

EXHIBIT 6

Electronically Filed
Aug 01 2019 04:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EXHIBIT 6

**MINUTES OF THE REGULAR MEETING OF THE
KINGSBURY GENERAL IMPROVEMENT DISTRICT BOARD OF TRUSTEES
TUESDAY, DECEMBER 18, 2012**

CALL TO ORDER – The meeting was called to order at the Kingsbury General Improvement District office located at 160 Pineridge Dr., Stateline, Nevada at 6:00 p.m. by Chairperson Norman.

PLEDGE OF ALLEGIANCE – Norman led the pledge to the flag.

ROLL CALL – Present were Trustees Norman, Treanor, Yanish, Vogt and Nelson. Also present was Legal Counsel Scott Brooke, General Manager Cameron McKay, Michelle Runtzel, Business and Contracts Manager, Eric Johnson, Operations Supervisor and Matt Van Dyne of Farr West Engineering.

PUBLIC COMMENT – Pete Shaw talked about ongoing issues with snow removal in his neighborhood regarding a specific plow driver. He and his wife Rowena have had increased berms in front of their driveway. This issue has been experienced by other neighbors as well. Mr. Shaw made a proposal for a stop sign to be placed at the intersection of Charles Ave. and Juniper Drive. This is directly in front of his home. He understands that this request is on the agenda for the 2013 January meeting. There has been no need for a stop sign at this location for 30 years. He strongly opposes the placement of a stop sign at this intersection because of elevated emissions, increased and loss of street parking. He wanted it to be on record that he strongly opposes a stop sign at that intersection. Rowena Shaw wanted it to be on record that it was very difficult for her to get up to the meeting with all the stairs and no handicap parking. Norman said that will be addressed. Dr. Rowena Shaw said she emailed the Board and Mr. McKay about snow removal in her neighborhood (read from emails). Dr. Shaw talked about the fence that was built by the snow plow driver in question (read from emails). Dr. Shaw wanted to go on record as her husband did, that she strongly opposes a stop sign in front of her residence. Norman asked Dr. Shaw where the stop sign would be relative to the photo that she submitted. She believed that the stop sign was going to be right at the corner of Charles, right by the fence. Runtzel said it would be stopping the traffic on Juniper passing the Charles intersection. McKay said there would be two stop signs. McKay said it would be in front of the Wells house. The requests for the stop signs are from the snow plow driver in question, who is also the owner of that property. McKay said that Manchester told him that the snow plow driver would be removed from that particular route.

Mrs. Klementi spoke regarding snow plow removal (read from a letter). The neighborhood problems started in April of 2012 when the Spencer's parked an 18 wheeler on Charles. It took several weeks and several police reports for the vehicle to be removed. Mrs. Klementi talked about the fence that the Spencer's built which was in violation of county codes. The fence is 6 ft. and the code is 3 ft. Mrs. Klementi spoke about how her husband felt threatened by the Spencer's. Since then they have had horrible berms in front of their driveway. She and her husband want Mr. Spencer removed from his position. Mrs. Klementi asked that her letter be put on record.

Mr. Shaw talked about how Mr. Spencer keeps the snow plow equipment running the whole time he is inside the home on a lunch break or whatever. These vehicles are also left on during the summer months as well.

Vogt asked if there was a rule as to how far back a fence should be for snow removal. McKay said yes, but his property line is out to the edge of the road.

Mrs. Klementi talked about how aggressive Mr. Spencer is and that they know that they have a gun. She is afraid. Norman asked how Mr. Spencer threatened Mr. Klementi. Brooke said that this seemed to be a subject that should be put on another agenda for discussion. It appears to involve F&B and he felt that they should be part of the discussion.

Runtzel asked Klementi if he was bermed in by Jeff Spencer yesterday. Mr. Klementi said Spencer was speeding and put the blade down and splashed the snow over Mr. Klementi's face. Runtzel asked if they had reported it and the Klementi's said no because they knew they were going to be going to the Board meeting.

Mary Ellen Kinion from 176 Meadow Lane spoke. She had the large berm that was put in front of her driveway. She has known the Spencer's for about six years and had stopped talking to them last year because they were harassing the neighbors regarding the ridiculous fence that they built. She called McKay about the berm and he immediately sent somebody with a plow as she does not have a commercial plow and there was no way she could clear it out herself. Spencer came by later in the day and Mary Ellen said Spencer had a big grin on his face and turned the blade and that is when Klementi got splashed with the snow. She then called KGID about what had happened and was told that something would be done. Mary Ellen called Flipper and he said he would do something about it.

Mary Ellen said today there was a different snow plow driver. Mary Ellen said Mrs. Spencer wants her day in court. Mary Ellen said we are all here tonight because of this one person and her obsession. She has harassed these people and it has got to stop.

Norman asked Janet Wells if she had any comment to make about the fence. Mrs. Wells had a comment. She has a daycare home on 183 Juniper. She said it is very dangerous for the parents to get to her house the way the fence is. Mrs. Wells said the reason she hasn't had snow berms is because Mrs. Spencer talked to her all summer about what was going to happen. Mrs. Wells took it as gossip and felt that she was unstable. She said that Mrs. Spencer told her that she was going to go after these people and the Shaw's with the snow plow. Mrs. Wells said Mrs. Spencer is always talking about her gun. Mrs. Wells said Rebecca was with her when Mrs. Spencer spoke with her that day. Mrs. Wells read from her prepared speech.

McKay asked that everybody that made a statement tonight give him a copy of the same. McKay said the stop signs are on the Agenda for January and the hearing for the fence is on January 8th at the Douglas County Planning Commission.

Norman said they can't really deal with the feud in the neighborhood, but they can certainly deal with safety and snow plow issues.

Runtzel stated for the record that it is part of her responsibility and she was out last week when some of those issues happened. Managing the snow removal contract is a large part of her job. Runtzel asked the residents to please call her with concerns.

Norman would like Flipper or Charlena to be present and to make a statement as to what a reasonable berm would be.

Dr. Shaw said that prior to writing the letters to KGID; they surveyed the driveways in their area. Norman said to take pictures of her house and of her neighbor's houses. Runtzel offered to take pictures herself.

Runtzel asked McKay if the Planning Commission was an open meeting. McKay said yes. Runtzel told the group that KGID had little control of the stop sign issue; it was mostly in the control of the County.

Jason Hudak the shop steward spoke.

Hello, my name is Jason Hudak and I am an employee here and am also the shop steward. On behalf of me and my coworkers, I would like to thank Carolyn Treanor for her many years of outstanding service on the KGID board. I would like to congratulate the re-elected board members and welcome Bob back to the board. It is nice to have come to a meter rate before the years end and again, Carolyn thanks for your expertise and historical input to get it done, it was a challenging task that needed to get done. As we come to a closing of this year, I would like to reflect a little bit on 2012. I spoke in front of all of you on April 5 of this year. Some points that I made were related to the KGID mission statement how we employees, management, and board of directors are a team and how we work together. The board chose to hire a labor lawyer 2 years ago because you wanted an education, learn things, speed things up, and also we should have looked at that as a positive thing. From the employees perspective this was not positive. For the last 2 years, we have only rolled our existing contract over twice with no increases, while giving Charlie Cockerill a 12.5% increase in the process. To date, KGID has paid him a total of \$18,799.03, while at the same time were asking to reduce our health insurance. Fortunately, we kept our current health insurance because my coworker and best friend James Warwick had a heart attack in October 2012 and the other plan would have put him and his family in some serious financial jeopardy. The family deductible alone would have been \$9000.00 not including any additional expenses. This type of unfortunate circumstance could have happened to anyone of us and we are all thankful James is doing great and on a positive healthy path! Hopefully for the price paid to Charlie you did get the education you were looking for and can look to working with us as partners in the future. As employees, we want to be considered as part of the team, rather than a burdensome necessity. While wages and benefits are important, feeling that we as employees are valued and respected for our contributions are equally as important. In closing, I would like to wish all of you and your families a Merry Christmas and a Happy New year. We hope 2013 will be a bright and positive new year.

McKay thanked Carolyn Treanor for her service over the last 12 years. She was presented with an honorary gavel and a ships clock.

Treanor thanked everybody and gave a short speech.

EXHIBIT 7

EXHIBIT 7



Douglas County Sheriff

Deputy Report for Incident 12SO41608

Minden, Nevada

Nature: Assault/Sexual
Location: LUK68

Address: 321 CHARLES AV; LRKG
Stateline NV 89449

Offense Codes: ELDB

Received By: Spellberg D

How Received: 9

Agency: DCSO

Responding Officers: McKone J, Almeida N

Responsible Officer: McKone J

Disposition: CAA 12/18/12

When Reported: 20:44:41 12/18/12 Occurred Between: 20:44:21 12/18/12 and 20:44:40 12/18/12

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: AOWP Assault, Othr Weap

Additional Offense: ELDB Elder Abuse Battery

Circumstances

LT13 Highway, Road, Alley

Responding Officers:

Unit :

McKone J

303

Almeida N

301

Responsible Officer: McKone J

Agency: DCSO

Received By: Spellberg D

Last Radio Log: 22:40:43 12/18/12 CMPLT

How Received: 9 911 Line

Clearance: ARR Arrest

When Reported: 20:44:41 12/18/12

Disposition: CAA Date: 12/18/12

Judicial Status:

Occurred between: 20:44:21 12/18/12

Misc Entry:

and: 20:44:40 12/18/12

Modus Operandi:

Description :

Method :

Involvements

08/10/15

D0297
2 R.App.374

*Deputy Report for Incident 12SO41608**Page 2 of 9*

Date	Type	Description	Relationship
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08/10/15

D0298
2 R.App.375

Deputy Report for Incident 12SO41608

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Narrative

Douglas County Sheriff's Department
Investigation Narrative
Case#12SO41608

CLASSIFICATION:

Abuse of the Elderly/Battery.

ATTACHED:

03 Statements.

DETAILS:

On Tuesday, December 18 2012 at 2044 hours, I was dispatched to 321 Charles Avenue, Stateline, Nevada for a report of someone breaking into the reporting person, Jeffrey Spencer's truck. During my response, I was told by the 911 dispatcher, Jeffrey had the burglary suspect on the ground momentarily.

Deputy N. Almeida responded to the address. As I turned onto Charles Avenue from Juniper Drive, I could see an elderly male subject lying supine on the ice covered road of Charles Avenue and Meadow Drive. I could see a second elderly male standing near the downed subject. The male that was standing, was waving his arms in attempt to get my attention. I positioned my patrol vehicle in the center of Charles Avenue, near the two males blocking the travel lane to keep the downed male from being struck from traffic.

I made contact with the two males and could see the downed male was conscious and moving his arms. The standing male, said, "help my brother, please." I requested dispatch to respond Tahoe Douglas Paramedics to the location."

The male on the ground, identified himself as Helmut Klementi. Helmut said, his back and knee were in a lot of pain and was attempting to sit up. I instructed Helmut to remain lying down, and told him paramedic would be on scene shortly.

Deputy Almeida arrived and went to 321 Charles to meet with the 911 caller, Marilyn and Jeffrey Spencer.

The male standing with Helmut, identified himself as, Egon Klementi, Helmut's twin brother. I asked Egon if he lived nearby and he pointed to the residence next to our location and said he lived right here. I instructed Egon to retrieve a blanket from his residence for his brother who was laying on ice. Egon went to his home to retrieve a blanket.

I asked Helmut what occurred. Helmut said he was at his brother, Egon's home, went out to the road to take pictures of the snowburr along his brothers fence. While he was taking the pictures with his camera, he could hear Jeff yelling at him from the back, upper deck of 321 Charles Avenue. Helmut began walking back towards Charles Avenue and Meadow Lane.

Helmut said he could hear Jeff come out of his house and coming towards him as he walked away. Helmut heard Jeff yelling at him from behind as he continued to walk. According to Helmut, Jeff ran up to him, struck him on his back then knocked him to the ground. Helmut began yelling for help and Jeff ran back to his residence at 321 Charles Lane. Helmut said, Egon came to his aid, tried to help him stand up, however he was in pain and could not stand. Egon stood next to Helmut to stop any cars from hitting him as he lay in the roadway.

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Deputy Report for Incident 12SO41608

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I asked Helmut, if he was taking pictures of his brothers fence, could I see his camera and if I had permission to look at the photographs he took. Helmut said his camera was in the right pocket of his pants and I could retrieve it and look at the pictures. I pulled a camera from Helmut's pants pocket, turned it on and could see the last picture on the camera were those of his brothers fence and snowburm in front of his brothers house. the pictures appear to be taken from the area of the street closer to the intersection of Meadow Lane, Than the driveway of 321 Charles Avenue.

I told Egon to return to his home and wait for a deputy to come take his statement. While waiting for the ambulance to arrive, Egon's wife, Elfie Klementi came from the house and said she had more information about this incident. I told her a deputy would come speak with her shortly.

A second person walked to the scene and said she did not see this specific incident, however could provide a history of the ongoing harassment by Jeff towards Helmut and Egon Klementi. I identified her as Janet Wells and told her I would contact her for a statement.

Tahoe Douglas Paramedics arrived, placed Helmut on a backboard, loaded him into the ambulance and transported him to Barton Memorial Hospital.

After Helmut was transported to the hospital, I walked to 321 Charles Avenue and met with Deputy Almeida, Marilyn and Jeffrey Spencer in the the front entry room. Jeffrey was holding a paper towel over a bleeding abrasion on his arm. He was explaining to Deputy Almeida his accounts of the events that occurred.

Jeffrey was telling Deputy Almeida he could hear someone in his driveway and thought it was a burglar. He said he yelled from his upper deck "Who are you, identify yourself." Jeffrey said, he could see someone at the edge of his driveway. I asked him if he actually saw someone in his driveway and he said, "Someone was on the edge of my driveway, I went out front and saw a man walking away from my house." "I kept saying, who are you, why are you breaking into my truck."

Jeffrey went on to say, "I ran down the street, then pushed him down. I would have tackled him, but then we both would have gotten hurt." Jeffrey said, he thought the subject he chased down the street was a teenager, because of the hood he was wearing. He said he didn't know it was Egon and If Egon would have identified himself, he would not have pushed him down. Jeffrey also said, "what would you do if someone wouldn't identify themselves to you?"

I asked Jeffrey how he got the cut on his arm and he said, "I don't know, maybe that guys fingernail."

I asked Jeffrey to put his shoes on, come outside and show me where the male subject he thought was breaking into his vehicle was standing/walking on his property.

Jeffrey, Marilyn, Deputy Almeida and I went to the driveway that was covered in approximately 3" to 4" of snow. I could see two patterns of shoe prints in the driveway, neither of matched the pattern of Helmut's shoe prints I observed on his feet while he was lying in the street.

Marilyn pointed to a set of footprints and said, "there, those were not in the snow before." Deputy Almeida said he made the footprints when he walk to the

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D0300
2 R.App.377

Deputy Report for Incident 12SO41608

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the house. I compared the prints to Deputy Almeida's boots and they appear to be the same.

I asked Jeffrey how he could see the subject in his driveway from his rear second floor deck and he said, "I heard them in my driveway." I also asked Jeffrey how he could mistake his 78 year old neighbor, Egon or his brother Helmut as a teenager. Jeffrey said he was wearing a hood. I told Jeffrey, the subject he confronted in the street was Helmut, not Egon and neither were wearing a hood.

I placed Jeffrey under arrest, secured him into handcuffs, checked for proper fit and double locked. As I secured Jeffrey into handcuffs and searched his person for weapons, he said, "Come on, you're really arresting me?"

I told Jeffrey he was being arrested for battery/abuse of an elderly person. Jeffrey said, "well is he okay? he wasn't bleeding or anything."

Deputy Almeida met with Elfie and Egon Klementi and had them complete written statement.

I transported Jeffrey to the Douglas County Jail for booking. At the jail, I advised Jeffrey of his Miranda Rights and asked him if he was willing to write a statement to his accounts of this incident.

I left the jail and responded to Barton Memorial Hospital to speak with Helmut and check on his condition. I met with Helmut in the emergency room along with hospital staff. The treating staff told me no major injuries were noted upon their initial exam, and Helmut would be further observed and evaluated due to his age.

Helmut told me, he still had pain in his lower back and could not understand why Jeff would hit him. Helmut said, Jeff and his wife Marilyn have been involved with hostile confrontations with his brother, Egon. Jeff likes to harass all the neighbors and Kingsbury General Improvement District regarding, snowburms and a large fence Jeff built. Helmut said there is some type of restraining order against Jeff due to those civil issues about snow removal and fence issues. Helmut said he was in fear of Jeffrey and said he may have heard a single gunshot from Jeffrey's balcony prior to this battery.

I told Helmut, no other reports of gunshot were heard during that time and I had no evidence or other information to cause me to believe a firearm was involved.

I asked Helmut if he was in Jeff's driveway and he said he was not in the driveway and only took the pictures of his brothers fence from the street. I double checked and photographed Helmut's boots and confirmed they were not similar to any of the boot prints in Jeff's driveway.

I confirmed with Helmut he was not wearing a hood prior to my arrival, and his face was not covered during his altercation with Jeff.

I responded back to the jail to pick up Jeffrey Spencer's written statement. I asked Jeffrey if he wanted to add any information to his statement or make any additional verbal statements. Jeffrey said it was all written in his statement. I asked Jeffrey how he could not recognize his long term neighbor Egon or Helmut. Jeffrey said, "it was dark and my flashlight was small."

I told him, I did not realize he had a flashlight with him during this incident.

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Deputy Report for Incident 12SO41608

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Jeffrey said, "I grabbed it on my way out, but it does not work well."
I asked Jeffrey if any of tonight's confrontation stemmed from the ongoing dispute with the Klementi's or repercussions regarding an alleged restraining order? Jeffrey said, "I won't comment on that, that's in my lawyer's hands."

Wednesday, December 19 2012, I responded to 183 Juniper and contacted Janet Wells. Janet told me, she has been a witness to prior altercations between Jeffrey Spencer and the Klementi brothers. She recalls one specific incident, where Jeffrey came out from his house and was yelling at Egon Klementi as Egon walked his dog on Charles Avenue. Janet said, Jeffrey was hostile and she went to the street and stood between Egon and Jeffrey because she was afraid Jeffrey might hit Egon.

According to Janet, Jeffrey seems to have a dislike for the Klementi's, all of the senior citizens in the area and a dispute with Kingsbury General Improvement District. Janet said the dispute stems from Jeffrey's empowerment with F&B Trucking, where he is employed to plow the Kingsbury streets under a contract between K.G.I.D and F&B. Janet said, Jeffrey has a tendency to plow the street and block the driveways of those neighbors he is not fond of with snowburms. Janet believes it is Jeffrey's way of harassing and bullying anyone he does not like. This issue has been addressed at K.G.I.D meetings. Janet said, Marilyn Spencer has made comments after these meetings, that she has a concealed weapons permit. Janet said she was not ready to write a written statement.

