

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

QUINZALE MASON

Appellant,

v.

THE STATE OF NEVADA

Respondent.

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CASE NO. 77623

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Appeal from the Denial of a Petition for Writ of Habeas Corpus  
Second Judicial District Court, Washoe County  
The Honorable Elliott A. Sattler, Department 10

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**APPELLANT'S APPENDIX**

**VOL. II**

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**QUINZALE MASON**

**Case No. 77623**

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## **CERTIFICATE OF SERVICE**

I certify that I, Lyn E. Beggs, Esq., am counsel for the Appellant in this matter, and that on this date I electronically filed the foregoing Appellant's Appendix with the Clerk of the Court by using the ECF system which will send a notice of filing to all parties pursuant to the master list:

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DATED this 24<sup>th</sup> day of June, 2019.

/s/ LYN E. BEGGS  
LYN E. BEGGS, ESQ.

1 where to go?

2 A Yes.

3 Q And did you receive a very brief description of  
4 the call you were responding to?

5 A Yes.

6 Q So you knew upon arriving on scene what it was  
7 that you were going to investigate?

8 A Correct.

9 Q When you arrived at that residence on Patton  
10 Drive can you tell the jury what you observed and what  
11 you did.

12 A When I got there, there was another -- at least  
13 one other officer on scene as well as the Reno Fire  
14 Department and REMSA, the paramedics. They were -- the  
15 Reno Fire Department was treating the mother Delphine  
16 and her daughter Cecilia for possible gunshot wounds.

17 Q Did you have an opportunity on scene to look at  
18 any injuries that might have been sustained by either  
19 individual?

20 A I did.

21 Q And could you describe what you observed?

22 A Starting with the mother Delphine, she had a  
23 small what appeared to be a scratch on her lower right  
24 back. Her daughter Cecilia had a small, approximately

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1 a quarter inch or so, it looked like a penetrating  
2 wounds to her lower right leg that was bleeding a  
3 little bit.

4 Q Okay. What happened at that point? What did  
5 your investigation entail?

6 A At this time the Reno Fire Department was using  
7 what appeared to be just standard white towels. They  
8 were putting pressure on her leg and wiping her leg,  
9 Cecilia's. At this point I began speaking with Cecilia  
10 to try to get a little bit information firsthand about  
11 what occurred for other officers responding to the  
12 area.

13 Q That was Cecilia, the little girl?

14 A Cecilia.

15 Q Did you also -- and I don't want you to tell me  
16 what anybody told you, but did you also have an  
17 opportunity to speak on scene with Delphine, the  
18 mother?

19 A I did.

20 Q Okay. And, again, without getting into the  
21 specific content, what was Delphine's demeanor like on  
22 scene?

23 A She was very hysterical, at one point began  
24 hyperventilating. I thought she was going to vomit at

ROUGH DRAFT TRANSCRIPT

1 one point. It was very -- she was very chaotic and  
2 just kind of all the place, very concerned for her  
3 daughter.

4 Q So, again, without getting into too much of the  
5 content, did you have any significant meaningful  
6 conversation with Delphine at Patton Drive?

7 A No, not -- very little.

8 Q What happened with Delphine and Cecilia?

9 A They started bringing Cecilia to the  
10 paramedics, the ambulance that was waiting. And that's  
11 when Delphine began to hyperventilate and really get  
12 concerned. And at that point is when I stopped asking  
13 her questions.

14 Q Was Cecilia loaded into an ambulance?

15 A Yes.

16 Q And what about Delphine?

17 A She went in the same ambulance.

18 Q And where did they go to?

19 A Renown Medical Center.

20 Q Did you likewise go to Renown?

21 A I did.

22 Q And once you got there what did you do?

23 A I went into the trauma room that Cecilia was  
24 taken into.

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1 Q Now, did you have an opportunity at the trauma  
2 room at Renown to take photographs of Cecilia?

3 A I did.

4 Q And did you take photographs of Delphine as  
5 well?

6 A Yes.

7 Q Okay.

8 MR. YOUNG: If I could approach, Your Honor.

9 THE COURT: You may.

10 BY MR. YOUNG:

11 Q I'm going to show you what's been marked as  
12 Exhibits 11 and 12, sir. Just take a look at those and  
13 let me know if you recognize those.

14 A I do.

15 Q Are those photographs that you took?

16 A Yes.

17 Q Are they fair and accurate depictions of the  
18 photographs you took?

19 A Yes.

20 Q And who is the person that you photographed in  
21 those pictures?

22 A Cecilia.

23 MR. YOUNG: Your Honor, I would move for 11 and 12.

24 THE COURT: Any objection?

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1 MR. HYLIN: No objection, Your Honor.

2 THE COURT: 11 and 12 will be admitted. Mr. Young,  
3 you may publish them to the jury.

4 (Exhibits 11 and 12 were admitted.)

5 BY MR. YOUNG:

6 Q And both of these effectively show the same  
7 defect that you were previously describing; correct?

8 A Correct.

9 MR. YOUNG: Your Honor, if I could bring the screen  
10 forward again.

11 THE COURT: Sure. Thank you.

12 Can everyone in the jury see the screen where it  
13 is?

14 Go ahead, Mr. Young.

15 MR. YOUNG: Thank you, Your Honor.

16 BY MR. YOUNG:

17 Q Is that clear for you, Officer?

18 A That's fine.

19 Q It's a little blurry. What does this  
20 photograph depict?

21 A This is while Cecelia is lying on the bed in  
22 the hospital in the trauma room, a picture of her right  
23 side of her right leg and the penetrating wound.

24 Q And you can actually, Officer, touch that

ROUGH DRAFT TRANSCRIPT

1 screen or draw a circle or otherwise. Can you point  
2 out the penetrating wound as you've testified to?

3 A (Witness complies).

4 Q Now, you say "penetrating wound." Why do you  
5 say that?

6 A Based on training and experiencing other  
7 victims of gunshot wounds and stabbings --

8 MR. HYLIN: I'm going to object to that, Your  
9 Honor. There's case law from the Nevada Supreme Court  
10 that disallows officers being able to describe or  
11 characterize wounds like that. They can describe what  
12 they saw, but they can't make an analysis of that.

13 THE COURT: Well, the jury will be instructed that  
14 the officer is not rendering a medical opinion about  
15 the nature of the wound. He may testify about what he  
16 observed, but he's not testifying as an expert  
17 regarding causation on the wound itself.

18 MR. HYLIN: I agree, Your Honor, but the reason I'm  
19 stating this is when I hear the words "based on my  
20 training and experience," he's going to go into a  
21 dissertation of what he thinks that is. And that's  
22 what I'm objecting to. That's going to have to be  
23 testified to by medical experts, not the officer.

24 THE COURT: That's true, Mr. Hylin.

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1           The witness can testify to his experience, but he  
2 has no training regarding the causation of those types  
3 of injuries.

4           Next question.

5           THE WITNESS: I understand.

6 BY MR. YOUNG:

7           Q     So based on what you heard from the judge, your  
8 experience is you've seen penetrating wounds in the  
9 past?

10          A     I've seen several penetrating wounds in the  
11 past and this looks similar to those I've seen.

12          Q     Fair enough.

13          How was Cecelia? What was her demeanor, if you  
14 will, at the -- both on scene at Patton and then when  
15 you saw her at Renown for these photographs?

16          A     Given the circumstances, she was actually  
17 very -- she was very calm. She was crying on scene.  
18 By the time she got to the hospital, I don't recall if  
19 she was actually crying. She actually did very well  
20 just laying there letting the medical staff do what  
21 they needed to do.

22          Q     And was there a time that Cecelia and her  
23 mother Delphine ended up back in the same hospital  
24 room?

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1 A Yes.

2 Q Okay. And did you have an opportunity then  
3 likewise to go to that room and be with both Cecelia  
4 and Delphine?

5 A Yes.

6 Q Okay. And, again, without giving us content of  
7 what was said, did you have an opportunity at Renown to  
8 speak with Delphine?

9 A I did.

10 Q Do you know what Delphine's last name is by  
11 chance?

12 A I believe it's Martin.

13 Q Now, I'm going to show you -- this is Exhibit  
14 12, sir. That's just a photograph of the same thing  
15 you were testifying to?

16 A It is.

17 Q Just kind of a different angle?

18 A Yes.

19 Q And, again, that's a picture of Cecelia?

20 A It is, her right leg.

21 MR. YOUNG: That's all the questions I have, Your  
22 Honor. Thank you.

23 THE COURT: Cross-examination, Mr. Hylin.

24 MR. HYLIN: Thank you.

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CROSS-EXAMINATION

BY MR. HYLIN:

Q You can see the wound there, but you couldn't see anything else besides that?

A I don't understand.

Q You could just see the surface of her skin? You have no knowledge of how that wound was created, personal knowledge?

A I wasn't there when this incident occurred.

Q Correct. So you're observing that there was what you would characterize as a puncture wound?

A A penetrating wound.

Q A penetrating wound. Okay.

MR. HYLIN: No further questions, Your Honor.

THE COURT: Redirect based on the cross-examination.

MR. YOUNG: Nothing, Your Honor. Thank you.

THE COURT: Is the witness excused, Mr. Young?

MR. YOUNG: Yes, Your Honor.

THE COURT: Mr. Hylin?

MR. HYLIN: Yes, Your Honor.

THE COURT: Thank you for being here today, Officer. You're free to go.

The State may call its next witness.

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1 MR. YOUNG: The State calls Dr. Cinelli.

2 Your Honor, I'm going to use this again. Can I  
3 just leave it there?

4 THE COURT: Yeah, just leave it there. That's  
5 fine.

6 THE BAILIFF: Stand right here and face the clerk,  
7 please.

8 THE CLERK: Raise your right hand.

9 (The oath was administered to the witness.)

10 THE WITNESS: I do.

11 THE CLERK: Have a seat.

12 SCOTT CINELLI, M.D.,

13 having been called as a witness herein,  
14 being first duly sworn, was examined  
and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. YOUNG:

17 Q Doctor, good morning.

18 A Good morning.

19 Q Could you state -- could you state your first  
20 and last name for the record and spell both for our  
21 court reporter, please.

22 A Scott Cinelli. S-c-o-t-t, C-i-n-e-l-l-i.

23 THE COURT: Dr. Cinelli, would you mind pulling  
24 that microphone just a little bit closer to you so we

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1 can make sure that we can hear you clearly.

2 Go ahead.

3 BY MR. YOUNG:

4 Q Sir, what is your professional occupation?

5 A I'm a trauma surgeon.

6 Q And are you with a group or are you a solo  
7 practitioner? How does that work?

8 A I work with Premier Surgical Specialists in  
9 town and we contract with Renown Regional Medical  
10 Center.

11 Q Okay. Now, when you say "trauma surgeon," what  
12 do you do?

13 A I take care of trauma patients in the emergency  
14 room and in the intensive care unit.

15 Q Okay. Could you tell the jury a little bit  
16 about your educational background which led you to your  
17 current occupation?

18 A I went to college for biology and English in  
19 the '90s, transitioned to medical school in 1998.  
20 After four years of medical school I completed five  
21 years of general surgical residency in Albany, New York  
22 and New York City and I was trained in trauma and  
23 critical care in Las Vegas.

24 Q And did you partake in any fellowships or

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1 additional trainings upon your graduation from medical  
2 school?

3 A I did a critical care and acute care surgery  
4 fellowship in Las Vegas for two years.

5 Q And what is a fellowship?

6 A A fellowship is additional training after  
7 residency training where you focus on one particular  
8 area of specialty. In this case it was trauma and  
9 intensive care.

10 Q Are you licensed to do what you do, to practice  
11 medicine, in any states here in the United States?

12 A I'm licensed in Massachusetts, New York,  
13 California, and Nevada.

14 Q Now, are you also a member of any professional  
15 organizations related to your field?

16 A Society of Critical Care Medicine, the American  
17 College of Surgeons.

18 Q Have you ever testified before, Doctor, in any  
19 courts in the state of Nevada or otherwise?

20 A Yes.

21 Q In the field that you're testifying to today?

22 A Yes.

23 Q Where has that been?

24 A Predominantly in Reno. I've testified in

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1 Springfield, Massachusetts as well.

2 Q Now, you stated that you have a contract with  
3 Renown?

4 A Yes.

5 Q Is that you individually or the group you're  
6 associated with?

7 A There's actually a trauma group contract where  
8 surgeons from multiple different practices in town that  
9 do trauma surgery contract with the hospital.

10 Q And are you yourself a part of a group?

11 A Yes.

12 Q And what's that group name?

13 A Well, there's the trauma group and the critical  
14 care group at Renown. And then the general surgery  
15 group that I'm a member of is Premier Surgical  
16 Specialists.

17 Q Premier -- I'm sorry.

18 A -- Surgical Specialists.

19 Q Okay. Were you working in one of those  
20 capacities on August 9th of 2014 at Renown Regional  
21 Medical Center?

22 A I was the trauma surgeon on call at Renown.

23 Q And did you treat a patient or patients that  
24 day which brings you here to court?

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1 A Yes.

2 Q Do you recall who it was specific to this case  
3 that you treated?

4 A It was Mrs. Martin and her daughter Cecelia.

5 Q Okay. Did you have an opportunity to evaluate  
6 and treat both Ms. Martin and her daughter Cecelia?

7 A Yes.

8 Q Okay. In your line of work -- before I get  
9 into specifics -- do you have an opportunity and is it  
10 routine for you to review imaging, in other words,  
11 x-rays, CT scans, MRIs, and the like?

12 A All images I review every day. So as patients  
13 come in, depending on what they get done, whether it's  
14 ultrasound, x-ray, CT scan, MRI, I review them all.

15 Q And what purpose, just in a general sense, do  
16 those images serve you?

17 A We try to get a focused assessment of areas of  
18 the patient that we are concerned with injury.

19 Q Now, Doctor, I'm going to start with Delphine  
20 Martin. Can you tell the jury what you observed with  
21 respect to any noted injuries or defects and your  
22 treatment of Delphine Martin first.

23 A Mrs. Martin came in with injuries to her back.  
24 Initially they were suspected to be gunshot wounds.

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1 And we performed a detailed examination of her in the  
2 trauma bay and CAT scan to determine whether or not it  
3 was a projectile track.

4 Q And what were you able to determine based on  
5 your evaluation?

6 A It seemed that she had two wounds to her back,  
7 the right upper back and the right lower back, which  
8 were very superficial.

9 Q Superficial?

10 A Yes.

11 Q You said that you did some CT scans to look for  
12 a bullet trajectory; did I get that right?

13 A Yes.

14 Q What do you mean by that?

15 A When someone after a gunshot incident comes in  
16 with two wounds, you worry that there is a track  
17 connecting the two. So we performed a CT scan which is  
18 three-dimensional imaging of the torso and it allows  
19 you to connect the two points in a virtual image of the  
20 patient.

21 Q And based on your evaluation of Delphine  
22 Martin, did she sustain any sort of track injury?

23 A No, there was no gunshot wound.

24 Q Okay. And you were able -- how were you able

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1 to determine there was no gunshot wound?

2 A Well, a gunshot wound would penetrate deeper  
3 than the superficial layers of the skin and back and  
4 she had very superficial penetration.

5 Q Let me shift focus, Doctor, to Cecelia. Could  
6 you tell the jury your evaluation of Cecelia and what  
7 your determinations were.

8 A Cecelia presented with a wound to her leg. The  
9 wound was in the right foreleg about halfway down to  
10 the foot in the lateral portion. She had difficulty  
11 moving her foot. And there was no obvious exit wound  
12 in the area. So on assessment of her, we performed an  
13 x-ray of her leg and found metallic fragments lodged  
14 between the bones of her leg.

15 Q Okay. Are you able based on your evaluation  
16 and your background and training to give an approximate  
17 timeframe -- I don't mean minutes or seconds, but are  
18 you able to say this wound happened in such and such  
19 period of time? Are you able to say that at all?

20 A Yes. The wound was very fresh. The surface  
21 had not coagulated.

22 Q I'm going to show you a picture which was just  
23 admitted, Doctor. This is 11, Exhibit 11. It's not  
24 coming up great. Are you able to see that, Doctor?

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1 A Yes.

2 Q It's a little blurry. Do you recognize that?

3 A Yes.

4 Q What is that?

5 A That's a wound in the lateral portion of the  
6 right foreleg.

7 Q Is that of Cecelia?

8 A I can't tell from the exact picture because  
9 there's no identifiers, but it would be consistent with  
10 her exam as documented.

11 Q Okay. Now, you said there was no obvious exit  
12 wound. When you say "exit wound," what do you mean by  
13 that?

14 A When someone has a -- any penetrating injury, a  
15 foreign object enters the body, there's always the  
16 concern that it passed through and through. So she had  
17 a wound on the anterior leg. If it was a  
18 through-and-through wound, we would have suspected that  
19 there would have been a wound on the posterior calf and  
20 there was not.

21 Q Is that consistent with the metallic fragments  
22 that you located in her leg?

23 A Yes.

24 Q How were you able to tell that they were

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1 metallic fragments in her leg?

2 A Based on the density of the fragments on the  
3 x-ray images, it is consistent with metallic fragments.

4 MR. YOUNG: If I could approach, Your Honor?

5 THE COURT: You may.

6 BY MR. YOUNG:

7 Q I'm going to show you what's been marked for  
8 identification as 22 and 23. Now, this happened back  
9 in August, correct, Doctor?

10 A Yes.

11 Q Have you had an opportunity between August and  
12 today to kind of review the case file, review the  
13 imaging, to refresh your recollection of this specific  
14 incident?

15 A Yes, I reviewed the -- I actually reviewed the  
16 films themselves within the last 48 hours.

17 Q Okay. What is 22 and 23 that you're looking  
18 at?

19 A They are a lateral and an anterior posterior  
20 view of the right foreleg.

21 Q And you were saying that x-rays were taken.  
22 Are those copies of those -- of that x-ray?

23 A Yes, this is the film.

24 Q All right. And based on your review in the

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1 last 48 hours, does that appear to be a true and  
2 accurate representation of those x-rays taken?

3 A The images are not distorted. Is that what  
4 you're asking?

5 Q They're not what? I'm sorry.

6 A They're not distorted.

7 Q So those are true and accurate of the x-rays?

8 A Yes.

9 Q And that is the x-rays of Cecelia?

10 A Yes.

11 MR. YOUNG: Your Honor, I would move for 22 and 23.

12 THE COURT: Any objection, Mr. Hylin?

13 MR. HYLIN: No objection.

14 THE COURT: 22 and 23 will be admitted.

15 MR. YOUNG: Thank you, Your Honor.

16 (Exhibits 22 and 23 were admitted.)

17 MR. YOUNG: If I could publish, Your Honor.

18 THE COURT: You may.

19 BY MR. YOUNG:

20 Q I'm going to show you 22. I'm going to kind of  
21 start up here. Cecelia, was she a juvenile?

22 A Yes.

23 Q And so you understand that's why the last name  
24 is kind of blacked out or whited out there?

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1           A     I understand.  There's multiple identifiers on  
2 this image that show it to be the same x-ray I looked  
3 at.

4           Q     And that's what I want to have you explain.  
5 What identifiers are you speaking of?

6           A     We use multiple things on the imaging.  
7 Probably most significant would be the medical record  
8 number, the date and time consistent with the reports  
9 that I had reviewed, as well as the account number of  
10 the patient.  And all of them coincide with the  
11 appropriate birthdate.

12          Q     And that's all listed on the top kind of left  
13 part of that image?

14          A     Yes.

15          Q     Now, what I will -- once you establish the  
16 identifiers -- you talked about it briefly, but could  
17 you tell the jury -- and, Doctor, you can actually  
18 touch your screen or make lines or circles, however you  
19 want.  Tell the jury what we're looking at.

20          A     We're looking at the area in the middle of the  
21 circle, that irregularly-shaped object between the two  
22 bones of the leg.  That object, while it does not look  
23 like a bullet, there's significant distortion of it.  
24 It is consistent with a metal fragment due to its

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1 density.

2 On a digital reconstructed image, which we use in  
3 the hospital, it is actually darker than bone. And the  
4 difference between that and a wood fragment or a rock  
5 fragment would be the uniformity of the density of the  
6 object. So a wood fragment tends to be shaded in  
7 shades of gray and a rock fragment tends to appear  
8 porous or a pebble-like appearance.

9 Q Have you had the opportunity in your past to  
10 treat individuals with gunshot wounds?

11 A Yes, regularly.

12 Q Okay. And you just testified that it  
13 doesn't -- I may not get your words exactly right --  
14 something along the lines of it doesn't appear to be --  
15 it doesn't have the same similarity as a bullet. What  
16 did you just testify to? I don't want to misquote you.

17 A The irregular shape is not consistent with,  
18 say, a jacketed bullet. It's not -- in a jacketed  
19 bullet you usually don't see distortion. And in a  
20 direct hit on an individual, the bullet will retain its  
21 shape to some extent. This does not.

22 Q Okay. And based on your background with  
23 individuals you've treated with gunshot wounds, have  
24 you seen this type of fragment before?

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1 A Yes.

2 Q So how do you explain that then?

3 A Distortion of the metal fragments is typical  
4 with a ricochet.

5 Q So the fact that this doesn't look like a  
6 bullet per se on the image doesn't necessarily rule out  
7 that it was from a gun?

8 A It doesn't rule it out, because we take  
9 multiple things into consideration, including the  
10 description of the scene by the paramedics and also the  
11 description of the incident as reported by the police  
12 in the trauma bay.

13 Q I'm going to show you Exhibit 23. And, again,  
14 just start with -- the same identifiers is again  
15 consistent with the same patient you treated?

16 A Yes.

17 THE COURT: Mr. Young, I don't know if this is  
18 intentional or not, but I would note that the victim's  
19 name is actually whited out in one spot and not whited  
20 out in another spot.

21 MR. YOUNG: You're right. I'll take care of that  
22 after court, Your Honor.

23 THE COURT: Okay. Thank you.

24 MR. YOUNG: At the top there?

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1 THE COURT: Yes.

2 MR. HYLIN: I note that is on both of them.

3 THE COURT: Right. I didn't say anything about it  
4 before, but it's on two of the three images.

5 Go ahead.

6 MR. YOUNG: I'll talk to Mr. Hylin and we'll get  
7 that squared away.

8 THE COURT: Thank you.

9 MR. HYLIN: And I have no objection to whiting that  
10 out after the -- after admission, Your Honor.

11 THE COURT: Thank you.

12 MR. YOUNG: Thank you.

13 BY MR. YOUNG:

14 Q Again, Doctor, this is Exhibit 23. Could you  
15 explain -- it appears to be a different angle. But  
16 what are we looking at here?

17 A A similar thing. We're looking at this area,  
18 the dense area that is just posterior to the fibula and  
19 tibia. When looked at in conjunction with the prior  
20 film, it basically tells you that the fragments are  
21 lodged in the -- almost in the exact center of the leg.

22 The other thing you see on this image is a -- the  
23 tech holding the bottom of the child's leg has a gold  
24 ring on which is actually a more dense metal than it

ROUGH DRAFT TRANSCRIPT

1 actually appears. When appropriately projected, it  
2 actually appears slightly darker than the metal of the  
3 bullet fragments.

4 Q And just to be clear, could you circle that  
5 ring that you were just referring to.

6 A Sure. So gold or platinum, which is typical of  
7 a wedding band, would actually appear more white than  
8 the bullet fragments, even though they're both metal.

9 Q Consistent with what you've testified to here?

10 A Correct.

11 Q All right. Now, you say that for you to make a  
12 determination as to the cause of injuries -- and I'm  
13 talking in a general sense now. Do you consider what  
14 the police advise you from the scene in your evaluation  
15 and other factors?

16 A Yes.

17 Q Okay. And in this case you, in addition to the  
18 x-rays, actually saw Cecelia's leg as you've testified  
19 to?

20 A Yes.

21 Q So based on the totality of everything that you  
22 learned, that you saw, based on your training and  
23 experience, are you able to identify what type of  
24 injury Cecelia suffered?

