (sic).

3 Q Correct. So there will be a transfer if I touch
4 this and then you touch it, you would have my DNA?

5 A That I'm not sure if I touch over it, if that DNA's
6 going to transfer on to my skin. But I know my DNA transfer
7 will transfer on top of yours on to the surface that I'm
8 touching.

9 Q Correct. Okay. So just for the example, I have a
10 binder clip right here. If I'm touching this binder clip,
11 just to drive this point home, and I'm rubbing and touching
12 it, my skin cells, the DNA is presumably on this binder clip?

13 A Yes, it is.

14 Q And if then you touch the binder clip, both of our
15 skin cells are on there?

16 A Are on it, correct.

17 Q Right. And then if you touch this and my skin cells
18 are on it, you touch something else, my skin cells will
19 transfer to that, correct?

20 A Possibly.

21 Q It's possible?

22 A Possibly.

23 Q Okay.

24 MS. LOBO: No further questions.

25 THE COURT: Anything further, Mr. Portz?

1 MR. PORTZ: Yes, Your Honor.

2 THE COURT: Okay.

3 REDIRECT EXAMINATION

4 BY MR. PORTZ:

5 Q Just to touch on a couple of the questions that came
6 up from cross. Mr. Tanasi asked you at the El Pollo Loco,
7 the number 11 event, and the number 3 Pizza Hut event that
8 you did not take pictures of the employees' shoes, correct?

9 A Correct.

10 Q But as you've testified on direct, you watched video
11 surveillance of what occurred that evening inside of those
12 stores, correct?

13 A Yes, correct.

14 Q And is it fair to say that what you saw was an armed
15 robbery of the employees of the store?

16 A Correct. You saw the suspects come in and go over
17 the counter.

18 Q Okay. So you didn't see the employees jumping over
19 the counter?

20 A No, I did not.

21 Q You did not see the employees sticking guns in
22 anyone's faces?

23 A No, I did not.

24 Q You did not see the employees pistol whipping
25 anyone?

1 A No.

2 Q You did not see the employees pulling a knife on
3 anyone?

4 A No.

5 Q Had you seen them doing that, they probably wouldn't
6 need you, but would you have taken a picture of their shoes
7 if they had stepped on the counter?

8 A Correct.

9 Q With regard to touch DNA touching a binder clip,
10 things of that nature, fair to say you're not an expert in
11 the area of DNA analysis?

12 A Right, I am not.

13 Q You're just trained in collecting evidence for
14 testing, correct?

15 A Correct.

16 Q All right. If you had been made aware that -- well,
17 what are some of the sources that you know DNA comes from?

18 A As far as surfaces?

19 Q For purposes of testing, yes. What might you want
20 to swab for DNA at a crime scene?

21 A Well, at this type of a scene, possibly a door
22 handle, especially if it isn't touched very often because
23 like she was saying with the binder clip, if multiple people
24 are touching it, you have multiple sources of DNA. So if I
25 were to swab and collect that, presumably all of those

1 sources of DNA would be on that swab.

2 So I want to look for areas that aren't touched
3 very often. Watching the surveillance video, seeing where
4 the subjects touched or, like she was saying, from not
5 necessarily just hands, but if their body part's exposed,
6 brushing up against things that their actual skin cells will
7 deposit on.

8 Q Okay. But if your review of the video and your
9 understanding of witness statements, body parts were not
10 exposed in this case, correct?

11 A Right.

12 Q Can you obtain DNA from blood evidence?

13 A Yes.

14 Q If you had been made aware that one of the suspects
15 had bled somewhere inside the store, would you have swabbed
16 that for DNA?

17 A Correct. And I don't recall seeing blood in the
18 scenes.

19 Q Thank you.

20 MR. PORTZ: I have no further questions.

21 THE COURT: Recross.

22 MR. TANASI: Thank you.

23 RECROSS-EXAMINATION

24 BY MR. TANASI:

25 Q Ma'am, briefly --

1 A Yes.

2 Q -- you've watched surveillance in this case, right?

3 A Correct.

4 Q And you watched surveillance for two of the events,

5 correct?