I completed a locals check and discovered, Marilyn and Jeffrey Spencer are both CCW holders. Due to Jeffrey's arrest, I am forwarding a copy of this report to Undersheriff P. Howell for request of temporary suspension of Jeffrey Spencer's CCW permit pending adjudication.

I did not locate a Temporary Restraining Order involving Jeffrey Spencer, However, it is possible, some type of civil court order would not be listed in the local database maintained for Domestic Violence Protection Orders.

CONCLUSION:

This is my first encounter with Jeffrey Spencer or the Klementi Brothers. It is obvious there is a longstanding dispute between these homes. The Klementi's are 78 years old and do not resemble a teenager as described by Jeffrey Spencer. I found Jeffrey's statement to be not credible, regarding being able to see a dark figure in his driveway from the back of his house, then go outside with a flashlight, confront a male walking down the street and not recognize one of the Klementi twins, who he has confronted in the past, knock him to the ground, see that it's an elderly male that he mistook for a teenager, then walk away, leaving Helmut Klementi lying on the street.

It is my opinion, Jeffrey Spencer, was upset with the Klementi's saw Helmut taking photographs of the snowburr and used the excuse of someone breaking into his truck to confront and commit a battery on Helmut Klementi.

DISPOSITION:

Forward to the Douglas County District Attorney's Office for prosecution.
Forward to the Tahoe Township Justice Court for possible restraining order violation if order exists.
Forward to Undersheriff Howell for CCW review.

Wed Dec 19 21:21:48 PST 2012

08/10/15

Deputy Report for Incident 12SO41608

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Deputy J. McKone 301

Responsible LEO:

Approved by:

Date

08/10/15

D0303
2 R.App.380

Deputy Report for Incident 12SO41608

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Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case#12SO41608

DETAILS:

On Thursday, 12/20/12, I requested and received a copy of the 911 call placed by Marilyn Spencer. I booked the CD copy of the 911 call into the Douglas County Sheriff's evidence system, for review by the Douglas County District Attorney's Office.

DISPOSITION:

Attach to original report.

Thu Dec 20 22:17:22 PST 2012

Deputy J. McKone 301.

08/10/15

D0304
2 R.App.381

Deputy Report for Incident 12SO41608

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Supplement

Douglas County Sheriff's Department
Supplemental Narrative
Case#12SO41608

ADDITIONAL INFORMATION:

On Wednesday, January 2 2013, I received a message from Deputy Almeida, that Dr. Shaw a neighbor of Jeffrey Spencer had additional information and evidence of this Battery/Abuse of the Elderly case.

I responded to Dr. Shaw's home at 185 Juniper Lane in Stateline. Dr. Shaw told me, she has security surveillance camera's on her property and the incident was recorded.

I reviewed the surveillance video and could see Jeffrey's driveway and truck were undisturbed, before, during and after this incident/Battery. The video is not very clear, however, it does show camera flashes coming from the area of Egon Klementi's residence/street. The video also shows a male subject, presumed to be

Jeffrey Spencer, run from Jeffrey's home past his driveway and into the dark area of the street, then walk back to Jeffrey's home.

Dr. Shaw told me she is unable to provide me with a copy of the video, due to a programing, copy block in her security program in her computer. Dr. Shaw said she would retain the video on her laptop computer, in the event the Douglas County District Attorney was interested in viewing it on her system.

Dr. Shaw also told me she was recently in contact with Helmut Klementi. Dr. Shaw said Helmut was still in pain and had follow-up x-rays and it was discovered he had fractured rib(s).

01/03/13:

I made telephone contact with Hlemut Klementi. He told me, he is experiencing severe pain in his pelvis and has one fractured rib. Helmut also said he is now having medical complications in the area where he had hernia surgery.

DISPOSITION:

Attach to original report, forward to the Douglas County District Attorney's Office.

08/10/15

D0305
2 R.App.382



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page 1 of 1

LAST NAME - FIRST - MIDDLE KLEMENTI EGON ALOIS		D.O.B.	RACE - SEX WHITE, M	AGE 78	HT. 5'10"	WT. 165	HAIR BROWN GREY	EYES BLUE
PHYSICAL ADDRESS 187 HAWK LN		MAILING ADDRESS PO BOX 3155 STATELINE		CASE # 12SO 41608				
SS #		EMPLOYMENT LOCATION		HOME PHONE # 775 588 8895				
VEHICLE INFORMATION		YEAR	MAKE	MODEL	COLOR			
LICENSE PLATE/STATE		DRIVER'S LIC NO.			STATE			
WORK PHONE #								

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

I was in the house arranging my artwork in my studio east side of the house for a meeting with a TAHOE TRIBUNE JOURNALIST tomorrow afternoon. I HEARD MY TWIN BROTHER SCREAM FOR HELP! I SAW MY TWIN BROTHER LAYING ON THE STREET and ran out to help him. I saw Jeff SPENCER hitting Helmut from the back and pushing him to the FLOOR/STREET. I tried to help Helmut to get up but he had too much pain so I was just saving him from being run over in the middle of the street!

Egon Klementi

SIGNATURE OF PERSON MAKING STATEMENT:

DATE/TIME: **12-18-12**

D0306



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

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CASE #
12SD41608

LAST NAME - FIRST - MIDDLE <u>KLEMENTI, ELFIE</u>		D.O.B. <u>8, 14, 41</u>	RACE - SEX <u>F</u>	AGE <u>71</u>	HT.	WT.	HAIR	EYES
PHYSICAL ADDRESS <u>187 MEADOW LANE</u>		MAILING ADDRESS <u>P.O. BOX 3155</u>		HOME PHONE # <u>775-588 8895</u>				
SS #		EMPLOYMENT LOCATION <u>HARRAH'S</u>		WORK PHONE # <u>775-588 6611</u>				
VEHICLE INFORMATION	YEAR	MAKE	MODEL	COLOR				
	LICENSE PLATE/STATE		DRIVER'S LIC NO.		STATE			

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

AFTER DINNER AROUND 8¹⁵PM MY BROTHER IN LAW LEFT OUR HOUSE AND TO TAKE A PICTURE AT THE END OF OUR FENCE ON CHARLES AVE. WE CAME BACK FROM A BOARD MEETING WITH KIGD ABOUT BEAMS WHICH WE GOT BY MR. SPENCER.

ALL OVER SUDDEN I HEARD MY BROTHER IN LAW YELLING, ~~AND I SAW~~ I RUN OUT TO OUR DOOR AND I SAW HIM LAYING ON THE FLOOR AND MR. SPENCER RUNNING TO HIS HOUSE.

I CALLED 911 RIGHT AWAY AND MADE A REPORT THAT HELMUT IS ON THE FLOOR.

I STAYED IN THE HOUSE WHEN THE SHERIFF AND AMBUANCE CAME.

SIGNATURE OF PERSON MAKING STATEMENT:

Elfie Klementi

DATE/TIME:

12, 18, 2012

D0307

My name is Elsie Klementi. My husband, Egon, and I live on 187 Meadow Lane.

In the early winter season of 2011, while Egon was shoveling the berm away in front of our 2 gates by our fence on Charles Avenue, Mrs. Spencer, wife of the snow plow driver, came over to Egon and offered that her husband, Jeff Spencer, would take care of the snow if we like, since he was driving a big snow plow. My husband declined.

Later in 2011, and earlier this year, we found out that Mr. Spencer had been completely clearing certain driveways on Meadow Lane.

The neighborhood problem started in April, 2012, when the Spencers parked an 18 wheeler on Charles. The large vehicle blocked the view for drivers turning from Meadow Lane to Charles and from Charles to Meadow. After several police reports, the 18 wheeler was parked next to their house. It took several weeks for the vehicle to be removed.

Around the same time of the 18 wheeler problem, the Spencers built a six foot, solid wood fence. The six foot fence goes around their corner property on Charles and Juniper and behind their house. The fence violated the three foot height allowed in the county code. TRPA's standard is also three feet high. We know this policy because we checked with the county when we built a solid wooden fence around our corner property on Meadow and Charles. Our fence height was three feet. Later, we changed to an iron fence.

While the Spencers were building their fence last Memorial Day weekend, my husband walked by their house with our dog. Mr. Spencer and his wife aggressively confronted my husband, which made him fear for his safety.

During the 2012 winter season, Mr. Spencer was hired again to do the snow removal in our neighborhood. First snow of the season, we got the biggest berm in front of our driveway. No one else on Meadow Lane had piles of snow on their driveway. We reported the problem to KGID.

With previous snow plow removers, if the snow piled up on the intersection of Charles and Meadow or coming down from Charles to Meadow, the snow was plowed toward the empty corner lot which belongs to Douglas County, not pushed to our driveway.

On December 12th, while my husband was clearing our driveway, Mr. Spencer drove by with the snow plow with the blade down which caused my husband to be covered with snow and street debris. Egon called the Sheriff's department and filed a report with an officer. Egon also went to Mr. McKay and reported the incident. Mr. McKay told Egon that the situation would be addressed. Apparently it was not! Yesterday, December 17th, Mr. Spencer came back again with the snow plow and pushed a large amount of snow, ice blocks and street debris from Charles, against our fence, across the road from Mr. Spencer's house. Mr. Spencer then went into his house for a break.

Since Mr. Spencer became a snow plow operator, whenever Mr. Spencer took a break, day or night time, he parked the large vehicle on Charles, across our property, blocking traffic, and went in his house for breaks. The entire period he went on his breaks, Mr. Spencer left the vehicle's motor running, every single time.

At this time, the Spencers are now trying to get an approval from the KGID board to put a stop sign at the intersection in case they do not get the variance to keep their over 6 foot high fence. The stop sign is not going to solve the dangerous intersection problem at all.

My husband and I do not trust Mr. Spencer. We are afraid that Mr. Spencer uses his influence with other snow plow drivers in our neighborhood to create problems with our snow removal. We want him removed from his position. My husband and I cannot understand why this problem had been tolerated all this time by those who hired him, even after many complaints from different people in the neighborhood.



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page 1 of 2

LAST NAME - FIRST - MIDDLE <u>Spencer Jeff D</u>		# <u>13672</u>	D.O.B. <u>2-21-63</u>	RACE - SEX <u>W M</u>	AGE <u>49</u>	HT. <u>5'10"</u>	WT. <u>185</u>	HAIR <u>bln</u>	EYES <u>bln</u>
PHYSICAL ADDRESS <u>321 Charles</u>		MAILING ADDRESS <u>PO Box 2326</u>			HOME PHONE # <u>775 588-0801</u>				
IS #		EMPLOYMENT/LOCATION <u>1 Stateline</u>			WORK PHONE # <u>530 318-1876</u>				
VEHICLE INFORMATION		YEAR	MAKE	MODEL	COLOR				
		LICENSE PLATE/STATE		DRIVER'S LIC NO.			STATE		

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

On December 18th I arrived home from work at approximately 7:45pm. My wife was extremely upset and crying. She had just got home and saw someone in our driveway. I calmed her down and tried to get her to relax. After about 45 minutes, she got the dog out. I then went upstairs to clean up the top deck. At this time, I heard someone in my driveway. I shined a small flash light down there and saw someone dress in black with a hood on. I yelled out who are you and what are you doing on my property. There was no response. I yelled multiple times with no response. I thought they were breaking into my vehicles in the driveway. I ran down stairs to the front door. At this time I yelled to my wife someone is breaking in to the truck. I ran down the stairs and saw a figure now in the street heading westbound on Charles Ave. I yelled again multiple times who are you and what where you doing breaking in to my truck. The person refused to respond. I ran after them and gave them a push to stop them. They fell down. I then saw that it was one of the Clementes. I could not tell in the dark if it was

SIGNATURE OF PERSON MAKING STATEMENT:

Jeff Spencer

DATE/TIME:
12-18-12 10:15pm

D0309



SHERIFF-CORONER'S
DEPARTMENT
Douglas County, Nevada

STATEMENT FORM

VICTIM _____
WITNESS _____
DRIVER _____
PASSENGER _____

Page 2 of 2

CASE #

125041608

LAST NAME - FIRST - MIDDLE SPENCER, JEFF #13672		D.O.B.	RACE - SEX		AGE	HT.	WT.	HAIR	EYES
PHYSICAL ADDRESS			MAILING ADDRESS			HOME PHONE #			
SS #		EMPLOYMENT: LOCATION				WORK PHONE #			
VEHICLE INFORMATION	YEAR	MAKE	MODEL	COLOR					
	LICENSE PLATE/STATE		DRIVER'S LIC NO.				STATE		

MY OBSERVATION OR INVOLVEMENT IN THIS MATTER WAS AS FOLLOWS:

Egon or his brother. I asked him what he was doing in my driveway. He would not tell me and just yelled at the cops to call the Police. I told him they had already been called. His wife and brother were there by now. He wasn't bleeding that I could see, just yelling so I went into my house. The 911 operator told my wife for us to stay inside. I stayed inside until a Sheriff's Deputy knocked on the door.

We have had someone all summer try to break into our vehicles. A neighbor's car was broke into over Thanksgiving. I don't understand why he never identified himself.

SIGNATURE OF PERSON MAKING STATEMENT:

DATE/TIME:

12-18-12

D0310

EXHIBIT 8

EXHIBIT 8

1 IN THE NINTH JUDICIAL DISTRICT COURT
2 OF THE STATE OF NEVADA
3 IN AND FOR THE COUNTY OF DOUGLAS

---o0o---

6 HELMUT KLEMENTI,
7 Plaintiff,

Case No. 14-CV-0260

8 -vs- Dept. No. 1

9 JEFFREY D. SPENCER,
10 Defendant.

11 JEFFREY D. SPENCER,
12 Counterclaimant,

13 -VS-

14 HELMUT KLEMENTI, an individual,
EGON KLEMENTI, an individual,
15 MARY ELLEN KINION, an individual,
and DOES 1-5,

Counterdefendants.

19 DEPOSITION OF JESSE McKONE
04/07/2016
20 Reno, Nevada

24 REPORTED BY:
25 JOB NO: 297108A

KRISTINE BOKELMANN
NV CCR #165, CA #5979

JESSE MCKONE - 04/07/2016

<p>Page 2</p> <p>1 APPEARANCES OF COUNSEL: 2 For the Plaintiff: 3 LAUB & LAUB Attorneys at Law 4 By: Nicholas C. Palmer, Esq. 630 East Plumb Lane 5 Reno, Nevada 89502 (775) 333-5282 6 7 For the Defendant: 8 RANALLI, ZANIEL, FOWLER & MORAN, LLC Attorneys at Law 9 By: David M. Zaniel, Esq. 50 West Liberty Street 10 Suite 1050 Reno, Nevada 89501 (775) 786-4441 11 For the Counterclaimant: 12 WILLIAM J. ROUTSIS, II, ESQ. Attorney at Law 14 1070 Monroe Street Reno, Nevada 89509 (775) 337-2609 15 For the Counterdefendants Helmut and Egon Klementi: 17 18 LEMONS, GRUNDY & EISENBERG Attorneys at Law 19 By: Chris Moore, Esq. 6005 Plumas Street 20 Third Floor Reno, Nevada 89519 (775) 786-6868 21 22 23 24 25</p>	<p>Page 4</p> <p>I N D E X</p> <p>2 EXAMINATION: PAGE: 3 By Mr. Moore 5 4 By Mr. Pintar 28 5 By Mr. Palmer 37 6 By Mr. Zaniel 39 7 By Mr. Routsis 77 8 * * * 9 INDEX OF EXHIBITS 10 EXHIBITS: PAGE: 11 1 Douglas County Deputy Incident 12 Report dated 12/18/12 12 13 2-6 Color Photos of the Incident Scene 74 14 * * * 15 16 17 18 19 20 21 22 23 24 25</p>
<p>Page 3</p> <p>1 APPEARANCES OF COUNSEL: (Continued) 2 For the Counterdefendant Mary Ellen Kinion: 3 GLOGOVAC & PINTAR Attorneys at Law 4 By: Michael A. Pintar, Esq. 427 West Plumb Lane 5 Reno, Nevada 89509 (775) 333-0400 6 7 Also present: 8 Mary Ellen Kinion Elfriede Klementi 9 Jeffrey Spencer Marilyn Spencer 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 5</p> <p>1 Pursuant to Notice, and on the 7th day of 2 April, 2016, at the hour of 10:18 a.m. of said day, at 3 the office of Sunshine Litigation Services, 151 Country 4 Estates Circle, Reno, Nevada, before me, KRISTINE 5 BOKELMANN, a Certified Court Reporter, personally 6 appeared DEPUTY JESSE MCKONE. 7 8 JESSE MCKONE, 9 called as a witness by the Counterdefendants 10 herein, being first duly sworn, 11 was examined and testified as follows: 12 EXAMINATION 13 BY MR. MOORE: 14 Q Please state your name. 15 A Jesse McKone. 16 Q Have you ever been deposed before? 17 MR. ROUTSIS: Excuse me. I'm sorry to 18 interrupt you, but don't we have an exclusionary rule? 19 These are going to be other witnesses. 20 MR. MOORE: They're all parties. 21 MR. PINTAR: They're all parties. 22 MR. ROUTSIS: The parties need to be -- I 23 think if we have multiple defendants, they shouldn't be 24 privy to the testimony of other people. I think that's 25 a big problem. I think they should be excluded.</p>

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1 MR. MOORE: You can have an objection, but we
2 disagree.
3 MR. ROUTSIS: Okay. Very good.
4 THE WITNESS: Okay.
5 MR. ROUTSIS: I'm probably wrong.
6 THE WITNESS: Where were we?
7 MR. MOORE: I'm going to pause here and let's
8 go off the record.
9 (Off-the-record discussion.)
10 BY MR. MOORE:
11 Q We'll go back on the record and I'll start
12 again.
13 A Okay.
14 Q My question that I had asked before other
15 attorneys needed to make their record was have you ever
16 been deposed before?
17 A Never.
18 Q Okay. This process, I'll just explain it
19 briefly to you because it's not an every ordinary thing
20 for people other than lawyers such as us who do this.
21 What you're saying here today will be put
22 down, while it's on the record, into a deposition
23 transcript. You will have an opportunity to review that
24 deposition transcript and make any changes and
25 corrections. Do you understand that now?