ROUGH DRAFT TRANSCRIPT

1           A     If I were given this image without a history, I  
2 would say that this is a -- some type of -- some sort  
3 of metallic fragment.

4           Q     With the history that you were provided?

5           A     I would say that this is likely a ricocheted  
6 bullet.

7           Q     Now, what sort of treatment or follow-up was  
8 done with -- we'll start with Delphine. Was there  
9 anything necessary for Ms. Martin?

10          A     Ms. Martin had her assessment with the CAT  
11 scan. When we determined that there was no true  
12 penetrating injury, she had just dressings placed on  
13 her wounds and she was discharged from the emergency  
14 department.

15          Q     What about Cecelia?

16          A     Cecelia had significant swelling of the leg  
17 over the hour after the presentation and she was  
18 admitted to the hospital for overnight observation to  
19 watch for extensive swelling.

20          Q     And when was Cecelia discharged?

21          A     The day after admission.

22          Q     Okay. Now, what sort of procedures or did you  
23 do any procedures with respect to the metallic fragment  
24 in her leg?

ROUGH DRAFT TRANSCRIPT

1           A     No. Our standard course of action with  
2 something like this is to observe and see if there's  
3 any complications of the injury itself. In this case  
4 excessive swelling of the leg might have necessitated  
5 an operation to decompress the swelling. However, that  
6 didn't occur in her case.

7           Q     What about the metallic fragments, were those  
8 removed or recovered at all?

9           A     Removing metallic fragments that are that  
10 deeply embedded in an extremity can cause significant  
11 damage, scarring, and disrupt the way the muscles and  
12 nerves course, so we usually do not dig out these type  
13 of fragments.

14          Q     Okay. And with respect to Cecelia, was that  
15 the course that you took?

16          A     Yes.

17          MR. YOUNG: The Court's indulgence, Your Honor.

18          THE COURT: Okay.

19          MR. YOUNG: That's all the questions I have. Thank  
20 you, Your Honor.

21          THE COURT: Cross-examination of Dr. Cinelli.

22          MR. HYLIN: Thank you, Your Honor.

23          /////

24          /////

ROUGH DRAFT TRANSCRIPT

CROSS-EXAMINATION

BY MR. HYLIN

Q Good morning, Dr. Cinelli.

A Good morning.

Q When you looked at Delphine, you described her wounds as just superficial?

A Yes.

Q So superficial from what cause? Could you determine any of that?

A It wasn't a definitive cause. We initially assumed it may be a gunshot wound, but after review of the imaging and rereview of her wounds, we were unable to determine the exact cause of those wounds.

Q It could have been a scratch from something when she was scrambling --

A Yes.

Q -- at the scene?

And you just used the word "assumed" when you were -- in conjunction with the information that you received from the scene.

A Yes.

Q Is that correct?

So the information that you received from other people of this sort of incident plays a lot in how you

ROUGH DRAFT TRANSCRIPT

1 view the injuries that you see; is that accurate?

2 A Yes.

3 Q Okay. So when it comes to Cecelia's injury  
4 here, would it be fair to say that your opinion of this  
5 might be a bullet fragment is probably based a lot on  
6 what your information received from the scene was?

7 A Yes.

8 Q That being there was a discharge of a firearm?

9 A Correct.

10 Q But just judging from the x-rays, you can  
11 probably determine that that may be some sort of metal  
12 accurately?

13 A Correct.

14 Q But you don't know the chemical composition of  
15 that. And you said it didn't look like a jacketed type  
16 of bullet that you've seen in other bullet wound  
17 injuries; correct?

18 A Correct.

19 Q So in reality, this could have been a fragment  
20 of another piece of metal that came from somewhere else  
21 on that scene?

22 A Absolutely.

23 Q And the word "consistent with" that is used  
24 oftentimes by prosecutors, that word -- as you said,

ROUGH DRAFT TRANSCRIPT



1 this is consistent with a bullet fragment with a  
2 ricochet?

3 A Yes.

4 Q But the word "consistent" really doesn't prove  
5 that, does it?

6 A That is true.

7 Q So, in other words, it's not really proof? The  
8 word "consistent with" means you have to make certain  
9 assumptions based on your knowledge of -- meager  
10 knowledge of the incident there; correct?

11 A Correct.

12 Q So when you render an opinion -- when the  
13 prosecutor asked you for it, it's based on what he --  
14 which Mr. Young described as the totality of  
15 everything, but absent some of the information you got  
16 from the scene, you probably wouldn't know what that  
17 metal fragment was from, would you?

18 A Correct.

19 Q Now, you said it does not look like a piece of  
20 rock or a piece of wood.

21 A Yes.

22 Q Have you seen those sorts of fragments before?

23 A I have.

24 Q And they're detectable by the shade in the

ROUGH DRAFT TRANSCRIPT

1 x-ray?

2 A Yes. The density of the material corresponds  
3 to the brightness on the x-ray.

4 Q All right. Would there have been any residue  
5 throughout the length of the puncture?

6 A It's possible.

7 Q But that wasn't analyzed in this case?

8 A Well, you can't see anything on the film  
9 itself.

10 Q Well, I mean, not just from the x-ray but when  
11 you're examining the wound, you didn't see any residue  
12 of anything on the surface of the skin?

13 A No rock or wood, no.

14 Q Okay. You said it doesn't rule out a ricochet.  
15 I think that was your term.

16 A Right.

17 Q But it doesn't rule it in either, does it?

18 A Well, it's a -- some form of metal object was  
19 inserted into her leg by a high-energy mechanism.

20 Q And by "high energy" -- actually let's say if  
21 this was -- are you familiar with firearms?

22 A Yes, sir.

23 Q Okay. You're familiar with a 9 millimeter  
24 firearm?

ROUGH DRAFT TRANSCRIPT

1           A     Yes.

2           Q     If a 9 millimeter firearm would have been  
3 pointed at her leg, you wouldn't see this type of  
4 injury, would you?

5           A     Usually it's at a close range. If it were a  
6 direct hit from a 9 millimeter firearm, there would be  
7 a small entry wound and a small exit wound.

8           Q     Correct. In other words, it would have gone  
9 through her leg?

10          A     Yes.

11          Q     So this is a fragment of metal from somewhere,  
12 but we don't know where?

13          A     Exactly.

14          Q     And when you say "high energy," it's probably  
15 not as high energy as the bullet itself?

16          A     No.

17          Q     After it's discharged from the firearm, it  
18 could be from anywhere on that scene?

19          A     Correct.

20          MR. HYLIN: If I might have just a moment, Your  
21 Honor.

22          THE COURT: Certainly.

23          MR. HYLIN: I have no further questions, Your  
24 Honor.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Redirect based on the  
2 cross-examination, Mr. Young.

3 REDIRECT EXAMINATION

4 BY MR. YOUNG:

5 Q Mr. Hylin used the word "assumption" several  
6 times.

7 A Yes.

8 Q Are you assuming or are you forming an opinion  
9 based on the information relayed to you and your own  
10 evaluation?

11 A I'm forming an opinion based on the evidence  
12 available.

13 Q Okay. You said if it was a direct hit, in  
14 other words, if the bullet -- if the 9 millimeter, to  
15 use Mr. Hylin's hypothetical situation, was shot  
16 directly into Cecelia's leg, you would not expect to  
17 see this; correct?

18 A No. I would expect to see a more circular  
19 entry wound and a possible irregular exit wound from  
20 the leg, because a 9 millimeter has enough energy to  
21 pass through a bone of that density.

22 Q And was there any bone fracture to Cecelia's  
23 leg in this incident?

24 A There was not.

ROUGH DRAFT TRANSCRIPT

1 Q So is this part of the reason for your  
2 testimony that it -- your opinion that it was a  
3 ricochet bullet?

4 A Yes.

5 MR. YOUNG: No further questions.

6 THE COURT: Recross based on the redirect  
7 examination.

8 MR. HYLIN: Nothing further.

9 THE COURT: Dr. Cinelli, thank you for being here  
10 today.

11 May Dr. Cinelli be excused from his subpoena,  
12 Mr. Young?

13 MR. YOUNG: Yes, Your Honor.

14 THE COURT: Mr. Hylin?

15 MR. HYLIN: Yes, Your Honor.

16 THE COURT: Thank you, Doctor. You may go.

17 The State's next witness.

18 MR. YOUNG: Your Honor, the State calls Wilma Gray.

19 THE COURT: Okay.

20 THE BAILIFF: Stand here; face the clerk.

21 THE CLERK: Raise your right hand. Just there is  
22 fine. Just raise your right hand.

23 THE COURT: This way. Just face this lady right  
24 here. There you go.

ROUGH DRAFT TRANSCRIPT

1           (The oath was administered to the witness.)

2           THE CLERK:   Okay.   Just have a seat.

3                       WILMA GRAY,

4                       having been called as a witness herein,

5                       being first duly sworn, was examined

6                       and testified as follows:

7                       DIRECT EXAMINATION

8           BY MR. YOUNG:

9           Q    Good morning, ma'am.

10          A    Good morning.

11          Q    Could you please state your first and last name

12          and spell both for our reporter.

13          A    My name is Wilma Gray.   And it's W-i-l-m-a,

14          G-r-a-y.

15          Q    Ma'am, do you know an individual by the name of

16          Quinzale Mason?

17          A    Yes.

18          Q    How do you know Mr. Mason?

19          A    He's my grandson.

20          Q    Okay.   Do you see Mr. Mason in the courtroom?

21          A    Yes.

22          Q    Okay.   Could you point him out to the judge?

23          A    He's right there.

24          Q    Could you explain what he's wearing right now,

              please.

ROUGH DRAFT TRANSCRIPT

1           A     He has on a white shirt and it looks like a  
2 brown -- is that a brown neck tie and gray pants? Is  
3 that gray?

4           Q     Okay. Thank you, ma'am.

5           MR. YOUNG: Your Honor, if the record could reflect  
6 identification.

7           THE COURT: I think Ms. Gray knows who her grandson  
8 is. Go ahead.

9 BY MR. YOUNG:

10          Q     Ma'am, you don't live in Reno, do you?

11          A     No.

12          Q     Okay. And where -- I don't need a specific  
13 address, but what city do you live in?

14          A     Las Vegas.

15          Q     And how long have you lived in Las Vegas?

16          A     Fifty-two years.

17          Q     Okay. Prior to your arrival -- did you arrive  
18 in Reno yesterday?

19          A     Yes.

20          Q     Prior to your arrival in Reno have you ever  
21 been to Reno before?

22          A     No.

23          Q     Have you had opportunity over the years to  
24 speak with your grandson, Mr. Mason?

ROUGH DRAFT TRANSCRIPT

1 A Over the years, sure.

2 Q Okay. And has that been mainly in person or  
3 over the phone?

4 A Mainly in person.

5 Q Okay. And you've had an opportunity to speak  
6 with Mr. Mason over the phone on past occasions?

7 A Sure.

8 Q Okay. Now, ma'am, I'm going to direct your  
9 attention to -- well, did you have an opportunity to  
10 speak with Mr. Mason over the phone in August and that  
11 conversation brings you here to court?

12 A Well, I did speak to him in August, because  
13 August is my birthday and he called me on my birthday.  
14 This was August the 8th.

15 Q So your birthday is August 8?

16 A Yes.

17 Q Okay. And Mr. Mason called you on that day?

18 A To wish me a happy birthday.

19 Q Okay. When is the next time you spoke on the  
20 phone with Mr. Mason?

21 A It was after whatever happened happened.

22 Q Okay. Well, do you recall getting a phone call  
23 from Mr. Mason on August 9th, the day after your  
24 birthday?

ROUGH DRAFT TRANSCRIPT



1 A No.

2 Q Okay. And let me pare that down for you  
3 briefly.

4 A Yeah. My birthday was on Friday, I think. I'm  
5 not sure. But it was August 8th. And the next time I  
6 spoke to him was after the incident.

7 Q Right. Do you recall -- when you say "after  
8 the incident" --

9 A Yes.

10 Q -- could you give the jury to the best of your  
11 ability the date and time that you spoke with Mr. Mason  
12 on the phone.

13 A I spoke with him that -- I think that Sunday.

14 Q Okay. Could it have been Saturday, the day  
15 after your birthday?

16 A I don't think it was Saturday, because -- I  
17 don't have an answer for that.

18 Q Okay. Let me ask you this. Friday was  
19 August 8th.

20 A Okay.

21 Q Correct?

22 A Yes.

23 Q Okay.

24 A Saturday --

ROUGH DRAFT TRANSCRIPT

1 Q Saturday would have been August 9th.

2 A Yes.

3 Q Do you recall speaking to Mr. Mason Saturday,  
4 August 9th, sometime afternoon?

5 A I spoke with -- it might have been the night  
6 or in the morning. I don't exactly know what time it  
7 was, but I did speak with him at some point.

8 Q And I know I'm getting a little nitpicky. I  
9 apologize. Let me ask you a question. Let me try to  
10 help build the timeframe.

11 A Okay.

12 Q Do you recall receiving a phone call from a  
13 Reno police officer?

14 A Sure. Sure.

15 Q Okay. Do you know who it was that called you?

16 A I think her name was Officer Jenkins.

17 Q Okay. And you said "her." So it was a female  
18 officer that called you?

19 A Yeah, it sounded like a female to me.

20 Q Sure. Do you recall when it was that Officer  
21 Jenkins called you?

22 A It was sometime before morning, late night or  
23 before morning, because I was asleep.

24 Q Okay.

ROUGH DRAFT TRANSCRIPT

1           A     I wasn't asleep. Excuse me. I wasn't asleep,  
2 because I had already received the call about Quinzale.

3           Q     Okay. Who did you receive that call from?

4           A     One of my daughters.

5           Q     So your birthday is on August 8th. You said  
6 that you received a call from Officer Jenkins sometime  
7 before morning, so kind of middle of the night?

8           A     Yes.

9           Q     All right. And would that have been -- again,  
10 I'm not trying to trip you up here, but do you know the  
11 date in that middle of the night that you got a call?

12          A     I think it was Sunday morning. I think it was  
13 Sunday morning.

14          Q     All right. And when you say "morning," still  
15 dark out?

16          A     Yes.

17          Q     And why did -- or what did Ms. Jenkins, Officer  
18 Jenkins, tell you the reason she was calling you?

19          A     She told me what had happened, that Quinn had  
20 shot somebody and that they were looking for him and  
21 they -- he couldn't get dialysis anywhere because they  
22 had told -- you know, not to treat him. So she told me  
23 if he calls me -- because by this time he hadn't called  
24 me yet. So she told me if he calls me to tell him to

ROUGH DRAFT TRANSCRIPT

1 turn himself in because they were looking for him. And  
2 could I say what I told her?

3 Q I'm going to get to that real shortly.

4 A Okay.

5 Q So when Officer Jenkins called you, she told  
6 you, among other things, that the police were looking  
7 for your grandson?

8 A Yes, and he wasn't going to be able to get  
9 treatment.

10 Q Okay. All right. Now, when she said that they  
11 were looking for Quinzale, your grandson, what did you  
12 say back to Officer Jenkins?

13 A Well, I told her -- I asked her for the police  
14 not to hurt him. I did.

15 Q And what did she say?

16 A And she said, "We're not going to hurt him  
17 unless it's necessary."

18 Q Okay. And we'll get back to that later. When  
19 Officer Jenkins told you that they were looking, that  
20 the police were looking for your grandson, did you know  
21 that they were looking for your grandson?

22 A Yes, I assumed they were, because my daughter  
23 had told me --

24 Q I'm not going to have you say what your

ROUGH DRAFT TRANSCRIPT

1 daughter told you.

2 A Okay.

3 Q I can't get into that.

4 A Yes.

5 Q Based on what some things that your daughter  
6 told you?

7 A Yes.

8 Q Which daughter?

9 A Her name is Tiffany.

10 Q Okay. All right. Let me ask you this, ma'am.  
11 When Officer Jenkins told you that the police were  
12 looking for Mr. Mason, did you tell her the reason that  
13 you knew?

14 A I don't remember. I don't know whether I told  
15 her the reason that I knew. I don't remember that. I  
16 really don't.

17 Q Do you recall telling Officer Jenkins that you  
18 knew the police were looking for your grandson because  
19 he had shot a kid?

20 A I didn't know -- I didn't know who had been  
21 shot.

22 Q Okay. You don't recall saying that he had shot  
23 a kid?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Do you recall telling Officer Jenkins  
2 that you had in fact talked with Mr. Mason, your  
3 grandson?

4 A I hadn't talked with him at that time.

5 Q Okay. Do you --

6 THE COURT: Ms. Gray, you need to let the  
7 prosecutor ask you the question first and make sure  
8 that he's finished before you answer the question.  
9 Okay?

10 THE WITNESS: Okay.

11 THE COURT: Go ahead, Mr. Young.

12 BY MR. YOUNG:

13 Q Do you recall telling Officer Jenkins when she  
14 called you that you had spoken with Mr. Mason, your  
15 grandson?

16 A No, I didn't tell her that.

17 Q Okay. Do you recall telling Officer Jenkins  
18 that it was in fact Mr. Mason that told you on the  
19 phone that he had shot a kid?

20 A No, I didn't tell her that.

21 Q Okay. So I understand the testimony just of  
22 the timeframe, when Officer Jenkins -- your testimony  
23 is when Officer Jenkins had called you in the early  
24 morning hours of Sunday, is it your testimony you had

ROUGH DRAFT TRANSCRIPT

1 not yet spoke with Quinzale Mason?

2 A I had not.

3 Q Okay. Do you recall telling Officer Jenkins  
4 that you had spoken with him?

5 A No.

6 Q Okay. What did you -- you ultimately did have  
7 a conversation with Mr. Mason on the phone; correct?

8 A Yes.

9 Q To the best of your recollection, when did that  
10 take place?

11 A It was sometime during the morning, sometime  
12 during the morning.

13 Q Okay. And, again, I'm not trying to be  
14 nitpicky, but we've talked about several days. What  
15 morning are you talking about?

16 A I think it was Sunday morning.

17 Q You think it was Sunday morning?

18 A Yeah.

19 Q And so that would have been two days after your  
20 birthday, the 10th?

21 A Sure.

22 Q Does that sound right?

23 A Sounds right.

24 Q Okay. Did he call you or did you call him?

ROUGH DRAFT TRANSCRIPT

1 A He called me.

2 Q Okay. And, again, if you don't know, that's  
3 okay, but do you recall -- you said sometime in the  
4 morning. As best as you can remember, what time was it  
5 on Sunday morning that Mr. Mason called you?

6 A The best I can remember, it was after 9:00,  
7 sometime after 9:00.

8 Q After 9:00?

9 A After 9:00 in the morning sometime.

10 Q And can you tell the jury about your  
11 conversation with Mr. Mason when he called you?

12 A Yes, I can.

13 Q Please.

14 A When he called, I told him what the officer had  
15 told me over the phone and I asked him to turn himself  
16 in. And -- continue to explain?

17 Q Please.

18 A And he told me that he was going to turn  
19 himself in but he was waiting until his mother come.  
20 She lives in Arizona. He has no relatives here. So he  
21 said he was going to wait until she get here to turn  
22 himself in.

23 Q Okay. You recall the conversation you had with  
24 Officer Jenkins?

ROUGH DRAFT TRANSCRIPT



1           A     Sure.

2           Q     Okay.  Do you recall telling Officer Jenkins  
3 your part of what you just testified to of telling  
4 Mr. Mason he needs to turn himself in?  Do you recall  
5 telling Officer Jenkins that?

6           A     I think -- I'm not quite sure, but I think I  
7 did tell her.  I know I told her that I asked him to  
8 turn himself in, you know.

9           Q     Okay.

10          A     And then later --

11          Q     Go ahead.

12          A     And then later I told her -- I don't know  
13 whether it was the Officer Jenkins or -- because I  
14 spoke with two people.  But I told them that I asked  
15 him to turn himself in.  And I also told them that he  
16 said that he was going to turn himself in when his  
17 mother gets here, as I said before, because he had no  
18 family here and he did not want to go alone.

19          Q     Okay.  And you recall telling that to Officer  
20 Jenkins?

21          A     Well, like I said, I spoke to two officers, so  
22 I told her or the other officer.  I don't remember  
23 which one.  But I told one of them what he had told me.

24          Q     Okay.  Do you recall telling Officer Jenkins

ROUGH DRAFT TRANSCRIPT

1 when you told your grandson to turn himself in that he  
2 responded that turning himself in was not an option at  
3 this point?

4 A No, I never said that.

5 Q Okay. And you didn't tell Officer Jenkins  
6 that?

7 A No.

8 Q Okay. All right. Did you tell Officer Jenkins  
9 that when you spoke with your grandson, Mr. Mason, that  
10 he told you he was in fact looking for a way out of  
11 Reno?

12 A He never told me that.

13 Q Okay. Mr. Mason never told you that?

14 A No.

15 Q Okay. And you never told that to or relayed  
16 that comment to Officer Jenkins?

17 A No.

18 Q Okay. Have you ever met Officer Jenkins  
19 before, ma'am?

20 A Not in person, no.

21 Q Okay. You've talked to her on the phone?

22 A I just spoke to her on the phone.

23 Q And help me understand. You said you talked to  
24 two officers?

ROUGH DRAFT TRANSCRIPT

1           A     Yeah.    One was a man.

2           Q     Okay.   When did you speak with the male  
3 officer?

4           A     It was after I spoke to Officer Jenkins.  I  
5 spoke to Officer Jenkins first.  She's the one that  
6 called first.

7           Q     And, again, as best as you can, you said you  
8 spoke to her kind of middle of the night, very early  
9 morning on Sunday?

10          A     Yeah.

11          Q     As best as you can, when did you speak with the  
12 male officer?

13          A     Sometime after I spoke with her.  I don't  
14 exactly remember when exactly, but it was after.  It  
15 was the same morning, though.

16          Q     Okay.   Kind of still middle of the night,  
17 morning?

18          A     No, I think it was more like -- like 6:00 or  
19 7 o'clock maybe.

20          Q     And do you know --

21          A     Maybe later.

22          Q     Do you know the male officer's name?

23          A     I don't remember his name.

24          Q     Okay.   That's okay.  When you did speak with

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason, your grandson, did you have an opportunity  
2 to ask him about his possession of a firearm?

3 A I'm not -- I don't know. I'm not sure. I'm  
4 not sure. I don't think I did.

5 Q Well, did the --

6 A Because I --

7 Q No. I'm sorry. I don't mean to interrupt you.

8 A Because I didn't ask him about his possession  
9 of a firearm. I was more concerned about what had  
10 happened.

11 Q Did the conversation -- whether you asked him  
12 or not, did the conversation come up about his being in  
13 possession of a firearm when you spoke with him?

14 A Not at that time.

15 Q No?

16 A Not at that time.

17 Q Okay. I met you for the first time yesterday;  
18 correct?

19 A Yes.

20 Q When you flew into Reno?

21 A Yes.

22 Q And you I -- prior to yesterday, I've never met  
23 you?

24 A No.

ROUGH DRAFT TRANSCRIPT

1 Q And you and I had an opportunity to speak in my  
2 office yesterday for --

3 A Yes.

4 Q -- 15 or 20 minutes maybe?

5 A Um-hum.

6 Q And I just basically asked you to tell me about  
7 the phone -- kind of what I'm doing now, right?

8 A Yes.

9 Q Okay. Do you recall yesterday telling me that  
10 the conversation of Mr. Mason and his possession of a  
11 firearm came up in your conversation with him?

12 A But it didn't come up that particular day.

13 Q Okay.

14 A I've asked him that question since he's been  
15 incarcerated.

16 Q Okay.

17 A But not during that time.

18 Q I understand. I apologize.

19 A That's okay.

20 Q Can you tell the jury -- so it was after your  
21 conversation with him, your testimony is, on that  
22 weekend after your birthday?

23 A Yes.

24 Q Sometime after that you also spoke with

ROUGH DRAFT TRANSCRIPT

1 Mr. Mason about his possession of a firearm?

2 A Much later. Not too long ago.

3 Q Okay. Can you tell the jury what Mr. Mason  
4 said in that regard?

5 A Sure. He told me -- I asked him, "Why did you  
6 have a gun anyway? Why do you carry a gun?"

7 And he said that he was -- people always picked on  
8 him because he was small, because he was, you know, a  
9 little man. And he carried it for his protection. But  
10 that was since he's been in here.