6 A Yes. That I recall, yes.

7 Q Okay. And you just watched the surveillance for the

8 event itself, correct?

9 A Right.

10 Q You didn't watch the surveillance for the entire

11 day, right?

12 A Unfortunately, with time constraints --

13 Q Sure.

14 A -- I can't.

15 Q But you didn't do it, right?

16 A Right.

17 Q Okay. You didn't watch surveillance for the day

18 before, correct?

19 A No.

20 Q You didn't watch surveillance for the day before

21 that, correct?

22 A Correct.

23 Q And so on and so on, correct?

24 A Correct.

25 Q Thank you, ma'am.

1 A You're welcome.

2 MS. LOBO: No, Judge.

3 THE COURT: Okay.

4 MR. PORTZ: Nothing from the State, Your Honor.

5 THE COURT: Okay. I got a question.

6 THE WITNESS: Yes.

7 THE COURT: With regards to the -- what you saw on
8 the video and that you -- you've testified here that you took
9 some, I guess, impressions from the countertops --

10 THE WITNESS: Correct.

11 THE COURT: -- based on seeing where the suspects
12 stepped --

13 THE WITNESS: Yes.

14 THE COURT: -- why wouldn't you take impressions
15 from the floor? They stepped there, too, did they not?

16 THE WITNESS: Right. But the floor, again, that's
17 a surface where in these types of places it's public access
18 so there's a lot of people coming in and out. And kind of
19 like the DNA, you're going to have footprint over footprint
20 over footprint and it's going to be hard to distinguish. So
21 I'm looking for a surface that say we wouldn't expect
22 footwear to be on like the counter.

23 So when I looked at the counter with the light and
24 you could see visible footwear and it wasn't like footwear
25 over footwear over footwear impressions.

1 THE COURT: Okay. Do you have any questions as a
2 result of any question?

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

4 MR. TANASI: No, Your Honor. Thank you.

5 MS. LOBO: No, Your Honor.

6 THE COURT: Okay. All right. Okay. So is Ms.
7 Meckler then excused?

8 MR. PORTZ: Yes. Thank you.

9 THE COURT: Ms. Meckler, thank you so much --

10 THE WITNESS: Okay.

11 THE COURT: -- for your testimony.

12 THE WITNESS: Thank you.

13 THE COURT: Step down, you're excused. Okay. Call
14 your next witness.

15 MS. MERCER: Your Honor, the State calls Detective
16 Abell Weirauch.

17 THE COURT: Okay.

18 DETECTIVE THEODORE WEIRAUCH, STATE'S WITNESS, SWORN

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

22 THE WITNESS: It's Theodore, T-h-e-o-d-o-r-e,
23 Weirauch, W-e-i-r-a-u-c-h.

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

25 THE COURT: Yes.

DIRECT EXAMINATION

BY MS. MERCER:

Q Sir, where are you currently employed?

A With the Las Vegas Metropolitan Police Department.

Q In what capacity?

A As a robbery detective.

Q How long have you been a robbery detective?

A Eight years.

Q Was there a tiny break in your eight years on robbery recently?

A Recently, but I -- I made it back to robbery.

Q Okay. And is that due to decentralization?

A Yes.

Q When you first started on robbery, how many squads of robbery detective -- or how many -- yeah, how many squads of robbery detectives were on the unit?

A Five total. One of them was a task force.

Q Okay. And then directing your attention to November of 2014, how many squads were on the robbery unit?

A Back then there was five total and one of them was a task force.

Q Now how many squads are there?

A Right now we have two.

Q How many detectives comprise a squad?

A Right now we have seven on each squad.