Page 7

1 A Yes.
2 Q If you make any changes or corrections and
3 they're very substantive in nature, any lawyer or party
4 could comment on that at any future civil trial in this
5 matter. You understand that?
6 A I do.
7 Q You, therefore, understand that it's important
8 today that you do the best you can to answer questions
9 as accurately as you can. Do you understand that?
10 A Yes.
11 Q Understanding, however, that much of what
12 we're going to ask about happened several years ago,
13 it's fine for you to tell us if you're unsure of
14 something or if you don't remember. Do you understand
15 that?
16 A I do.
17 Q Now, the oath which you have taken is the same
18 oath which you would take if you were actually
19 testifying in a court of law. Do you understand that?
20 A Yes.
21 Q And of course, you would expect to be telling
22 the truth at any rate, correct?
23 A Yes.
24 Q All right. You're already doing a good job of
25 waiting for me to ask my questions. Sometimes my

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1 questions are long-winded. I ask you that you be
2 patient so we do not speak at the same time so that the
3 court reporter is sure to pick out who is saying what,
4 when. You understand that's important?
5 A I do.
6 Q Also, you're already providing verbal audible
7 answers. People communicate nonverbally in everyday
8 life. We will even do that ourselves, but if you can
9 please be patient and be sure to always give a verbal
10 audible answer in response to any question someone asks
11 so there's no confusion on the record. You understand
12 that's important?
13 A I do.
14 Q If you need to take a break, you may do so.
15 The only thing we will ask is if you can answer a
16 question that's pending. Hopefully you do not need to
17 take a break. I'm hopeful that we don't take a big
18 chunk of time here today, but you understand you can
19 take a break. Is that correct?
20 A Yes.
21 Q All right. What is your occupation?
22 A Deputy sheriff.
23 Q With what entity?
24 A Douglas County Sheriff's Office, Nevada.
25 Q How long have you worked with the Douglas

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1 County Sheriff's Office in Nevada?
2 A I am in my 25th year.
3 Q A stretch of time perhaps. When you first
4 started working at Douglas County in the sheriff's
5 department, had you had prior experience in law
6 enforcement?
7 A No.
8 Q In order to work as a deputy sheriff at that
9 time when you first started, did you have to go to any
10 kind of training or academy before you actually started
11 full-time patrol duties?
12 A Yes.
13 Q What did you do?
14 A July 1992 I attended the Nevada POST Academy
15 in Carson City and graduated in late October.
16 Q After graduation you were assigned to regular
17 duties at the Douglas County Sheriff's Department; is
18 that correct?
19 A Yes.
20 Q And can you just tell us generally what those
21 duties encompassed.
22 A For a deputy sheriff or me specifically?
23 Q For you specifically.
24 A Okay. I was -- prior to the academy I was
25 assigned to the jail. Upon graduation from the academy,

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<p style="text-align: right;">Page 10</p> <p>1 I returned to the jail until there was a slot opening in 2 the field training program. I was reassigned to patrol 3 a few months after the academy, spent nine years in the 4 patrol division, went from patrol division to the court 5 services and judicial protection services for -- it was 6 somewhere between five and six years. 7 At the end of that sixth year, I returned back 8 to the patrol division in I think it was probably 2008, 9 2009, and I believe -- I've had multiple assignments 10 within the patrol division during that stint from 2008, 11 2009 up until present. 12 Q When part of your assignment involved court 13 protection services, did some of that include working 14 with any of the district courts or district court 15 judges? 16 A Yes. 17 Q That's where I recognize you. 18 A Okay. 19 Q I was thinking I saw you. You've been in 20 Judge Gibbons' courtroom before? 21 A Many times. 22 Q All right. Now, as part of your professional 23 background, have you had any training that has helped 24 prepare you to investigate matters when you have been 25 called out to incidents?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. ROUTSIS: I'm just saying that's leading. 2 You shouldn't be telling him what he did. You should 3 ask him. 4 BY MR. MOORE: 5 Q Objection noted. 6 You have a protocol, don't you, that you have 7 established for yourself so that when you go to an 8 incident, you are able to start trying to figure out 9 what happened so you can do an investigation; is that 10 correct? 11 A Correct. 12 Q All right. And of course, we understand the 13 reason we're here today is because of an incident that 14 happened on December 18th, 2012, that you responded to 15 for the purpose so that you could investigate. You 16 understand that? 17 A Yes. 18 (Marked Defendant's Exhibit 1.) 19 BY MR. MOORE: 20 Q All right. Now, one thing that we have marked 21 for today as an exhibit is Exhibit 1, which is a 22 document that I'll show to you. I'm going to show that 23 to you and then we're going to go off the record to make 24 sure everyone has copies. So it looks like Exhibit 1 is 25 in front of you.</p>
<p style="text-align: right;">Page 11</p> <p>1 A Yes. 2 Q And can you summarize that for me, what that 3 training has consisted of. 4 A I've been through three different death 5 investigation schools. I am a coroner. I've done an 6 internship with Washoe County Medical Examiner's Office 7 to get a basic coroner's certification. 8 I spent an internship with the Clark County 9 Medical Examiner's Office, and have worked hundreds of 10 death investigations over the course of my career, and 11 have also supervised the coroner's division. 12 Q The training that you've summarized for me 13 here, was substantially all of that training training 14 you had the benefit of when you responded to an incident 15 on December 18th of 2012, which is the incident that 16 brings us here today? 17 A Yes. 18 Q And throughout your years of training, you 19 have established a protocol, perhaps, for yourself that 20 when you arrive at an incident, there are certain things 21 you try to do to find out what's going on? 22 MR. ROUTSIS: I'm going to object. That's 23 leading. You're telling him. 24 MR. MOORE: You can have a running objection 25 if you feel more comfortable.</p>	<p style="text-align: right;">Page 13</p> <p>1 A Yes. 2 MR. MOORE: Okay. We're going to go off the 3 record. 4 (Off-the-record discussion.) 5 BY MR. MOORE: 6 Q We'll go back on the record. 7 Prior to your coming to today's deposition, 8 did you review any documents to prepare for the 9 deposition? 10 A No. 11 Q Prior, before us going on the record, did you 12 take a look at what has been marked as Exhibit 1? 13 A Today, yes. 14 Q Good. And thanks for your specificity here. 15 When we look at Exhibit 1, can you tell us what that 16 document is. 17 A That is the report that I completed from the 18 incident in 2012. 19 Q All right. When we look at Exhibit 1, it does 20 not have every single page numbered, but I'd like to see 21 if it's the complete report. When we look at Exhibit 1, 22 the first 10 pages have some numbering after the second 23 page. It says page 2 of 10. 24 A Yes. 25 Q And it looks like we have 10 pages. And then</p>

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<p style="text-align: right;">Page 14</p> <p>1 after those 10 pages there appear to be witness 2 statements. And once you've looked at those witness 3 statements and the first 10 pages, do they collectively, 4 to the best of your memory, consist of the entire 5 incident report that you were involved in preparing? 6 A Yes. 7 Q And the reason I'm asking this, I'm just 8 seeing if there's any document that would be missing 9 that perhaps you could tell us about if it was missing 10 or not. 11 A Not that I can recall. 12 Q Fair enough. The first 10 pages of Exhibit 1, 13 is that something that you had prepared as part of your 14 involvement in this matter? 15 A Somewhat. Page three through most of page 16 eight, the first -- where it ends with my name there, 17 that's mine. The other pages, like page one and page -- 18 half of page eight, nine, and 10, those are all software 19 generated that are auto-populated in the report. 20 Q I understand, and I appreciate your 21 specificity. So what you pointed out is when we look at 22 pages three up to a portion of page eight where it 23 starts with narrative, investigation narrative, that 24 would be mostly, in large part, what you had prepared -- 25 A Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 verbally? 2 MR. ROUTSIS: Yes. 3 THE WITNESS: Yeah, sure. 4 BY MR. MOORE: 5 Q So let's take you to the date of the incident 6 that brings us all here today. I presume that you get a 7 dispatcher call of some sort in order to get you to the 8 location; is that correct? 9 A Yes. 10 Q And if you can walk us through what happens 11 once you get the dispatch call. What happens next that 12 you're involved in? 13 A I acknowledge that I am en route and I respond 14 to the area or the residence, whatever it happens to be. 15 Q Do you have any recollection if you had 16 previously responded to that specific area for any kind 17 of disturbances or disputes, if you remember? 18 A Not for disturbances or disputes. 19 Q Okay. Considering the amount of time that you 20 were involved as being a deputy sheriff, you were 21 generally familiar with the area; is that accurate? 22 A Very. 23 Q All right. And we are bringing to the time 24 when you arrived to the area because you received a 25 report. What happens upon arrival?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q -- in order to provide a narrative of what 2 happened, correct? 3 A That's actually my typewritten report, yes. 4 Q You shared with us a little bit that when one 5 starts creating a report, you go to a computer to input 6 the information; is that correct? 7 A Yes. 8 Q And are there other people who, to your 9 knowledge and understanding, are involved in inputting 10 information in the computer data that is eventually 11 printed out to consist of this report? 12 A Yes. 13 Q Okay. All right. You understand that you're 14 welcome to look at your report at any time if you need 15 to help to refresh your memory to answer any questions 16 that may be posed to you here today. Do you understand 17 that? 18 A Yes. 19 MR. ROUTSIS: And for the record, would you 20 acknowledge when he's looking at the report, he can't 21 answer a question, so say please may I look at my report 22 so we know it's not from your personal memory and we 23 know it's coming from your refreshed recollection of 24 your report. 25 THE WITNESS: You want me to state that</p>	<p style="text-align: right;">Page 17</p> <p>1 A I turned onto Charles and could see a man 2 laying in the snowpack-covered road. 3 Q And as we look at page three of the report, 4 which is the narrative that you prepared, and we can 5 look through there, let's perhaps save us a little bit 6 of time. You had an opportunity to review that 7 narration before this deposition started this morning, 8 correct? 9 A Yes. 10 Q Looking at that narration, is there anything 11 that you looked at that is inaccurate or you believe to 12 be inaccurate? 13 A No. 14 Q All right. So if one were to read through the 15 narration, that is what you would be testifying to. If 16 we asked you to go through and tell us what happened, 17 you would just basically go through the narration; is 18 that accurate? 19 A Yes. 20 Q All right. Now, obviously if you remember any 21 fact independently that may not be written down here, 22 you can certainly refer and share that fact. You 23 understand that? 24 A Yes. 25 Q All right. Looking at the narration, it</p>

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1 appears that upon seeing what had -- there was a man on
2 the ground, you took certain steps in order to make sure
3 that the man would be taken care of and that he would be
4 kept safe. For example, you parked your vehicle so that
5 no one would run over him because he was in the middle
6 of the road, correct?

7 A Yes.

8 Q All right. And then at a certain point you
9 had to ask people questions to try and find out what was
10 going on, correct?

11 A Yes.

12 Q All right. Now, there was a certain point in
13 time when you had contact with a Mr. Spencer; is that
14 correct?

15 A Yes.

16 Q And can you please tell us what that contact
17 consisted of in chronological order. In other words,
18 when's the first time you can recall having any contact
19 with Mr. Spencer when you have arrived at the scene of
20 the incident?

21 A I believe my first contact with Mr. Spencer
22 was at the front door of his residence.

23 Q And why is it that you were at the front door
24 of his residence?

25 A I was investigating this incident and I was

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1 pointed in that direction by the male on the ground.

2 Q When you arrived at the incident, do you
3 recall if your lights were on, not just your vehicle
4 lights, but your emergency lights?

5 A I believe they were. I believe I turned them
6 on so that anybody coming down the street would stop.

7 Q As part of your effort to make sure that,
8 while Mr. Klementi was laying in the street, no one
9 would run him over, you wanted to alert people there was
10 some sort of unusual situation, and putting on your
11 lights would be consistent with that?

12 A That, and it gives a visual for -- you know, I
13 wouldn't want the firemen to round that corner either
14 and make things worse. So it's so that they can see
15 where they need to go and where they need to stop.

16 Q Okay. Now, when you went to Mr. Spencer's
17 door of his house, could you see from the door of the
18 house your vehicle with the lights on?

19 A I don't know.

20 Q Do you have a recollection around how far away
21 from your vehicle, with the lights on, the door of Mr.
22 Spencer's house was?

23 A It was elevated. The front door is on the
24 second floor, I believe, or an elevated, maybe,
25 basement, above a basement. I would say it's probably

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1 40 feet.

2 Q All right.

3 A 60 feet maybe.

4 Q When you first go to Mr. Spencer's house to
5 speak with him, were you there with the idea you wanted
6 to speak to him specifically or were you thinking I'll
7 speak to any occupant in the house?

8 A Well, I was also advised that the 911 call
9 came from that residence, so I didn't know exactly. I
10 just wanted to speak to whoever was in the residence.

11 Q Understood. So you go to the Spencers'
12 residence and you start speaking to someone, presumably.
13 Who is that person?

14 A I don't remember if it was Mr. or Mrs.
15 Spencer.

16 Q Fair enough. Is there a point in time when
17 you do recall, though, conversing or speaking with Mr.
18 Spencer?

19 A Yes.

20 Q And are you able to either recall
21 independently, or if you need to look at your report,
22 can you tell me what the contents were of the
23 conversation you had with Mr. Spencer when you first
24 spoke to him as you're investigating what's happening.

25 A In detail without looking at my report, no.

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1 Basically about the incident itself.

2 Q Okay. And I appreciate that. And we can read
3 through the narrative report which would have been
4 rendered. And let's just establish some basis here.
5 How long after your investigation would you have
6 prepared your narrative report?

7 A I believe it was the same night. It was
8 probably within probably three to four hours.

9 Q And at that point would you believe that your
10 investigation, what people had told you, was still
11 fairly fresh in your mind?

12 A Yes.

13 Q And you would defer to what's in your report
14 as opposed to your independent recollection here today?
15 Is that an accurate statement?

16 A Correct.

17 Q All right. Is there anywhere in the report
18 where Mr. Spencer shared with you that he had
19 surveillance cameras around his house?

20 A I don't think so.

21 Q If Mr. Spencer would have shared with you
22 that, hey, I have surveillance cameras that can show
23 some part of this incident, would you have noted that in
24 your report?

25 A Yes.

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<p style="text-align: right;">Page 22</p> <p>1 MR. ROUTSIS: Objection. Calls for 2 speculation, what he would have done if the facts were 3 different. Move to strike. 4 BY MR. MOORE: 5 Q Did Mr. Spencer ever volunteer to you that "I 6 have video of this event"? 7 A No. 8 Q As a trained investigator, would that have 9 been a significant fact to you as part of your 10 investigation? 11 A Yes. 12 Q There comes a point in the investigation, 13 according to the narrative report, where you ask 14 questions of Mr. Spencer as to what happened, and Mr. 15 Spencer tells you that he had, according to your report, 16 that he had yelled from his upper deck, quote: "Who are 17 you? Identify yourself." Close quote. 18 And then he went on to explain that, according 19 to your narrative report, Mr. Spencer said, quote: "I 20 ran down the street, then pushed him down. I would have 21 tackled him, but then we both would have gotten hurt." 22 Close quote. 23 When I've quoted that language, is that the 24 precise language that you recall Mr. Spencer would have 25 told you?</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. ROUTSIS: No, I'm not done. I'm not done. 2 And -- 3 MR. MOORE: Counsel. 4 MR. ROUTSIS: -- I'm asking judicial notice be 5 taken because you're responsible to have the court 6 transcripts of sworn testimony. So in that regard I 7 want the record and judicial notice to be taken that 8 that's what this record establishes, and we should be 9 taking judicial notice of sworn testimony under oath. 10 MR. MOORE: Counsel, I'm going to give you an 11 opportunity here. We'll try doing this again. If you 12 persist in these objections, we will stop and we'll go 13 and we'll get a remedy from the court. 14 MR. ROUTSIS: I'd be more than happy to do 15 that. What I've done here -- again, I'm going to repeat 16 myself. You should be responsible to know what the 17 record is of the testimony under oath at trial, so when 18 you're asking questions that are misleading, I think we 19 should take judicial notice of the sworn testimony. 20 I'll submit that. I'm not being difficult. 21 This is just a simple request for judicial notice. 22 We'll submit it on that. 23 MR. MOORE: The record will be clear here. 24 MR. ROUTSIS: And I'm more than happy to go 25 before a judge, so please don't threaten me like that's</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes. 2 Q All right. And that's why you put it in 3 quotes; is that correct? 4 A Yes. 5 Q One of the things that Mr. Spencer told you 6 was that he chased down the street a person who he 7 thought was a teenager because the person was wearing a 8 hood. That was your understanding as to what he told 9 you? 10 A I believe he said a hoody. 11 Q Okay. 12 MR. ROUTSIS: Gentlemen, I'd like to interrupt 13 for a second. I don't know what your position is on 14 judicial notice; however, had you gentlemen got the 15 trial transcripts -- I'm going to ask you take judicial 16 notice -- that Helmut Klementi verified that Jeff 17 Spencer asked him repeatedly what you're doing by my 18 truck. 19 Helmut Klementi testified further -- I'm 20 asking judicial notice for the record -- Helmut Klementi 21 then responded he did not respond to that request and 22 that was the basis -- 23 MR. MOORE: Counsel. 24 MR. ROUTSIS: Excuse me. I'm not done. 25 MR. MOORE: No, you are.</p>	<p style="text-align: right;">Page 25</p> <p>1 some big event. If you want to go before Judge Kosach, 2 that's fine. Let's proceed. 3 MR. MOORE: Why would we go in front of Judge 4 Kosach? 5 MR. ROUTSIS: Well, you said you were going to 6 go before the court for a remedy to these outbursts when 7 I'm asking you to take judicial notice. 8 MR. MOORE: Why would -- 9 MR. ZANIEL: He's our judge. 10 MR. MOORE: Okay. 11 MR. ROUTSIS: He's our judge. Did you know 12 that? 13 MR. MOORE: Yeah, the thing -- 14 MR. ROUTSIS: Did you know it? Did you know 15 he was our judge? 16 MR. MOORE: The thing that I'm asking -- 17 MR. ROUTSIS: No, I'm asking you a question. 18 Were you aware he was our judge? 19 MR. MOORE: No. Mr. Routsis -- 20 MR. ROUTSIS: So that's why I mentioned Judge 21 Kosach. 22 MR. MOORE: Mr. Routsis, you are interposing 23 yourself inappropriately into this process. 24 MR. ROUTSIS: That's your opinion. I 25 disagree.</p>