11 Q Okay.

12 A Not that he carried one all the time.

13 Q I'm sorry?

14 I'm sorry. I didn't hear what you said.

15 A Not that he carried one all the time. I just  
16 wanted to know why did he have one in his possession.

17 Q Okay. And that's when he said he's a little  
18 man and he carries one for his protection?

19 A Yeah, he had one for his protection. And can I  
20 say what I told him?

21 Q In response to that?

22 A Yeah.

23 Q Yeah, sure. Why not?

24 A Yeah, I asked him -- I told him he should be

ROUGH DRAFT TRANSCRIPT

1 careful who he be around, the type of people he be  
2 around that he would need it. That's what I told him.

3 Q Fair enough. And you said that because you  
4 care for him?

5 A I love him.

6 Q Okay. That's reasonable; right?

7 Ma'am, let me just -- I just want to make sure I  
8 understand your testimony on a few key points and then  
9 I'll be done. All right?

10 You don't recall in your conversation with Officer  
11 Jenkins saying that Quinzale Mason called you sometime  
12 in the afternoon of August 9th? You don't recall  
13 telling Officer Jenkins that?

14 A About what?

15 Q When you spoke -- today you're testifying that  
16 you spoke with Mr. Mason on Sunday morning sometime.

17 A Sometime, yeah.

18 Q That would be August 10th; right?

19 A I guess so, yeah.

20 Q Do you recall telling Officer Jenkins that when  
21 Mr. Mason called you in fact it was August 9th,  
22 sometime afternoon? Do you recall telling her that?

23 A Say that -- repeat that.

24 Q Sure, I will.

ROUGH DRAFT TRANSCRIPT

1           Rather than your testimony today that when you  
2 spoke to Mr. Mason was August 10th -- as I understand  
3 your testimony, that's when you believe you spoke with  
4 Mr. Mason; correct?

5           A     Yes, I believe that.

6           Q     Do you recall telling Officer Jenkins that the  
7 defendant had called you on August 9th sometime after  
8 noon? Do you recall telling officer Jenkins that?

9           A     No. August 9th. I told her he called me  
10 August 8th which was my birthday.

11          Q     Okay. So you never told Officer Jenkins that  
12 he called you August 9th, sometime after noon?

13          A     Not that I recall.

14          Q     Okay. And you don't recall in your  
15 conversation with Mr. Mason that he told you that he  
16 had shot a kid?

17          A     No.

18          Q     Okay. And you don't recall in your  
19 conversation with Mr. Mason that he told you he was  
20 looking for a way out of Reno?

21          A     No.

22          Q     And you don't recall after you had told  
23 Mr. Mason, "Hey, you need to turn yourself in," you  
24 don't recall him responding to you that turning himself

ROUGH DRAFT TRANSCRIPT



1 in was not an option for him?

2 A Oh, no.

3 Q That's all. Thank you. Thank you, ma'am.

4 THE COURT: Cross-examination, Mr. Hylin.

5 Hold on a second, Ms. Gray. The other attorney is  
6 going to ask you some questions.

7 THE WITNESS: Okay.

8 MR. HYLIN: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. HYLIN:

11 Q Good morning, Ms. Gray.

12 A Good morning.

13 Q You're a Christian woman. How long have you  
14 been a Christian?

15 A About 35 years.

16 Q Okay. You attend church regularly?

17 A Every Sunday and two times during the week,  
18 bible study and church service.

19 Q You have could you characterize it a very, very  
20 strong belief in the Christian tenets?

21 A Sure.

22 Q And one of those tenets is you don't lie to  
23 people?

24 A Not intentionally. I don't practice lying.

ROUGH DRAFT TRANSCRIPT

1 Q Would you ever lie on behalf of Mr. Mason?

2 A No, never.

3 Q So --

4 A And he knows that.

5 Q If Officer Jenkins reported that she talked to  
6 you after Quinzale had called, would that be the truth  
7 or not?

8 A Well, one time I talked to her and one of the  
9 other officers after he called, but before her first  
10 phone call, I had not heard from Quinzale.

11 Q Okay. So if she reported to the prosecutor  
12 that that was your -- that she had called for the first  
13 time after you talked with Quinzale, that wouldn't be  
14 accurate?

15 A Oh, no, that wouldn't be accurate. She called  
16 first. But she didn't call first. My daughter called  
17 first and told me what happened.

18 Q Okay. And did you ever state to her during  
19 that first phone call of hers that you knew she was --  
20 they were looking for him because he had shot a kid?

21 A I didn't say no kid, because I didn't know who  
22 was shot.

23 Q That was because nobody told you what happened  
24 at that point in time?

ROUGH DRAFT TRANSCRIPT

1           A     Nobody told me. And I don't think at that time  
2 anybody really knew. In the family I'm talking about.  
3 So, no, I didn't know who was shot.

4           Q     To your knowledge Quinzale, nor anybody else,  
5 had told any of the family members what had been going  
6 on here?

7           A     Not to my knowledge.

8           Q     So when Officer Jenkins called you and talked  
9 to you, you didn't even know anything about what  
10 happened?

11          A     I didn't know who was shot, but I knew  
12 something had happened because one of my daughters  
13 called me and told me.

14          Q     Okay. So when she reported to the prosecutor  
15 that Quinzale had called sometime after noon the day  
16 before, that's not accurate?

17          A     No, not since my birthday. He called on  
18 August 8th.

19          Q     Okay. Did you tell Officer Jenkins that?

20          A     Yeah, I told her. I say he -- I told her that  
21 August 8th was my birthday and he had called me on my  
22 birthday. He's usually the one -- the first one that  
23 calls. He called early that morning.

24          Q     All right. So it's possible she could have

ROUGH DRAFT TRANSCRIPT

1     been confused about when he called?

2           MR. YOUNG:   I'll object to that as speculative.

3           THE COURT:   Don't answer that question.

4           Mr. Hylin.

5           MR. HYLIN:   That's all right.   I'll withdraw the  
6     question.

7           THE COURT:   The objection is sustained.   Next  
8     question.

9           So don't answer it.

10          BY MR. HYLIN:

11           Q     But the fact of the matter is on August 8th he  
12     gave you no information about this incident?

13           A     No.

14           Q     Okay.   And that's because it hadn't occurred  
15     yet?

16           A     No, it hadn't.

17           Q     Okay.   Did you -- would she be correct or  
18     incorrect if she reported to the prosecutor that you  
19     told her that Quinzale was looking for a way out of  
20     Reno and was very upset?

21           A     Oh, no, that's incorrect.   I never told anybody  
22     that.

23           Q     All right.   Did anybody ever discuss with you  
24     getting Quinzale out of town?

ROUGH DRAFT TRANSCRIPT

1           A     No.

2           Q     Even his mother?

3           A     No.

4           Q     Did you pray with Quinzale over the phone?

5           A     Sure. I still do. Yeah, I pray with him over

6 the phone.

7           Q     So he lived in Las Vegas for the most of his

8 life?

9           A     Yeah.

10          Q     And he came up here to be with Eboni?

11          A     And his daughter.

12          Q     And a daughter?

13          A     Um-hum.

14          Q     But he used to call you regularly?

15          A     Yeah, pretty regular.

16          Q     I mean, not every day.

17          A     Not every day but maybe every week or every

18 week and a half, something like that.

19          Q     All right. And you would pray over the phone

20 with him when he called?

21          A     Not every time, but I prayed over the phone

22 with him, yeah.

23          Q     So that wasn't unusual during your phone call?

24          A     No.

ROUGH DRAFT TRANSCRIPT

1 Q Did you discuss with him turning himself in and  
2 he stated to you that that's not an option?

3 A He never said that.

4 Q He never said that at all?

5 A No.

6 Q Did Valerie call you?

7 A Did Valerie call me?

8 Q Yeah.

9 A Yes.

10 Q Did she tell you that she was going to be  
11 flying up from Phoenix first thing in the morning and  
12 pick him up and take him back to her house?

13 A No. He said -- she said that she was coming up  
14 here and take him to turn himself in. That's what he  
15 was waiting for. You didn't ask me that. But she came  
16 to go with him to turn himself in.

17 Q And that's exactly what Valerie told you?

18 A That's exactly what she told me.

19 Q So to your knowledge, nobody was coming to get  
20 Quinzale to take him out of town?

21 A No.

22 MR. HYLIN: If I could have just a moment, Your  
23 Honor.

24 THE COURT: Take your time.

ROUGH DRAFT TRANSCRIPT

1 BY MR. HYLIN:

2 Q Had you ever met Officer Jenkins or just talked  
3 to her on the phone?

4 A No, I never met her.

5 Q When did Valerie call?

6 A Well, you know, I don't quite remember, because  
7 she called quite a few times. Matter of fact, the  
8 family -- different members of the family called quite  
9 a few times. I don't know who called -- I know who  
10 called first when I first got the news, but after then  
11 I don't know who called when.

12 Q Okay.

13 A I just know I got calls.

14 Q But the first one to call after he called to  
15 wish you a happy birthday on the 8th was then Officer  
16 Jenkins?

17 A Yeah, because August 8th this hadn't happened.  
18 So when I heard from -- the first one that called  
19 August 8th or you mean the next day? I don't  
20 understand.

21 Q Well, he called -- Quinzale called you on the  
22 8th to wish you a happy birthday?

23 A Yes.

24 Q And then Officer Jenkins called on the 10th.

ROUGH DRAFT TRANSCRIPT

1 Do you recall?

2 A That morning, yeah, early.

3 Q Very, very early in the morning?

4 A Um-hum.

5 Q So who had you talked to before Quinzale? Did  
6 you talk to anybody before you talked to Quinzale?

7 A Sure. My daughters, my grandchildren.  
8 Everybody was calling. After we, you know, heard about  
9 it, everybody in the family mostly was calling.

10 Q All right. But nobody spoke of getting him out  
11 of town?

12 A Oh, no.

13 MR. HYLIN: I have no further questions, Your  
14 Honor.

15 THE COURT: Redirect based on the  
16 cross-examination, Mr. Young.

17 MR. YOUNG: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. YOUNG:

20 Q Ma'am, just a few more minutes of your time.

21 A Okay.

22 Q Did I understand your testimony -- you correct  
23 me if I'm wrong -- but that you didn't even know that  
24 the case involving Quinzale Mason involved a kid at

ROUGH DRAFT TRANSCRIPT



1 all?

2 A No, I didn't know that. Really I didn't -- I  
3 just only knew he -- see, Quinn didn't talk about what  
4 happened, but I heard that he had shot somebody. Then  
5 later I heard there wasn't anybody hurt. So I didn't  
6 know a kid was involved, a child.

7 Q And that's what Mr. Mason told you, no one was  
8 hurt?

9 A Did Mr. Mason tell me that?

10 Q Yeah.

11 A No, Mr. Mason didn't tell me that. I don't  
12 remember quite who told me that, but it was one or  
13 two -- and I don't know where they got it from, but  
14 they said that whoever was --

15 Q I got to be careful how far astray we go.

16 A Okay. It's my first time doing this.

17 Q I understand. It's not common speak, is it?  
18 Okay. When you spoke with Officer Jenkins, so early  
19 morning hours of Sunday, did you know at that time that  
20 there was a kid even involved?

21 A No.

22 Q Okay. And you testified that you were awake  
23 when Officer Jenkins did call you?

24 A Yes, I was.

ROUGH DRAFT TRANSCRIPT

1 Q So your conversation with her, you were alert  
2 and you were having a back-and-forth --

3 A I was alert.

4 Q Now, Mr. Hylin was just asking you some  
5 questions about a conversation you had with Valerie.

6 A Yes.

7 Q Is that Valerie Stewart?

8 A His mother, yes.

9 Q And your daughter?

10 A Yes.

11 Q Okay. And Mr. Hylin asked if you had any  
12 conversation with Valerie Stewart and she said whether  
13 she was coming down to pick up Mr. Mason and drive him  
14 out of town. And you said that was no conversation you  
15 had with Ms. Stewart; correct?

16 A No, not about taking him out of town.

17 Q Okay. Do you recall in your conversation with  
18 Officer Jenkins telling Officer Jenkins that in your  
19 conversation with Valerie Stewart that she told you she  
20 was flying from Phoenix, Arizona to Reno first thing in  
21 the morning to pick Mr. Mason up and take him back with  
22 her to her house?

23 A No.

24 Q You never told that to Officer Jenkins?

ROUGH DRAFT TRANSCRIPT

1 A No.

2 Q That's all. Thank you, ma'am.

3 THE COURT: Recross based on the redirect.

4 MR. HYLIN: Nothing, Your Honor.

5 THE COURT: Ms. Gray, thank you for being here  
6 today. You're free to go.

7 May Ms. Gray being excused from her subpoena,  
8 Mr. Young?

9 MR. YOUNG: Yes.

10 THE COURT: Mr. Hylin?

11 MR. HYLIN: Yes, Your Honor.

12 THE COURT: You're free to go, ma'am.

13 The State's next witness.

14 MR. YOUNG: Officer Jenkins.

15 THE COURT: Ladies and gentlemen of the jury, if  
16 you would like to stand up and stretch your legs for a  
17 moment while Officer Jenkins comes in.

18 Why don't we take a morning recess now. It's a  
19 little bit early, but rather than starting Officer  
20 Jenkins' testimony, we can take the morning recess now.

21 Ladies and gentlemen, it will be for 15 minutes.  
22 You are instructed not to discuss this case among  
23 yourselves or with anyone else or to form any  
24 conclusions concerning the case until it is submitted

ROUGH DRAFT TRANSCRIPT

1 to you. You're not to read, look at or listen to any  
2 news media accounts relating to this case should there  
3 be any. You're not to form any opinion about the case  
4 until it is finally submitted to you.

5 Do not experiment or investigate. Do not visit the  
6 scene. Do not refer to any outside sources for  
7 instructions on the law. Rely only on the court for  
8 legal instruction.

9 All rise for the jury. We'll be in recess until 10  
10 minutes at 10:00.

11 (Outside the presence of the jury:)

12 THE COURT: Counsel, during the morning's  
13 proceedings Deputy Gray has been able to get in contact  
14 with representatives from the Washoe County Sheriff's  
15 Office and somebody will be coming down to assist the  
16 defendant with his medical needs during the lunch hour.

17 Court's in recess.

18 THE DEFENDANT: Thank you, Your Honor.

19 THE COURT: Thank Deputy Gray. He's the one who  
20 took care of it.

21 (A recess was taken.)

22 (Within the presence of the jury:)

23 THE COURT: Will counsel stipulate to the presence  
24 of the jury? Mr. Young?

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: The State will, Your Honor.

2 THE COURT: Mr. Hylin?

3 MR. HYLIN: Yes, Your Honor, stipulate.

4 THE COURT: Mr. Young, your next witness, please.

5 MR. YOUNG: Detective Jenkins.

6 (The oath was administered to the witness.)

7 THE WITNESS: Yes, I do.

8 ALLISON JENKINS,

9 having been called as a witness herein,  
10 being first duly sworn, was examined  
and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q Good morning, ma'am.

14 A Good morning.

15 Q Could you state your first and last name and  
16 spell both for the reporter.

17 A Allison Jenkins, and the last is J-e-n-k-i-n-s.

18 Q Ma'am, with whom are you currently employed?

19 A The Reno Police Department.

20 Q How long have you been so employed?

21 A It will be seven years this Valentine's Day.

22 Q What is your current assignment?

23 A I'm a detective in the financial crimes unit.

24 Q And did you get promoted to detectives

ROUGH DRAFT TRANSCRIPT

1 recently?

2 A Yes, I did.

3 Q When was that?

4 A It would have been this January.

5 Q So about a month ago?

6 A Yes, sir.

7 Q The balance of that seven years outside of this  
8 last month have you been assigned to the patrol  
9 division?

10 A Yes, I have.

11 Q And were you assigned to the patrol division on  
12 August 9th into the morning of the 10th of 2014?

13 A Yes, I was.

14 Q And were you working the graveyard unit?

15 A Yes.

16 Q Graveyard shift rather.

17 A Yes, sir.

18 Q What are the hours that the graveyard shift  
19 covers?

20 A We start at 9 p.m. and we get off at 7 a.m. in  
21 the morning.

22 Q Did you become involved in a case, an  
23 investigation, regarding a shooting on Patton Drive?

24 A Yes, I did.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And I don't want you to give me too much  
2 of your basis for learning this, but was a suspect  
3 identified in that shooting?

4 A Yes, sir.

5 Q Who was that?

6 A Mr. Quinzale Mason.

7 Q And did you ever have any -- yourself any  
8 dealings with Mr. Mason --

9 A No, I did not.

10 Q -- related to this case?

11 A No, sir.

12 Q Okay. What was your involvement in this  
13 matter?

14 A We had been made aware in briefing that a  
15 suspect was outstanding and that the shift before us  
16 had received an anonymous tip that he was trying to  
17 flee town. And so subsequent to that, I was asked by  
18 my supervisor --

19 MR. HYLIN: I'm going to object and move to strike  
20 this, Your Honor. This is all rank hearsay.

21 THE COURT: I'm not quite sure what the difference  
22 between regular hearsay and rank hearsay is, Mr. Hylin.

23 MR. HYLIN: Well, rank means it's really bad.

24 THE COURT: Okay. I understand.

ROUGH DRAFT TRANSCRIPT

1 I believe that there's only one definition of  
2 hearsay in the Nevada Revised Statutes and there's no  
3 rank qualification.

4 It is hearsay.

5 Mr. Young, are you offering the information for the  
6 truth of the matter asserted?

7 MR. YOUNG: No, I'm not, Your Honor.

8 THE COURT: Ladies and gentlemen, the comments that  
9 Detective Jenkins has just made are not being offered  
10 for the truth of the matter asserted. You're not to  
11 assume that they are true. They're only being offered  
12 for the effect on the listener; that is, what Detective  
13 Jenkins did as a result of hearing those.

14 Go ahead.

15 BY MR. HYLIN:

16 Q Based on the information you received what  
17 steps did you take as part of the investigation?

18 A I was asked by my supervisor to try and get  
19 ahold of any of his associates or relatives to try and  
20 find out if they knew where he was.

21 Q And did somehow you receive a list of contact  
22 information for a number of individuals?

23 A Yes, I did.

24 Q Was one of those individuals Wilma Gray?

ROUGH DRAFT TRANSCRIPT



1 A Yes, sir.

2 Q And do you know the relationship between Wilma  
3 Gray and Quinzale Mason?

4 A Wilma Gray is his grandmother.

5 Q Okay. Did you learn where Ms. Gray resided?

6 A If I recall correctly, I believe she resided in  
7 Las Vegas, Nevada.

8 Q Okay. Did you have an opportunity to call  
9 Ms. Gray on the phone number provided to you and speak  
10 with Ms. Gray?

11 A Yes, I did.

12 Q What day and time did you make that phone call?

13 A I spoke to her in the early morning hours,  
14 around 3 o'clock in the morning, on August 10th.

15 Q Okay. And did Ms. Gray answer the phone?

16 A Yes, she did.

17 Q And did she properly identify herself as Wilma  
18 Gray?

19 A Yes, she did.

20 Q Okay. Did she, being Ms. Gray, did she seem  
21 alert during your conversation with her?

22 A Yes, she did.

23 Q What was her demeanor at least from what you  
24 could decipher over the telephone?

ROUGH DRAFT TRANSCRIPT

1           A     She was very upset and it sounded as if she  
2     were crying on the other end of the phone.

3           Q     Okay. How did that conversation begin? In  
4     other words, what did you tell Ms. Gray?

5           A     I introduced myself to her as an officer  
6     working for the Reno Police Department and I told her I  
7     was looking to find her grandson.

8           Q     Now, at this point when you made the call did  
9     you know -- beyond the little bit you were informed in  
10    briefing, did you know much about the case?

11          A     No, I didn't.

12          Q     Okay. When you told Ms. Gray that you were  
13    looking for her grandson, what did Ms. Gray respond?

14          A     She told me she knew I was looking for him and  
15    that she knew that because he told her he had shot a  
16    kid.

17          Q     Now, "shot a kid," were those words -- are you  
18    paraphrasing or were those words that Ms. Gray actually  
19    used?

20          A     Those are the words she used.

21          Q     And you just testified that she told you she  
22    knew that information because Quinzale Mason had called  
23    and said that. Are you positive about that?

24          A     I am.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. Was it -- were you surprised when she  
2 said those words?

3 A A little.

4 Q Why is that?

5 A You know, I wasn't sure how much --

6 MR. HYLIN: Objection, Your Honor. Her surprise  
7 isn't relevant.

8 THE COURT: Mr. Young.

9 MR. YOUNG: I would just submit it is. It goes to  
10 the nature of the call based on the testimony we just  
11 heard from Ms. Gray and Detective Jenkins' testimony.

12 THE COURT: I'll overrule the objection.

13 You can answer the question.

14 THE WITNESS: Thank you.

15 I was a little surprised. I didn't know how  
16 involved she would be, if at all. I really had very  
17 little knowledge of the case at that time and so it was  
18 a little --

19 BY MR. YOUNG:

20 Q Okay. Did you ask Ms. Gray when she had spoken  
21 with Mr. Mason?

22 A Yes, I did.

23 Q And what did Ms. Gray tell you?

24 A She told me that he had called her the day

ROUGH DRAFT TRANSCRIPT

1 before, so that would have been the 9th.

2 Q August 9th?

3 A August 9th. I'm sorry. Yes.

4 Q And did she specify a timeframe that Mr. Mason  
5 had called her on August 9th?

6 A That it was sometime after noon.

7 Q Okay. Did she tell you what she initially  
8 thought he was calling her for?

9 A Yes. She told me that she was excited to hear  
10 from him -- to hear from him initially and thought that  
11 he was maybe calling to wish her a happy birthday.

12 Q And is there any doubt in your mind that she  
13 told you she received a call on August 9th versus any  
14 other day?

15 A No, there's not.

16 Q Okay. What else did Ms. Gray tell you during  
17 that conversation?

18 A She told me that he had called her asking for  
19 help and told her that he needed to get out of Reno and  
20 was looking for her to help him with that.

21 Q And did Ms. Gray tell you through the course of  
22 that conversation that she advised Mr. Mason that he in  
23 fact instead of looking for a way out of Reno needed to  
24 turn himself in to the police?

ROUGH DRAFT TRANSCRIPT

1           A     She did tell him that.

2           Q     And what did Ms. Gray tell you was Mr. Mason's  
3 response to that comment?

4           A     That that wasn't an option for him.

5           Q     Any doubt in your mind as to the content of  
6 what Ms. Gray told you as you testified to right now?

7           A     No, there is not.

8           Q     Okay. While speaking with Ms. Gray did you  
9 also have an opportunity to speak with her or did she  
10 advise you a phone call that she had with a Valerie  
11 Stewart?

12          A     Yes, sir.

13          Q     And based on your investigation and your  
14 involvement in the case, do you know who Valerie  
15 Stewart is?

16          A     Mr. Mason's mother.

17          Q     Okay. And what did Ms. Gray tell you about her  
18 conversation with Ms. Valerie Stewart?

19          MR. HYLIN: Objection. Hearsay, Your Honor. I  
20 understand, you know, he's offering a lot of this as a  
21 prior inconsistent statement, so I'm not making a lot  
22 of noise about it, but the one from Valerie Stewart in  
23 this regard is double hearsay.

24          THE COURT: Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Your Honor, I didn't even go into that  
2 in my questioning. Mr. Hylin opened the door in  
3 specifically asking Ms. Gray about her conversation  
4 with Ms. Stewart. She denied in questioning on  
5 cross-examination by Mr. Hylin that Ms. Stewart had  
6 said anything about leaving town and in fact had said  
7 she was going to Reno to have Mr. Mason turn himself  
8 in. So it's a prior inconsistent statement directly  
9 rebutting that.