1 Q Back in 2014, how many comprised a squad?

2 A Some had eight. Others had seven.

3 Q As a robbery detective, does your role with the
4 police agency differ from what's referred to as a first
5 responder?

6 A Yes.

7 Q Or a patrol officer?

8 A Yes.

9 Q Are you necessarily going to get dispatched to every
10 single robbery call that comes into 911?

11 A No, we're not.

12 Q With regards to -- are you familiar with the term
13 "series"?

14 A Yes.

15 Q As a robbery detective, what is a series?

16 A We consider when the same suspect or suspects commit
17 three or more, it now becomes a series.

18 Q Commit three more robberies?

19 A Yes.

20 Q With regards to the way that a series is worked
21 there is usually one primary detective, correct?

22 A That's correct.

23 Q But that one primary detective doesn't necessarily
24 get called out to every single robbery that occurs, correct?

25 A No, they wouldn't.

1 Q Are you familiar with what was eventually termed the
2 "windbreaker series"?

3 A Yes, I am.

4 Q And that series was comprised of several different
5 robberies?

6 A Yes, it was.

7 Q Were you the lead detective on that series?

8 A No, I wasn't.

9 Q But you did, in fact, respond to three of those
10 events, correct?

11 A Yes.

12 Q How does a robbery detective get dispatched to a
13 robbery event?

14 A We usually get notified that a robbery occurred as a
15 text message sent from dispatch to our phones, and if it was
16 our area or something that we would respond to, we just get
17 on the radio, assign ourselves to it and then go en route.

18 Q What are the different tasks of a patrol officer and
19 a robbery detective when you respond to a scene like that?

20 A Usually patrol has already arrived. They'll secure
21 crime scene and start to gather witnesses and start to take
22 the report.

23 Q And then if a detective decides to respond to that
24 event, what does the detective do at the scene?

25 A Usually make sure that -- see whether or not crime

1 scene analysts are going to be needed, we'll interview the
2 victims or witnesses and we'll also basically get a brief
3 from the patrol officer to figure out what happened.
4 Sometimes we'll take the report with us.

5 Q Okay. Now, you've indicated that a series is three
6 or more robberies being committed by the same individual or
7 individuals, correct?

8 A Correct.

9 Q What types of things do you look at to determine
10 whether or not it's the same individuals committing a
11 robbery?

12 A If we have video surveillance available, we'll look
13 at what clothes they're wearing, the type of businesses
14 they're hitting and sometimes the area of town that they're
15 hitting.

16 Q Do you also look at the method used to the robbery?

17 A Yes.

18 Q Are you familiar with MO?

19 A Yes.

20 Q What is an MO?

21 A Their mode -- or their -- the way they commit it.

22 Q Okay. Now, you've indicated that you were familiar
23 with the windbreaker series?

24 A Yes.

25 Q Correct? And that you responded to some of those

1 events?

2 A Yes.

3 Q What was it that made you all able to determine that
4 it was part of one series of robberies?

5 A Similar clothing worn in each event, the number of
6 suspects, and the type of businesses that they were hitting
7 and the time of day that they were hitting, it made them all
8 related.