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<p style="text-align: right;">Page 26</p> <p>1 MR. MOORE: And --</p> <p>2 MR. ROUTSIS: I think I'm imposing myself</p> <p>3 properly into the process. And I'm willing to go on.</p> <p>4 We could sit here and debate all day. Let's go on.</p> <p>5 MR. MOORE: No, we won't debate all day, but</p> <p>6 what I'm trying to do is make the record clear that it's</p> <p>7 your position that you can have these kinds of speaking</p> <p>8 objections at any time in this deposition; is that your</p> <p>9 position?</p> <p>10 MR. ROUTSIS: No, no, no, no. You see,</p> <p>11 counsel, why don't you let me speak for myself and you</p> <p>12 speak for yourself.</p> <p>13 MR. MOORE: Good idea.</p> <p>14 MR. ROUTSIS: It's my position that you should</p> <p>15 be aware of sworn testimony under oath, and I'm just</p> <p>16 making a record that there was a trial transcript in</p> <p>17 this case, and that's the only record I'm making. That</p> <p>18 may be relevant or not. You may not like it or you may</p> <p>19 like it. I'm just making a record.</p> <p>20 MR. MOORE: Have you produced the trial</p> <p>21 transcript?</p> <p>22 MR. ROUTSIS: They're public record. I would</p> <p>23 think if you're representing all these people, and</p> <p>24 there's a lot of money at issue, I would think you would</p> <p>25 take the time to go get the public record and read it.</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. MOORE: Have you obtained the record? Do</p> <p>2 you have the record, yes or no?</p> <p>3 MR. ROUTSIS: I'm not going to answer your</p> <p>4 questions. I don't have any responsibility to answer</p> <p>5 your question.</p> <p>6 MR. MOORE: Do you have any --</p> <p>7 MR. ROUTSIS: If you want to go before a judge</p> <p>8 and get an order to compel, great, but I'm not answering</p> <p>9 your questions. The real relevant question is you</p> <p>10 didn't get the record.</p> <p>11 MR. MOORE: Do we have a discovery sanction</p> <p>12 that would be appropriate here?</p> <p>13 MR. ROUTSIS: Sir, why don't you file your</p> <p>14 motions for sanctions. Don't threaten me. I'm not</p> <p>15 concerned about your threats. If you have a problem</p> <p>16 with you not getting the judicial record, then file a</p> <p>17 motion. Don't threaten me. I could care less what you</p> <p>18 think.</p> <p>19 MR. MOORE: I'm finished with my questions.</p> <p>20 I'm going to reserve the ability to ask this witness</p> <p>21 questions later on.</p> <p>22 MR. ROUTSIS: Very good.</p> <p>23 EXAMINATION</p> <p>24 BY MR. PINTAR:</p> <p>25 Q What time did you start your shift on 12/18?</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. MOORE: Have you taken the time to get the</p> <p>2 public record? Do you have that in your possession?</p> <p>3 MR. ROUTSIS: Absolutely -- well, I'm not</p> <p>4 going to answer that question.</p> <p>5 MR. MOORE: I would suspect so. Are you</p> <p>6 aware, sir, that there are rules of civil procedure --</p> <p>7 MR. ROUTSIS: Oh, I'm aware.</p> <p>8 MR. MOORE: -- that if you have a document</p> <p>9 that is probative, you should have produced that prior</p> <p>10 to today's proceeding?</p> <p>11 MR. ROUTSIS: Oh, no, no, no. I think you've</p> <p>12 been fully informed, if you read the letters and the</p> <p>13 emails, that you were informed that there was a trial</p> <p>14 transcript in this case and that it costs money to get</p> <p>15 the trial transcript. It's a public record and you can</p> <p>16 go to the reporting company and get the record. Your</p> <p>17 failure to do that is your decision.</p> <p>18 MR. MOORE: So counsel --</p> <p>19 MR. ROUTSIS: But I would presume that when</p> <p>20 you're representing people for a great deal of money,</p> <p>21 you'd at least be aware of the public record.</p> <p>22 MR. MOORE: Which is exactly why you have not</p> <p>23 obtained the record, correct?</p> <p>24 MR. ROUTSIS: I'm not -- no, no, no. I'm not</p> <p>25 going to ever misstate a fact in this case, okay?</p>	<p style="text-align: right;">Page 29</p> <p>1 A 1400. That's 2:00 p.m.</p> <p>2 Q Okay. And what was your shift at that time?</p> <p>3 A It's swing shift. It's 2:00 p.m. to midnight.</p> <p>4 Q Okay. And where were you stationed at the</p> <p>5 time?</p> <p>6 A I was -- well, we're centrally deployed from</p> <p>7 Minden, but I was assigned to beat three, which is</p> <p>8 everything outside the casino core of Stateline where</p> <p>9 Lake Parkway is and the golf course is there, up</p> <p>10 Kingsbury and out to Round Hill.</p> <p>11 Q And how were you notified of the events on</p> <p>12 December 18th that we're here about?</p> <p>13 A I was notified from the 911 dispatcher via our</p> <p>14 radio.</p> <p>15 Q Okay. Do you know, do you remember what was</p> <p>16 said to you?</p> <p>17 A No, sir. We get notified in two ways.</p> <p>18 Q Okay.</p> <p>19 A We get notified via the radio, and then we</p> <p>20 have an MDC that looks much like a laptop that the call</p> <p>21 actually pops up on so we don't have to commit</p> <p>22 everything to memory anymore.</p> <p>23 Q Okay. And you indicated that when you arrived</p> <p>24 on the scene, you saw a person lying in the street?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q Were you the first officer at the scene?</p> <p>2 A Yes.</p> <p>3 Q Was there any other emergency personnel at the</p> <p>4 scene?</p> <p>5 A Yes.</p> <p>6 Q Who else was there?</p> <p>7 A My partner, Deputy Nate Almeida.</p> <p>8 Q So he arrived with you?</p> <p>9 A I don't know in what proximity he was to me,</p> <p>10 but I know he followed me in onto Charles and he arrived</p> <p>11 with -- I don't know what time he arrived, but it was</p> <p>12 within a minute, I'm sure.</p> <p>13 Q Was there an ambulance or any medical</p> <p>14 personnel on the scene?</p> <p>15 A No, not yet.</p> <p>16 Q When you saw Mr. Klementi -- it was Mr.</p> <p>17 Klementi in the street, correct?</p> <p>18 A Yes.</p> <p>19 Q Helmut Klementi?</p> <p>20 A Yes.</p> <p>21 Q Okay. Was there anybody else around him?</p> <p>22 A I don't believe so. Maybe his wife may</p> <p>23 have -- I wasn't sure -- I'm not sure if she was there</p> <p>24 or if she came out while I was talking to him. Somebody</p> <p>25 came out.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Do you remember the neighbor's name?</p> <p>2 A It was a woman neighbor. I'd have to --</p> <p>3 Q Feel free to look at your report.</p> <p>4 A Okay. I have to refer to my report.</p> <p>5 Q That's fine.</p> <p>6 A All right. It was two people.</p> <p>7 Q Okay. Who were they?</p> <p>8 A Elfi Klementi and Janet Wells.</p> <p>9 Q Anybody else?</p> <p>10 A Not at that time.</p> <p>11 Q So when you went to the Spencers' house, what</p> <p>12 was their physical condition? I guess, first of all,</p> <p>13 let's ask for Mr. Spencer.</p> <p>14 A Physical condition?</p> <p>15 Q Well, I mean -- by that I mean, had he had</p> <p>16 anything to drink, was he intoxicated or anything like</p> <p>17 that?</p> <p>18 A No, I don't believe so.</p> <p>19 Q Okay. What about Mrs. Spencer?</p> <p>20 A I don't believe so. I can't completely</p> <p>21 recall, but I do not recall them being intoxicated or</p> <p>22 belligerent.</p> <p>23 Q Did you ask them to fill out a statement?</p> <p>24 A I believe so, yes.</p> <p>25 Q And did they fill out a statement for you, a</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Okay. So could you kind of take us through</p> <p>2 step by step what your investigation was.</p> <p>3 A Initially my investigation, I wanted to make</p> <p>4 sure medical attention was the priority there and then</p> <p>5 to establish what had occurred to get to that point.</p> <p>6 Q Okay. So were you the one who called for the</p> <p>7 ambulance?</p> <p>8 A Yes.</p> <p>9 Q Okay. And then once the ambulance was arrived</p> <p>10 and took care of Mr. Klementi, what did you do as part</p> <p>11 of your investigation to find out what had occurred?</p> <p>12 A I went to the Spencer home and made contact</p> <p>13 there and established the circumstance of the call.</p> <p>14 Q So when you went to the Spencer home, you</p> <p>15 spoke with Mr. Spencer and Mrs. Spencer?</p> <p>16 A Yes.</p> <p>17 Q Anybody else?</p> <p>18 A No.</p> <p>19 Q Okay. Other than the Spencers, did you speak</p> <p>20 with anybody else in investigating what happened?</p> <p>21 A At the residence or just in the case in</p> <p>22 general?</p> <p>23 Q On that evening.</p> <p>24 A Yes, I spoke to, I believe it was a neighbor,</p> <p>25 outside.</p>	<p style="text-align: right;">Page 33</p> <p>1 written statement?</p> <p>2 A I believe Mr. Spencer did.</p> <p>3 Q Okay. What about Miss Wells, was she</p> <p>4 intoxicated or anything like that?</p> <p>5 A I don't know.</p> <p>6 Q Did she fill out a written statement?</p> <p>7 A Yes.</p> <p>8 Q Okay. And there at the scene?</p> <p>9 A I believe I left it with her and then returned</p> <p>10 to pick it up. So yes, at the scene.</p> <p>11 Q Okay. When would you have returned to pick it</p> <p>12 up?</p> <p>13 A I don't recall. It was either after I</p> <p>14 completed my investigation at the hospital or it was the</p> <p>15 following day. I'm not 100 percent sure.</p> <p>16 Q Okay. Did you get a statement from Helmut</p> <p>17 Klementi?</p> <p>18 A A written statement?</p> <p>19 Q Yes.</p> <p>20 A I don't know. I'd have to look at my reports</p> <p>21 to see if it's attached.</p> <p>22 Q Please do.</p> <p>23 A I'm going to look at my report.</p> <p>24 MR. ROUTSIS: Certainly.</p> <p>25 THE WITNESS: No, I did not.</p>

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1 BY MR. PINTAR:
 2 Q Attached -- just for the record, attached to
 3 your report is Exhibit No. 1. There's a written
 4 statement from Egon Klementi, correct?
 5 A Yes.
 6 Q When did you speak with Egon Klementi?
 7 A I believe it was after -- no, I think he came
 8 out to the scene. My initial contact, he came out to
 9 the scene where his -- when his brother was still there
 10 before the ambulance took him.
 11 Q Okay. And you also have a statement here from
 12 Elfi Klementi?
 13 A Yes.
 14 Q When did you speak with Mrs. Klementi?
 15 A There at the scene.
 16 Q And then there's Mr. Spencer's statement. I
 17 don't see a statement from Miss Wells. Is there one?
 18 A No. It may have just been Egon's and Elfi
 19 Klementi.
 20 Q Okay. Is there anything else that you did in
 21 terms of your investigation at the scene on the evening
 22 of December 18, 2012?
 23 A At the scene?
 24 Q Yes.
 25 A Other than what I -- meeting with the

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1 Spencers --
 2 Q Yes.
 3 A -- and the Klementis and Miss Wells, no.
 4 Q Okay. And then you indicated you went to the
 5 hospital?
 6 A Yes.
 7 Q And what did you do at the hospital?
 8 A I got a briefing from the ER staff on Mr.
 9 Klementi's injuries and then they allowed me to speak to
 10 him briefly.
 11 Q And what did Mr. Klementi tell you occurred?
 12 MR. ROUTSIS: We're getting into hearsay, so
 13 I'm going to object to hearsay.
 14 BY MR. PINTAR:
 15 Q It's okay. We're in a civil matter.
 16 Go ahead.
 17 A He told me that he had been out in the street
 18 and that Jeff Spencer had attacked him.
 19 Q Okay. What were Mr. Klementi's injuries?
 20 A I don't recall. I'd have to speculate.
 21 Q Okay. We don't want you to speculate.
 22 So then after you went to the hospital, spoke
 23 to Mr. Klementi, what did you do then?
 24 A I believe I returned back to the area and
 25 collected the written statements from the Klementis.

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1 Q And then what did you do once you obtained all
 2 these written statements?
 3 A I went back to the station -- I mean, I
 4 finished my shift with the other calls not related to
 5 this.
 6 Q Right.
 7 A And then I went back to the station and wrote
 8 my report.
 9 Q So this report we've marked Exhibit 1?
 10 A Yes.
 11 Q When was this report completed?
 12 A I believe it was -- the narrative was written
 13 on the same shift before I left for the night.
 14 Q Okay. In this report it says that it is your
 15 opinion that Jeffrey Spencer was upset with Klementi,
 16 saw Helmut taking photographs of the snow berm, and used
 17 the excuse of someone breaking into his truck to
 18 confront and to commit a battery on Helmut Klementi.
 19 A Yes.
 20 Q And that conclusion was formed by you on the
 21 evening of December 18th?
 22 A Yes.
 23 MR. ROUTSIS: I'm going to object and move to
 24 strike his opinion, which is not relevant.
 25

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1 BY MR. PINTAR:
 2 Q Have we --
 3 MR. ROUTSIS: It's a relevance objection.
 4 BY MR. PINTAR:
 5 Q Have we talked about all the investigation
 6 that you performed in forming that opinion and
 7 conclusion?
 8 A Yes.
 9 Q Okay. At any point in time prior to forming
 10 this opinion and conclusion in this report did you speak
 11 with Mary Ellen Kinion?
 12 A I did not.
 13 Q And based on your report, it was forwarded to
 14 the Douglas County Sheriff's Department or the district
 15 attorney for prosecution, correct?
 16 A Yes.
 17 MR. PINTAR: Thank you. That's all I have.
 18 MR. PALMER: I just have a couple questions.
 19 EXAMINATION
 20 BY MR. PALMER:
 21 Q To follow up on what Mr. Pintar asked you
 22 regarding alcohol, I noticed in your report on page nine
 23 and 10 -- do you want to turn to that? -- that
 24 there's -- been drinking was listed in the top
 25 right-hand corner. I just wanted to clarify what that

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<p style="text-align: right;">Page 38</p> <p>1 meant.</p> <p>2 A I don't know. That's -- those are fields that</p> <p>3 are filled in by the 911 dispatcher that are</p> <p>4 auto-populated into these fields and --</p> <p>5 Q Okay.</p> <p>6 A -- I wouldn't know where that came from.</p> <p>7 Q Then one other question I had for you. At any</p> <p>8 time during your investigation did anyone ever state</p> <p>9 there was video of the incident regarding Mr. Spencer</p> <p>10 and Mr. Klementi?</p> <p>11 A On a follow-up --</p> <p>12 MR. ROUTSIS: I'm going to object to the form</p> <p>13 of the question.</p> <p>14 MR. PALMER: You can answer.</p> <p>15 MR. ROUTSIS: Excuse me. Let me complete my</p> <p>16 objection. The form of the question, did anybody ever</p> <p>17 state. All he can answer is does he have a</p> <p>18 recollection. He can't give a statement of fact. He</p> <p>19 can give his opinion that he doesn't remember anybody</p> <p>20 doing it. So the form of the question is improper.</p> <p>21 BY MR. PALMER:</p> <p>22 Q You can answer now.</p> <p>23 A Yes, the doctor that lives at the end of the</p> <p>24 street had a video surveillance from her home.</p> <p>25 Q And did you ever review the tapes from that?</p>	<p style="text-align: right;">Page 40</p> <p>1 A -- midnight.</p> <p>2 Q Okay. How long had -- you mentioned that</p> <p>3 sector that you were patrolling earlier. How long had</p> <p>4 you been assigned to that sector, for how many years or</p> <p>5 months or --</p> <p>6 A Oh, with the exception of the five or six</p> <p>7 years in the middle there, I've been assigned to that</p> <p>8 area multiple times over 15 years.</p> <p>9 Q Okay. So you were familiar with that area?</p> <p>10 A Yes.</p> <p>11 Q Prior to the date of this incident, had you</p> <p>12 ever responded to that area for any type of 911 calls</p> <p>13 either on Charles Street or on the surrounding streets?</p> <p>14 A Yes.</p> <p>15 Q How many times had you responded to calls in</p> <p>16 that area prior to the date of this incident,</p> <p>17 approximately?</p> <p>18 A I don't know. I can only remember one</p> <p>19 specific incident that I went to that general area for.</p> <p>20 Q Okay. And what was that incident regarding?</p> <p>21 A It was a bicycle accident, but I just remember</p> <p>22 it because it was really bad.</p> <p>23 Q Okay.</p> <p>24 A Yeah.</p> <p>25 Q So that didn't involve any of the folks that</p>
<p style="text-align: right;">Page 39</p> <p>1 A I did, and I was unable to -- with her</p> <p>2 computer program, we were unable to download it onto a</p> <p>3 zip drive or a disk or anything and burn a copy, so I</p> <p>4 just told her to just keep the video in the event that</p> <p>5 the District Attorney's Office would want it.</p> <p>6 Q Do you remember if that video showed the</p> <p>7 incident between Mr. Spencer and Mr. Klementi?</p> <p>8 A I believe it showed part of the incident.</p> <p>9 MR. PALMER: All right. I have no further</p> <p>10 questions.</p> <p>11 MR. ZANIEL: Do you want me to go with it?</p> <p>12 We're going to skip, so --</p> <p>13 MR. ROUTSIS: Sure.</p> <p>14 EXAMINATION</p> <p>15 BY MR. ZANIEL:</p> <p>16 Q All right. Officer, I'm sorry. You said what</p> <p>17 time did you start your shift that day?</p> <p>18 A 2:00 p.m.</p> <p>19 Q And what time did this incident occur or when</p> <p>20 did you get the dispatch call, approximately?</p> <p>21 A I would have to look at my report to do that.</p> <p>22 I believe it was reported at 2044, 8:44 p.m.</p> <p>23 Q Okay. And your shift was from 12:00 to --</p> <p>24 A No, no, from 2:00 p.m. to --</p> <p>25 Q Midnight?</p>	<p style="text-align: right;">Page 41</p> <p>1 we've talked about in this case?</p> <p>2 A No, no, it did not.</p> <p>3 Q Prior to this incident, have you ever</p> <p>4 responded to any calls in that area that directly</p> <p>5 involved the folks that we're talking about in this</p> <p>6 incident?</p> <p>7 A Never.</p> <p>8 Q Prior to this incident, were you aware if</p> <p>9 there were any type of break-ins or vehicle threats or</p> <p>10 burglaries that were being reported within, say, a mile</p> <p>11 of the Charles Street residence?</p> <p>12 A Well, within a mile as the crow flies,</p> <p>13 probably so.</p> <p>14 Q I guess, in other words -- and I'm not a</p> <p>15 police officer, but I watch TV shows, so in briefings</p> <p>16 like -- and is that how Douglas County works? Like when</p> <p>17 you go to your shift, does your sergeant have a briefing</p> <p>18 and you kind of get a 15-minute little surmise, hey,</p> <p>19 we've had some break-ins in this area so I want a little</p> <p>20 extra patrol once in a while, those types of things?</p> <p>21 Does that happen in your job?</p> <p>22 A Every day.</p> <p>23 Q So those TV shows are accurate. All right.</p> <p>24 All right. So the question is, I guess, had</p> <p>25 you had briefings from your sergeant in the, say, six</p>