10 MR. HYLIN: That's not really the case. This isn't  
11 an open-the-door sort of thing. That's for character  
12 witness testimony, Your Honor. Hearsay is hearsay.  
13 And if it's double hearsay, he has to offer another  
14 exception for that, which I don't think the one he just  
15 offered is adequate.

16 THE COURT: Mr. Young, do you have a good faith  
17 belief that the testimony of Detective Jenkins will be  
18 inconsistent with the testimony that Ms. Gray offered  
19 earlier today?

20 MR. YOUNG: Absolutely.

21 THE COURT: The Court will overrule the objection  
22 pursuant to NRS 51.035. A prior inconsistent statement  
23 of a witness is not hearsay. But ladies and gentlemen  
24 of the jury, regarding specifically what was said by

ROUGH DRAFT TRANSCRIPT

1 the defendant's mother, you're not to consider that for  
2 the truth of the matter asserted. All you're to be  
3 focusing on regarding this statement is that it is  
4 contrary according to what Mr. Young has informed the  
5 court to what Ms. Gray told us earlier today.

6 So you can ask the question again.

7 BY MR. YOUNG:

8 Q To get us back on track, Ms. Gray spoke with  
9 you about a conversation she had also had with Valerie  
10 Stewart; correct?

11 A Correct.

12 Q According to what Ms. Gray told you on the  
13 phone, what was her conversation with Ms. Stewart?

14 A She told me that she had spoken to her over the  
15 phone and told her -- well that -- I'm sorry.  
16 Ms. Stewart had actually told her also that Quinzale  
17 was in the trouble and that she would be flying to  
18 Reno --

19 THE COURT: Hold on a second. Stop. Let's start  
20 the question again. And just focus simply on what  
21 Ms. Gray told you, not what Ms. Stewart said. And  
22 there's a difference between those two things.

23 THE WITNESS: Okay.

24 THE COURT: So ask the question again, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: I'll narrow it down.

2 BY MR. YOUNG:

3 Q Was there a conversation between you and  
4 Ms. Gray --

5 A Yes.

6 Q -- when you spoke with her own the phone of  
7 what -- of the reason that Ms. Stewart said she was  
8 flying to Reno?

9 A Yes, sir.

10 Q What was that?

11 A It would be to pick up Mr. Mason and take him  
12 back to her home.

13 Q Okay. And did Ms. Gray tell you where  
14 Ms. Stewart's home was?

15 A Phoenix, Arizona.

16 Q Now, as part of this case did you draft a  
17 police report?

18 A Yes, I did.

19 Q And is that common in any case that you play  
20 any sort of significant role?

21 A Yes, sir.

22 Q Okay. So you didn't do a police report  
23 specifically for this case and omit reports from other  
24 cases; fair?

ROUGH DRAFT TRANSCRIPT



1           A     Fair.

2           Q     From the time that you spoke with Ms. Gray, you  
3 said about 3 o'clock in the morning on August 10th,  
4 when did you actually draft and prepare your police  
5 report?

6           A     Within one hour.

7           Q     So that would have been still August 10th?

8           A     Yes, sir.

9           Q     4 o'clock in the morning or thereabout?

10          A     Yes, sir.

11          Q     And is that police report specifically for me  
12 or is that your police report that wherever it goes, it  
13 goes?

14          A     It's my police report.

15          Q     Okay. Now, in addition to the phone call that  
16 you had with Ms. Gray, did you also as part of the  
17 investigation look into information related to the Reno  
18 Tahoe International Airport?

19          A     Yes, I did.

20          Q     And why did you do that and what did you do?

21          A     I did it in the thought that Ms. Stewart would  
22 be flying to Reno to contact her son.

23          Q     Okay. And did you learn based on what you  
24 learned her location to be and flights into Reno

ROUGH DRAFT TRANSCRIPT

1 various airlines of flights that flew into Reno in the  
2 morning of August 10th?

3 A Yes, I did.

4 Q And did you make that information available to  
5 other officers?

6 A Yes, I did.

7 Q Did you have any -- beyond what you testified  
8 to, primarily the phone call with Ms. Gray and  
9 obtaining information from the airport, did you have  
10 any other involvement in this case?

11 A No, I did not.

12 Q Had you ever met Ms. Gray, Wilma Gray -- have  
13 you ever met her?

14 A No, sir.

15 Q How many times did you speak with Ms. Gray on  
16 the phone?

17 A Just one time.

18 Q Okay. That would have been 3 o'clock in the  
19 morning on the 10th?

20 A Yes, sir.

21 Q Do you know whether there was -- if any other  
22 officers spoke with Ms. Gray?

23 A I asked a day shift officer to contact her and  
24 let her know her grandson was safe if we found him.

ROUGH DRAFT TRANSCRIPT

1 Q Do you know -- if you know -- whether another  
2 officer actually contacted her at any time?

3 A Officer Kassebaum told me he had contacted her.

4 MR. HYLIN: Objection, Your Honor.

5 THE COURT: Sustained. The jury will disregard  
6 that last comment. That would be hearsay.

7 BY MR. YOUNG:

8 Q Do you know firsthand? In other words, you  
9 weren't part of any phone call to Ms. Gray?

10 A No, I was not.

11 Q Beyond the one you've testified to?

12 A No, sir.

13 MR. YOUNG: That's all, Your Honor. Thank you.

14 THE COURT: Cross-examination, Mr. Hylin.

15 MR. HYLIN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. HYLIN:

18 Q Detective Jenkins, did you take notes of this  
19 phone conversation?

20 A I had.

21 Q Do you have them with you now?

22 A No. In fact, I think I wrote them on my hand.

23 Q You wrote the notes on your hand?

24 A Yes, sir.

ROUGH DRAFT TRANSCRIPT

1 Q So you have a report that's roughly  
2 three-quarters of a page long and you wrote those notes  
3 on your hand?

4 A Well, I wrote chicken scratch on my hand,  
5 things that were relevant to me to help me remember.

6 Q Okay. So you called at 3 a.m.?

7 A Yes, sir.

8 Q Why would you call at 3 a.m.?

9 A It was a very time sensitive issue and those  
10 were the hours I was working. It's when I had been  
11 assigned that task.

12 Q All right. You didn't think of calling at,  
13 say, 7 a.m. or more when people would be up and about?

14 A With the information that he was trying to  
15 actively flee town, I thought it best to call right  
16 away.

17 Q But that information never panned out to your  
18 knowledge? Just to your knowledge.

19 A Which information? I'm sorry.

20 Q That he was fleeing town.

21 A Just that we had the anonymous tip that he was  
22 actively trying to.

23 Q Right. And that's all you ever got?

24 A Right.

ROUGH DRAFT TRANSCRIPT

1 Q And you said when Quinzale called, you said  
2 that was on the 9th?

3 A Are you asking me what his grandmother told me?

4 Q Correct.

5 A Yes, sir.

6 Q Because you said it was on the 9th and he  
7 called to wish her a happy birthday?

8 A Yes, sir.

9 Q You're sure about that?

10 A Yes, sir.

11 Q Now, you weren't at the airport?

12 A No, I was not.

13 Q Did you learn later that they saw Valerie  
14 Stewart there?

15 A Yes, I did.

16 Q All right. But you don't know what happened  
17 after that?

18 A No, I don't.

19 Q This is the only involvement you had in this?

20 A Yes, sir.

21 MR. HYLIN: I have no further questions, Your  
22 Honor.

23 THE COURT: Redirect based on the  
24 cross-examination, Mr. Young.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Just two.

2 REDIRECT EXAMINATION

3 BY MR. YOUNG:

4 Q The reason -- would you call somebody at 3 a.m.  
5 in every single case, in every instance?

6 A Absolutely not.

7 Q It depends on the nature of the case?

8 A Yes.

9 Q Did you feel in this case it was appropriate to  
10 make a call at 3:00 in the morning?

11 A Yes, I did.

12 Q And Mr. Hylin was asking about your report and  
13 the notes on your hand. Is everything that you put in  
14 your report accurate based on what you -- your  
15 conversation --

16 A Yes, sir.

17 MR. YOUNG: That's all.

18 THE COURT: Recross based on the redirect.

19 MR. HYLIN: Subject to recall, Your Honor.

20 THE COURT: Okay. Detective Jenkins, you're free  
21 to go now, but you're not excused from your subpoena  
22 because the defense has indicated they might want to  
23 recall you. So thank you for being here today.

24 THE WITNESS: Yes, sir.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Your next witness, Mr. Young.

2 MR. YOUNG: The State calls Delphine Martin.

3 THE COURT: Okay.

4 THE BAILIFF: Stand here and face the clerk.

5 THE CLERK: Raise your right hand.

6 (The oath was administered to the witness.)

7 THE CLERK: Have a seat.

8 DELPHINE MARTIN,

9 having been called as a witness herein,  
10 being first duly sworn, was examined  
and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q Ma'am, good morning.

14 A Good morning.

15 Q Could you please state for the record your  
16 first and last name and go ahead and please spell both  
17 for the reporter.

18 A It's Delphine, D-e-l-p-h-i-n-e, Martin,  
19 M-a-r-t-i-n-e.

20 THE COURT: Ms. Martin, you don't need to put your  
21 face right up next to that microphone. Just kind of  
22 tilt it back towards you and relax.

23 Go ahead.

24  
ROUGH DRAFT TRANSCRIPT

1 BY MR. YOUNG:

2 Q Ma'am, back in August of 2014 did you live on  
3 Patton Drive?

4 A Yes.

5 Q Okay. Do you recall the specific address or  
6 unit that you lived on?

7 A 2393 Patton Drive.

8 Q Okay. I don't need you to give me your current  
9 address, but have you since moved?

10 A Yes.

11 Q Okay. And was the reason you moved based on  
12 events that happened in August?

13 A Yes.

14 Q Okay. Going back to 2393 Patton Drive, could  
15 you explain to the jury the position of your specific  
16 unit in that building.

17 A I lived downstairs and there was like -- it  
18 was -- we were sitting outside.

19 Q We'll get to that. Let me help you. How many  
20 individual apartment units were in your building?

21 A Four.

22 Q Okay. And you said you were on the --

23 A Downstairs.

24 Q -- the ground floor?

ROUGH DRAFT TRANSCRIPT



1           Okay. How many units are on that ground floor?

2           A     Two.

3           Q     And then two upstairs?

4           A     Yes.

5           Q     Okay. Now, we'll get into what happened on a  
6 certain day, but do you have any -- before we get  
7 there, do you have any children?

8           A     Yes.

9           Q     How many?

10          A     Two.

11          Q     Okay. And what are their names?

12          A     Cecelia and Antonio.

13          Q     How old is Cecelia?

14          A     Four.

15          Q     What's Cecelia's date of birth?

16          A     It's June 28th, 2010.

17          Q     Okay. Now, on August -- well, did something  
18 occur on August 9th which brings you here to court?

19          A     Yes.

20          Q     Okay. Go ahead -- I didn't mean to cut you off  
21 earlier. Please tell the jury what that was.

22          A     It was -- about the shooting?

23          Q     Yeah.

24          A     Me and my daughter were sitting outside and I

ROUGH DRAFT TRANSCRIPT

1 was on the chair and my daughter was on the side of me.  
2 And Anthony went to go walk my dog and he came back --  
3 he was at the gate and that's when he seen him pull up  
4 and he got out of the car.

5 MR. HYLIN: Objection, Your Honor. I think we're  
6 getting into a narrative again.

7 THE COURT: Sustained.

8 Mr. Young, you can ask another question.

9 MR. YOUNG: Sure. That's fine.

10 BY MR. YOUNG:

11 Q Why were you outside?

12 A My daughter was playing outside.

13 Q Okay. Do you recall what she was playing?

14 A Just running around.

15 Q Okay.

16 A And then she stepped by me.

17 Q And you said that you were sitting?

18 A Yes.

19 Q Where were you sitting?

20 A By my door.

21 Q Are there some chairs out there?

22 A There was one.

23 Q Okay. Now, you mentioned Anthony.

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Do you know his last name, by chance?

2 A Holly, I believe.

3 Q Okay. Holly. And going back to August of last  
4 year, do you know where Anthony lived?

5 A He lived right across from me upstairs.

6 Q All right. When you say across from you --

7 A He was a neighbor basically.

8 Q Okay. Let me show you -- across from you  
9 across the parking lot or across the street?

10 A He lives across the parking lot.

11 Q While you were sitting there, what were you  
12 doing?

13 A We were just talking outside.

14 Q And where was Anthony while you were talking?

15 A He was in the front with one of his friends,  
16 and then me and my daughter, and then he asked me if he  
17 could walk my dog and I gave him the dog.

18 Q So when you say he was in front, in front of  
19 what?

20 A My house, my place.

21 Q All right. And he asked you to walk the dog.  
22 Does he have some kind of connection to that dog?

23 A He had a dog that was sisters.

24 Q Okay. And so he asked to walk the dog. Did

ROUGH DRAFT TRANSCRIPT

1 he?

2 A Yes.

3 Q And was the dog free to run around or was the  
4 dog on a leash?

5 A On a leash.

6 Q So what did Anthony do with the dog?

7 A Took him to the -- was walking towards the  
8 street by the gate and grass and then --

9 Q Let me stop you right there. When you say  
10 towards the street --

11 A Like on my side where the stairway is.

12 Q What street was he walking towards?

13 A Patton.

14 Q Okay. And he had the dog with him?

15 A With him.

16 Q What's the dog's name?

17 A Bandit.

18 Q Bandit. I didn't mean to cut you off. What  
19 happened at that point?

20 A Which point?

21 Q Well, you just testified that he took Bandit up  
22 towards Patton and was in the grass area.

23 A Yeah, where the gate and the grass is.

24 Q Where the gate and the grass is?

ROUGH DRAFT TRANSCRIPT

1           A     Um-hum.

2           Q     Okay.  What happened at that point?

3           A     He turned around and started walking towards  
4 our way and that's when he showed up.

5           Q     When you say "that's when he showed up" --

6           A     I don't know his name.

7           Q     Okay.  That's okay.  Do you see the person  
8 when you say "he showed up" who that person is?

9           A     Yes.

10          Q     Can you point him out to the jury, please.

11          A     (Pointing.\_

12          Q     And can you describe what he's wearing today?

13          A     He's wearing white with gray pants.

14          Q     Does he have a neck tie on?

15          A     Yes.

16          MR. YOUNG:  Your Honor, if the record reflect  
17 identification.

18          THE COURT:  It will so reflect.

19          Go ahead.

20          BY MR. YOUNG:

21          Q     You said that the defendant came -- how did he  
22 come up?

23          A     In a car.

24          Q     Okay.  Can you describe the car?

ROUGH DRAFT TRANSCRIPT

1 A Gold.

2 Q Big? Little?

3 A Small.

4 Q Okay. And when you said "he came you," where  
5 did he go?

6 A He pulled in front of my neighbor's place.

7 Q What's your neighbor's name?

8 A I don't know his name.

9 Q All right.

10 A I forgot his name.

11 Q That's okay.

12 A It's been a while.

13 Q That's okay. Did you move out of this  
14 residence -- do you know when you moved out of the  
15 Patton Drive residence?

16 A October.

17 Q Okay. When the defendant pulled up in this  
18 vehicle, what happened?

19 A He got out and said something to him and  
20 started shooting.

21 Q When you say he said something to him, who's  
22 him?

23 A Anthony.

24 Q Okay. Now, where was -- when the defendant

ROUGH DRAFT TRANSCRIPT

1 pulled up, where was Anthony?

2 A He was like by the stairway and the poles,  
3 because he turned around.

4 MR. YOUNG: If I could move this back forward, Your  
5 Honor.

6 THE COURT: You can.

7 Ms. Martin, there's a screen on the bench in front  
8 of you. You'll be able to see the same thing that's  
9 going to be here on the bigger screen, just so you  
10 know.

11 BY MR. YOUNG:

12 Q I'm going to show you Exhibit 2. This may help  
13 a little bit. Do you recognize that, ma'am?

14 A Yes.

15 Q Okay. It's effectively kind of an overhead  
16 satellite image of the building that you were in.

17 A Yes.

18 Q Okay. So let me kind of backtrack a little  
19 bit. And you can -- in fact, if need be, you can touch  
20 your screen, you can draw your finger across it and it  
21 will make some marks on it. Okay?

22 A Okay.

23 Q Where was Anthony originally? You said he was  
24 in front of your apartment. Where approximately was

ROUGH DRAFT TRANSCRIPT

1 he?

2 A Right here.

3 Q Okay. And then you said he took Bandit and  
4 walked towards Patton. Where did he go?

5 A Right down here.

6 Q Okay. Now, again, now that you have a picture  
7 in front of you, you said that the defendant pulled his  
8 vehicle in. Where did he park?

9 A Right -- I believe right here.

10 Q Okay. And you're pointing to that first  
11 parking spot in front of your building?

12 A Yes.

13 Q Okay. Now, I'm going to clear this. And you  
14 just identified that as the parking spot; correct?

15 A Yes.

16 Q Again, if you could use -- point out. Where  
17 was Anthony approximately when the defendant pulled and  
18 parked there?

19 A Probably like right there.

20 Q Right next to --

21 A Right next --

22 Q -- to the car?

23 A Yeah.

24 Q Then what happened?

ROUGH DRAFT TRANSCRIPT



1           A    He got out of the car, said something to him,  
2    "This is for you," or something like that, I believe,  
3    and started shooting.

4           Q    When you say he started shooting, who is "he"?

5           A    The defendant.

6           Q    Okay. How long had you known Anthony prior to  
7    this day?

8           A    I had seen him -- when I moved down to the  
9    apartments, I've seen him around, but like I didn't  
10   associate with him.

11          Q    How long did you live in that apartment  
12   building?

13          A    I believe a year and a half.

14          Q    Okay. And it's kind of hard to see --

15          A    Or two.

16          Q    One and a half to two?

17          A    Yeah.

18          Q    It's kind of hard to see. The picture cuts  
19   off. But do you see at the top here there's the start  
20   of another building?

21          A    Yes.

22          Q    Is that the one you're referring to that  
23   Anthony lived in?

24          A    Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Now, let me ask you about the defendant. As  
2 you sit here do you know his name?

3 A No.

4 Q Okay. Prior to the events on August 9th did  
5 you socialize with the defendant at all?

6 A No.

7 Q Okay. Did you know who he was?

8 A No.

9 Q Okay. Did you know whether he had any  
10 children?

11 A Yes.

12 Q How did you know that?

13 A Well, I knew because when -- one time his kids  
14 were over there and I didn't know he was the father  
15 until I seen the daughter running up to him.

16 Q Okay. So when I ask if you prior to  
17 August 9th knew the defendant, you didn't know him in a  
18 social scene?

19 A No. No.

20 Q But did you see him around the neighborhood?

21 A A couple times. I can't remember.

22 Q The defendant you testified got out and made a  
23 comment to Anthony and started shooting?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Did you see that?

2 A Yes.

3 Q Did you see what type of gun the defendant had?

4 A No.

5 Q Do you know much about guns?

6 A No.

7 Q Okay. What direction was the defendant

8 shooting?

9 A Towards Anthony and then shot across.

10 Q Now, where was -- you said that Anthony

11 initially was by the defendant's car when he pulled in.

12 Where did Anthony go?

13 A He went running. As he was shooting, he went

14 running. He fell down, got back up and ran towards the

15 back.

16 Q Okay. And if you could, go ahead and -- again,

17 use your finger and draw that for us, please.

18 A Ran down this way and that way.

19 Q You said --

20 A But he fell twice.

21 Q And where did -- when he fell, Anthony --

22 A Um-hum.

23 Q -- where did Anthony fall?

24 A I know one was in front of the car, his car,

ROUGH DRAFT TRANSCRIPT

1 and then he got back up and ran, like ducking, and ran  
2 towards me and my daughter's way. And there's a pole,  
3 so he fell when he went around there.

4 Q Around kind of that corner of your building?

5 A The post.

6 Q Where is that?

7 A I believe it's right there and -- I believe  
8 it's right there. He went around and then that's -- he  
9 got back up and went there.

10 Q And so when you say "the pole," like a support  
11 pole?

12 A Yes.

13 Q Okay. On the top floor of that building is  
14 there a kind of a walkway or a patio area?

15 A Yes.

16 Q Now, you've drawn, at least on your screen with  
17 respect to Exhibit 2, that Anthony ran towards you said  
18 you and your daughter and then kind of went behind the  
19 building?

20 A Yes.

21 Q Did you see where Anthony went after that?

22 A I believe he was standing there for a minute  
23 until he checked to see if he left and then came out.

24 Q Okay. You did see Anthony again?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q Where did Anthony go?

3 A He walked towards his place and went upstairs  
4 and came back down. And then he left us because all  
5 the police and ambulance were on their way.

6 Q After Anthony went to his place -- and that's  
7 the unit you described, the building across the parking  
8 lots?

9 A Um-hum.

10 Q -- you said he then left?

11 A Yeah, he left. He hopped in someone's car.

12 Q Do you know whose car he got into?

13 A No.

14 Q Do you recall any description of that car?

15 A It was a black car.

16 Q Okay. I'm going to go back to take those marks  
17 off the screen.

18 Going back to when you saw the defendant pull into  
19 the parking lot, was there anybody else that you saw in  
20 that vehicle with him?

21 A No.

22 Q Had you seen that vehicle before?

23 A Yes.

24 Q Okay. Where?

ROUGH DRAFT TRANSCRIPT

1           A     Just like -- I didn't know he lived there until  
2 I seen the car there before.

3           Q     When you say "lived there," what do you mean?

4           A     In the apartments back -- say you go out on  
5 Patton and then there's an apartment complex and the  
6 next apartment complex.

7           Q     I show you Exhibit 1, ma'am. Can you see that?

8           A     Yes.

9           Q     What apartment complex are you referring to?

10          A     I believe it's this one.

11          Q     Okay. You testified that the defendant started  
12 shooting; right?

13          A     Yes.

14          Q     Are you sure about that?

15          A     Yes.

16          Q     Do you recall how many shots he fired?

17          A     Three, I believe.

18          Q     Three, you believe?

19          THE COURT: You do need to speak up just a little  
20 bit.

21          THE WITNESS: Three, I believe.

22          BY MR. YOUNG:

23          Q     And what happened at that point? We'll start  
24 with the defendant. What did he do?

ROUGH DRAFT TRANSCRIPT

1           A     He was shooting at Anthony and then when he was  
2 done -- well, I ducked down to protect my daughter.  
3 And when he was done, I seen him back up and leave.

4           Q     And can you explain -- when you say he left,  
5 how did he the leave?

6           A     In his car.

7           Q     Okay. The same car that he drove up in?

8           A     Yes.

9           Q     Okay. Did you see which direction he went?

10          A     Down Patton.

11          Q     Okay. And is there only one way from your unit  
12 to go on Patton?

13          A     No, there's two ways.

14          Q     Okay. Which way did he go?

15          A     I don't know, because it's like down, all the  
16 way down.

17          Q     I understand. But coming out of your apartment  
18 you can either come out of your parking lot and turn  
19 left towards Hug, correct, or turn right. Which way  
20 did he --

21          A     Right.

22          Q     So he came away from Hug?

23          A     Yes.

24          Q     Once you saw him drive away, what did you do?

ROUGH DRAFT TRANSCRIPT

1           A     I ducked down to protect my daughter as he was  
2 shooting and I picked her up and I realized there was  
3 blood all over my hands.

4           Q     Do you know whose blood that was?

5           A     My daughter's.

6           Q     Did you see how your daughter got injured --

7           A     No, I didn't.

8           Q     -- at that time?

9           A     No.

10          Q     Was there a time later that you learned how  
11 your daughter got injured or where she got injured?

12          A     From the shooting.

13          Q     Okay. Did you see specifically on her body  
14 where she got hurt?

15          A     On her leg.

16          Q     Could you -- when you saw that while you were  
17 sitting outside of your apartment, what was your kind  
18 of demeanor or your mental process like?

19          A     I couldn't breathe.

20          Q     Okay.

21          A     I was freaking out.

22          Q     Did you suffer any injury, ma'am?

23          A     I got glazed.

24          Q     Okay. And where did you suffer any injury?

ROUGH DRAFT TRANSCRIPT



1 A On my right back part and the shoulder.

2 Q Okay. I don't mean to this sound like -- I  
3 don't mean this to be a silly question. But prior to  
4 the shooting did you have what you just described to  
5 your person?