9 Q The types of businesses being what?

10 A They were fast food places.

11 Q Primarily?

12 A Primarily, yes.

13 Q And you indicated that the times that they were
14 hitting was also unique?

15 A Yes. It was --

16 Q When was it? When were they typically occurring?

17 A Usually towards closing. Often when the -- the
18 lobby was closed, but the drive-thru would still be open.

19 Q Okay. And then you indicated that the clothing
20 similarities also made you determine that it was a series?

21 A Yes.

22 Q Being committed by the same individuals?

23 A Yes.

24 Q You indicated that you were familiar with the term
25 windbreaker series?

1 A Yes.

2 Q Why was it called a windbreaker series with regards
3 to clothing?

4 A One of the suspects was wearing a black and gray
5 windbreaker throughout.

6 Q Okay. I want to direct your attention specifically
7 to November 25th of 2014. Were you working on that day?

8 A Yes, I was.

9 Q What shift would you have been working?

10 A It's a swing shift from 2:00 to midnight.

11 Q To your knowledge, on November 25th of 2014, was the
12 windbreaker series still ongoing?

13 A Yes, it was.

14 Q Who was the lead detective on the series on November
15 25th of 2014?

16 A Jeff Abell.

17 Q Do you recall when approximately the windbreaker
18 series began prior to November 25th of 2014?

19 A It was started at the end of October, maybe October
20 28th, 29th, around there.

21 Q By November 25th of 2014, had you all developed a
22 potential suspect vehicle?

23 A Suspect vehicle, yes.

24 Q And what was that suspect vehicle?

25 A A gray or silver Dodge Charger.

1 Q On November 25th of 2014, were you all busy that
2 night doing your detective work at the office?

3 A No, there was no current robberies going on right
4 now so no one had to respond to any scenes so we were just
5 kind of in the office at night catching up on cases and doing
6 administrative stuff.

7 Q At some point that night, did you all make the
8 decision to leave the office and go do something else?

9 A Yes.

10 Q And why -- what did you decide to leave the office
11 and go do?

12 A I left to go try to look for the Dodge Charger.

13 Q When you say that you left to go look for the Dodge
14 Charger, where specifically did you leave to go look for the
15 Charger at?

16 A I went the southeast part of town near Nellis,
17 Boulder Highway, Desert Inn, right around there.

18 Q Detective, I'm publishing up on the overhead State's
19 Exhibit 16. Does this appear an aerial of the Valley?

20 A Yes, it does.

21 Q And specifically, it includes the locations of the
22 various robberies?

23 A Yes.

24 Q Is the Valley broken down into different Area
25 Commands?

1 A Yes, it is.

2 Q What is an Area Command?

3 A It's -- so each Area Command has its own substation
4 or police station so there's six or seven Area Commands. So
5 basically it's just a chunk of the Valley and each Area
6 Command's going to have its own captain, its own like --

7 Q Own patrol officers?

8 A -- police department. Yeah, own patrol officers and
9 everything like that. Each Area Command also has its own
10 radio channel, too.

11 Q With regards to the area of town that you've just
12 described, what Area Command would those cross streets fall
13 into?

14 A That's Southeast Area Command. Roughly, it's
15 everything south of Sahara and kind of east of Eastern all
16 the way to where Vegas stops and becomes Henderson.

17 THE COURT: Hold on. Detective, could you touch
18 the screen and if you can on this picture here, can you show
19 us the area that you -- that is southwest -- Southwest Area
20 Command?

21 THE WITNESS: Is it showing where my hand is on
22 this? No, okay.

23 BY MS. MERCER:

24 Q Oh, wait. Right on lit part.

25 THE COURT: When you touch this screen right here.

1

2

THE WITNESS: Oh, okay.

3

THE COURT: Clear it and then -- I just saw it.

4

Hold on. She's going to clear it for you.

5

THE WITNESS: Okay.

6

THE COURT: Okay.

7

THE WITNESS: So it's basically Sahara and

8

everything right around in here and then kind of right here

9

is where Henderson -- oh, I'm sorry. I'm a horrible drawer.

10

So it's going to be all this, this kind of southeast.

11

BY MS. MERCER:

12

Q Okay. What made you go to Southeast Area Command?

13

A I was going to keep looking until midnight when I

14

was going to go home and I live in Henderson so it's the

15

easiest Area Command for me to look around and then get home.

16

Q Okay. And with regards to all of these bubbles

17

right here, it was within close proximity to the earlier

18

robberies this that series, correct?

19

A Yes.

20

Q What time did you leave the office that night, do

21

you recall?

22

A Probably about 10:30 p.m.

23

Q Where is -- or where was your office at the time?