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<p style="text-align: right;">Page 42</p> <p>1 months or year -- I mean, that may be too long -- six 2 months before this incident that there have been some 3 burglaries and break-ins in this area? 4 A Yes. 5 Q Had you stepped up patrol in the area to any 6 extent? In other words, I'm not sure if -- because 7 that's a pretty secluded area back there where this case 8 happened, where this incident happened. 9 A Yes. 10 Q Does your patrol normally take you through 11 those secluded type streets if you're just kind of 12 looking around and patrolling the area? 13 A At times. It depends. Really depends on the 14 season. I know that sounds strange, but that area up 15 there has two seasons that are notorious for break-ins 16 and burglaries, and that's the hot areas up there in the 17 summer and when the skiing is really well. 18 Q Okay. And what was the date of this incident? 19 A December 18th. 20 Q So would that fit into when the skiing is well 21 season? 22 A Under -- it depends. I mean, that year -- 23 Q On that year. 24 A On that year, maybe not. I don't know, 25 because --</p>	<p style="text-align: right;">Page 44</p> <p>1 of an injured person in the street, man down, burglary, 2 break-in? How did the 911 call come in? 3 A On the audio, the radio or -- 4 Q Through to you. Have you heard any 911 calls 5 in this case before? 6 A I don't believe I have. 7 Q Okay. So then you can only testify I guess 8 what you heard. So when you were contacted by dispatch, 9 how did the call come in to you? 10 A I believe the call came in that they received 11 a 911 call that a burglary had occurred and either the 12 suspect or somebody involved was down. 13 Q Okay. And when you responded -- I know you 14 talked about your emergency lights. When you responded, 15 did you respond -- again, this is a police call, like 16 code three with your lights and siren or did you just 17 respond in a normal expedited fashion? 18 A Which is what we call code two. 19 Q Okay. 20 A Is expedited. You hurry and you just don't 21 use your lights and sirens. And especially, you know, 22 if there's no traffic, you just turn your lights on and 23 you stay -- you don't drive like a mad man and you just 24 arrive on scene. 25 Q Okay. All right. So now you arrive on scene,</p>
<p style="text-align: right;">Page 43</p> <p>1 Q All right. So do you have a recollection of 2 actually patrolling some of these areas within a mile of 3 this location because of the fact that there had been 4 reports of break-ins within the six months before this 5 incident? 6 A In the commercial areas, yes. 7 Q Okay. When you got the 911 call -- I don't 8 think we've got the logs. Does Douglas County keep a 9 separate log of emergency calls that come in? In other 10 words, if I subpoenaed Douglas County records, would 11 they have a log, call log on this particular case where 12 it says received 911 call, and then you come in and you 13 get on your radio and say I'm responding, and then your 14 partner, he would have done the same thing? Is there a 15 log of those? 16 A An audio log? 17 Q A dispatch log. 18 A I don't know. I believe there is, but I don't 19 know what the length of history they keep on those audio 20 logs. 21 Q Okay. When you got the call in this case, you 22 said you got it two ways, one on your radio and one on 23 your computer. 24 A Yes. 25 Q How did the 911 call come in? Was it a call</p>	<p style="text-align: right;">Page 45</p> <p>1 and which direction on Charles do you come from? How do 2 you -- 3 A I came -- I went Kingsbury past I believe 4 Meadow or Chimney Rock, one of the two up there, and 5 turned left onto Juniper and came and turned left onto 6 Charles west. 7 Q Okay. 8 A Came from above. 9 Q Okay. And then when you parked your patrol 10 car, it was generally in the middle of the street with 11 your headlights focused on a person that was on the 12 snow-covered road? 13 A Yes. 14 Q Okay. And how far away was your vehicle from 15 the person on the snow-covered road, approximately? 16 A I would say probably 40 to 60 feet maybe. 17 Q Okay. And then you're on the -- do you tell 18 dispatch that you've arrived at the scene now? 19 A Yes. 20 Q Okay. You get out of your vehicle, and then 21 do you go to the person that's on the ground? Is that 22 your initial contact with anybody at the scene? 23 A Somewhat. Not directly. I mean, directly to 24 them, but in a safe manner as -- with that type of 911 25 call, you know, I don't know if he's shot or if there's</p>

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1 somebody waiting. So you make an approach. You don't
 2 just get on the front of your headlights. You come down
 3 the street and figure out what's going on, if that
 4 person's deceased or if --
 5 Q I believe you said that your partner, Almeida,
 6 was there.
 7 A Yes.
 8 Q Where was his patrol car parked?
 9 A He was behind me. So he followed my same
 10 route. And I don't know if he was directly behind me
 11 coming in or if he just came the same way I came.
 12 Q Okay. So when you get out then, the only
 13 person that you see is the one on the ground?
 14 A Yes.
 15 Q There was nobody standing around?
 16 A I don't believe so.
 17 Q Okay. So that's why you used a little caution
 18 because you didn't know if somebody was lurking out in
 19 the dark or anything?
 20 A Right.
 21 Q All right. So caution, you used caution. You
 22 approached the man down. You get to the man down, and
 23 tell me what you see at that point.
 24 A I see -- I don't know who it is at first, but
 25 I see an elderly man laying supine in the street.

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1 Q Face up, face down?
 2 A Face up.
 3 Q Okay. And conscious?
 4 A Yes.
 5 Q And did you have a conversation with that
 6 person at that time?
 7 A I believe I did.
 8 Q And was the conversation regarding whether he
 9 was injured or hurt, or do you remember the details of
 10 that conversation?
 11 A Yeah, I don't remember the details. It was
 12 like any other call in that situation, just to establish
 13 that they're conscious and breathing, and because you
 14 want to -- then you relay the information to the
 15 incoming medics so they have a brief idea about what
 16 they need to do.
 17 Q Was he trying to get up at this point?
 18 A Yes.
 19 Q When you initially made contact he was making
 20 an effort for himself to get up?
 21 A Yes, he was trying to get up.
 22 Q And what did you do with regard to that?
 23 A I told him that the medics were minutes out
 24 and that he needed to just lay where he was, you know,
 25 with the unknown injuries.

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1 Q Okay. Now, at that point did you ask him
 2 basically what happened?
 3 A I believe so, yes.
 4 Q And what was his response?
 5 A He told me that Jeff had knocked him down.
 6 Q Okay. Was there any other further detail
 7 other than that, for instance, what was he doing out at
 8 that time or why was he out on the roadway at that time?
 9 A I don't know. I don't recall of getting into
 10 the details of why it happened at that point.
 11 Q Okay. What clothes do you recall Mr. Klementi
 12 wearing when he was down on the ground in the middle of
 13 the road?
 14 A I believe he had on a pair of slacks and
 15 either black or brown leather jacket, a wind breaker
 16 type, and a pair of like loafer type shoes, and I think
 17 he had a sweater on underneath the jacket.
 18 Q Okay. Did he have anything in his hands?
 19 A Yes, he had a camera.
 20 Q Okay. And that camera that he had in his
 21 hands, was he still holding on to it?
 22 A I believe he was, yes.
 23 Q Did you take possession of that camera on the
 24 evening of this incident?
 25 A I don't believe I did.

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1 Q Did you ever take possession of that camera?
 2 A I don't recall seeing the camera ever again
 3 after that.
 4 Q At some point in your investigation was it --
 5 did you find out or did Mr. Klementi tell you that he
 6 was out taking pictures that night?
 7 A Yes.
 8 Q At that point did you go back and ask to see
 9 the camera to see if in fact what pictures were on the
 10 camera?
 11 A I don't recall.
 12 Q As we sit here today, you don't ever recall
 13 seeing any photographs on the camera?
 14 A On the camera, I do not.
 15 Q Not on -- did you ever see -- as we sit here
 16 today, do you have a recollection of looking at the
 17 photos that were on Mr. Klementi's camera that he had on
 18 him at the night of the incident?
 19 A I don't know for sure. I saw some photos
 20 during the criminal case, but I'm not -- I couldn't even
 21 tell you what they were at this point.
 22 Q Okay. All right. So the call initially came
 23 in as a burglary call you said.
 24 A Yes.
 25 Q You see a man down as you are approaching.

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1 Tell me about crime scene preservation. I assume for
 2 the 911 call, as you approached, you saw a man down. It
 3 came in as a burglary call. Your initial thought that a
 4 crime may have been committed?
 5 A Yes.
 6 Q Tell me about crime scene preservation. Is
 7 that something you learn at the POST Academy?
 8 A Multiple places, yes.
 9 Q What did you do in this particular case in
 10 terms of crime scene preservation?
 11 A Nothing other than parked my vehicle away from
 12 the area and just observed at that point.
 13 Q All right. So do you stay with Mr. Klementi
 14 on the ground until the medics arrive?
 15 A I believe, yes. I believe as they arrived,
 16 Deputy Almeida was there with me, and as the medics
 17 approached Mr. Klementi, I gave them just a little brief
 18 of what was here and then I went to the Spencers' house.
 19 Q Okay. And when you went to the Spencers'
 20 house, had anybody else come to the scene other than
 21 your partner was there and the medic's there now? Was
 22 there any other folks that had gathered around the scene
 23 at all?
 24 A Miss Wells and Miss Klementi.
 25 Q Okay. How about Mr. Klementi's brother, Egon,

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1 had he --
 2 A Oh, yes, and Mr. Klementi, Egon.
 3 Q So there was three people there now present?
 4 A Yes.
 5 Q Did any of those three people tell you that
 6 they actually witnessed what had happened on that
 7 evening?
 8 A I believe Miss Wells told me she may have saw
 9 something leading up to the incident.
 10 Q Did you find that out before you talked to Mr.
 11 Spencer or after?
 12 A I don't know.
 13 Q Can you tell us what Miss Wells told you in
 14 terms of what she observed on that evening?
 15 A I'd have to refer to my report.
 16 Q Go ahead, sir.
 17 A Thank you.
 18 Q Have you located the section there?
 19 A Yes, sir.
 20 Q What page are you on?
 21 A Page six of 10, second paragraph. It was the
 22 following day.
 23 Q Okay. So there was follow-up to the
 24 investigation the following day by you then?
 25 A Yes, sir.

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1 Q Okay. And that's when you made contact with
 2 Janet Wells?
 3 A Yes.
 4 Q And did Janet Wells tell you that she observed
 5 things on the evening of the incident?
 6 A Prior incidents.
 7 Q Okay. So not on that evening but on prior
 8 incidents?
 9 A Yes.
 10 Q Okay. And what did she tell you she observed
 11 on prior incidents?
 12 A May I read from my report?
 13 Q Of course.
 14 A A specific incident where Jeffrey came out of
 15 his house and was yelling at Egon Klementi as Egon was
 16 walking his dog on Charles Avenue. Janet said Jeffrey
 17 was hostile and she went to the street and stood between
 18 Egon and Jeffrey because she was afraid Jeffrey might
 19 hit Egon.
 20 Q Okay. So that was the day after this
 21 incident?
 22 A Yes, sir.
 23 Q Okay. The evening of the incident you had
 24 arrested Mr. Spencer, though, correct?
 25 A Yes.

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1 Q Okay. So then going back to the incident
 2 again, Miss Wells was not present at the scene and did
 3 not witness anything?
 4 A No.
 5 Q So the only people present at some point after
 6 you arrived would have been Mrs. Klementi and the
 7 brother, Egon Klementi?
 8 A No, I believe Miss Wells was out there. Not
 9 during the incident, but at some point I believe she was
 10 there, and that's why I went back the next day, so I
 11 could spend more time with her.
 12 Q But it was confirmed the next day that she
 13 didn't see anything on the evening of the incident, only
 14 relating to you things that had happened prior?
 15 A Yes, sir.
 16 Q Okay. All right. So now you make contact
 17 with Mr. Spencer. When you approached the Spencer
 18 residence, what vehicles were present at the Spencer
 19 residence?
 20 A I know a yellow truck for sure.
 21 Q Where was the yellow truck?
 22 A Parked in the driveway.
 23 Q Okay. It's pretty dark out there at this
 24 time?
 25 A Yes.

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<p style="text-align: right;">Page 54</p> <p>1 Q Did you have -- you know on the police cars</p> <p>2 you have your floodlight issue?</p> <p>3 A The spotlight.</p> <p>4 Q Spotlight.</p> <p>5 A Yes.</p> <p>6 Q Did you have that pointed in any direction?</p> <p>7 A I believe I had it pointed on Mr. Klementi so</p> <p>8 he was lit up when -- so nobody would run him over.</p> <p>9 Q Okay. So now through the 911 call you had</p> <p>10 knowledge that there would -- it had been reported as a</p> <p>11 burglary. Did you use your flashlight when approaching</p> <p>12 the Spencer household at all?</p> <p>13 A Yes.</p> <p>14 Q And did you see -- I guess foundationally, was</p> <p>15 there snow on the ground on that day?</p> <p>16 A Yes.</p> <p>17 Q As you approached the area of the Spencer</p> <p>18 household, did you see any footprints in the ground?</p> <p>19 A I don't recall.</p> <p>20 Q Okay. You knock on the door. The first</p> <p>21 contact that was made with the Spencers, who was</p> <p>22 present? You were present, Mrs. Spencer was present,</p> <p>23 and Mr. Spencer was present?</p> <p>24 A And Deputy Almeida.</p> <p>25 Q So there's four of you?</p>	<p style="text-align: right;">Page 56</p> <p>1 generally through when you asked Mr. Spencer what</p> <p>2 happened, what was the response?</p> <p>3 A What did he tell me?</p> <p>4 Q Yes.</p> <p>5 A He told me that he saw a man in his driveway</p> <p>6 and he had been -- he went out to identify -- ask for</p> <p>7 the guy to identify himself, and he thought he was</p> <p>8 breaking into his truck.</p> <p>9 Q Okay. Did Mr. Spencer ever tell you on that</p> <p>10 evening that he heard somebody out in his driveway</p> <p>11 before he even left his residence?</p> <p>12 A Yes.</p> <p>13 Q Did you ever ask Mr. Klementi if he heard --</p> <p>14 and this is Helmut -- if he heard anybody, Mr. Spencer</p> <p>15 or anybody, calling out and saying, hey, identify</p> <p>16 yourself?</p> <p>17 A No.</p> <p>18 Q You didn't ask that question?</p> <p>19 A I don't recall asking that question.</p> <p>20 Q That would be important, though, no? That's</p> <p>21 Mr. Spencer's version of the story.</p> <p>22 A Well, after -- yeah, after I had already</p> <p>23 spoken to him it would be, yes. I wouldn't know to ask</p> <p>24 him that question prior to speaking to Mr. Spencer.</p> <p>25 Q I understand.</p>
<p style="text-align: right;">Page 55</p> <p>1 A Yes.</p> <p>2 Q Okay. And then were you invited into the</p> <p>3 residence?</p> <p>4 A Yes.</p> <p>5 Q And inside the residence, did the four of you</p> <p>6 stay together in one area?</p> <p>7 A I believe we all stayed in the great room, the</p> <p>8 living room/entranceway area.</p> <p>9 Q Okay. And did you specifically ask Mr.</p> <p>10 Spencer what happened?</p> <p>11 A Yes.</p> <p>12 Q Did you also ask Mrs. Spencer what happened?</p> <p>13 A I believe so.</p> <p>14 Q Did you separate the two of them? In other</p> <p>15 words, did Officer Almeida take Mrs. Spencer in one area</p> <p>16 and you take Mr. Spencer in another area to get their</p> <p>17 versions of what happened?</p> <p>18 A No.</p> <p>19 Q Typically is that done?</p> <p>20 A In a domestic violence situation, yes, but to</p> <p>21 separate the parties out.</p> <p>22 Q Okay. All right. But in this case that</p> <p>23 wasn't done?</p> <p>24 A No, sir.</p> <p>25 Q All right. Then can you just kind of run</p>	<p style="text-align: right;">Page 57</p> <p>1 A And now he's at the hospital.</p> <p>2 Q You went to the hospital?</p> <p>3 A Yes.</p> <p>4 Q Did you ask him at the hospital?</p> <p>5 A I don't think I did.</p> <p>6 Q Okay. All right. So Mr. Spencer tells you</p> <p>7 that he is -- what is he doing when he initially hears</p> <p>8 somebody in his driveway? Do you know?</p> <p>9 A I don't know.</p> <p>10 Q Okay. So he hears somebody in his driveway.</p> <p>11 He asks to be identified. Did Mr. Spencer tell you at</p> <p>12 that time that nobody responded to his -- that when Mr.</p> <p>13 Spencer asked somebody -- he heard somebody in the</p> <p>14 driveway, Mr. Spencer asked that person to identify</p> <p>15 themselves, did Mr. Spencer tell you that that person</p> <p>16 did not identify themselves?</p> <p>17 A Yes, I believe he said they did not identify</p> <p>18 themselves.</p> <p>19 Q And what did Mr. Spencer tell you he did with</p> <p>20 that information now?</p> <p>21 A I would have to refer back to my report.</p> <p>22 Q You can.</p> <p>23 A Thank you. Ask me the question again.</p> <p>24 Q The question was after -- Mr. Spencer, did Mr.</p> <p>25 Spencer -- or what did Mr. Spencer do after he called</p>

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1 out, asked the person to identify themselves and that
 2 person didn't identify themselves, what did Mr. Spencer
 3 do next? What did he tell you that he did next?
 4 A He said he went -- he ran down the street.
 5 Q Okay. Is there anything in the report about
 6 the 911 call?
 7 A Yeah, I believe there is.
 8 Q Is it in there that Mr. Spencer asked Mrs.
 9 Spencer to call 911 as he was leaving the residence?
 10 A I'd have to read through this again.
 11 Q Sorry to --
 12 A No, that's okay.
 13 Q I probably should have gave you that before
 14 today.
 15 A Yeah, it doesn't state that.
 16 Q Do you have a recollection of that issue, that
 17 Mrs. -- when the 911 call was placed relative to these
 18 events?
 19 A No, I -- all I know is what the dispatcher
 20 told me, there was somebody already down in the street.
 21 So I would have to speculate that it was after the
 22 incident.
 23 Q Okay. But you don't know?
 24 A No, I do not.
 25 Q As we sit here today, do you have any factual

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1 information that Mr. Spencer didn't have a good faith
 2 belief that somebody was trying to break into his
 3 vehicle when he left his residence?
 4 A Do I have --
 5 Q Do you have any factual information, any
 6 evidence that you determined in the course of your
 7 investigation that Mr. Spencer did not have a good faith
 8 belief that somebody was trying to break into his
 9 vehicle when he left the front door of his residence?
 10 MR. MOORE: Other than the lack of footprints.
 11 BY MR. ZANIEL:
 12 Q Well, I guess we didn't really -- did you see
 13 any footprints on the ground?
 14 A Mine and Deputy Almeida's.
 15 Q Okay. Did Mrs. Spencer ever point out a
 16 different footprint?
 17 A I believe she pointed out footprints that I
 18 compared to document Almeida's boots, because they're a
 19 lot smaller than mine, and they seemed to match.
 20 Q Did you take any photographs of the
 21 footprints?
 22 A I don't believe so.
 23 Q That would have been important?
 24 A If they would turn out. I mean, taking
 25 picture of snow with a flash.