6 A What do you mean by that?

7 Q Let me rephrase that.

8 Prior to the shooting did you have any injuries to  
9 your back?

10 A No.

11 Q And, again, I don't mean to --

12 A After the shooting.

13 Q Again, I don't mean this to be silly, but prior  
14 to the shooting did your daughter have an injury to her  
15 leg?

16 A When the shooting happened, after.

17 Q All right. Did she have that injury prior to  
18 the shooting?

19 A No.

20 Q Do you recall going to the hospital?

21 A Yes.

22 Q Do you know how you got to the hospital?

23 A The ambulance.

24 Q And did your daughter likewise go to the -- by

ROUGH DRAFT TRANSCRIPT

1 way of ambulance?

2 A Yes.

3 Q I'm going to backtrack, ma'am.

4 Before the shooting took place, so earlier in the  
5 morning on August 9th, was there anything that was  
6 going on outside of your apartment that you happened to  
7 see?

8 A No.

9 Q Do you know who Anthony's wife is?

10 A I forgot her name, but I -- we didn't  
11 socialize. We would just say hi.

12 Q But you know --

13 A -- of her. I've seen her.

14 Q Do you know, again, back in August of 2014,  
15 whether Anthony's wife worked?

16 A Yes.

17 Q Where did she work, do you know?

18 A I believe Starbucks.

19 Q Okay. There's a lot of Starbucks in the Reno.

20 A In the -- what's that casino place? It was at  
21 a casino. The GSR.

22 MR. YOUNG: The Court's indulgence.

23 BY MR. YOUNG:

24 Q Do you recall Anthony's demeanor, kind of how

ROUGH DRAFT TRANSCRIPT

1 he was acting prior to the shooting while he was  
2 talking with you and playing with Bandit?

3 A He was talking about how he was playing dice  
4 and --

5 Q I'm not asking you what he told you. I'm just  
6 asking what was his demeanor like.

7 A He was calm.

8 Q Okay. Was he -- in speaking with you, what was  
9 the tone of the -- again, don't tell me what was said.  
10 But was it a calm conversation?

11 A Calm, yes.

12 Q Did you see that change at all when as you  
13 described him running around?

14 A No.

15 Q He just started running?

16 A He just started running.

17 Q You testified that he ran. I believe you said  
18 he was ducking?

19 A Yeah.

20 Q What do you mean by that?

21 A Like kind of staying low so he won't get hit  
22 probably.

23 Q Prior to August 9th of 2014 when the shooting  
24 took place, did you have any issues or bad dealings

ROUGH DRAFT TRANSCRIPT

1 with the defendant?

2 A No.

3 Q No?

4 A No.

5 Q Any doubt in your mind that it was the  
6 defendant that was shooting the gun?

7 A Yes.

8 Q You have a doubt in your mind?

9 A No. No. It was him.

10 MR. YOUNG: That's all. Thank you, Your Honor.

11 Thank you, ma'am.

12 THE COURT: Cross-examination, Mr. Hylin.

13 MR. HYLIN: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HYLIN:

16 Q Good morning.

17 A Good morning.

18 Q When you were sitting outside the door, Cecelia  
19 wasn't sitting next to you the whole time?

20 A She was playing for a little bit and then she  
21 came and sat by me.

22 Q Okay. So when -- how were the -- were the  
23 chairs sat right next to each other?

24 A She was sitting down on the ground.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. So there weren't two chairs there?  
2 A No.  
3 Q And you actually didn't see where the car came  
4 from when it pulled in there?  
5 A No, I just seen it pull up.  
6 Q And you didn't think anything of it?  
7 A Unh-unh.  
8 THE COURT: You need to say "yes" or "no."  
9 THE WITNESS: No.  
10 BY MR. HYLIN:  
11 Q All right. And as it pulled in there, you  
12 didn't see who was driving it, did you?  
13 A He was driving.  
14 Q Okay. You noticed him --  
15 A Your defendant.  
16 Q My client was driving --  
17 A Your client.  
18 Q -- as it pulled in there?  
19 A Yes, he was driving.  
20 Q You hadn't seen him drive that car before?  
21 A (Shakes head.)  
22 Q You didn't notice?  
23 A I didn't notice.  
24 Q Did you -- do you know the folks upstairs?

ROUGH DRAFT TRANSCRIPT

1 A The one above me?

2 Q Correct.

3 A Yes.

4 Q So what's his name?

5 A Stanley.

6 Q I'm sorry?

7 A Stanley.

8 Q Okay. Is that a last name or first name?

9 A I don't know the last name. Paul, Stanley,

10 Paul.

11 Q Was there -- did you notice another car in

12 front of that building?

13 A No, there was no other car.

14 Q Okay. This is the same building we talked

15 about earlier that was on direct examination. And --

16 THE COURT: Is that Exhibit No. 1, Mr. Hylin --

17 MR. HYLIN: I believe it is, Your Honor.

18 THE COURT: -- that you're showing to the jury?

19 MR. HYLIN: Exhibit No. 2. I'm sorry.

20 THE COURT: Go ahead. Go ahead.

21 BY MR. HYLIN:

22 Q So you said the car pulled in right in this

23 approximate area where I'm pointing right now?

24 A Right there.

ROUGH DRAFT TRANSCRIPT

1 Q And what kind of car was it?

2 A Gold. I don't know what the model was.

3 Q You didn't see the license number?

4 A No.

5 Q Didn't see anything else about it?

6 A No.

7 Q And was there another car there in that parking  
8 lot?

9 A No. There was one -- actually, yes, there was  
10 one from upstairs.

11 Q Okay. Is that where you --

12 A Their car.

13 Q All right. Is that where you just touched the  
14 screen there?

15 A Right here.

16 Q Okay. On the other end of the building?

17 A Yes.

18 Q All right. Where I'm pointing right here?

19 A Yes.

20 Q You just touched that and made that red dot?

21 A Yes.

22 Q Okay. What car was that?

23 A It's a Blazer, I believe.

24 Q Who does that belong to?

ROUGH DRAFT TRANSCRIPT

1           A     Huh?

2           Q     Who does that belong to, do you know?

3           A     To my upstairs neighbor.

4           Q     Mr. Stanley?

5           A     Yes.

6           Q     So you didn't notice anything else about this

7 car, the one that pulled in?

8           A     The gold one? I probably seen it before. I

9 can't remember. But I remember seeing like a little

10 primer on the driver's side, I believe.

11          Q     Some -- okay.

12          A     Like black primer.

13          Q     It was black primer on the driver's side?

14          A     I believe.

15          Q     Like somebody sprayed it on there?

16          A     I don't know.

17          Q     Well, do you know what primer is?

18          A     Where you --

19          Q     I'm not trying to, you know, trip you up. I

20 just --

21          A     It's just primer. It was black on the driver's

22 side.

23          Q     Okay. So somebody had like sprayed something

24 on the door?

ROUGH DRAFT TRANSCRIPT



1           A     I believe it was the door or the -- where the  
2     tire is.

3           Q     You said it was on the driver's side?   Okay.  
4     By the tire?

5           A     Yeah.

6           Q     The front tire or the rear tire?

7           A     The front, I believe.

8           Q     Was it like a big patch?   Two feet?

9           A     Yeah, about there.   Yes.

10          Q     Two feet.   Okay.   Now, you said you kind of  
11     knew Anthony?

12          A     Kind of.   I didn't associate with him.   It was  
13     just like "Hi, neighbor."

14          Q     You guys never had barbecues together?

15          A     No.   He invited my kids over there, but --

16          Q     For the barbecue?

17          A     Yeah.

18          Q     Did he barbecue a lot?

19          A     A couple times he has I've seen.

20          Q     All right.   Did he have a dog?

21          A     A dog, yes.

22          Q     What happened to that dog?

23          A     He had a few dogs.

24          Q     Okay.   Well, he gave you one of his dogs?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q All right. And that dog -- whenever Anthony  
3 would come around, the dog would get excited and go  
4 greet him?

5 A Yes, my dog would go greet Anthony.

6 Q Is that the only dog you had?

7 A I -- he had -- I had got one and he had. I  
8 don't know if he had that dog at the time of the  
9 shooting, but he ended up getting one of -- my dog had  
10 a sister, and he bought one from me, from my therapist.

11 Q Okay. So you had two dogs?

12 A Yes, I ended up having two because he couldn't  
13 take care of it, I guess.

14 Q So you took the dog in?

15 A Yes.

16 Q So when this car pulled in, you say you  
17 recognized my client?

18 A Yes.

19 Q And how did you recognize him?

20 A I seen -- I remember him from when he pulled  
21 up.

22 Q Okay. He had a hat on? No?

23 A No.

24 Q Had a shirt on?

ROUGH DRAFT TRANSCRIPT

1 A Yeah.

2 Q What kind of shirt?

3 A I can't recall.

4 Q How about pants?

5 A Yeah, I'm sure he had pants on.

6 Q You're not -- you said you're sure he did, but

7 that kind of indicates that you might not be so sure.

8 A Well, he was on his driver's side; I was

9 sitting down. He was standing by the car.

10 Q So you couldn't see?

11 A I don't know if he was wearing shorts, pants.

12 Q All right. So you said that Anthony was

13 standing near where that arrow is, the red arrow on the

14 screen?

15 A About there, but closer to the apartment

16 complex.

17 Q All right. He was near the car when it pulled

18 in?

19 A Like here goes the car and here goes Anthony.

20 Q So where was Anthony in relation to the car?

21 A In front.

22 Q The front of the car?

23 A Yes.

24 Q And were you paying any attention to what was

ROUGH DRAFT TRANSCRIPT

1 going on then?

2 A When he got out of the car and started  
3 shooting, I was just thinking about my daughter. I  
4 covered her.

5 Q Okay. You were kind of distracted, wouldn't  
6 you say?

7 A Yes.

8 Q So after you heard the shots, you didn't see  
9 much after that?

10 A No. I did see him leave, though.

11 Q I'm sorry?

12 A I did see him back up and leave.

13 Q Okay. So you saw him pull in, saw him get out,  
14 heard some shots, and then you saw him leave?

15 A Yes.

16 Q Does that about sum it up?

17 A Yes.

18 Q You actually were -- you were distracted enough  
19 so you didn't really see him shooting?

20 A I saw him shooting.

21 Q One time?

22 A I believe it was three times.

23 Q Did you watch him shoot three rounds?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And you heard three rounds?

2 A I believe it was three rounds.

3 Q Weren't you diving to cover your daughter?

4 A Yeah, I ended up doing that.

5 Q Okay. And you were diving to cover your  
6 daughter and watching him at the same time?

7 A Well, bending down. As I bend down, going  
8 down, I was looking and grabbed her.

9 Q All right. So, you know, that -- when this all  
10 began, Anthony was just a few feet away from him  
11 standing by the car; correct?

12 A Yes. There was probably more shooting. I  
13 don't know.

14 Q Okay. And then you said he ran down in front  
15 of the apartment building?

16 A Yes.

17 Q So it ranged from a few feet down to about  
18 15 feet to where you were away from that car?

19 A I believe it was 15 feet.

20 Q All right. And you said out of shock he didn't  
21 get him?

22 A Yeah, it didn't hit Anthony.

23 Q Even though he -- even though he fell twice?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 MR. HYLIN: If I could have just a moment, Your  
2 Honor.

3 THE COURT: Take your time, Mr. Hylin.

4 MR. HYLIN: I don't think I have any further  
5 questions, Your Honor.

6 THE COURT: Thank you, Mr. Hylin.

7 MR. HYLIN: If I could have just a moment.

8 THE COURT: Hold on. One moment.

9 MR. HYLIN: I don't have anything further, Your  
10 Honor.

11 THE COURT: Redirect based on the  
12 cross-examination, Mr. Young.

13 MR. YOUNG: Just a couple.

14 REDIRECT EXAMINATION

15 BY MR. YOUNG:

16 Q Ma'am, have you ever experienced anything like  
17 this that happened on August 9th?

18 A No. It was the first time.

19 Q You testified that you saw the shooting, that  
20 you believed there was three shots. Any doubt in your  
21 mind that you saw shooting?

22 A Yes, there was shooting.

23 Q Okay. So no doubt in your mind?

24 A What do you mean by "doubt"?

ROUGH DRAFT TRANSCRIPT

1 Q Well, I mean, are you positive that you saw  
2 somebody shooting?

3 A Yes.

4 Q Are you positive that it was the defendant who  
5 was shooting?

6 A Yes.

7 THE COURT: No further questions, Mr. Young?

8 MR. YOUNG: No. Thank you.

9 THE COURT: Recross based on the redirect,  
10 Mr. Hylin.

11 MR. HYLIN: Nothing, Your Honor.

12 THE COURT: Is Ms. Martin free to go and released  
13 from her subpoena? Mr. Young?

14 MR. YOUNG: Yes. Thank you.

15 THE COURT: Mr. Hylin?

16 MR. HYLIN: I think so.

17 THE COURT: Ms. Martin, thank you for being here  
18 today. You're released from your subpoena. You may  
19 go.

20 The State may call its next witness.

21 MR. YOUNG: Steve Maes.

22 THE BAILIFF: Stand right here and face the clerk  
23 and be sworn in, please.

24 THE CLERK: Just raise your right hand.

ROUGH DRAFT TRANSCRIPT

1 (The oath was administered to the witness.)

2 THE CLERK: Just have a seat.

3 STEPHEN MAES,

4 having been called as a witness herein,  
5 being first duly sworn, was examined  
and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. YOUNG:

8 Q Good morning, sir. Could you please spell and  
9 state your first and last name for the record.

10 A I am Stephen Maes. S-t-e-p-h-e-n. Last name,  
11 M-a-e-s.

12 Q Sir, I don't need your specific address, but do  
13 you live in Reno?

14 A Yes. I live in Sun Valley.

15 Q Okay. Are you familiar with Patton Drive?

16 A I've been there.

17 Q Okay. Have you ever lived on Patton Drive?

18 A No, I have not.

19 Q What do you currently do for work, sir?

20 A I'm a union ironworker working at the tiger  
21 plant.

22 Q Working at the tiger plant?

23 A Tesla.

24 Q Do you know an individual by the name of

ROUGH DRAFT TRANSCRIPT



1 Jazmine Gilger, if I'm pronouncing that right?

2 A No, I do not.

3 Q Do you know a Jazmine?

4 A Joy was the lady that I was there to help.

5 Q Joy. Excuse me.

6 A Her mom.

7 Q Okay. When you say you were there to help, how  
8 were you helping Joy?

9 A I had a truckload of Joy's furniture in my  
10 truck and I was delivering it to that house.

11 Q And what house were you delivering it to?

12 A It was the middle one on the top. I don't  
13 remember the building number.

14 Q That's okay. Did you do a written statement as  
15 part of this case?

16 A I did.

17 Q And did you write the unit number that you were  
18 delivering furniture to on that statement?

19 A I did. At that time I did know it.

20 Q If I showed you a copy of your written  
21 statement might that refresh your recollection as to  
22 the specific unit?

23 A Absolutely.

24 Q It's been, what, four or five months; correct?

ROUGH DRAFT TRANSCRIPT

1 A Five and a half.

2 MR. YOUNG: Your Honor, if I could approach.

3 THE COURT: You may.

4 BY MR. YOUNG:

5 Q I don't want you to read this out loud, sir,  
6 but just take a look at it. Is that the written  
7 statement you did?

8 A Yes, it is.

9 Q And kind of halfway down or a little bit above  
10 that you wrote down the unit that you were moving  
11 furniture to; correct?

12 A Yes.

13 Q Does that refresh your recollection after  
14 looking at that?

15 A Yes, it does.

16 Q I'll get that back from you.

17 What unit was it?

18 A It was 2332.

19 Q On what street?

20 A On Patton Drive.

21 Q Okay. And you yourself had never lived in that  
22 area?

23 A No.

24 Q Other than the person you were helping move in,

ROUGH DRAFT TRANSCRIPT

1 did you know anybody in that area?

2 A Not at all.

3 Q Owl. And do you recall what date specifically  
4 that you were helping to move?

5 A It was August 9th.

6 Q Okay. Of last year, 2014?

7 A 2014.

8 Q All right. Did something happen while you were  
9 helping your friend move in that day which brings you  
10 here to court?

11 A I observed a car pull into the parking lot  
12 acting very suspicious. He pulled in, did a U-turn.  
13 And as he drove by me, it just gave me the chills, the  
14 creeps. I felt that there was something going on. And  
15 directly that vehicle left, went up the street and into  
16 the next place, "pop, pop, pop, pop," and then, "Oh, my  
17 God, somebody got shot," and screaming and confusion  
18 and so on and so forth.

19 Q Okay. I'm going to show you what's been  
20 admitted as Exhibit 1, sir, so we can get some -- do  
21 you recognize -- do you recognize that?

22 A Yes, I do.

23 Q Okay. That's Patton Drive. Is that the area  
24 that you were?

ROUGH DRAFT TRANSCRIPT

1           A     I was exactly -- the 2366 was -- the parking  
2 lot to the south of that is exactly where my truck was  
3 parked.

4           Q     Okay. Now, you can actually touch that screen,  
5 sir.

6           A     Okay. This is where my truck was. And I was  
7 helping load into that apartment right there.

8           Q     Okay. And so for the record, there's a unit  
9 that I'm pointing to with a little balloon that says  
10 "2366 Patton Drive"; correct?

11          A     Yes.

12          Q     You were parked in this parking lot and it was  
13 the building just to the south of that that you were  
14 helping move in?

15          A     Yes.

16          Q     And you stated that you saw a car pull into the  
17 parking lot, U-turn and pull out. Was it that parking  
18 lot you were talking about?

19          A     Yes, exactly that parking lot. In fact, in the  
20 photograph where there's two cars up here, that was  
21 where he was trying to go. He came in -- can you erase  
22 that for a moment?

23          Q     Yes, I can.

24          A     He came in, around, stopped at the doorway for

ROUGH DRAFT TRANSCRIPT

1 a second and out and up the street.

2 Q Okay. And, again, just -- you correct me if  
3 I'm wrong. Just for purposes of the record, the  
4 vehicle drove northbound here on Patton, pulled in,  
5 U-turn, stopped near the front of this building, exited  
6 the parking lot and then continued northbound on  
7 Patton?

8 A Continued northbound.

9 Q Did I get that right?

10 A Yes.

11 Q Did you see anything or hear anything when the  
12 vehicle stopped in the area where those two vehicles  
13 are parked in this photo?

14 A I heard the driver inquiry, "Is so and so" --

15 MR. HYLIN: Objection. Hearsay.

16 MR. YOUNG: Your Honor --

17 THE COURT: Maybe you can lay some more foundation,  
18 Mr. Young, but at this point I would agree that it's  
19 hearsay.

20 BY MR. YOUNG:

21 Q Do you know who the driver was?

22 A I am not certain who the driver was.

23 Q Did you have an opportunity to see the driver?

24 A Just briefly.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And could you describe what the  
2 driver -- what you noticed the driver to look like?

3 A I saw a black man with a heavy beard wearing a  
4 red ball cap pulled down lower over his eyes. He was  
5 scrunched in the car so I could just see from the top  
6 of his shoulder up.

7 Q Do you recall -- I'm sorry.

8 A Go ahead.

9 Q Do you recall the type of vehicle that it was?

10 A It was a tannish brown Nissan, Honda, small  
11 hoopdie ride.

12 THE COURT: A what ride, sir?

13 THE WITNESS: Hoopdie, cheap, ghetto car.

14 MR. YOUNG: Your Honor, based on context, I would  
15 ask that it be admitted.

16 THE COURT: Mr. Hylin.

17 MR. HYLIN: I'm sorry. Say it again.

18 THE COURT: Mr. Young, you can rephrase what you  
19 just said or state it again for Mr. Hylin.

20 MR. YOUNG: I would ask as far as my question about  
21 what was said from that vehicle that it be allowed in  
22 as a party opponent admission.

23 THE COURT: Mr. Hylin.

24 MR. HYLIN: A party opponent admission of what?

ROUGH DRAFT TRANSCRIPT

1 The ghetto car?

2 THE COURT: No. You objected -- the foundation  
3 that was laid by Mr. Young was in response to my  
4 sustaining your objection regarding hearsay. If it's  
5 an admission of a party opponent, then it's not  
6 hearsay. So Mr. Young's argument is that he's  
7 clarified that issue by laying foundation regarding who  
8 said it, the driver of this car.

9 MR. HYLIN: The driver of the car, but we haven't  
10 established actually who the driver of the car is, we  
11 haven't established what car -- what relevance that car  
12 has to this case. There's no license number. There's  
13 a vague description of a car that it may or may not  
14 have relevance in this particular case. And all this  
15 testimony that's been given by Mr. Maes is actually  
16 very elusive and is probably more prejudicial than  
17 probative since he doesn't know anything about this  
18 incident except he was moving somebody in at that  
19 apartment.

20 So, you know, his descriptors obviously are  
21 telling. He says this was really spooky and, you know,  
22 all this stuff is going on because the car comes in and  
23 stops a minute in the parking lot and then drives on up  
24 Patton. You know --

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Mr. Young.

2 MR. YOUNG: Based on, again, taking the testimony  
3 of Mr. Maes in the context with other testimony Your  
4 Honor has heard, what he's already testified to is this  
5 car pulled in, it continued up Patton and immediately  
6 shots were fired, which based on the description of the  
7 individual and, again, in context with the balance, I  
8 would submit is pretty clear what vehicle we're talking  
9 about.

10 THE COURT: Well, I'm not as concerned with the  
11 vehicle itself, but as to -- the Court's concern is who  
12 actually said it. In order for -- or said what  
13 Mr. Maes heard. In order for it to be admission or a  
14 statement of a party opponent, we have to establish who  
15 that party opponent is.

16 And as I have considered Mr. Maes's testimony, I'm  
17 just not quite sure that we know who the person was who  
18 said it. And, therefore, I'll sustain the objection.

19 Next question.

20 MR. HYLIN: Thank you, Your Honor.

21 BY MR. YOUNG:

22 Q How many people did you see in that vehicle?

23 A There was one driver only in that vehicle.

24 Q Okay. Nobody else?

ROUGH DRAFT TRANSCRIPT



1           A     Nobody else.

2           MR. YOUNG:   Your Honor, does that--

3           THE COURT:   How long was it from the time you saw  
4 this vehicle until the time you heard the shots?

5           THE WITNESS:   Twelve seconds.

6           THE COURT:   I'll overrule the objection based on  
7 that.   The concern the Court obviously had was who was  
8 in the car and if there was more than one person.   It  
9 will be up to the jury ultimately to decide, but the  
10 Court will admit the statement at this point.   The  
11 jury's decision will be who said it and what was said.

12          Go ahead.

13       BY MR. YOUNG:

14          Q     Getting back to my question, you heard somebody  
15 from that vehicle, you don't know who, the driver, say  
16 something?

17          A     I heard the driver inquiry and spoke a name,  
18 which I don't recall, "Is so and so here?"   The answer  
19 from the house was --

20          THE COURT:   Whoa.   Stop.   Now I don't want you to  
21 say anything further.   That would be hearsay.

22          Next question.

23       BY MR. YOUNG:

24          Q     After that inquiry is made, at that point the

ROUGH DRAFT TRANSCRIPT

1 vehicle takes off?

2 A Immediately exited there, took a right, went up  
3 to the next apartment.

4 Q Okay. Did you see where specifically that  
5 vehicle went to? When you say the "next apartment,"  
6 what are you referring to?

7 A As you can see from the photograph, there's  
8 trees obscuring that. There was no --

9 Q Fair enough.

10 MR. HYLIN: Your Honor, actually I'm going to move  
11 to strike the entirety of his testimony. There has  
12 been no connection with this case whatsoever concerning  
13 the car, concerning the person in the car. There's not  
14 an admission against interest here because he didn't--  
15 there's nothing that he admitted to. Even given  
16 Mr. Maes' statement of what he heard the person in the  
17 car saying, he can't testify as to exactly where the  
18 car went because his vision was blocked.