24

A At that time, it was -- it's still Metro

25

headquarters which is going to be basically where the

1 Spaghetti Bowl is, MLK --

2 Q Can you put an X right there?

3 A -- and Alta. Okay. Right here.

4 Q Okay. So when you left your office, you went down
5 to the Southeast Area Command. Were you wearing a uniform
6 that night or were you plain clothes?

7 A Plain clothes.

8 Q As a detective, do you drive a marked vehicle or an
9 unmarked vehicle?

10 A An unmarked vehicle.

11 Q Are your unmarked vehicles equipped with cameras?

12 A No, they're not.

13 Q As a plain clothes detective, are you required to
14 wear a body camera?

15 A No, I'm not.

16 Q When you went down to the Southeast Area Command,
17 how -- at some point did you come into contact with what you
18 believed to be the suspect vehicle?

19 A Yes, I did.

20 Q How soon getting down to the Southeast Area Command
21 did you come into contact with that vehicle?

22 A It was almost immediately once I turned onto Nellis.

23 Q And you turned on Nellis from where?

24 A I got onto Nellis from Flamingo.

25 Q Okay. So as soon as you turn on Nellis you spot

1 what you believe to be the suspect vehicle?

2 A Yes.

3 Q The gray Dodge Charger?

4 A Yes.

5 Q Which direction was the suspect vehicle headed in
6 relation to you?

7 A We were both going north.

8 Q Were you behind the vehicle, in front of the
9 vehicle, next to it?

10 A Behind it.

11 Q From behind the vehicle, were you able to tell how
12 many occupants were inside of the vehicle?

13 A No.

14 Q When you spotted that vehicle, what did you do?

15 A I tried to catch up with it.

16 Q Did you catch up with it?

17 A It turned off the road and into a parking lot, and
18 then I turned into that same parking lot. By then it had
19 already parked.

20 Q What parking lot would that be?

21 A That would be the parking lot between Taco Bell and
22 Fresh and Easy.

23 Q And then Detective, I'm publishing on the overhead
24 now, excuse me, State's Exhibit 14. Do you see the parking
25 lot that you pulled into that night?

1 A Yes.

2 Q Could you please place an X over it? Okay. You
3 indicated that you followed it into that parking lot,
4 correct?

5 A Yes.

6 Q Where did it pull in?

7 A It pulled in this first entryway right here. And
8 then it parked right about here. Sorry.

9 Q When you pulled in, where did you go?

10 A I was able to go behind it and then I pulled around
11 and parked right here.

12 Q When you say that you were able to go behind it, did
13 you actually drive past the rear end of the Dodge Charger?

14 A Yes.

15 Q Why did you do that?

16 A I tried to get the license plate.

17 Q Did you get the license plate?

18 A Yes, I did.

19 Q What did you do with that license plate number?

20 A I wrote it down real fast on a piece of paper and
21 then just parked at that point.

22 Q When you parked -- approximately, how many feet
23 would you say that you were from the suspect vehicle when you
24 parked?

25 A About 75 feet.

1 Q Were you close enough to whip out your cell phone
2 and videotape whatever you were observing?

3 A No, not -- I mean --

4 Q Would you have been able to make anything out from
5 that distance?

6 A No, not from that distance. No.

7 Q As you sat there watching the vehicle, did something
8 -- well, when it parked, did someone immediately exit it?

9 A No.

10 Q Did you continue to watch it?

11 A Yes.

12 Q When you first saw the suspect vehicle, did you have
13 what's referred to as probable cause to stop the vehicle?

14 A No.

15 Q Why is that?

16 A I didn't see him make any traffic violations or
17 anything like that, and I didn't have any PC to make the
18 stop. It was just a car parked in a parking lot at that
19 time.

20 Q So you weren't even certain that it was the vehicle
21 involved in these robberies at the time, correct?

22 A I was not certain, no.

23 Q So when you park in the parking lot and you don't
24 see anyone get out, do you stay and continue to watch the
25 car?