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1 Q When you were at the scene talking to the
 2 Spencers, you learned that Mr. Spencer's version of the
 3 incident was that he believed somebody was in his
 4 driveway at or close to his vehicle?
 5 A Yes.
 6 Q And there were footprints in that area?
 7 A No. Where he said he saw the subject?
 8 Q Yes.
 9 A No.
 10 Q There were no footprints at all?
 11 A No.
 12 Q Did you photograph the lack of footprints?
 13 A No.
 14 Q Okay. All right. So was there any evidence
 15 that you saw that Mr. Klementi was on the Spencer
 16 property that evening?
 17 A That Mr. Klementi was on the Spencer property
 18 at that evening?
 19 Q On that evening.
 20 A No.
 21 Q Did you ask Mr. Klementi if he was on the
 22 Spencer property that evening?
 23 A I believe I did.
 24 Q And what did he say?
 25 A He said no.

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1 Q Okay. So I guess when did -- we talked about
 2 Mrs. Spencer pointing a footprint out or something to
 3 the effect. When did that take place? And let's go
 4 back, I guess.
 5 The four of you were inside the residence.
 6 You asked Mr. Spencer what happened. Did you ever ask
 7 Mrs. Spencer what she recalls about this incident or any
 8 details about the incident?
 9 A I believe Deputy Almeida was speaking with
 10 her. I'm not 100 percent sure though.
 11 Q Okay. I didn't -- I didn't see a statement
 12 from Mrs. Spencer in the report.
 13 A Mrs. Spencer?
 14 Q Yes. Is there a statement from Mrs. Spencer?
 15 A No, there's not.
 16 Q Did she offer to provide a statement?
 17 A I don't recall.
 18 Q Okay. All right. So how long does that
 19 conversation last in the living room of the Spencer
 20 house?
 21 A Five to seven minutes at most.
 22 Q Okay. And then from that point do you and
 23 Deputy Almeida leave the Spencer residence?
 24 A Yes.
 25 Q Was Mr. Spencer under arrest at this point?

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1 A Yes.

2 Q Okay. So during the five to seven minutes in

3 the residence of the Spencer house, somebody, either you

4 or Deputy Almeida, made the decision to arrest Mr.

5 Spencer?

6 A It's my case. I made the decision.

7 Q What did you base your decision on?

8 A The inconsistencies with what I had seen on

9 scene and Mr. Spencer's rendition.

10 Q Okay. And I guess just to try to get a little

11 more detail, had you looked at that point -- when you

12 arrested him, had you looked in the area around the

13 truck for any footprints?

14 A Yes.

15 Q Okay. So when did you do that?

16 A When?

17 Q When.

18 A I believe after we spoke in the house, we went

19 outside to look to see -- because he told me somebody

20 was at his truck, to look for the footprints. And then

21 I think we went -- I'm not sure if we went back in the

22 house and I placed him under arrest at that point or I

23 placed him under arrest outside. I'm not 100 percent

24 sure.

25 Q Okay. What was the weather that night?

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1 A It was cold.

2 Q What about precipitation?

3 A It wasn't snowing. It was --

4 Q There was snow on the ground?

5 A Yes.

6 Q But there was no snow -- it was not snowing

7 during the time you were present on scene?

8 A If it was, it was a really light snow or no

9 snow.

10 Q All right. So you place Mr. Spencer under

11 arrest at that time.

12 A Yes.

13 Q Did he have any marks on him?

14 A Yes.

15 Q Tell me about those.

16 A I'm not sure which arm it was, but he had a

17 scratch on one of his forearms.

18 Q Okay. And did you ask him how he got that

19 scratch?

20 A Yes.

21 Q And what was his response?

22 A He said the guy's fingernail or hand -- I

23 think he said fingernail scratched him.

24 Q Did you have any conversations with Egon

25 Klementi on that evening?

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1 A I don't think so.

2 Q Did you have any conversations with Egon

3 Klementi in follow-up -- well, before I even ask that,

4 so on that evening you place Mr. Spencer under arrest,

5 you place him in your patrol car, and you drove him to

6 the jail?

7 A Yes.

8 Q Was there a follow-up interview at the jail?

9 A I believe so, yes.

10 Q Okay. And is that taped?

11 A No, it is not.

12 Q Is there audio?

13 A There is not.

14 Q Is there a video?

15 A No.

16 Q Is that standard procedure for an

17 interrogation room?

18 A It wasn't in the interrogation room.

19 Q Where was it at?

20 A It was in the booking center.

21 Q Okay. Tell me about that conversation.

22 A I'd have to refer back to my report.

23 Q Go ahead.

24 A Thank you.

25 MR. PINTAR: How you doing, Officer? You need

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1 a break?

2 THE WITNESS: I've just got to take one minute

3 to answer my phone real quick, if you guys are --

4 MR. ZANIEL: If you need to take a phone call,

5 you should have let me know. I would have stopped.

6 THE WITNESS: No, it's cool.

7 (Recess 11:34 - 11:45 a.m.)

8 BY MR. ZANIEL:

9 Q All right. So we left off at the conversation

10 at the jail. You've had a chance to refresh your

11 recollection?

12 A Yes, I've looked at my report.

13 Q And what can you tell us about that?

14 A At the jail I advised Mr. Spencer of his

15 Miranda rights and asked if he wanted to provide a

16 written statement.

17 Q Okay. You didn't do that at the home, the

18 Miranda rights?

19 A No.

20 Q Okay. I don't want to repeat myself. Did

21 Egon Klementi ever have a conversation with you at some

22 point after this issue?

23 A Yes, I think so.

24 Q Did he ever say that he saw this occur?

25 A No, I don't believe he did.

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1 Q Okay. Let's talk about the camera. You said
2 that Dr. Shaw had a camera that you actually went in and
3 seen but couldn't duplicate the images, but told her to
4 keep it for the DA?
5 A Yes.
6 Q So you saw what's on that video?
7 A Yes.
8 Q What did you see?
9 A On the video it's lit right to the edge of the
10 Spencers' house and then it goes like almost pitch
11 black, and in the video I could see Mr. Spencer come out
12 of his house and go into the street, into the black.
13 Q Okay.
14 A And that was about all you can see.
15 Q Okay. So you saw that. You didn't see the
16 incident then on that video?
17 A No, sir.
18 Q How long a footage was it prior to Mr. Spencer
19 coming out of the house, that you observed? In other
20 words, did you go back five minutes before that or 10
21 minutes before that?
22 A I don't know.
23 Q Was there any effort to do that, that you
24 recall, go back five minutes to see if you could see
25 anything on the video in the five minutes before Mr.

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1 Spencer comes out?
2 A Dr. Shaw was running the playback.
3 Q Right.
4 A And she was -- I mean, we had gone back like
5 hours, and then we were fast-forwarding up to where it
6 was. So I did see five, 10, 20 minutes before, but it
7 was all in, like, fast-forward framing to get to where
8 we could see anything that had occurred.
9 Q Did you see anything -- as you were
10 fast-forwarding, did you see anything at all, anybody,
11 any person, any light, any camera flash, anything?
12 A I do believe there is -- in the dark there is
13 some camera flashes.
14 Q Was that before Mr. Spencer was on the video
15 exiting his house or after?
16 A I believe it's before he exited the house.
17 Q And do you know where those camera flashes
18 were directed, came from? Were they from --
19 A Just the street general, the darkness and the
20 camera, the general street area.
21 Q And was it on the Spencer side of the street
22 or on the Klementi side of the street?
23 A No idea.
24 Q Okay. How soon after those flashes was it
25 that Mr. Spencer exited his house?

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1 A I don't know.
2 Q Okay. So the video shows Mr. Spencer exiting
3 his house and getting into the street, and then that's
4 it, you don't see anything else?
5 A No, then I don't know what time lapsed, but it
6 shows him going back towards the house.
7 Q Okay. How long was it, the best you can
8 recall? Because that's not reflected in any of your
9 report, correct?
10 A No, this is weeks later when I met with her.
11 Q Was there a supplemental report ever done?
12 A I don't recall.
13 Q Okay. Well --
14 A I believe there is, but I can check and see if
15 there's one in here.
16 Q Yeah, could you see, because I guess the
17 question is are we missing some information. I mean,
18 you did some follow-up investigation. You went back the
19 next day and talked to the Wells. You went and talked
20 to the Shaws you just said. Is there another report
21 that's out there?
22 A I don't think so.
23 Q Is there a reason you didn't write another
24 report after obtaining all this information?
25 A I'm not 100 percent sure I didn't. I just

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1 can't tell you for sure I did.
2 Q Okay. If you did, where -- would it be in the
3 records department at Douglas County Sheriff's Office?
4 A Yeah, it would be -- I'm assuming I didn't
5 because it would be under the same case number and it
6 would just be supplemental, two or three or whatever it
7 happened to be.
8 Q All right. So let's go back to that video
9 again. So the video shows flashes from the street in
10 general. Can't tell which side. How many flashes were
11 there, if you remember?
12 A (Shakes head no.)
13 Q Then it shows Mr. Spencer running out at an
14 unknown time after the flashes, and then it shows Mr.
15 Spencer -- well, I said running out. I need to ask you.
16 When you saw the footage of Mr. Spencer going out, tell
17 me about that. Was he running, walking, walking
18 quickly?
19 A From my recollection, I believe it was just a
20 quick walk.
21 Q Okay. And then there's the video that shows
22 him going back into the house?
23 A Yes.
24 Q And can we estimate how much time it was
25 between those two events?

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1 A Under a minute.
 2 Q Okay. As we sit here today, do you know if
 3 the Shaw -- that video was ever preserved?
 4 A I believe after trying to get it to download
 5 and being unsuccessful, and I didn't want to take
 6 Dr. Shaw's computer and book that into evidence, I
 7 called the Deputy DA involved in the case and told her
 8 what we had on scene there, and I believe she advised me
 9 just to tell them to hold on to it and if she wanted it,
 10 she would send one of her investigators to go get it.
 11 Q Let's go through the other follow-up
 12 investigation, since we don't think -- there may be
 13 another report, but we're not sure.
 14 So what I know of is you went back, you talked
 15 to the Wells the next day, you talked to the Shaws,
 16 Dr. Shaw, with the video as part of a follow-up
 17 investigation. What else did you do in terms of
 18 follow-up investigation?
 19 A I believe that's it.
 20 Q Going back to the footprints again, you said
 21 that you saw Mr. Spencer walking quickly out of his
 22 house. Did you see footprints that belonged to Mr.
 23 Spencer?
 24 A I don't recall.
 25 Q In your patrol car, do you have a camera?

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1 A No.
 2 Q Does any Douglas County Sheriff's Office have
 3 a camera as part of their normal patrol vehicle
 4 equipment?
 5 A One. It's a specialized DUI vehicle.
 6 Q Okay. And was that -- which officer was that
 7 designated officer that night?
 8 A It's not a designated officer. It's used on
 9 like DUI task force and it's a car that isn't assigned
 10 to anybody specifically and it's not always in use.
 11 Q Is that like a dash cam that you're using for
 12 field sobriety testing imaging?
 13 A Yes.
 14 Q Okay. I'm just talking about like a regular
 15 Polaroid or a digital camera.
 16 A Oh, okay. I'm sorry. We all have cameras,
 17 yes.
 18 Q Okay. So you had a digital camera in your
 19 vehicle that day?
 20 A Yes.
 21 Q Did you take any photographs of anything on
 22 the night in question?
 23 A Yes.
 24 Q What did you take photographs of?
 25 A I took a photograph of Mr. Klementi in the

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1 hospital, and I believe I took a photograph of his
 2 shoes, the bottoms, the soles.
 3 Q At the hospital?
 4 A Yes.
 5 Q Did you take any photographs of the scene --
 6 well, I guess we should foundationally. Where was Mr.
 7 Klementi lying, supine you mentioned, relative to the
 8 Spencer driveway? Was it farther west?
 9 A Yes, it was west of the driveway.
 10 Q Could you estimate the amount of distance
 11 between them?
 12 A No. It was somewhere between west of the
 13 driveway and Charles, where Charles intersects down
 14 there, so I couldn't tell you.
 15 Q So if we took the edge of the Spencer driveway
 16 and that intersection at the end of the street there,
 17 was it the halfway point, was it closer to the Spencers'
 18 or closer to the other intersection?
 19 A I would say it was probably closer to the
 20 Spencers' than the other intersection.
 21 Q Okay. So did you take any photographs of the
 22 area where Mr. Klementi was on the ground the evening of
 23 the incident?
 24 A No.
 25 Q Did you take any photographs of the area

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1 between the edge of the Spencer driveway and where Mr.
 2 Klementi was laying on the ground?
 3 A The edge of the driveway and where he was
 4 laying?
 5 Q Right.
 6 A No.
 7 Q That would have been indicative of footprints
 8 leading up to the event, right?
 9 A If there were footprints there, yes.
 10 Q Did you see any footprints on the ground
 11 there?
 12 A No, the only thing I saw on the ground there
 13 were vehicle tracks.
 14 Q Okay. So there were no footprints from the
 15 Spencer driveway to where Mr. Klementi was lying on the
 16 ground?
 17 A Not in that area. On the opposite side, the
 18 east side of the driveway, I mean, there could have
 19 been. There was vehicular tracks in the snow there and
 20 there was -- where Deputy Almeida had walked up there
 21 was his footprints.
 22 Q Okay. But specifically -- well, strike that.
 23 Did you conclude that Mr. Klementi was walking
 24 prior to the time of the incident? Was he in motion at
 25 the time of this incident?

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1 A I don't know. I don't know if he was standing
 2 or walking.
 3 Q Okay. He said he was out taking pictures that
 4 night.
 5 A Yes.
 6 Q Did he ever tell you how far he came -- how
 7 close he came to the Spencer residence that night?
 8 A How close he came -- no, he just said he
 9 wasn't on their property.
 10 Q Were there any footprints from the Spencer
 11 driveway up until where the Klementi body was laying in
 12 the street, that you observed?
 13 A In the street?
 14 Q In the street.
 15 A It was all hard-packed snow there.
 16 Q Okay. Just about done.
 17 MR. PINTAR: Would you mark those next.
 18 MR. ZANIEL: Hang on one second.
 19 (Marked Defendant's Exhibits 2 through 6.)
 20 MR. ZANIEL: Nick, you produced these?
 21 MR. PALMER: I believe so. I think that's our
 22 Bate stamp at the bottom.
 23 MR. ZANIEL: Yeah.
 24 BY MR. ZANIEL:
 25 Q Okay. So you've looked at Exhibits 2 through

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1 6, Officer?
 2 A Yes.
 3 Q Having looked through these, did you take
 4 these photographs?
 5 A I did not take those.
 6 Q Have you seen these photographs before today?
 7 A I believe I saw them at trial.
 8 Q Okay. Exhibit No. 2 actually shows what I
 9 assume is Mr. Klementi on the ground. Do you know if
 10 this was taken on the evening of the accident?
 11 A I don't know.
 12 Q Okay.
 13 A I mean, it's conducive to how I found him,
 14 so --
 15 Q Okay. I would assume there would have been
 16 more lighting, though, had this been on the evening of
 17 the accident, including your police lights, spotlights,
 18 paramedic flashlights, I mean --
 19 A Well, unless it's before I got there.
 20 Q Okay. So you didn't take these and you're not
 21 sure when they were taken?
 22 A No, because if it was when I was on scene, my
 23 patrol car would be sitting right there somewhere.
 24 Q Okay. So we can say that they weren't taken
 25 when your patrol car was there?

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1 A You can say that, yes.
 2 Q All right. Sorry.
 3 MR. PINTAR: That's all right. Thank you.
 4 BY MR. ZANIEL:
 5 Q At some point during the course of the
 6 investigation were you ever made aware of any complaints
 7 between the residents of this area that had taken place
 8 before this evening?
 9 A Before I got there you mean?
 10 Q No, during the course your investigation.
 11 A Oh, yes.
 12 Q Did you become aware that the Klementis and
 13 the Spencers had complaints prior to this incident?
 14 A Yes, yes, I learned at some point that there
 15 was issues in the neighborhood.
 16 Q And can you tell us how you learned that and
 17 when you learned that and what you learned. That's a
 18 compound question, so --
 19 A Okay. Obviously, after this incident I
 20 learned it, so I don't know exactly when and what time,
 21 but I know I started getting information about ongoing
 22 issues I believe it was the following day from Miss
 23 Wells.
 24 And then the Klementis had given me
 25 information that there was ongoing neighborhood

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1 disputes. And I believe I looked in our local database
 2 and saw that there had been some harassment reports
 3 prior, I don't know if it was months, years prior, but
 4 involving the same neighborhood and the same people.
 5 And then Dr. Shaw also advised me that -- of the ongoing
 6 disputes.
 7 Q Generally, could you tell us what the disputes
 8 were about.
 9 A Harassment and snow removal and an issue about
 10 a fence.
 11 Q Okay. Were there any statements that you
 12 obtained from any of the witnesses regarding any of
 13 these other disputes or was this just information that
 14 you were verbally told?
 15 A This was information that was just told to me
 16 at points.
 17 MR. ZANIEL: All right. I think that's all
 18 I've got for now. I may come back and just ask a few
 19 follow-up after.
 20 EXAMINATION
 21 BY MR. ROUTSIS:
 22 Q Back at it again. How are you? Are you a
 23 detective?
 24 MR. PINTAR: Excuse me. Are you
 25 guys representing --