19 So he sees a car come in, stop for a minute, and  
20 says, "Is so and so here?" He can't remember the name,  
21 so we can't connect that to the case. We don't even  
22 know if there was a person that he was talking to,  
23 because that hasn't been testified to at a different  
24 apartment building.

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1           This whole -- this whole testimony has no relevance  
2 to this case.

3           THE COURT: I'll overrule the objection. As to the  
4 previous testimony, I'm not quite sure if Mr. Maes will  
5 be able to testify to anything beyond what he's  
6 testified to right now, but I'll overrule it regarding  
7 the prior testimony.

8           Next question, if you have one.

9           MR. YOUNG: I do.

10          BY MR. YOUNG:

11           Q    Do you recall how many gunshots you heard?

12           A    I think four.

13           Q    Now, again, you kind of thought about it for a  
14 little bit there. Correct? And this has been five and  
15 a half months later. Do you recall in your police  
16 report or your statement that you wrote listing how  
17 many gunshots you heard?

18           A    You know, I didn't even scan that. I didn't  
19 even look at that.

20           Q    If I show you that and it was different than  
21 what you just testified to as to the number of  
22 gunshots, might that help?

23           A    Of course.

24           MR. YOUNG: If I could approach again?

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1 THE COURT: You may.

2 MR. HYLIN: Well, did he ever state that he didn't  
3 remember? He said, I think, four.

4 THE COURT: So you're objecting that he doesn't  
5 need to refresh his recollection?

6 Sustained.

7 BY MR. YOUNG:

8 Q In your report did you say --

9 THE COURT: Now, stop. The witness has not  
10 testified that he needs to refresh his recollection  
11 and, therefore, Mr. Hylin is correct, that there's no  
12 reason to approach the witness with his statement. If  
13 the witness made a prior inconsistent statement, then  
14 he may be impeached based on his prior inconsistent  
15 statement.

16 Next question.

17 MR. YOUNG: That's what I'm doing right now.

18 BY MR. YOUNG:

19 Q In your written statement did you say that  
20 there was two to three gunshots?

21 MR. HYLIN: Objection. He's refreshing his  
22 recollection without -- by the improper method by  
23 asking questions.

24 THE COURT: Overruled, Mr. Hylin. He's not

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1 refreshing his recollection. He's pointing out that he  
2 said something differently in the past. It's a prior  
3 inconsistent statement. Mr. Young may impeach his own  
4 witness if he chooses to do so.

5 Go ahead.

6 BY MR. YOUNG:

7 Q In your statement did you say you heard two to  
8 three shots?

9 A Yes.

10 Q And, again, there's been five months between  
11 when you made the statement and your testimony today;  
12 correct?

13 A Correct.

14 Q After the gunshots did you hear anything?

15 A I heard a lady screaming, "They shot" -- and  
16 spoke a child's name, a girl's name. And at that point  
17 I decided to tune out.

18 Q Did you see the vehicle that you testified to  
19 pulling into the parking lot? Did you see that vehicle  
20 again?

21 A I just heard it and watched it drive by heading  
22 south at a moderately high rate of speed.

23 Q And when you say "south," south on Patton Drive  
24 here?

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1           A     South on Patton Drive.

2           Q     I'm not sure if you testified to this.  If so,  
3 I apologize.  You described, you said, a black male  
4 with a beard scrunched down; correct?

5           A     Yes.

6           Q     Did you see anything that that individual  
7 driver was wearing on his head?

8           A     I saw a red ball cap.

9           Q     Okay.  When you say "ball cap," like a baseball  
10 cap?

11          A     Baseball cap.

12          Q     Other than helping your friend move into this  
13 unit on Patton Drive, did you have any association with  
14 that area whatsoever?

15          A     No.

16          MR. YOUNG:  No further questions.

17          THE COURT:  Cross-examination, Mr. Hylin.

18          MR. HYLIN:  Just briefly, Your Honor.

19                               CROSS-EXAMINATION

20 BY MR. HYLIN:

21          Q     You didn't get the license number of the car?

22          A     No, sir.

23          Q     Okay.  And you didn't -- you didn't really get  
24 a fine description of it, although you thought it was a

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1 small foreign model?

2 A Yes.

3 Q And just, you know, it was a tannish brown in  
4 color?

5 A Yes.

6 Q A cheapo ghetto car. What do you mean by  
7 "ghetto car"?

8 A I said "hoopdie."

9 Q Okay. You said "hoopdie," but you further  
10 clarified that by saying it was a ghetto car. Can you  
11 explain what you mean by ghetto car?

12 A Unloved.

13 Q Okay. I think that just muddied the waters.  
14 Can you explain "unloved"?

15 A Not cared for, poor quality, poor condition.

16 Q Other than that, that's the only description  
17 you have of it?

18 A Of that car?

19 Q Correct.

20 A It had cracked windows; it had a dirty tint  
21 like a purplish tint on the back.

22 Q Wait a minute. Purplish tint on the trunk?

23 A On the back window.

24 Q Okay. Were all the windows up on the car when

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1     you saw it?

2           A     All the windows were down.

3           Q     Okay. But you couldn't recognize anybody in  
4     the car, you just saw somebody driving it hunched down;  
5     is that fair to say?

6           A     Yes.

7           Q     All right. You're sure he had a cap on,  
8     though?

9           A     Yes. I saw the ball cap; I saw the white  
10    T-shirt.

11          Q     All right. You said saw a ball cap on, but you  
12    don't know -- you don't -- nothing special about that  
13    cap?

14          A     I would say it was either a Phillies or a Reds  
15    baseball cap.

16          Q     All right. But you don't know which?

17          A     No, I couldn't say.

18          Q     Was it red all over?

19          A     Yes.

20          Q     Everything about it was red?

21          A     Except for a white something on the front.

22          MR. HYLIN: All right. I don't have any further  
23    questions, Your Honor. Thank you.

24          THE COURT: Redirect based on the

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1 cross-examination.

2 MR. YOUNG: None. Thank you.

3 THE COURT: Mr. Maes, thank you for being here.

4 Is Mr. Maes free to go, Mr. Young?

5 MR. HYLIN: Yes, Your Honor.

6 THE COURT: And Mr. Hylin? Mr. Hylin is Mr. Maes  
7 free to go?

8 MR. HYLIN: Yes, Your Honor. I'm sorry.

9 THE COURT: Mr. Maes, you're excused from your  
10 subpoena.

11 Mr. Young, call your next witness.

12 MR. YOUNG: Let me see who's out there. Officer  
13 Kleidosty.

14 THE CLERK: Raise your right hand.

15 (The oath was administered to the witness.)

16 THE CLERK: Have a seat.

17 THE COURT: Ladies and gentlemen of the jury, we've  
18 got about 30 minutes before lunchtime, just so you  
19 know.

20 BRIAN KLEIDOSTY,

21 having been called as a witness herein,  
22 being first duly sworn, was examined  
and testified as follows:

23 /////

24 /////

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DIRECT EXAMINATION

BY MR. YOUNG:

Q Good morning, sir. Would you state your first and last name and spell both for the reporter, please.

A Brian Kleidosty. B-r-i-a-n, K-l-e-i-d-o-s-t-y.

Q Sir, with whom are you currently employed?

A The City of Reno.

Q In what capacity?

A I work for the police station as a police officer.

Q How long have you been employed with the Reno Police Department?

A Since October of 2008.

Q And have you been assigned to a specific division throughout that employment?

A Yes, sir, patrol.

Q Okay. On August 9th of 2014 did you become involved in an investigation that brings you here to court?

A I did.

Q Okay. Can you tell the jury what time you became involved?

A It was, I believe, shortly after coming on shift, around 2200 hours, a little after that maybe.

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1 Q Okay. 2200 hours military time, 10 p.m.?

2 A Correct.

3 Q And how did you become involved?

4 A I was asked to provide surveillance on a  
5 vehicle that was earlier involved in a shooting.

6 Q And were you directed to a specific location of  
7 this vehicle?

8 A Yes, sir.

9 Q Okay. Do you recall the area that you went to?

10 A Yes, sir. It was in Sun Valley in the area of  
11 Fifth Avenue and Tornado.

12 Q Okay. I'm going to show you what's been marked  
13 as 3 and 4.

14 MR. YOUNG: If I could approach, Your Honor.

15 THE COURT: You may.

16 BY MR. YOUNG:

17 Q Take a look at both of those. Do you recognize  
18 those, sir?

19 A I do.

20 Q And what do you recognize those to be?

21 A Number 3 depicts where the original incident  
22 occurred on Patton. It's a larger scale map. And it  
23 also shows the area of Sun Valley of Fifth and tornado.

24 Q Okay.

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1           A     And number 4 depicts a closer-up image of where  
2 Fifth and Tornado meet and the dirt access off of that  
3 intersection.

4           MR. YOUNG:   I move for 3 and 4, Your Honor.

5           THE COURT:   Any objection, Mr. Hylin?

6           MR. HYLIN:   The one on Patton Drive?

7           THE COURT:   No.   This is Exhibits 3 and 4 which are  
8 in Sun Valley.

9           MR. HYLIN:   No, I have no objection.

10          THE COURT:   Exhibit 3 and 4 are admitted.

11                       (Exhibits 3 and 4 were admitted.)

12          BY MR. YOUNG:

13          Q     Now, you said where the incident occurred on  
14 Patton.   Did you learn that, where the incident  
15 occurred?

16          A     Yes, sir.

17          Q     Okay.   Did you have any role, if you will, in  
18 the investigation at Patton?   Did you go to Patton  
19 yourself?

20          A     I did not.

21          Q     You were working what shift?

22          A     Graveyard.

23          Q     Okay.   So this is Exhibit 3 that we're looking  
24 at.   In kind of the lower left there's a little bubble

ROUGH DRAFT TRANSCRIPT

1 or arrow area. Does that point out Patton Drive?

2 A Yes.

3 Q And at the top right of that exhibit, there's  
4 another bubble arrow that points out Tornado and Fifth.  
5 Is that about the area where the vehicle you conducted  
6 surveillance on was?

7 A Roughly, yes.

8 Q Now I'll show you Exhibit 4. And 4 is a  
9 closeup of that area that was bubbled of Tornado and  
10 Fifth?

11 A Yes, sir.

12 Q Okay. Can you point out to the jury -- we're  
13 looking at Exhibit 4 and it shows Trapper and Sun Mesa  
14 are identified; correct?

15 A Yes, sir.

16 Q Exhibit 4 I can zoom in. Does this also  
17 identify Fifth and Tornado as well?

18 A Yes.

19 Q Just so we're all perfectly clear, Fifth and  
20 Tornado, that intersection you were referring to, is  
21 where?

22 A They meet right here.

23 Q Okay. I'm going to zoom in to that area, sir.  
24 Where was the vehicle when you were dispatched to the

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1 area and conducting your surveillance? Was where the  
2 vehicle actually positioned?

3 A It was back here behind this fence. I would  
4 actually move that if I could, if you don't mind  
5 clearing that. I give it right where the red dot ended  
6 up showing up.

7 Q Okay. So as we zoomed in, this is that kind of  
8 intersection of Fifth and Tornado?

9 A Yes, sir.

10 Q What is this? This path from that intersection  
11 of Fifth and Tornado back here, what is that comprised  
12 of?

13 A Just a dirt access. It seemed to be heavily  
14 traveled. Although not depicted, it shows or has a  
15 little bit of a grade.

16 Q Okay. A grade upward or downwards?

17 A If you're traveling east, it would be up.

18 Q So coming off of Fifth and Tornado back in this  
19 area you have to head uphill?

20 A Yes, sir, slightly.

21 Q Okay. This line that kind of abuts back here  
22 and all the way down, what is that?

23 A A continuance of the access road.

24 Q Is there any fencing back there?

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1           A     There's wood fencing all along the backyards of  
2 those residences. If you came around to the other side  
3 of where this access would exit onto another street,  
4 it's blocked by giant rocks and a metal grate.

5           Q     Does this depict what you were just testifying  
6 to?

7           A     Yes, although I don't believe you can see where  
8 the rocks or the metal gate would be.

9           Q     Okay. But just could you point to the area  
10 you're referring to.

11          A     Um-hum.

12          Q     Okay. Where that access road kind of comes  
13 back towards Tornado?

14          A     Right.

15          Q     Going back to -- I apologize for keeping moving  
16 in and out.

17                This area that you pointed out that the vehicle was  
18 located, to the east of that, what is all that land?

19          A     Just hills and two track and it looks like a  
20 heavy-used recreation area for motorcycles, ATVs.

21          Q     The vehicle as it was parked that you observed,  
22 was there anybody in that vehicle when you first  
23 observed the vehicle?

24          A     No, sir.

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1 Q Based on the positioning of the vehicle, if you  
2 were out on Fifth and Tornado, would you be able to see  
3 that vehicle?

4 A No, you would not.

5 Q Do you recall what type of vehicle it was?

6 A Yes, sir.

7 Q What was that?

8 A It was a 2001 gold Hyundai Accent.

9 Q Okay.

10 A Bearing Nevada 432 Lincoln Tom yellow, I  
11 believe.

12 Q And that's the license plate number?

13 A Correct.

14 Q And when you say "432 Lincoln Tom yellow," that  
15 stands for what?

16 A YT -- LTY.

17 Q Okay. Is it easier for you to actually say the  
18 call signs?

19 A Yes.

20 Q 432LTY; fair?

21 A Yes, sir.

22 Q Okay. You said that nobody was in that  
23 vehicle?

24 A Correct.

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1 Q Did you conduct then surveillance of that  
2 vehicle?

3 A Yes, sir.

4 Q For what purpose?

5 A To see if anyone came back to the area, if  
6 anyone had any interest in that vehicle and to ensure  
7 that no one in fact did come back to that vehicle.

8 Q And where were you during the conducting of  
9 that surveillance?

10 A Myself and Officer Barber parked about --  
11 Would you mind clearing that, please.

12 Q Sure.

13 A -- along this fence line where the dot  
14 appeared. At this point the hill actually does create  
15 quite a significant incline. And where we were  
16 positioned, our vehicle could not be seen from standing  
17 near that vehicle, the vehicle we were watching, but we  
18 could see all the way down the dirt access and all the  
19 way along the fence line whether someone would come and  
20 approach it.

21 Q And at any time during your surveillance did  
22 anybody approach that vehicle?

23 A No, sir.

24 Q The vehicle that you were in, was that a marked

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1 unit or unmarked unit?

2 A It was a marked unit.

3 Q Marked?

4 A I'm sorry. Unmarked.

5 Q An undercover vehicle effectively?

6 A Yes, sir.

7 Q Did you notice anything about the windows,  
8 whether they were up or down?

9 A All of them were either down or slightly down.

10 Q Okay. And when I say "the vehicle," I'm  
11 referring to the vehicle you were conducting  
12 surveillance of.

13 A Yes, sir.

14 Q Was there a time that based on inactivity  
15 towards that vehicle that the decision was made to tow  
16 that vehicle?

17 A Yes, sir.

18 Q And were you still there conducting  
19 surveillance at that time?

20 A Yes.

21 Q What time was that?

22 A A little after 4 a.m.

23 Q Okay. And were there any steps that you took  
24 in preparation of tow?

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1 A Yes, sir.

2 Q What was that?

3 A We placed evidence stickers on the door seals  
4 and trunk seal -- or trunk.

5 Q Why did you do that?

6 A That will indicate whether a door or trunk has  
7 been opened after the sticker had been placed.

8 Q And is that for kind of the integrity of the  
9 investigation?

10 A Correct.

11 Q And is there information that's listed on those  
12 stickers identifying who placed those stickers and the  
13 like?

14 A Yes, sir.

15 Q I'm going to show you Exhibit 17.

16 MR. YOUNG: If I could approach, Your Honor.

17 THE COURT: You may.

18 BY MR. YOUNG:

19 Q Take a look at that and let me know if you  
20 recognize that, please.

21 A I do.

22 Q What is that?

23 A This is a sticker I placed with my writing  
24 indicating the date, the case number, my name, and

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1 badge number.

2 Q And that is related to the vehicle that you  
3 were conducting surveillance of?

4 A Correct.

5 Q Is that a true and accurate depiction of one of  
6 those stickers that you placed?

7 A Yes.

8 MR. YOUNG: I move for 17, Your Honor.

9 THE COURT: Any objection, Mr. Hylin?

10 MR. HYLIN: Yes, I do object. There's been no  
11 proper foundation laid for the vehicle for any  
12 relevance to this particular case.

13 MR. YOUNG: You know what, I'll withdraw my  
14 admission and I'll wait.

15 THE COURT: Okay. So 17 has not been admitted yet.  
16 Mr. Young has withdrawn his offering of Exhibit 17.

17 BY MR. YOUNG:

18 Q Did you make any efforts through your computer  
19 system or otherwise to identify the registered owner of  
20 that vehicle?

21 A That was done prior.

22 Q Okay.

23 A By another officer, I believe.

24 Q Okay. Where was the vehicle towed to?

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1 A The main station, police station.

2 Q Do you know the address of that main station?

3 A 455 East Second Street.

4 Q Here in downtown Reno?

5 A Yes, sir.

6 Q And was there anything that -- did you follow  
7 the vehicle again during transit and once it arrived at  
8 the police station?

9 A Yes, sir.

10 Q Were there any steps you took once at the  
11 police station to kind of -- were there any steps you  
12 took related to the car at the police station?

13 A Yes, sir. I collected black trash bags to seal  
14 the windows that were either cracked or down to prevent  
15 either weather or persons from being able to get into  
16 the vehicle.

17 Q Okay. I show you what's been marked as 13 and  
18 14. I'm not going to move to admit these yet. Take a  
19 look at that. Do you recognize what's depicted in  
20 those photos?

21 A Yes, sir.

22 Q How do you recognize that?

23 A It's the vehicle that I've been speaking of,  
24 and it shows the evidence stickers along with the black

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1 plastic bag with evidence tape to seal the windows.

2 Q And you're specifically the one who filled out  
3 those evidence stickers and placed those?

4 A Correct.

5 Q And specifically you're the one who placed the  
6 bags over the windows?

7 A Yes.

8 Q And you taped the evidence stickers on all  
9 access points of the vehicle?

10 A Yes, sir, probably minus the hood.

11 Q I'm sorry.

12 A All the doors and trunk, minus the hood.

13 Q Did you yourself at any time enter the vehicle  
14 that you were conducting surveillance on?

15 A I did not.

16 Q Or conduct any searches of that vehicle?

17 A I did not.

18 Q Or disturb any items in that vehicle?

19 A No, sir.

20 MR. YOUNG: No further questions.

21 THE COURT: Cross-examination, Mr. Hylin.

22 MR. HYLIN: No questions, Your Honor.

23 THE COURT: Thank you for being here today,  
24 Officer. Is the officer free to go?

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1 MR. YOUNG: He is, Your Honor.

2 MR. HYLIN: Yes, Your Honor, as far as I'm  
3 concerned.

4 THE COURT: Officer Kleidosty, you're free to  
5 leave. Thank you for being here. You're excused from  
6 your subpoena.

7 Mr. Young, your next witness, please.

8 MR. YOUNG: Detective Blas.

9 THE COURT: Ladies and gentlemen of the jury,  
10 again, I apologize that we haven't quite got the clock  
11 working properly here in Department 10. It's a quarter  
12 to 12:00, and so we've got about 15 minutes and then  
13 we'll take our lunch recess.

14 THE BAILIFF: Stand up here.

15 (The oath was administered to the witness.)

16 THE CLERK: Have a seat.

17 PATRICK BLAS,

18 having been called as a witness herein,  
19 being first duly sworn, was examined  
and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. YOUNG:

22 Q Good morning, sir.

23 A Good morning.

24 Q Could you please state and spell for the record

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1 your first and last name.

2 A First name is Patrick; last name is Blas,  
3 B-l-a-s.

4 Q Sir, with whom are you currently employed?

5 A I'm currently employed by the City of Reno  
6 Police Department.

7 Q And in what capacity are you currently  
8 employed?

9 A I'm currently assigned as a homicide detective  
10 to the Robbery/Homicide Unit.

11 Q How long have you been a homicide detective?

12 A Approximately two years.

13 Q And how many total years of law enforcement  
14 experience do you have?

15 A Sixteen total, 11 with Reno.

16 Q Sixteen total?

17 A Yes.

18 Q Sir, I'm going to direct your attention to  
19 August 10th of 2014. Were you contacted by a sergeant  
20 in the Robbery/Homicide Unit for assistance related to  
21 a case which brings you here to court?

22 A Yes, I was.

23 Q Is that how it typically works in your unit,  
24 that you're on an on-call basis?

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1           A     Yes, that weekend I was on call. Typically  
2     there are three homicide detectives. We run teams, and  
3     so we're on call over the weekend in the event that  
4     there's way call out for a particular case or if  
5     there's something that requires our investigation.

6           Q     Okay. In a case in general, but specific to  
7     this matter, did you respond to the police station and  
8     obtain a briefing of a general overview of what the  
9     investigation entailed?

10          A     Yes, I did.

11          Q     And in this case was there a suspect who was  
12     identified to you through that the briefing?

13          A     Yes, there was.

14          Q     Who was that?

15          MR. HYLIN: I'm going to object. That's all  
16     through hearsay and whatnot. I don't think this  
17     detective had anything to do with any identification of  
18     the defendant or the scene.

19          THE COURT: Mr. Young.

20          MR. YOUNG: Your Honor, at this point it's  
21     foundational, not being offered for the truth.

22          THE COURT: Ladies and gentlemen, you will not  
23     consider the statement that Detective Blas will make as  
24     truthful. It's not being offered for the truth of the

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1 matter asserted, only for the effect upon the listener;  
2 that is, what it caused Detective Blas to do.

3 I'll overrule the objection on that ground. Go  
4 ahead.

5 BY MR. YOUNG:

6 Q Who was the suspect identified?

7 A Quinzale Mason.

8 Q Now, did you also learn of some information  
9 through that briefing of an individual who was flying  
10 into Reno that morning?

11 A Yes, I did.

12 Q And in that regard, is that why you were  
13 contacted for assistance in this case?

14 A Yes, I was.

15 Q Why were you contacted as a member of the  
16 homicide unit?

17 A Due to the nature of the case, the severity of  
18 the case, and the need for non-uniformed personnel to  
19 assist in the investigation, we were requested to come  
20 out and to assist the officers with conducting  
21 surveillance at the airport for a particular subject  
22 that was supposedly arriving in town in reference to  
23 the investigation.

24 Q Okay. And, again, based on that briefing, who

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1 was the identity of the subject arriving in town?

2 A I believe Valerie Stewart.

3 Q Did you and other members of your unit respond  
4 to the Reno Tahoe International Airport for such  
5 surveillance?

6 A Yes, we did.

7 Q And how was the surveillance set up once  
8 arrival at the airport?

9 A We obviously had contacted airport police who  
10 was assisting us in setting up the logistics of setting  
11 up a surveillance of the gate at which the flight was  
12 supposed to arrive. We placed one detective at the  
13 gate in the area of the gate to receive the passengers  
14 as they were coming in and identify Mrs. Stewart at  
15 which time he would then relate to us that she had  
16 arrived.

17 She was getting her bags. And then we were set up  
18 in the parking lot, and I believe -- I forget -- on  
19 Terminal Way there as you're coming out so that we  
20 would be able to follow whatever vehicle she had gotten  
21 into.

22 Q And is it your understanding that Ms. Stewart  
23 was identified exiting a plane?

24 A Yes, she was.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. And through both officers and the  
2 surveillance team at the airport was her track, if you  
3 will, to a vehicle followed?

4 A Yes, she was.

5 Q And did she enter a vehicle and drive away from  
6 the airport?

7 A Yes, she did. She entered a gold -- I believe  
8 it was a gold sedan, four-door sedan.

9 Q Now, what time was it that this occurred?

10 A I can't be absolutely certain on the time. If  
11 I can refer back to my report, I can give you --

12 Q Did you put the time in your report?

13 A I believe I did.

14 MR. YOUNG: If I could approach, Your Honor.

15 THE COURT: You may.

16 BY MR. YOUNG:

17 Q Let me know if that is a copy of your report.  
18 And if so, just review it for the time that the  
19 surveillance of Ms. Stewart was initiated.