1 A Yes.

2 Q As you watch the car, are you able to determine how
3 many occupants are inside of the car?

4 A Not immediately. It took a while.

5 Q And when you say not immediately, how many occupants
6 could you make out in the vehicle initially?

7 A Initially, all I knew that there was definitely a
8 driver. And then maybe five, ten minutes later I could see
9 that there was somebody going to be in the passenger seat
10 also.

11 Q Could you tell whether it was a left passenger seat
12 or right passenger seat when you were able to make out a
13 second person?

14 A The second person would be sitting in the front
15 passenger seat.

16 Q Okay. So you watched the vehicle, you're able to
17 determine that there's two people inside. Do you continue to
18 watch at that point?

19 A Yes.

20 Q When they're inside of the vehicle, did you see any
21 movement occurring inside of the vehicle?

22 A Just enough to think that there's two people. Not
23 -- I could barely see movement.

24 Q As you continued to watch it, did something else
25 happen?

1 A Did I do something else or did --

2 Q Did something else happen?

3 A Yes.

4 Q What happened?

5 A The rear passenger, which would have been person
6 number three in the vehicle, exited the vehicle.

7 Q When he exit the vehicle, which side did he exit
8 from?

9 A He exited from the passenger side.

10 Q Okay.

11 A The -- the non-driver side.

12 Q Left or right? Non-driver side?

13 A And I'm -- if we're both -- he's face approximating
14 away -- if the car's facing away from me, it's going to be
15 the right side of the vehicle.

16 Q And could you tell whether he exited from the front
17 or rear passenger?

18 A It was the rear.

19 Q When that person exited the rear passenger seat,
20 what was he wearing?

21 A He was wearing a black windbreaker and a medical
22 mask over his face.

23 Q At that point -- well, let me back up for a second.
24 Once you get behind the vehicle in the parking lot, do you do
25 anything to make other officers in the Area Command aware

1 that you might potentially have the suspect vehicle?

2 A Yes. After -- after no one got out of the vehicle
3 for about five minutes, I call into our dispatch and I have
4 them create an event that shows where I'm at, what I'm doing,
5 basically, that I'm just sitting and watching a vehicle in
6 that parking lot of the Taco Bell.

7 Q What is an event?

8 A It's a -- any time a car gets stopped or a person
9 gets stopped or anyone calls 911 or 311, an event number is
10 created. Basically, now you can log other units on to that
11 event. It's how our department works.

12 Q And are the first six digits of an event number
13 significant?

14 A It's the date backwards. It's the year, the month
15 and the day.

16 Q Okay. So with regards to this event, it would have
17 started with 141125?

18 A Yes.

19 Q And then the event number -- the last four numbers
20 of that event number represent the number of calls made into
21 dispatch that day, correct?

22 A Yeah, so far at that time. Yeah.

23 Q So this event number ended in 4029, correct?

24 A Yes.

25 Q So that meant it was the 4,029th event created by

1 dispatch on that day, correct?

2 A Yes.

3 Q Okay. And then that event number is also used to
4 make sure that evidence associated with the case stays with
5 the case, keep track of forensic examinations that were done
6 throughout the case, things like that, correct?

7 A That's correct.

8 Q Keeps everything organized?

9 A Yes.

10 Q So when you call into dispatch and you let them know
11 that there's a potential suspect vehicle, do you do anything
12 to notify your peers in the robbery unit that you might have
13 a suspect vehicle?

14 A Yes.

15 Q How do you do that?

16 A Two ways. I group text everyone to their cell
17 phone, and then we went to a radio channel that is only
18 available to robbery detectives, we call it Robbery 1.

19 Q Robbery 1?

20 A Robbery 1. Yeah, it's just labeled Robbery 1.

21 Q When you alerted your other robbery detectives about
22 potential suspect vehicle did they start gradually making
23 their way over there?

24 A Yes.

25 Q And you indicated that you notified dispatch so that