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<p style="text-align: right;">Page 78</p> <p>1 MR. ZANIEL: I'm representing Jeff as a 2 defendant. He's got the counterclaim. 3 MR. PINTAR: Separate? Okay. 4 MR. ROUTSIS: Are you done? 5 MR. PINTAR: Yeah. I'm sorry. 6 MR. ROUTSIS: Okay. 7 BY MR. ROUTSIS: 8 Q How are you? Is it investigator, detective, 9 or deputy? 10 A It's deputy. 11 Q And how long have you been a deputy again? 12 A 25 years. 13 Q Okay. Let's go back to the night you were 14 called out on this original case. Now, you were asked 15 earlier your opinion as to whether or not Jeff committed 16 a crime and you gave your opinion that you thought he 17 did, correct? 18 A Yes. 19 Q And you're aware that a jury, after two weeks 20 of trial, gave the opinion that he did not commit a 21 crime? You're familiar with that? 22 A I'm familiar with it. 23 Q Okay. Now, when you arrived on scene December 24 18th, you actually responded to a dispatch call from the 25 Spencers claiming that these individuals were claiming</p>	<p style="text-align: right;">Page 80</p> <p>1 Q Now, not to belabor the point, but there's 2 been testimony here today regarding footprints, correct? 3 A Yes. 4 Q And obviously, Jeff Spencer, if he left his 5 house to go onto the street, just by deduction, would 6 have had to have left some footprints in the area by his 7 truck. Is that a fair comment? 8 A He would have had to have left footprints? 9 Q Yes. 10 A No. 11 Q Well, you're familiar with the home there, 12 correct? 13 A Yes. 14 Q And you're familiar that there's some steps 15 that come down from the front door? 16 A Yes. 17 Q And those steps basically go right into the 18 driveway area, correct? 19 A Yes. 20 Q And in the driveway area was where Jeff's big 21 vehicle was parked, correct? 22 A Yes. 23 Q So in order to get out onto the street, he'd 24 have to walk through the driveway area, correct? 25 A Yes.</p>
<p style="text-align: right;">Page 79</p> <p>1 that someone had committed some type of burglary or 2 theft offense, correct? 3 A Yes. 4 Q You then arrived on the scene at that point to 5 investigate a crime, correct? 6 A Yep. 7 Q Okay. When you arrived on the scene, I 8 believe it was your testimony -- and correct me if I'm 9 wrong -- here today you said Mr. Klementi, Helmut 10 Klementi was laying in the street and nobody was around 11 him, correct? 12 A I believe so, yes. 13 Q Okay. Now, we'll get into that in a moment. 14 The first person you spoke to on the scene was who? 15 A That he spoke to? 16 Q That you spoke to. 17 A That I spoke to? I believe the first person I 18 spoke to was Mr. Klementi, Helmut. 19 Q Okay. And at that point you went up to him 20 and he was laying on the street and nobody was around 21 him, correct? 22 A I believe so, that nobody was around him, yes. 23 Q Okay. Now, you then went back and spoke to 24 Jeff Spencer and his wife at the residence, correct? 25 A Correct.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q Wouldn't that leave footprints? 2 A It depends on the surface. 3 Q Well, you testified that your recollection at 4 first was that it was not snowing that night, but I 5 think you corrected yourself and indicated it may have 6 been lightly snowing that night, correct? 7 A Yes. 8 Q And there was fresh snow that had accumulated 9 during the day, correct? 10 A Yes. 11 Q So there would have been probably some snow 12 that wasn't plowed on the roadway, going to the roadway 13 that could leave imprints, correct? 14 A But I believe it was -- had tire tracks all 15 through it. 16 Q You don't have a memory or just -- are you 17 saying that because you have a clear recollection 18 regarding the snow condition in that area or are you 19 just saying that -- 20 A I'm telling you I remember seeing snow tracks 21 leading from the bottom of the tires, out the driveway, 22 and into the street. 23 Q Well, you reference in your report that there 24 were in fact footprints. 25 A Yes.</p>

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1 Q So we can assume, can we not, that there were
2 footprints that were left in snow that was not packed to
3 a degree to where you could see someone had stepped in
4 the snow, correct?
5 A Yes.
6 Q Now, your investigating officer -- you've been
7 an officer for the sheriff's department for many years
8 prior to being called out that evening, correct?
9 A Yes.
10 Q And Mrs. Spencer was quite adamant with you,
11 was she not, that there were some footprints that she
12 believed was in the exact location or the near proximity
13 of where Helmut Klementi was when Jeff first observed
14 him on his property, correct?
15 A Yes.
16 Q And she pointed to them, correct?
17 A Yes.
18 Q And when she pointed to them, you made a
19 determination, apparently, in your report that those
20 footprints were not Jeff's but were somebody else's,
21 correct?
22 A Yes.
23 Q And you had -- now, tell us what -- and I'm
24 not trying to be silly here, but what is the purpose of
25 a camera?

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1 A To take pictures.
2 Q It is the best evidence; is it not?
3 A It is.
4 Q And you didn't take any pictures of the
5 footprints, but you made a conclusion on scene at night,
6 when it was dark, that those footprints were not in fact
7 Helmut Klementi's, correct?
8 A Correct.
9 Q Okay. Did you take a tape measure out and
10 measure the length of the footprints?
11 A No.
12 Q So when you apparently -- and this is the
13 first I've heard of it. Apparently you said you went to
14 the hospital and you took pictures of Helmut Klementi's
15 feet or shoes?
16 A The bottom of his shoes, right.
17 Q But you had no reference point that -- no
18 measurements at the scene and you had no photographs to
19 compare them to, correct?
20 A I had the comparison to what the imprint that
21 I saw compared to Deputy Almeida's boot compared to the
22 difference of the shoes at the hospital.
23 Q Let's discuss that.
24 A Okay.
25 Q Did you have a photograph to compare the shoe

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1 print to?
2 A A photograph of?
3 Q Of the imprint in the snow. You had no
4 photograph to compare the shoe size to the imprint in
5 the snow?
6 A It wasn't going to photograph.
7 Q Well, did you try taking a picture?
8 A I don't believe so.
9 Q Well, let me ask you about that, because this
10 is -- I mean, we had a criminal trial and now we're
11 here. And you're testifying that you don't have the
12 technology to have a camera take a picture of a shoe
13 print at night. Is that your testimony?
14 A No, I have a camera that can take pictures of
15 shoe prints.
16 Q Okay. Why didn't you do that?
17 A Because of my experience taking a picture of a
18 white shoe imprint in the snow with a flash camera, it's
19 just going to be a white -- it's going to look like a
20 white piece of paper.
21 Q Well, you know, certainly, sir, if you have a
22 shoe print in the snow and you put a ruler down, a
23 reference point that you know the dimensions, at the
24 very least you're going to have critical evidence as to
25 the length of the shoe print, correct?

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1 A Correct.
2 Q So obviously for purposes of the man being
3 accused of a crime and for the purposes of civil
4 litigation, you could have done that in this case so we
5 could tell exactly how long the footprint is. We can't
6 do that at this time because there's no photograph for
7 comparison or measurements, correct?
8 A Correct.
9 Q Okay. So we know you arrested Jeffrey
10 Spencer, who is a homeowner in that area, right?
11 A Correct.
12 MR. PINTAR: I'm going to object. That's
13 incorrect.
14 MR. ROUTSIS: Well, you're not testifying.
15 You have an objection --
16 MR. PINTAR: You're not making up --
17 MR. ROUTSIS: Give your objection.
18 MR. PINTAR: He doesn't own the house, so
19 don't say --
20 MR. ROUTSIS: What's your objection? What's
21 your objection?
22 MR. PINTAR: You're misleading.
23 MR. ROUTSIS: Well, what's your objection?
24 That's not a legal objection.
25 MR. PINTAR: It absolutely is.

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1 MR. ROUTSIS: He answered the question yes.
 2 BY MR. ROUTSIS:
 3 Q Is your answer yes, he's a homeowner in that
 4 area?
 5 A I am assuming that's his home, yes.
 6 Q Okay. In any event, when you were called out
 7 there and you started speaking to the Spencers, you had
 8 some foundational facts that they called a property
 9 crime in.
 10 Now, you've testified, based on being an
 11 officer in that location, that there had been evidence
 12 of tampering with vehicles. Is that not a fair
 13 statement?
 14 A On that street?
 15 Q In that area, in Kingsbury Grade area.
 16 A Sure, yes.
 17 Q And I don't know if you're aware of the trial
 18 testimony, but we had subpoenaed records and produced
 19 evidence that there had been a newspaper article that
 20 very morning to citizens in that area regarding the
 21 illegal tampering of vehicles and informing homeowners
 22 of that. Are you aware of that?
 23 A No.
 24 Q Okay. So after failing to take any
 25 photographs, you then have what's called a recording

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1 device, and a recording device actually records the
 2 words that are said between parties so we can have no
 3 confusion as to what's occurring, correct?
 4 A I do.
 5 Q Don't you have the ability to record
 6 statements when you talk to people?
 7 A No.
 8 Q You don't?
 9 A No.
 10 Q Let's talk about that. Are you saying that
 11 when you go out to a crime scene, all right, that you
 12 don't have the technology to carry with you a recording
 13 device?
 14 A Do I have the technology to carry --
 15 Q Are you aware of that technology, that you
 16 can --
 17 A I'm aware that it exists, yes, sir.
 18 Q And do officers in your department not have
 19 the ability to carry those recording devices with them?
 20 A Do they not have the ability?
 21 Q Do you guys carry recording devices with you?
 22 A Some do.
 23 Q Why don't you?
 24 A Because I'm capable of understanding of having
 25 a conversation in an interview.

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1 Q Yes, but wouldn't you agree that when you're
 2 dealing with people's liberty and criminal acts, that
 3 every word can be important; is that a fair comment?
 4 A Yes, sir.
 5 Q And certainly recording device is far more
 6 accurate than your recollection; is it not?
 7 A It is.
 8 Q There would be no reason that you would carry
 9 a recording device and utilize a recording device, that
 10 I can think of. Can you give us a reason?
 11 A Practicality.
 12 Q Practicality. So the fact that maybe a few
 13 words here and there can affect a man's liberty is not
 14 important as you carrying a little recording device and
 15 turning it on; is that what you're saying?
 16 A No, it's not what I'm saying.
 17 Q Okay. Let me carry on. Did you take notes in
 18 this case?
 19 A Yeah.
 20 Q During the time you were talking to Jeff
 21 Spencer and Marilyn Spencer were you taking notes?
 22 A Written notes?
 23 Q Yes.
 24 A I don't believe so.
 25 Q Okay. So what we have now then is no

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1 photographs were taken, no recording device was brought,
 2 no written notes were taken. Okay.
 3 So Mr. Spencer made a statement to you not
 4 only did they call 911, but he made a statement, as his
 5 wife did, that they were concerned somebody was on their
 6 property and that Mr. Spencer announced to them his
 7 name, what are you doing on my property, and no response
 8 was given. Correct?
 9 A He announced that his name?
 10 Q Well, let's look at your report. What was
 11 your understanding Mr. Spencer said in that regard?
 12 A That he asked from the party to identify
 13 themselves.
 14 Q Yes. That's correct, correct?
 15 A Yes.
 16 Q And did Mr. Spencer tell you what was -- what,
 17 if anything, was done in regard to his question that
 18 evening when someone he believed was on his property
 19 tampering with his vehicle, what response he was given?
 20 A I believe he wasn't given a response.
 21 Q Now, certainly if -- let me just ask you a
 22 question as a police officer. If you're in your home
 23 and late at night, you see somebody on your property and
 24 you call out to them, what are you doing, identify
 25 yourself, and you had information that there's been car

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1 thefts in the area, and that person doesn't respond,
 2 you're probably going to assume he's committing some
 3 type of crime, wouldn't you?
 4 A On my property, not identify himself to me,
 5 probably.
 6 Q Okay. Now, wouldn't it be a relevant question
 7 in this type of case, before we arrested any people, to
 8 speak to Helmut Klementi and say, Helmut, listen, this
 9 guy's saying that you were on his property late at
 10 night, he called the police, and did he identify himself
 11 or did he ask you to identify yourself and what you're
 12 doing on his property? You never asked that question,
 13 correct?
 14 A Prior to the arrest?
 15 Q Right.
 16 A No.
 17 Q Are you aware that at the trial in this matter
 18 the jury acquitted this man because Helmut Klementi
 19 testified to that, exactly what Jeff told you, exactly
 20 what he told you, that he refused to identify himself?
 21 Jeff was trying to -- was very concerned. Are you aware
 22 of that?
 23 A No.
 24 Q Now you are, right?
 25 A Now I am.

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1 Q It would have been an important question to
 2 ask in an investigation before this thing happened to
 3 this level; don't you agree?
 4 A Sure.
 5 Q You also made another finding in your report
 6 that was unequivocally proven to be inaccurate at the
 7 trial, and you said that Jeff Spencer was not in a
 8 position to perceive anybody on his property from the
 9 upper deck that he was alleged to have been on. Do you
 10 recall that --
 11 A Yes.
 12 Q -- report? Now, did you go up to the third
 13 floor, where Jeff Spencer told you he was where he
 14 viewed the person on his property, to see if in fact he
 15 had a visual and was able to determine or see if
 16 somebody was on his property?
 17 A No, I did not.
 18 Q But you made a conclusion in your report
 19 without doing any investigation, correct?
 20 A Without doing any investigation?
 21 Q Well, certainly, sir, if you're going to say
 22 in your report -- my concern -- I mean, we can refer to
 23 the line if you like.
 24 A Sure.
 25 Q But basically you're saying that Mr.

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1 Spencer -- you didn't believe Mr. Spencer could visually
 2 see from the location he said he was at whether or not
 3 someone like Mr. Helmut Klementi was on his property.
 4 Do you remember that?
 5 A Yes.
 6 Q But you did no investigation to confirm
 7 whether or not that that was a truthful or accurate
 8 statement, correct?
 9 A Not correct.
 10 Q Tell me the investigation you did.
 11 A From where he said he saw somebody in his
 12 driveway next to his truck --
 13 Q Right.
 14 A -- is where I was.
 15 Q Uh-huh.
 16 A I cannot see the back third floor deck from
 17 that position.
 18 Q Well, are you aware that we had an
 19 investigator go up to the exact location Mr. Spencer
 20 represented he was at, and are you aware that
 21 photographs were taken, and were you aware that all you
 22 had to do was look down at an angle, and we took the
 23 photographs and you can clearly see the area that Mr.
 24 Spencer told you that he had a visual of was in fact --
 25 he did in fact have the ability to perceive from his

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1 location that he told you that he -- did you ever go --
 2 and I'm not going to belabor the point.
 3 You never went to the deck and looked over
 4 from the deck to see if you could see what Jeff Spencer
 5 told you he could see from the deck?
 6 A Like I said, no.
 7 Q Okay. Kind of important, isn't it?
 8 In any event, so now we -- at that point
 9 Helmut Klementi told you several things that you later
 10 found out to be untrue. Did he not tell you that he
 11 actually heard a gunshot?
 12 A I'm not sure. I'd have to look at my report.
 13 Q Please do. And I can probably assist you on
 14 the page.
 15 A Please do.
 16 Q It would be page five of 10 and it would be
 17 one, two, three, four, five, six paragraphs up from the
 18 bottom.
 19 A Yes.
 20 Q "Helmut said he was in fear of Jeffrey and
 21 said he may have heard a gunshot from Jeffrey's balcony
 22 prior to the battery."
 23 And you confirmed that there were no gunshots
 24 that evening, correct?
 25 A Yes.

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<p style="text-align: right;">Page 94</p> <p>1 Q Helmut Klementi also told you there was a 2 restraining order against Jeff, or a civil stay away 3 order; did he not? 4 A I believe he did, yes. 5 Q And that was in fact -- you tried to verify 6 that and that was also inaccurate, correct? 7 A Correct. 8 Q In fact, you went to the hospital to see 9 Helmut after this event, correct? 10 A Yes. 11 Q And Helmut -- you were aware that Helmut was 12 released fairly shortly and he was only prescribed 13 aspirin. Were you aware of that? 14 A I was not. 15 Q Okay. Were you aware that he was released 16 that evening? 17 A No, I learned that the following day. 18 Q Okay. So the following day you learned that 19 Helmut Klementi was released from the hospital. And did 20 you speak to any doctors or did you speak to Helmut 21 regarding why he was released so quickly? 22 A No. 23 Q But in any event, based on the lack of 24 injuries or his release from the hospital, he filed -- 25 you recommended misdemeanor charges be filed, correct?</p>	<p style="text-align: right;">Page 96</p> <p>1 A I believe -- I don't know. Somebody sent me 2 there. I don't know if it was the District Attorney's 3 Office or if they had called dispatch and dispatch asked 4 me to go there and meet with them. Somehow I was sent 5 there. 6 Q Okay. And it's not documented in any report 7 as to where -- who called you or why you went out there, 8 who told you that they had video -- 9 A No. 10 Q -- recording equipment? 11 In any event, you end up at the Shaws and you 12 believe it's a couple weeks after the misdemeanor 13 charges have been filed in this case, correct? 14 A It could be up to a couple weeks. 15 Q And you, I assume, went and knocked on the 16 door and you were allowed into the house? 17 A Yes. 18 Q And I've heard your testimony today. Are you 19 aware that Miss Shaw did testify at trial in this 20 matter? 21 A I believe -- I remember seeing her on the 22 witness list. I don't remember her testimony. 23 Q Well, would it refresh your memory if her 24 testimony was that she had an actual -- I forget the 25 terms that's used -- a little stick, a memory stick that</p>
<p style="text-align: right;">Page 95</p> <p>1 A Yes. 2 Q And misdemeanors were filed, correct? 3 A Yes. 4 Q Now, after the misdemeanors were filed, you 5 started receiving other information in this matter; did 6 you not? 7 A Yes. 8 Q And you're aware that this case escalated up 9 to felony conduct, elderly abuse, et cetera, et cetera, 10 correct? 11 A Yes. 12 Q Okay. And I'd like to talk to you about the 13 Shaws to begin with. You received information, I 14 believe you testified was it weeks later, that the Shaws 15 had a video? 16 A I don't know if it was days or weeks. At some 17 point well after the incident. 18 Q And obviously the Shaws were not directly -- 19 they weren't witnesses that night? 20 A No. 21 Q They weren't there at the scene with this 22 alleged situation? 23 A No, they were not. 24 Q How was it that you became aware that the 25 Shaws had videotape evidence?</p>	<p style="text-align: right;">Page 97</p> <p>1 she played for you that was not her hard drive, it was a 2 memory stick and it was her only copy; do you recall 3 that? 4 A I do not. 5 Q In any event, you indicated that you left 6 there and you did not want to take the evidence with you 7 because it was her only copy or -- 8 A No. I did not want to take her laptop with 9 me. At the time, I do not recall seeing it on a memory 10 stick. 11 Q Okay. Well, if I told you that was her 12 testimony, does that refresh your memory? 13 A No. 14 Q In any event, somehow the Shaws were informed 15 and they may have put their information apparently from 16 their video surveillance equipment onto a memory stick. 17 They may have. You don't know. You don't remember, 18 right? And you indicated that -- well, I'm not sure you 19 did. I'm going to ask you. 20 You indicated you saw Jeffrey Spencer running 21 or walking quickly out of his residence on the night in 22 question, which would have been December 18th, correct? 23 A Correct. 24 Q And what's obviously critical, couldn't be 25 more critical, perhaps, is what evidence was there prior</p>