20 A Yes, this is a copy of my supplemental report.

21 Q Does that refresh your recollection?

22 A Yes, it does.

23 Q Give it back to me.

24 What time did that surveillance begin?

ROUGH DRAFT TRANSCRIPT

1           A     9:40, approximately 9:40 a.m. in the morning.

2           Q     And who was -- do you know who was in the  
3 vehicle that Ms. Stewart got into? I don't mean by  
4 name, but descriptions, if you will.

5           A     There were three -- it was occupied by three  
6 females.

7           Q     And then Ms. Stewart?

8           A     And then Ms. Stewart.

9           Q     Now, did you partake in any sort of  
10 surveillance at the time that this vehicle left the  
11 airport?

12          A     Yes. We continued to surveil the vehicle, to  
13 follow it. And we followed it all the way from the  
14 airport up to I believe it was 619 Lone Circle, I  
15 believe was the address, in Sun Valley.

16          Q     Let me show you -- this is Exhibit 4. It has  
17 been admitted.

18          A     Yes. Loan Cedar Lane.

19          Q     There's a star with kind of a highlighted 619  
20 Lone Cedar Lane. Is that the address the vehicle went  
21 to?

22          A     Yes.

23          Q     And were you yourself part of that  
24 surveillance?

ROUGH DRAFT TRANSCRIPT

1           A     Yes, I was. We had set up surveillance of the  
2 residence. I specifically was placed -- it would be  
3 the cul de sac across the street. And if you're  
4 looking at the picture to the left of the star, so  
5 right where it says "Lone Cedar" on the map, directly  
6 below the "C" there, that cul de sac there is where I  
7 situated myself to have an eyes on, to have a direct  
8 eyeball of the front of the residence and the vehicle.

9           Q     And just so everybody is clear -- you can  
10 actually touch that screen -- could you point out  
11 approximately where your vehicle was positioned?

12          A     Right here.

13          Q     And you were from that position able to see the  
14 residence?

15          A     Yes, I was.

16          Q     Okay. Now, you said surveillance was set up.  
17 Was it set up prior to the vehicle arriving at that  
18 residence?

19          A     No. Once the vehicle arrived on scene and the  
20 occupants had exited and gone into the house, several  
21 other members had set up in certain locations so that  
22 we would be able to follow it if it left the residence  
23 or if we decided to follow anyone in particular from  
24 the residence. And so my -- I myself was in the cul de

ROUGH DRAFT TRANSCRIPT

1     sac, as I mentioned. We had another officer parked  
2     here at Sixth and up here by Sixth Street, and then as  
3     well as another one down at the end here a little  
4     further than that, I believe, at the end of Lone Cedar,  
5     so right by the stop sign. So if the vehicle left in  
6     either direction, we would have been able to pick it up  
7     and continue to follow it.

8           Q     Let me ask this question: Prior to this  
9     vehicle that you were following to Lone Cedar, did you  
10    know anything about that residence prior to the vehicle  
11    actually pulling into that residence?

12          A     No, I did not.

13          Q     Okay. Now, you said it was a gold sedan;  
14    correct?

15          A     Yes.

16          Q     Do you know the license plate, because there  
17    was -- do you know the license plate of that --

18          A     I believe it was a personalized license plate,  
19    Marsiya.

20          Q     If your report spells it M-a-r-s-i-y-a, would  
21    that be accurate?

22          A     Yes.

23          THE COURT: Mr. Young, before you go any further,  
24    do you have very much -- very many more questions for

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1 Detective Blas?

2 MR. YOUNG: I don't know.

3 THE COURT: Now might be a good time to take the  
4 recess.

5 Ladies and gentlemen of the jury, we will take our  
6 recess now. We will be in recess until approximately  
7 1:15. But what I would request that you do is just  
8 remain in the jury room momentarily until Deputy Gray  
9 releases you for the lunch hour. But as I told you  
10 yesterday, today when we've got this longer lunch hour,  
11 you are free to leave the building, but don't leave the  
12 building until Deputy Gray comes in and makes sure that  
13 everything is set up for you to leave, that you've got  
14 your badges in place. So just hang tight for a couple  
15 of minutes and then we'll get you out of here.

16 I do need to admonish you prior to the lunch  
17 recess, though. You are instructed not to discuss this  
18 case among yourselves or with anyone else or to form  
19 any conclusions concerning the case until it is  
20 submitted to you. You're not to read, look at or  
21 listen to any news media accounts relating to this case  
22 should there be any. You're not to form any opinion  
23 about the case until it is finally submitted to you.

24 Do not experiment or investigate. Do not visit the

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1 scene. Do not refer to any outside sources for  
2 instructions on the law. Rely only on the court for  
3 legal instructions.

4 And please be back here in the jury room at 115.  
5 All rise for the jury.

6 (Outside the presence of the jury:)

7 THE COURT: The record will reflect that the jury  
8 has left the courtroom. The reason that I instructed  
9 the jury to remain the jury room is that the nurse from  
10 Washoe County Sheriff's Office is present. And so we  
11 will need to transport the defendant with the Washoe  
12 County Sheriff's officers. And so I wanted the jury to  
13 remain in the jury room and we can get the defendant  
14 into the holding cell without the jurors seeing that he  
15 is in custody.

16 So with that, court will be in recess until 1:15.

17 And, Mr. Mason, if there are any additional issues  
18 regarding your health that need to be addressed, just  
19 let Mr. Hylin know and we'll be sure and take care of  
20 them.

21 MR. HYLIN: Thank you, Your Honor.

22 (The lunch recess was taken.)

23 --o0o--  
24

ROUGH DRAFT TRANSCRIPT

1 RENO, NEVADA; TUESDAY, FEBRUARY 10, 2015; 1:23 P.M.

2 --o0o--

3 (Within the presence of the jury:)

4 THE COURT: Will counsel stipulate to the presence  
5 of the jury? Mr. Young?

6 MR. YOUNG: The State will.

7 THE COURT: Mr. Hylin.

8 MR. HYLIN: Yes, Your Honor.

9 THE COURT: Detective Blas, you are still under  
10 oath.

11 Mr. Young, I believe you were doing direct  
12 examination with Detective Blas when we broke for  
13 lunch.

14 MR. YOUNG: Thank you, Your Honor.

15 BY MR. YOUNG:

16 Q Detective, good afternoon.

17 A Good afternoon.

18 Q To kind of get us back on track, you correct me  
19 if I'm wrong, but I believe where we effectively left  
20 off was as we're looking at Exhibit 4, you had just  
21 finished testifying to following the vehicle to the  
22 Lone Cedar address, setting up surveillance, and it was  
23 four females, one of which was Valerie Stewart, that  
24 entered the residence at 619 Lone Cedar. Did I

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1 summarize that accurately?

2 A Yes.

3 Q And I believe that's effectively where we left  
4 off.

5 A Yes.

6 Q What happened at that point?

7 A Well, as I mentioned previously, we had set up  
8 the surveillance. And I myself took up a position in  
9 the cul de sac sort of across the street. And that  
10 would be to the south, kind of the southwest, of the  
11 residence. I kept an eye on the front door and  
12 watching the car to see if anyone occupied it or if it  
13 went mobile. In the event, we would be able to  
14 identify any of the subjects. And then if we needed  
15 to, we would be able to follow the car and eventually  
16 take any type of action that we needed to as far as the  
17 investigation.

18 Q What happened?

19 A About -- we got there and approximately right  
20 around an hour into the whole surveillance of watching  
21 the house, three females and a male subject exited the  
22 residence and got into the vehicle. I called out to  
23 the other detectives and the other officers that were  
24 in the area that we had movement and that I had four

ROUGH DRAFT TRANSCRIPT

1 subjects coming out, three of which were females now  
2 and one was a male. I watched them as they exited. I  
3 noted that the male subject matched the physical  
4 description of Mr. Mason and so I let everyone know  
5 that I believed he was getting in the vehicle and that  
6 we needed to follow it as it left the residence.

7 Q Okay. Did members of the police department  
8 follow that vehicle?

9 A Yes, they did.

10 Q Okay. And what happened?

11 A We continued to follow it. It made its way out  
12 to Sun Valley Boulevard and then started heading south  
13 as if it was heading back into Reno or towards downtown  
14 Reno, just for a perspective. As we followed it, we  
15 called a marked patrol unit so that it was marked and  
16 it would be easily identifiable as a police vehicle to  
17 join in with us. And once the marked patrol vehicles  
18 were able to join in basically the surveillance and  
19 following the vehicle, we would have that marked unit  
20 with a uniformed officer conduct a stop of the vehicle.

21 And I believe it followed them down to the area,  
22 finally got the marked police vehicle in with us. And  
23 it was in the area of McCarran Boulevard and kind of  
24 the overpass of 395, right there, that it was able to

ROUGH DRAFT TRANSCRIPT

1 activate its emergency lights and effectuate the stop.

2 Q So the stop actually occurred on McCarran  
3 Boulevard?

4 A Yes, it did.

5 Q Heading eastbound or westbound?

6 A Eastbound towards Sparks.

7 Q And were you again on scene during that traffic  
8 stop?

9 A Yes, I was.

10 Q Were you able then to identify the four  
11 subjects that exited that vehicle?

12 A Yes, I was.

13 Q And were you able to identify the male subject  
14 that exited that vehicle?

15 A Yes, I was.

16 Q And who was the male subject?

17 A It was Quinzale Mason.

18 Q Do you see Mr. Mason in the courtroom today?

19 A Yes, I do.

20 Q Could you point him out and tell the jury what  
21 he's wearing, please.

22 A Mr. Mason is wearing a white buttoned-up  
23 collared shirt with a blue tie, looks like gray slacks,  
24 and sitting in a wheelchair.

ROUGH DRAFT TRANSCRIPT

1 MR. YOUNG: Your Honor, if the record could reflect  
2 identification.

3 THE COURT: It will so reflect.

4 MR. YOUNG: Thank you.

5 BY MR. YOUNG:

6 Q Now, you just mentioned sitting in the  
7 wheelchair. I don't mean this to be disrespectful, but  
8 on the day that this traffic stop was done was  
9 Mr. Mason in a wheelchair on that date?

10 A No.

11 Q Okay. Could you explain how the stop was  
12 conducted, how the traffic stop was conducted.

13 A Based on the severity of the case, the violence  
14 and the information that we had not recovered a weapon,  
15 the stop that was -- that we conducted was what we  
16 would call a felony stop wherein instead of approaching  
17 the vehicle, because we don't know what the dangers or  
18 what the intent is of any of the occupants, we have to  
19 assume for officer safety purposes that they -- that  
20 the person may still be armed with the weapon.

21 We conducted a felony stop which basically is we  
22 would announce out to the occupants of the vehicle upon  
23 the stop, announcing who we were, calling out that we  
24 were -- identifying ourselves as the Reno Police

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1 Department and then ordering each occupant of the  
2 vehicle to exit one at a time, walk back towards us in  
3 a safe manner so that we could secure them and detain  
4 them and obviously make sure that they don't have any  
5 weapons and then detain them right there. And once  
6 everyone was out of the vehicle, we would make our  
7 approach up to the vehicle, make sure that there's no  
8 one else in it and make sure that it's safe, at which  
9 time we then contain the scene.

10 Q And was that series of events done in this  
11 case?

12 A Yes, it was.

13 Q Now, on such a stop are the occupants either  
14 always or typically or otherwise placed into a patrol  
15 vehicle?

16 A Yes, they are.

17 Q Okay. And was that done in this case?

18 A Yes, it was.

19 Q Do you know which patrol vehicle Mr. Mason was  
20 placed into?

21 A I'm not sure exactly whose patrol vehicle,  
22 which officer's patrol vehicle it was; however, it was  
23 one of the marked Reno Police Department patrol  
24 vehicles that had initiated the stop.

ROUGH DRAFT TRANSCRIPT

1           Q    All right.  And at that juncture did you have  
2 any further dealings with Mr. Mason?

3           A    Yes, I did.

4           Q    Okay.  What was that?

5           A    I explained to him who I was, talked to him for  
6 a little bit as far as how he -- who he was,  
7 identifying him, himself.  He mentioned to me that he  
8 had a medical condition.  I wanted to make sure that we  
9 took care of that first.  He had asked me about -- he  
10 had some water and some food.  So I approached back to  
11 the car, went and made sure I got the water and some  
12 food to give it to him so that he could start eating.  
13 He said his blood sugar was low.

14           We immediately requested for REMSA to respond to  
15 our location so that they could render some medical  
16 assistance in the event he needed it.  So he was  
17 basically treated on scene.  And at that time it was  
18 determined that if he was going to be arrested and  
19 booked at the jail, he would need to go to the hospital  
20 first for medical clearance through a doctor and then  
21 be cleared to be booked up at the jail.

22           Q    And are you aware of whether Mr. Mason in fact  
23 was transported to the hospital for that clearance?

24           A    Yes, he was.

ROUGH DRAFT TRANSCRIPT



1 Q Okay. Now, was there another area -- as far as  
2 your involvement at that juncture, anything else you  
3 did at the scene of the traffic stop?

4 A My partner, Detective Allen, and I, we had been  
5 in -- we had -- he had been talking to I believe it's  
6 Mr. Mason's cousin or girlfriend and was able to  
7 obtain -- we were made aware that the vehicle used  
8 during the incident was back at the RPD main station.  
9 It had been located prior, the evening prior, and it  
10 had been sealed up and taken to the Reno Police  
11 Department station and parked pending our ability to  
12 search it for any evidence of the crime or of this  
13 case.

14 Detective Allen, my partner, and I were tasked with  
15 conducting that search. And Detective Allen, he  
16 obtained written consent from Eboni who I believe was  
17 the registered owner of the vehicle, authorizing and  
18 giving us written consent to go in and search her  
19 vehicle for any of the evidence.

20 Q All right. Was there a form -- when you said  
21 you obtained consent for a search of the vehicle, is  
22 there actually a form that your office has that you  
23 used in this case to obtain that consent?

24 A Yes, it's the RPD admonition and waiver of

ROUGH DRAFT TRANSCRIPT

1 rights and consent to search.

2 Q Okay. And was that sought and executed in this  
3 case by Eboni?

4 A Yes.

5 Q Now, did you respond over to the Reno police  
6 station and conduct the search as you were just  
7 describing?

8 A Yes, we did at about -- I believe it was around  
9 11:30. So just after the stop, once everything that we  
10 had set up and everything had been determined, what we  
11 were going to do and assignments were given out, I  
12 responded back to the station along with my partner and  
13 about 11:30 we conducted the search of the vehicle that  
14 had been located and that was believed to have been  
15 used during the incident.

16 Q When you say 11:30, in the afternoon?

17 A Yes.

18 Q Well, late morning?

19 A Excuse me. 11:30 a.m., in the morning.

20 Q Now, when you got there, how did you know that  
21 the vehicle had been undisturbed from the time it was  
22 towed to the Reno police station and your search of  
23 that vehicle?

24 A Because it was sealed.

ROUGH DRAFT TRANSCRIPT

1 Q Okay. I'm going to approach--

2 MR. YOUNG: If I may, Your Honor.

3 THE COURT: You may.

4 BY MR. YOUNG:

5 Q I'm going to show you Exhibits 13 through 21  
6 sir. If you would flip through those and let me know  
7 if you recognize those.

8 A Yes, I do. These are the photographs that I  
9 took prior to and during my search of the vehicle.

10 Q Okay. And you're the one that took those  
11 photographs?

12 A Yes, I am.

13 Q Are those accurate representations of the  
14 photographs you took?

15 A Yes, they are.

16 MR. YOUNG: Your Honor, I would move for 13 through  
17 21.

18 THE COURT: Mr. Hylin.

19 MR. HYLIN: I'm still going to object to -- that  
20 car is still out in limbo, Your Honor. There's really  
21 never been any -- well, they say consent to search.  
22 Who consented to the search? Was it a passerby?

23 THE COURT: I believe Detective Blas -- Mr. Hylin,  
24 I believe Dr. Blas just testified that the consent to

ROUGH DRAFT TRANSCRIPT

1 search was from the registered owner of the vehicle.

2 MR. HYLIN: Who?

3 THE COURT: Eboni -- what was her name?

4 THE WITNESS: Whitlock. I would have to refer to  
5 my report for the last name to be sure.

6 THE COURT: I believe -- it's certainly up to the  
7 jury to decide what the testimony of the witness was,  
8 but I believe that the previous testimony was from  
9 Detective Blas that he had gotten a written consent to  
10 search from the owner and he used the name Eboni.

11 Was that correct, Detective?

12 THE WITNESS: Yes, it is. And if the I may refer  
13 to my report, I can tell you the exact last name of the  
14 subject.

15 THE COURT: And regarding the -- so assuming that  
16 the consent to search is valid, is there some other  
17 evidentiary objection?

18 MR. HYLIN: Well, I think that's -- well, there's  
19 still -- this car is still left in the same state it  
20 was when I objected to the admission of other testimony  
21 and the car itself. There's not been establishment of  
22 that car and those photos with the scene. So far what  
23 we have is a car that was found out by a fence in Sun  
24 Valley. That's really all it is. That was towed to

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1 the police station. There's been no nexus with this  
2 car to that scene other than people describing a gold  
3 car. Well, how many million gold cars are there in the  
4 world?

5 THE COURT: Can I see the pictures please,  
6 Mr. Young.

7 MR. YOUNG: Yes, Your Honor. And if I may, while  
8 I'm showing you this as well, I would also move for  
9 admission at this time -- I would like to show you this  
10 as well, Your Honor, Exhibit 24, which is a certified  
11 copy from DMV of vehicle registration. I would move  
12 for the admission of 24.

13 THE COURT: Regarding Exhibit 24, do you have any  
14 objection to the certified copy of the registered --

15 MR. HYLIN: No, I've seen that, Your Honor.

16 THE COURT: Exhibit No. 24 will be admitted.

17 (Exhibit 24 was admitted.)

18 THE COURT: Can I see the photographs, please,  
19 Mr. Young.

20 MR. YOUNG: Yes.

21 THE COURT: Exhibits 13 through 21 will be admitted  
22 over the duly noted objection of Mr. Hylin. The Court  
23 finds that they are admissible under NRS 48.015 .025  
24 and .035.

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1           Mr. Hylin, you're certainly free to argue the  
2 weight to give those exhibits during your closing  
3 argument, but they'll be admitted for the jury's  
4 consideration.

5           MR. HYLIN:   Very well, Your Honor.

6           (Exhibits 13 through 21 were admitted.)

7           MR. YOUNG:   If I could publish all exhibits just  
8 referenced.

9 BY MR. YOUNG:

10          Q    Now, before I get there, you said that you had  
11 Eboni's full name as set forth in your police report.

12          A    Yes.

13          Q    If I showed you a copy of your police report,  
14 would that help refresh your recollection?

15          A    Yes, it will.

16          MR. YOUNG:   If I may approach, Your Honor.

17          THE COURT:   You may.

18 BY MR. YOUNG:

19          Q    Again, is this your report or your supplement  
20 report?

21          A    Yes, it is.

22          Q    Just let me know without answering if that  
23 refreshes your recollection as to Eboni's full name.

24          A    Yes.

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1 Q What is Eboni's full name?

2 A Eboni Spurlock.

3 Q And that's who provided written consent to  
4 search the question in vehicle?

5 A Yes.

6 Q Showing you Exhibit 24, which was just admitted  
7 which is that certified copy of DMV records and  
8 detective, do you see at the top here in this area it  
9 lists a 2001 Hyundai Accent bearing Nevada license  
10 plate 423LTY? Is that the vehicle in question that you  
11 searched?

12 A Yes, it is.

13 Q And according to the certified record from DMV,  
14 the registered owner of that vehicle is who?

15 A Eboni Nicole Spurlock.

16 Q All right. Let's go in order of these  
17 photographs, Detective. Showing you first what's been  
18 now admitted as 13, if you can explain to the jury what  
19 that is, please.

20 A That is the vehicle that was recovered by Reno  
21 Police Department patrol officers on the night of the  
22 incident and was sealed at the location that it was  
23 found. Basically no one had gone into it. To prevent  
24 any contamination and to preserve it as much as they

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1 could, they sealed it up. If you see right along the  
2 door, the door frame or the door and the frame, any  
3 points of exit or entry are taped over with RPD  
4 evidence seal just to indicate that if it were a broken  
5 seal, it would tell me or tell anyone else that the  
6 vehicle had been opened or had been tampered with.

7 Q Okay. And is that -- are you -- in your line  
8 of work, is that something, those seals, that you're  
9 used to seeing and dealing with when searching  
10 vehicles?

11 A Yes, it is. It ensures me that the vehicle  
12 itself or whatever item is to be searched has been  
13 properly handled, has been properly maintained and has  
14 been properly sealed to prevent to any type of, as I  
15 said, contamination or tampering.

16 Q We're looking at the passenger side of this  
17 vehicle. There's some black taping with some red  
18 tape -- or a black bag rather with some red tape around  
19 the side around the window. What is that?

20 A I believe that the front passenger window was  
21 broken out or is inoperable and so it was taped over in  
22 order to make sure -- as I mentioned, to seal it up as  
23 best as possibly could be done so that it would prevent  
24 any kind of contamination or any type of tampering.

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1 Q It's really hard to see because it's small.  
2 But on that red tape is there anything printed on that?

3 A It says "Reno Police Department evidence tape."  
4 It's a specific type of tape that we use when  
5 processing and packaging evidence that is extremely  
6 sensitive. So any type of -- if it's tampered with,  
7 you can't just retape it back and make it look like it  
8 had never been touched. It will definitely show that  
9 it's been torn, ripped or that it's been tampered with.

10 Q I show you Exhibit 14. Again, sir, what is  
11 that?

12 A It's the same vehicle on the driver's side and  
13 once again noting that the trunk had been sealed, the  
14 rear passenger door, the front passenger door as well  
15 as the windows that were cracked or that were down were  
16 covered up as well to prevent any type of damage and  
17 maintain its integrity as far as contamination.

18 Q Okay. Showing you 15, is that the front of  
19 that vehicle?

20 A Yes, it is.

21 Q It's kind of hard to see there. That depicts  
22 the license plate as referenced in your report?

23 A Yes, it does.

24 Q This is Exhibit 16. It's the back of that

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1 vehicle?

2 A Yes, it is.

3 Q And you can see the license plate a little  
4 clearer in this one?

5 A Yes.

6 Q Now, you talked about the evidence stickers.  
7 This is Exhibit 17. Is that a closeup of that?

8 A Yes, it is.

9 Q And what -- as far as the hand-printed  
10 information on there, what kind of information is  
11 included?

12 A The date, obviously the date that it was  
13 recovered and that it was processed or that it was  
14 contained and that it was packaged or sealed, the case  
15 number that this particular vehicle or this particular  
16 item is in reference to, and then the actual officer  
17 who conducted the location and the recovery of the  
18 vehicle.

19 Q The ID number in the middle, the 14-15205, is  
20 that the number assigned to this case?

21 A Yes, it is.

22 Q And does every case, every different case, get  
23 a different Reno Police Department number?

24 A Yes, they do.

ROUGH DRAFT TRANSCRIPT

1 Q All right. Now, all these pictures that we've  
2 looked at thus far are the external of the vehicle;  
3 correct?

4 A Yes, it is.

5 Q So did you take all these as seen in the  
6 unbreached sticker right there prior to entering the  
7 vehicle?

8 A Yes, I did.

9 Q Okay. Now, was entry ultimately made into the  
10 vehicle?

11 A Yes, it was.

12 Q I'm going to show you 18, sir. What is that?

13 A This is the insurance card and the DMV  
14 registration. Basically one of the things that I  
15 looked for was indicia of ownership to confirm that the  
16 person who had -- who rightfully or is the registered  
17 owner of the car and identify who that person is. And  
18 in this case it is Eboni Nicole Spurlock who is the  
19 same person that in fact gave us written consent to  
20 search the vehicle.

21 Q I'm going to show you Exhibit 19. Was there  
22 anything during the course of your search that you  
23 found that caught your attention and you collected as  
24 evidence?

ROUGH DRAFT TRANSCRIPT

1           A     Yes. As you can see here on the front  
2 passenger seat is a white Wal-Mart grocery bag.  
3 Contained within that bag was a red ball cap, I believe  
4 a tank top and two white socks. They didn't look brand  
5 new. They looked like they had been used or that they  
6 were items of clothing that had been previously worn.

7           Q     And you can see -- it's not totally clear on  
8 the overhead. It's better on the picture. But the  
9 window area over here, do you see that as being  
10 partially down?

11          A     Yes, which is why we had to seal it up. We  
12 didn't have the key, or if it was inoperable, we  
13 weren't able to turn on the vehicle and operate the  
14 electric windows to seal it up.

15          Q     Now, the picture that you just took right here  
16 that we're looking at in Exhibit 19 of the door, the  
17 front passenger door open and that Wal-Mart bag, did  
18 you take that picture prior to disturbing or moving  
19 that bag at all?

20          A     Yes. I took this photograph as I saw it, as I  
21 discovered it on the search.

22          Q     All right. I'm going to show you Exhibit 20.  
23 What is that, sir?

24          A     That is the interior. That's looking down into

ROUGH DRAFT TRANSCRIPT

1 the white Wal-Mart grocery bag that's on the front  
2 passenger seat of the vehicle.

3 Q And, again, same as the previous picture, is  
4 this picture depicting the bag and contents as is prior  
5 to any disturbance by you?

6 A Yes, it is.

7 Q Okay. Now, was there a time that you removed  
8 some of the items or all the items from that bag?

9 A Yes. I had to pick up the -- as you can see,  
10 the ball cap to ascertain if there was anything else  
11 underneath it inside the bag. And one of the items  
12 that was relayed to us or the information that was  
13 given to us by Officer Kassebaum who was handling the  
14 case was that --

15 Q Let me stop you right there. Without getting  
16 into too much detail, was a red hat of interest to you?

17 A Yes, it was.

18 Q As part of the investigation?

19 A Yes, it was.

20 Q Okay. I'm going to show you 21. What is that?

21 A That is the red ball cap that was inside the  
22 plastic bag.

23 Q Okay. And did you -- what did you do with that  
24 red ball cap?

ROUGH DRAFT TRANSCRIPT

1 A That was taken as evidence from the vehicle.

2 Q Okay. And when you say "taken as evidence,"  
3 can you explain to the jury what that means?

4 A In conducting the search of the vehicle, we  
5 were looking for any potential evidence of the crime or  
6 of the incident. One of the items that -- one of the  
7 items that was -- that I was informed of --

8 MR. HYLIN: Objection.

9 THE COURT: Hold on. Stop. Stop, Detective Blas.  
10 What's the objection?

11 MR. HYLIN: Hearsay, Your Honor.

12 THE COURT: Mr. Young.

13 MR. YOUNG: Well, I'm not sure how far he's going  
14 to go. I'm not offering it certainly for the -- well,  
15 let me rephrase my question, Your Honor.

16 THE COURT: Detective Blas, the Court will sustain  
17 the objection. Just listen to the next question that  
18 Mr. Young is going to pose to you.

19 BY MR. YOUNG:

20 Q Did you collect the red hat for evidentiary  
21 purposes?

22 A Yes, I did.

23 Q Explain -- I'm not asking you why you did it,  
24 but explain the actual procedure and the steps you took

ROUGH DRAFT TRANSCRIPT

1 in collecting that as evidence, what you did with the  
2 red hat and the other items in the bag.

3 A The items were photographed. They were -- I  
4 took them for -- I took them as evidence, placed them  
5 in individual bags and then booked them into RPD  
6 property as evidence of this case.

7 Q Okay. And have you received training with  
8 respect to booking items of evidence such as clothing  
9 and a hat?

10 A Yes.

11 Q Okay. Now, are you aware based on your  
12 training and experience that items such as this may be  
13 testable or analyzed for DNA?

14 A Yes.

15 Q So there are steps that you take in booking  
16 evidence to make sure that the integrity of the items  
17 remains?

18 A Yes.

19 Q Okay. Can you explain that to the jury?

20 A As far as maintaining the integrity --  
21 obviously handling it with rubber gloves so that it's  
22 not contaminated or cross-contaminated by myself or  
23 anyone else, processing it. And if we were going to  
24 obtain DNA samples, we would submit it, package it,

ROUGH DRAFT TRANSCRIPT

1 seal it up, send it up to the Washoe County Crime Lab  
2 with a lab request requesting that DNA tests be done on  
3 it.

4 Q Now, in this case did you at least package and  
5 book these items as evidence consistent with that  
6 procedure you just explained?

7 A Yes, I did.

8 Q Did you actually submit it to the crime lab?

9 A I don't -- I don't believe so. I booked it so  
10 that the actual officer who was handling the case and  
11 investigating it would be the one to -- he would be the  
12 one to submit it or whoever he designated to. Just  
13 because I wasn't sure when he wanted it to be  
14 submitted, so rather than doing it myself, I booked it  
15 into property where it remained secured until he was  
16 ready to do so.

17 Q Okay. And you just answered my next question.  
18 The property unit at Reno police station is a secure  
19 area?

20 A Yes, it is.

21 Q And when you book it into property, another  
22 officer, if he or she elects, can remove that property  
23 and submit it to the crime lab for analysis?

24 A Yes, they can.

ROUGH DRAFT TRANSCRIPT



1 MR. YOUNG: The Court's indulgence, Your Honor.

2 THE COURT: Okay.

3 MR. YOUNG: That's all the questions I have.

4 Thank you, Detective.

5 THE COURT: Cross-examination, Mr. Hylin.

6 MR. HYLIN: Yes, Your Honor. Thank you.

7 CROSS-EXAMINATION

8 BY MR. HYLIN:

9 Q Good afternoon.

10 A Good afternoon.

11 Q When you were surveilling the car, I believe  
12 that was 619 Lone Cedar Lane?

13 A Yes.

14 Q You were there in the cul de sac --

15 A Yes.

16 Q -- when they left, three people came out to get  
17 in the car?

18 A Four people.

19 Q Four people. Three women and one guy?

20 A Yes.

21 Q And you followed that vehicle and did a felony  
22 stop?

23 A Um-hum.

24 Q And when you talked to the people in that

ROUGH DRAFT TRANSCRIPT

1 car -- you said you talked to Eboni Spurlock?

2 A No, I did not.

3 Q You talked with her cousin?

4 A I did not talk -- my partner, Detective Allen,  
5 had made contact with Eboni Spurlock while I was  
6 talking with Mr. Mason.

7 Q About when you were talking to Mr. Mason did he  
8 explain where they were going?

9 A He said that they were going to get something  
10 to eat and he was supposed to turn himself in.

11 Q Okay. And you mentioned some medications.

12 A Yes.

13 Q A condition --

14 A A medical condition, yes.

15 Q Did he describe what that was?

16 A No. He said that his blood sugar was low and  
17 that he needed something to eat. That's why they were  
18 heading to get something to eat. I actually -- I  
19 believe I spoke with his mom. And that's where I was  
20 trying to facilitate getting the food and drink for  
21 him, because he said he needed something to drink and  
22 something to eat right then and there.

23 Q Okay. Did you talk to the mom about anything  
24 else, like where they were going or what they were

ROUGH DRAFT TRANSCRIPT

1 doing?

2 A No, I did not.

3 Q Okay. You said Eboni Spurlock signed the  
4 consent form?

5 A Yes.

6 Q But you haven't seen that since, I don't think?  
7 You haven't seen it here?

8 A No, I have not.

9 Q All right. Did you watch her sign it?

10 A No, I did not.

11 Q So you don't know if she signed it?

12 A I cannot say if she did sign it. Her signature  
13 is on there and I was advised that she was the  
14 registered owner and had signed a written consent.

15 Q That's what you were advised by somebody else,  
16 you didn't watch it happen?

17 A Yes, I was advised by another detective.

18 Q So when you -- from there you went over -- was  
19 it immediately after that that you went over to search  
20 the vehicle?

21 A No. Obviously Mr. Mason had some medical  
22 issues. We wanted to make sure that he was treated on  
23 scene, that he was secured. And then once that was --  
24 once he was stabilized and the decision was made, we

ROUGH DRAFT TRANSCRIPT

1 regrouped and kind of talked about where we needed to  
2 go, what else needed to be done with reference to the  
3 investigation.

4 Q Okay. And then what did you do?

5 A I responded back to the station. My partner,  
6 Detective Allen, and I responded back to the station so  
7 that we could conduct the search of the vehicle.

8 Q Okay. Did you check the DMV records or  
9 anything else prior to doing that?

10 A I believe Detective -- I believe we did. Yes,  
11 we did, because we had the DMV readout or printout for  
12 the driver's--

13 Q And you saw that?

14 A Yes.

15 Q You saw the DMV printout of the registration?

16 A Yes, I did.

17 Q When you -- when you opened -- did you open the  
18 passenger side door first?

19 A I believe we started with the driver's side.

20 Q Driver's side. And found nothing over there?

21 A No. No. As I mentioned, there were two of us.  
22 I had the passenger side. The driver's side -- the  
23 driver's side door was opened first. I opened the  
24 passenger side and my partner and I searched the

ROUGH DRAFT TRANSCRIPT

1 vehicle, both sides of the vehicle.

2 Q Did you watch your partner search things?

3 A Yes. He was right across from me inside the  
4 car.

5 Q He was on the driver's side; you're on the  
6 passenger side?

7 A I'm on the passenger side.

8 Q And your partner found nothing that he thought  
9 of value to collect on his side?

10 A No.

11 Q So on your side you found -- what you had in  
12 these exhibits is a white plastic bag?

13 A Yes. It was on the front passenger seat.

14 Q All right. And did you -- and you collected --  
15 he just picked up the bag itself or did you separately  
16 bag these?

17 A I'm sorry?

18 Q Did you separately bag each item?

19 A I believe the -- I believe that the items were  
20 all placed into one bag. They all came with one bag,  
21 so they were placed into one bag.

22 Q Well, let me clarify that. You took them out  
23 of the white bag that you saw them in that we had a  
24 picture of here?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q And then you placed them all in the same bag,  
3 evidence bag?

4 A Yes. They came together in one bag; I kept it  
5 together booking it in together.

6 Q In the same white bag?

7 A I'm not certain if it was in the same white bag  
8 or if it was in that bag, but in order to book it into  
9 evidence, our RPD evidence, I cannot use a white  
10 Wal-Mart bag. We have specific evidence bags that we  
11 put the items of evidence into.

12 Q Did you keep the white Wal-Mart bag?

13 A No. I --

14 Q You disposed of that?

15 A Yes.

16 Q Wouldn't that in itself be evidence, though?

17 A No, it would not. If the information to me is  
18 for clothing and weapons, then I would not consider the  
19 white Wal-Mart bag clothing or a weapon.

20 Q Well, I mean, you're able to analyze it  
21 yourself. Do you think there might be something on  
22 that bag that would be of evidentiary quality?

23 A It wouldn't be any different than what's on the  
24 hat, the socks or the tank top.

ROUGH DRAFT TRANSCRIPT

1 Q How would you know?

2 A You're asking --

3 Q It depends on who handled the bag, wouldn't it?

4 A Counsel, you just asked me if I would be able  
5 to analyze it, and I told you I analyzed it.

6 Q So I'm asking you further questions --

7 A Okay.

8 Q -- Detective. If you're -- if you're going to  
9 consider that evidence, wouldn't you want to consider  
10 everything that was in the car evidence?

11 A No.

12 Q All right. Well, let's go back and talk about  
13 gathering DNA. Have you ever been trained in that?

14 A Yes.

15 Q What were you trained in? Were you trained in  
16 just using gloves and just the rudiments or were you  
17 trained on exactly what you should take as samples for  
18 a DNA search?

19 A I was trained on what we should take as samples  
20 or what would contain or has the highest probability of  
21 containing samples of a person's DNA.

22 Q Okay. You know by placing like your hand on  
23 that table, you've been trained that that would  
24 probably leave some of your DNA on that table, wouldn't

ROUGH DRAFT TRANSCRIPT

1 it?

2 A It may.

3 Q Right. And by driving a car with your hands,  
4 you would -- it would be very, very likely that you  
5 would leave DNA on the steering wheel; correct?

6 A It's possible.

7 Q But you did no swabs of anything else in the  
8 car?

9 A No.

10 Q You didn't swab the gear shift lever?

11 A No.

12 Q You didn't swab the steering wheel?

13 A No.

14 Q You didn't swab the radio knobs or any of the  
15 other operating equipment in the car?

16 A No.

17 Q You took no DNA sample from the seats?

18 A No.

19 Q You didn't take any DNA samples from the door  
20 handles?

21 A No, I did not.

22 Q So, in other words, nowhere else in this car  
23 did you gather any samples that you thought wouldn't be  
24 of evidentiary value?

ROUGH DRAFT TRANSCRIPT



1           A     No. Based on fact that it was located with the  
2 windows open and the proximity as far as the time from  
3 the time that I went to obtain the sample with the  
4 windows open -- one of the things that we are trained  
5 in is that you have to look at the timeframe and is  
6 there a possibility or a high probability that it may  
7 be contaminated by the elements, environment, how long  
8 has it been there, sunlight, heat. So based on those  
9 factors -- I could have tested it. I chose not to,  
10 because in that particular instance we were well into  
11 the next day, the windows were open the entire night or  
12 for however long before the officers found it. So  
13 there was no way for me to be confident that none --  
14 that any of the DNA was possibly contaminated or gone.

15           Q     But you don't know that for sure, do you?

16           A     No, I don't.

17           Q     So when -- were you trained to do DNA swabs?

18           A     Yes.

19           Q     So you knew how to do swabs and you know what  
20 to swab?

21           A     Um-hum.

22           THE COURT: Stop. Detective Blas, you keep making  
23 noises. You either need to say "yes" or "no" or say  
24 something at all, but it's very difficult for my court

ROUGH DRAFT TRANSCRIPT

1 reporter to take down the noises that you're making  
2 that sound like affirmative noises, but I'm not sure.  
3 So just --

4 THE WITNESS: I'm sorry.

5 THE COURT: It's usually better if you just listen  
6 to the question and then once the officer -- or excuse  
7 me -- once the attorney is finished asking the  
8 question, then you can respond to it instead of making  
9 affirmative noises as the question is going on. All  
10 right?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Thank you, Detective. One moment.

13 BY MR. HYLIN:

14 Q All right. What I'm getting at, Detective  
15 Blas, is if somebody else was driving that car, they  
16 would have left their DNA on the steering wheel,  
17 wouldn't they have?

18 A Yes. It's possible.

19 Q And you're trained that DNA lasts a long time?  
20 It's not like a head of lettuce that it dries out in a  
21 day and a half in the sun and then it's gone; isn't  
22 that a fact?

23 A Yes, I'm trained that DNA can last under  
24 certain conditions.

ROUGH DRAFT TRANSCRIPT

1 Q Correct. And when you -- when you arrived at  
2 that car, it was sealed?

3 A Yes.

4 Q And there were bags over the windows?

5 A Yes.

6 Q And the windows were up?

7 A Yes.

8 Q And they were effectively sealed with evidence  
9 tape with bags over the windows?

10 A Yes.

11 Q So there was nothing circulating in that car,  
12 was there?

13 A As it was sealed, no.

14 Q Right. So if you were actually looking for  
15 someone who might have been driving that car, it would  
16 be more appropriate then to swab the items in the car  
17 to get a DNA sample of the steering wheel, the radio  
18 knobs, the gear shift knob, the car handles; correct?

19 A Yes.

20 Q But you didn't do that? So we can't tell from  
21 your investigation who actually drove that car for the  
22 last time; correct?

23 A No.

24 Q Now, you knew that this car supposedly was

ROUGH DRAFT TRANSCRIPT

1 involved in some shooting; correct?

2 A Yes.

3 Q Did you consider any gunshot residue tests  
4 anywhere around the car?

5 A No, I did not.

6 Q Okay. Did you consider -- did you ask anybody  
7 the particulars of the scene where the shots were  
8 taking place, in other words, were they taken near the  
9 car?

10 A I'm sorry. I don't understand the question.

11 Q If somebody shot a gun over the roof of a car,  
12 in all likelihood there would be some sort of gunshot  
13 residue on that, wouldn't there?

14 A It would depend on the time.

15 Q Well --

16 A The timeframe.

17 Q -- it would depend on the time, but there would  
18 be gunshot residue that would be deposited on the roof  
19 of that car; correct?

20 A There may or may not.

21 Q But if you don't test, you don't know; correct?

22 A Correct.

23 Q Now, you and your partner, I'm assuming, are  
24 going to exclaim that it was a pretty thorough search

ROUGH DRAFT TRANSCRIPT

1 of the car?

2 A Yes.

3 Q Did you look in the trunk?

4 A Yes.

5 Q Didn't find anything of any evidentiary value  
6 in the trunk?

7 A No.

8 Q Didn't find anything that you thought was  
9 evidentiary value in the backseat?

10 A No.

11 Q Didn't find anything of evidentiary value in  
12 the driver's seat?

13 A No.

14 Q The only thing you thought was of evidentiary  
15 value was what was in that white bag?

16 A Yes.

17 Q But what was in that white bag doesn't tell you  
18 who was driving that car, does it?

19 A No, it does not.

20 Q You didn't find a gun in the car?

21 A No, we did not.

22 Q Didn't find any shell casings in the car?

23 A No, we did not.

24 Q Now, did -- I'm sorry. Who was your partner

ROUGH DRAFT TRANSCRIPT

1 again on the search?

2 A Detective Dustin Allen.

3 Q Detective Allen?

4 A Yes.

5 Q Did he have gloves on?

6 A Yes, he did.

7 Q Did you have gloves on?

8 A Yes, I did.

9 Q Did you have gloves on when you bagged each --  
10 these items here?

11 A Yes, I did.

12 Q Did you touch each item?

13 A Yes, I did.

14 Q You know that if you don't change gloves when  
15 you handle each item you would cross-contaminate all  
16 the other items; true? That's part of your training,  
17 isn't it?

18 A Yes.

19 Q But you didn't change gloves?

20 A No, I did not.

21 Q So you might have cross-contaminated something  
22 that's in this bag because you didn't change gloves?

23 A It's possible.

24 Q Okay. And you're moving around in the car,

ROUGH DRAFT TRANSCRIPT

1 you're looking under things, and you're opening the  
2 glove box; correct?

3 A Yes.

4 Q That's where you got the registration, from the  
5 glove box?

6 A Yes.

7 Q So you're looking inside the glove box, you're  
8 touching everything with the same set of gloves;  
9 correct?

10 A Yes.

11 Q So when you handle these items here, it's very  
12 possible according to your training that you could have  
13 transferred some of the DNA from the other items you  
14 were touching to everything in that bag; isn't that  
15 correct?

16 A Yes, it's possible.

17 Q And that's what -- that's the contamination  
18 that they warn you to avoid in your training; correct?

19 A Yes.

20 Q So you didn't change your gloves ever?

21 A No, I did not. I used the same gloves.

22 Q All right. The same gloves. Did you make a  
23 list of the evidence that you collected?

24 A Yes. I believe it was --

ROUGH DRAFT TRANSCRIPT

1           Q    Or was it just -- did you consider the list the  
2 bag, the evidence bag?

3           A    I listed each item, I believe. As I said in my  
4 report, it was the hat, the socks, and I believe there  
5 was a shirt or a tank top.

6           Q    All right. Did you make out a separate  
7 evidence sheet?

8           A    Excuse me?

9           Q    Other than your report did you --

10          A    Yes, they are -- in my report they are booked  
11 in individually.

12          Q    All right. Did you use a pen in filling things  
13 out with the same pair of gloves?

14          A    Did I use a pen in filling what out? I don't  
15 understand.

16          Q    All right. You had your gloves on. Did you  
17 use a pen to fill out either the evidence bag or make  
18 any notes or fill out an evidence sheet with a pen with  
19 the same gloves on?

20          A    Yes.

21          Q    Did you touch your face? Did you touch your  
22 clothes? Did you touch anything else with those  
23 gloves?

24          A    I couldn't tell you if I did or I didn't.

ROUGH DRAFT TRANSCRIPT



1           Q    All right.  So if you did, that could  
2 cross-contaminate items that you touched with the same  
3 pair of gloves; correct?

4           A    Yes.

5           Q    Did you cough or sneeze while you were handling  
6 this evidence?

7           A    I don't recall if I coughed or sneezed at any  
8 time during the search.

9           Q    They train you that you can cross-contaminate  
10 things if you cough or sneeze; correct?

11          A    Yes.

12          Q    So that would be noteworthy.  If you coughed or  
13 sneezed, you should have written that down?

14          A    Yes.  If I believed that I may have  
15 cross-contaminated something, I would note that down.

16          Q    And protocol also calls for you to wear a face  
17 mark in these situations, too, doesn't it?

18          A    No, it does not.

19          Q    You've never been trained to wear a face mask  
20 to keep your breath, your sneeze, your droplets from  
21 your lungs and mouth off of the evidence?

22          A    No, I have not.

23          Q    All right.  So you placed all this evidence in  
24 the white bag, you placed that all in a separate

ROUGH DRAFT TRANSCRIPT

1 evidence bag?

2 A Yes.

3 Q And you haven't seen that evidence bag here  
4 yet?

5 A No, I have not.

6 Q Where did you place the evidence in the  
7 evidence bag?

8 A Where did I place --

9 Q Yeah. What geographic location did you place  
10 the evidence in the evidence bag?

11 A I placed it at the Reno Police Department  
12 evidence room.

13 Q So how did you transport the evidence that you  
14 secured from that car into the Reno Police Department  
15 evidence room?

16 A Once it was recovered from the vehicle and  
17 placed into the evidence bag, it was sealed up and  
18 taken to the evidence room from the parking lot where  
19 we were at into the evidence room and booked in.

20 Q Okay. So I think you answered my question  
21 there. You placed it in the evidence bag out in the  
22 parking lot where the car was?

23 A Yes, packaged it from the vehicle.

24 Q All right. And then transported it in there?

ROUGH DRAFT TRANSCRIPT

1 A Yes.

2 Q Was it a new evidence bag?

3 A Yes, it was.

4 Q Do you know what the storage conditions are  
5 like in the evidence room?

6 A No, I do not.

7 Q All right. Was the evidence clerk there?

8 A No, she was not.

9 Q So what did you do with the evidence bag once  
10 you took it to the evidence room?

11 A In the evidence room or the evidence section of  
12 the Reno Police Department are rows of secured lockers.  
13 When you book in property that you are booking in, you  
14 would place it -- you would first log in the case  
15 number on a sheet and who is logging in the property  
16 and write down the locker number that you are placing  
17 it into, taking the key out, locking it and securing it  
18 and then depositing the key into a locked box for the  
19 evidence personnel when they come in the next day or  
20 during the regular workday to be able to access each  
21 locker and then book it into the main booking room.

22 Q And all the -- all the items in that bag were  
23 placed into the same evidence bag?

24 A Yes.

ROUGH DRAFT TRANSCRIPT

1 Q Commingled?

2 A Yes.

3 Q Do you know who picked it up next?

4 A No, I do not.

5 Q The proper protocol was for you to fill out the  
6 information on the evidence bag; correct?

7 A Yes.

8 Q And that has the chain of custody on it?

9 A Yes.

10 Q Did you fill all that out?

11 A I filled -- yes, I filled out all the  
12 information and then it goes into booking, yes.

13 Q Was there any other names that were placed on  
14 that as far as any other persons who handled that  
15 evidence?

16 A I do not know. I don't know if it had been  
17 checked out by any other officers or if it had been  
18 checked out by the evidence personnel, so I couldn't  
19 tell you.

20 Q Okay. Did Detective Allen handle the stuff?

21 A No.

22 MR. HYLIN: I have no further questions, Your  
23 Honor.

24 THE COURT: Redirect based on the

ROUGH DRAFT TRANSCRIPT