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<p style="text-align: right;">Page 98</p> <p>1 to Jeffrey Spencer running out of his house. Okay?</p> <p>2 A I'm not understanding the question.</p> <p>3 Q Okay. So I think your testimony was that you</p> <p>4 went fast-forward through a lot of video that evening</p> <p>5 but you recall specifically Jeff leaving his house.</p> <p>6 A Yes.</p> <p>7 Q But you don't recall in slow motion or normal</p> <p>8 speed, five, 10 minutes prior to Jeff leaving the house;</p> <p>9 is that a fair comment?</p> <p>10 A Before?</p> <p>11 Q Correct.</p> <p>12 A No, I do not.</p> <p>13 Q Okay. Do you know why that information -- do</p> <p>14 you know if that was provided to you or you just don't</p> <p>15 recall seeing it?</p> <p>16 A If the video was shown to me, is that what</p> <p>17 you're --</p> <p>18 Q Yes. I'm saying prior to Jeff walking quickly</p> <p>19 out of his house, do you have a specific recollection of</p> <p>20 viewing, let's say, five minutes at normal speed prior</p> <p>21 to that?</p> <p>22 A No, I do not.</p> <p>23 Q Okay. And now, at some point the video was</p> <p>24 produced from the Shaws. Were you involved in that,</p> <p>25 getting the video to the prosecutor?</p>	<p style="text-align: right;">Page 100</p> <p>1 was recorded. You never questioned Helmut Klementi</p> <p>2 about the statements that were made that would probably</p> <p>3 show good faith belief that he was making a citizen's</p> <p>4 arrest. You failed to speak to what apparently was an</p> <p>5 eyewitness. You never spoke to Egon Klementi that</p> <p>6 evening?</p> <p>7 A I don't believe so.</p> <p>8 Q Well, were you aware? I mean, your report</p> <p>9 indicates that Almeida spoke to Egon Klementi and Egon</p> <p>10 Klementi wrote a handwritten statement that evening.</p> <p>11 You were aware of that? Because the statement was</p> <p>12 written on the 18th, right?</p> <p>13 A Yes.</p> <p>14 Q Did you read the statement before you arrested</p> <p>15 Mr. Spencer?</p> <p>16 A It was written after I had already arrested</p> <p>17 Mr. Spencer.</p> <p>18 Q So is it your practice to arrest people before</p> <p>19 you speak to eyewitnesses?</p> <p>20 A If I have probable cause for an arrest, yes.</p> <p>21 Q Well, okay. Well, that's the big issue here.</p> <p>22 Now, have you had the opportunity to review</p> <p>23 Egon Klementi's statements?</p> <p>24 A Yes.</p> <p>25 Q And Egon Klementi actually said that he was in</p>
<p style="text-align: right;">Page 99</p> <p>1 A I was not.</p> <p>2 Q Do you know when, where, and how it was</p> <p>3 produced to the prosecutor?</p> <p>4 A I do not.</p> <p>5 Q Okay. Now, during the course of this case</p> <p>6 you're aware that the prosecutor on the case was a</p> <p>7 prosecutor named Maria Pence; is that correct?</p> <p>8 A Yes.</p> <p>9 Q And you and Maria Pence actually worked</p> <p>10 together for quite a period of time preparing this case</p> <p>11 for the preliminary examination and the trial as well,</p> <p>12 correct?</p> <p>13 A No.</p> <p>14 Q Well, you testified at the preliminary</p> <p>15 examination?</p> <p>16 A Yes.</p> <p>17 Q You went into her office, went over the</p> <p>18 evidence?</p> <p>19 A Yes.</p> <p>20 Q You did further investigation after the arrest</p> <p>21 of Mr. Spencer, spoke to other witnesses?</p> <p>22 A Yes.</p> <p>23 Q Why -- let me ask you this question regarding</p> <p>24 Egon Klementi. So we know on the night in question that</p> <p>25 you arrested Jeff, no photographs were taken, nothing</p>	<p style="text-align: right;">Page 101</p> <p>1 his house arranging his artwork in his studio east side</p> <p>2 of the house for a meeting with a Tahoe Tribune</p> <p>3 journalist tomorrow afternoon. "I heard my twin brother</p> <p>4 scream for help." Right?</p> <p>5 A (Nods head yes.)</p> <p>6 Q "I saw my twin brother laying on the street</p> <p>7 and ran out to help him." Right?</p> <p>8 A (Nods head yes.)</p> <p>9 Q And then in the statement that I'm having</p> <p>10 problems even comprehending, he said, "I saw Jeff</p> <p>11 Spencer hitting Helmut from the back and pushing him to</p> <p>12 the floor, street." So he was a material eyewitness,</p> <p>13 apparently.</p> <p>14 Did you at any time speak to him directly?</p> <p>15 A No.</p> <p>16 Q Okay. Now, were you the lead officer in this</p> <p>17 case or was Deputy Almeida?</p> <p>18 A I was.</p> <p>19 Q Well, isn't it your job to make sure that if</p> <p>20 there are witnesses and you're making an arrest of a</p> <p>21 citizen, that Deputy Almeida writes a report as to what</p> <p>22 Mr. Klementi said to him and what other investigation he</p> <p>23 did or did not do?</p> <p>24 A Is it up to me to get Deputy Almeida to write</p> <p>25 a report?</p>

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1 Q Well, you're the lead officer that went out to
2 the scene and you made an arrest. Deputy Almeida came
3 out to the scene, and you were the lead officer, right?
4 A (Nods head yes.)
5 Q Apparently Deputy Almeida went and spoke with
6 a material eyewitness to the event. You apparently did
7 not review that written --
8 MR. PINTAR: Can I -- he's not making a verbal
9 response. Can you say yes or no?
10 THE WITNESS: Okay.
11 MR. PINTAR: Sorry. You guys are just talking
12 and --
13 BY MR. ROUTSIS:
14 Q Okay. Now, did you direct Deputy Almeida to
15 write a report as to what Egon Klementi and/or anybody
16 else he spoke to said in this case?
17 A I don't believe I gave him direction to write
18 a report.
19 Q Okay. Do you know when you first read Egon
20 Klementi's handwritten report?
21 A No.
22 Q Now, another person who is a peripheral
23 witness is Marilyn Spencer, correct?
24 A Yes.
25 Q Marilyn Spencer was so upset that evening, she

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1 went out and showed you footprints that we've gone over
2 ad nauseam and you concluded were not relevant, right?
3 A I didn't say they weren't relevant.
4 Q Okay.
5 A I said they belonged to Deputy Almeida.
6 Q And Marilyn Spencer, isn't it true, on
7 numerous occasions requested to do a handwritten
8 statement and none was ever taken in this case?
9 A I don't know.
10 Q You don't know or you -- do you have any
11 recollection of that?
12 A No, I do not.
13 Q Okay. Now, there's another major player in
14 this case, Mary Ellen Kinion. Are you familiar with
15 her?
16 A I don't know.
17 Q Okay. She's the young lady or -- the young
18 lady sitting right here.
19 A Okay.
20 Q Did you have occasion to do any investigative
21 work, take reports, or speak to Mary Ellen Kinion from
22 the time of this event till today?
23 A I don't recall if I've ever spoken to her.
24 Q I've always been troubled with that response.
25 It means you have no recollection at all or you may have

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1 and you just don't remember it.
2 A You have trouble with me answering it that
3 way?
4 Q I don't know what "I don't recall" means.
5 What does it mean? Does it mean you're certain you
6 never spoke to her or you may have spoken to her but you
7 didn't record it? I don't know what it means. Maybe
8 you can clarify.
9 A It means I don't remember having a
10 conversation or an interview with her.
11 Q Okay. Are you familiar that Mary Ellen Kinion
12 generated a letter to the prosecutor in this case to
13 escalate or to assist -- let me rephrase that -- a
14 letter to the prosecutor in this case regarding conduct
15 that the Spencers may have committed or allegedly
16 committed against the Klementis? Are you aware of that
17 letter?
18 A I am not.
19 Q Okay. So I could take it if you're not aware
20 of the letter, that you didn't get it from her and
21 provide it to the prosecutor?
22 A That would be a good analogy.
23 Q Okay. I noticed in your report that Elfi
24 Klementi gave a handwritten statement on December 18th
25 as well as Egon did, and it's attached to your report,

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1 correct?
2 A Correct.
3 Q And I can assume again that you didn't read
4 her report prior to arresting Mr. Spencer?
5 A No, those were collected after, both of them.
6 Q Okay. And you don't know what these two
7 witnesses said at the time you made the arrest in this
8 case, correct?
9 A At the time of the arrest, no.
10 Q Right. Okay. Now, I noticed that Elfi
11 Klementi generated -- and it's attached to your
12 report -- almost a full page of a handwritten report or
13 statement. Are you familiar with that document?
14 A You're asking me if she wrote a handwritten
15 statement?
16 Q Well, we know she did. It's attached to your
17 report.
18 A Right.
19 Q Would you have knowledge that it is in fact
20 attached to your report?
21 A Yes.
22 Q Would you be kind enough to tell us when and
23 under what circumstances you received that document.
24 A I received it with Egon's statement from
25 Deputy Almeida. He collected them from them.

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<p style="text-align: right;">Page 106</p> <p>1 Q Are you sure that they're collected on the</p> <p>2 same day?</p> <p>3 A No.</p> <p>4 Q Okay. And I appreciate that, but it's</p> <p>5 important. So this may have been generated at a later</p> <p>6 time?</p> <p>7 A Yes, it could have been.</p> <p>8 Q Okay. Now, when you arrived on the scene, it</p> <p>9 would have been somewhat dangerous to leave a man laying</p> <p>10 on the street with nobody around him, correct?</p> <p>11 A Yes.</p> <p>12 Q And Egon Klementi indicated in his report that</p> <p>13 he made sure that he was -- I think -- well, let's just</p> <p>14 read it. "That I was saving him from being run over in</p> <p>15 the middle of the street." But that wasn't in fact a</p> <p>16 correct statement either, according to you. There was</p> <p>17 nobody in the street when you arrived; is that correct?</p> <p>18 A I don't remember seeing him in the street.</p> <p>19 Q In fact, nobody had brought him a blanket or a</p> <p>20 pillow. You had to request one be brought to him; isn't</p> <p>21 that true? You asked Egon Klementi to please go get a</p> <p>22 blanket for his brother, when you finally did?</p> <p>23 A I asked somebody. I'm not sure who.</p> <p>24 Q Okay. Now, procedurally when you -- just for</p> <p>25 the record, and we'll keep it as simple as we can. When</p>	<p style="text-align: right;">Page 108</p> <p>1 A I'm going to refer to my report.</p> <p>2 Please.</p> <p>3 MR. PINTAR: Page six.</p> <p>4 BY MR. ROUTSIS:</p> <p>5 Q There was an elderly abuse as a battery --</p> <p>6 MR. PINTAR: Let him finish.</p> <p>7 BY MR. ROUTSIS:</p> <p>8 Q And while you're looking at it --</p> <p>9 A You said it's on page six?</p> <p>10 MR. PINTAR: Your conclusion.</p> <p>11 THE WITNESS: Oh, there it is.</p> <p>12 MR. ZANIEL: Page eight I think is the charge.</p> <p>13 Elderly abuse, battery.</p> <p>14 THE WITNESS: Yes, that's it.</p> <p>15 BY MR. ROUTSIS:</p> <p>16 Q Okay. And do you know if that was filed as a</p> <p>17 felony or a gross misdemeanor?</p> <p>18 A Gross misdemeanor.</p> <p>19 Q Okay. And you are aware that the DA, I</p> <p>20 believe -- and I may be incorrect because I don't have</p> <p>21 the charge in the complaint with me, but the DA filed</p> <p>22 misdemeanor conduct originally. Are you aware of that</p> <p>23 or not?</p> <p>24 A I'm not aware of it.</p> <p>25 Q Okay. Now, other than going to the Shaws</p>
<p style="text-align: right;">Page 107</p> <p>1 you go out to investigate a criminal act, you make an</p> <p>2 on-the-scene determination if there's probable cause to</p> <p>3 make an arrest. That's the first step, correct?</p> <p>4 In this case you did that --</p> <p>5 THE REPORTER: I'm sorry. I didn't hear an</p> <p>6 answer. Yes or no, please?</p> <p>7 THE WITNESS: Yes, ma'am.</p> <p>8 BY MR. ROUTSIS:</p> <p>9 Q And in this case you went to the scene. We've</p> <p>10 been over what was and was not done at the scene, and</p> <p>11 you made an arrest, correct?</p> <p>12 A Correct.</p> <p>13 Q And when you make an arrest, you took Jeff to</p> <p>14 the jail and you write down the charges you feel that</p> <p>15 the probable cause supports for the arrest, correct?</p> <p>16 A Yes.</p> <p>17 Q In this case you felt that the probable cause</p> <p>18 that the facts supported was a misdemeanor battery,</p> <p>19 correct?</p> <p>20 A I believe that was one of them, yes.</p> <p>21 Q Okay. And there was another misdemeanor, and</p> <p>22 I don't recollect, so maybe you can enlighten me.</p> <p>23 A I don't believe it was misdemeanor because of</p> <p>24 the age of Mr. Klementi.</p> <p>25 Q Do you recall what you arrested him for?</p>	<p style="text-align: right;">Page 109</p> <p>1 after December 18, did you provide any other information</p> <p>2 to Maria Pence or the prosecutor's office regarding</p> <p>3 hostilities between the Spencers and the Klementis by</p> <p>4 way of any evidence?</p> <p>5 A No.</p> <p>6 MR. ROUTSIS: Okay. I don't have anything</p> <p>7 further.</p> <p>8 MR. ZANIEL: Any other questions? I think we</p> <p>9 should probably give him the opportunity to waive or</p> <p>10 review those, since Chris started up, since he's not</p> <p>11 here, or do you want to go over that?</p> <p>12 MR. PINTAR: So, okay. Officer McKone, this</p> <p>13 is going to be transcribed and put into a booklet type</p> <p>14 form, probably two to three weeks, and the court</p> <p>15 reporter will contact you and give you the opportunity</p> <p>16 to review that deposition transcript, okay?</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. PINTAR: Now, you can either come to this</p> <p>19 office and do it or we can send it to you. Do you have</p> <p>20 an address we can send it to you? You can give it to us</p> <p>21 off the record.</p> <p>22 THE WITNESS: Are you going to mail it or are</p> <p>23 you going to email it?</p> <p>24 MR. PINTAR: Probably be mailed to you.</p> <p>25 THE WITNESS: Okay. Just use work mailing</p>

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Page 110	Page 112																																																				
<p>1 address.</p> <p>2 MR. PINTAR: And then you'll have 30 days to</p> <p>3 review that report and send back any changes or</p> <p>4 corrections. But if you make any changes or corrections</p> <p>5 to the report, it's just like if you changed your</p> <p>6 testimony here today and all the attorneys here will see</p> <p>7 those changes or corrections, okay?</p> <p>8 THE WITNESS: Okay.</p> <p>9 MR. PINTAR: And if you don't do anything at</p> <p>10 all, if you don't make any changes or corrections, we'll</p> <p>11 just assume, or the court will assume that you didn't</p> <p>12 have any changes.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. PINTAR: Anything else?</p> <p>15 MR. ZANIEL: No. We're done.</p> <p>16 (Deposition concluded 12:44 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>2 ERRATA SHEET</p> <p>3</p> <p>4</p> <p>5 I declare under penalty of perjury that I have read the</p> <p>6 foregoing _____ pages of my testimony, taken</p> <p>7 on _____ (date) at</p> <p>8 _____ (city), _____ (state),</p> <p>9</p> <p>10 and that the same is a true record of the testimony given</p> <p>11 by me at the time and place herein</p> <p>12 above set forth, with the following exceptions:</p> <p>13</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Page</th> <th style="width: 10%;">Line</th> <th style="width: 50%;">Should read:</th> <th style="width: 30%;">Reason for Change:</th> </tr> </thead> <tbody> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </tbody> </table>	Page	Line	Should read:	Reason for Change:	14				15				16				17				18				19				20				21				22				23				24				25			
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<p>1 STATE OF NEVADA)</p> <p>2) ss.</p> <p>3 COUNTY OF WASHOE)</p> <p>4 I, KRISTINE BOKELMANN, a Certified Court</p> <p>5 Reporter in and for the County of Washoe, State of</p> <p>6 Nevada, do hereby certify:</p> <p>7 That on Friday, April 7th, 2016, at the hour</p> <p>8 of 10:18 a.m. of said day, at Sunshine Litigation</p> <p>9 Services, 151 Country Estates Circle, Reno, Nevada,</p> <p>10 personally appeared JESSE MCKONE, who was duly sworn by</p> <p>11 me to testify the truth, the whole truth, and nothing</p> <p>12 but the truth, and thereupon was deposed in the matter</p> <p>13 entitled herein;</p> <p>14 That the deposition was taken in verbatim</p> <p>15 stenotype notes by me, a Certified Court Reporter, and</p> <p>16 thereafter transcribed into typewriting as herein</p> <p>17 appears;</p> <p>18 That the foregoing transcript, consisting of</p> <p>19 pages 1 through 113, is a full, true, and correct</p> <p>20 transcription of my stenotype notes of said deposition,</p> <p>21 to the best of my knowledge, skill and ability.</p> <p>22 Dated at Reno, Nevada, this 8th day of April,</p> <p>23 2016.</p> <p>24 <u>Kristine A Bokelmann</u></p> <p>25 KRISTINE A. BOKELMANN, CCR #165</p>	<p>1 ERRATA SHEET</p> <p>2 Page Line Should read: Reason for Change:</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Date: _____</p> <p>19 Signature of Witness _____</p> <p>20 Name Typed or Printed _____</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																				

EXHIBIT 9

EXHIBIT 9

2-28-12:05:24PM;

DCSO CIVIL

1775 588 7203

2 / 13

The document to which this certificate
is attached is a full, true and correct
copy of the original on file and of
record in my office.

Case No. PO 12-0038

12-26-12 *SMAN*
Date Clerk of the Tahoe Township Justice Court
IN THE TAHOE JUSTICE COURT
(SEAL)

COUNTY OF DOUGLAS, STATE OF NEVADA

2012 DEC 26 PM 3:50

TAHOE TOWNSHIP
JUSTICE COURT
SMAN
CLERK

HELMUT KLEMENTI

Applicant,

vs.

JEFF SPENCER

Adverse Party.

TEMPORARY ORDER AGAINST
STALKING, AGGRAVATED
STALKING OR HARASSMENT
(NRS 200.591)

Date issued: 12/26/12Date Expired: 1/26/13

YOU, THE ADVERSE PARTY, ARE HEREBY NOTIFIED that **ANY INTENTIONAL VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and can result in your immediate arrest or issuance of an arrest warrant. A violation of a Temporary Order Against Stalking, Aggravated Stalking or Harassment is a gross misdemeanor which is punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than \$2,000.00, or by both fine and imprisonment.

YOU ARE FURTHER NOTIFIED that you **CAN BE ARRESTED** even if the person who obtained the Order invites or allows you to contact them. You have the *sole responsibility* to avoid or refrain from violating the terms of this Order. Only the Court can change the Order upon written application.

This Order meets the Full Faith and Credit provisions of the Violence Against Women Act and is enforceable in all 50 states, the District of Columbia, U.S. Territories and Indian Nations. All other courts and law enforcement with jurisdiction within the United States and all Indian Nations shall give full faith and credit to this Order pursuant to 18 U.S.C. Sec. 2265.

Violation of the Order may subject you to federal charges and punishment pursuant to 18 U.S.C. Sec. 2261(a)(1) and (2) and 2262(a)(1) and (2).

An Application for an order pursuant to NRS 200.591 having been filed by the above named Applicant, and the Court having reviewed said Application, and it appearing that sufficient representations have been made that you, the Adverse Party, have committed and/or are committing and/or remain a threat to

-26-12:05:24PM:

DCSO CIVIL

1776 586 7203

3/ 13

1 commit the offense(s) of stalking, aggravated stalking, or harassment and good
2 cause appearing therefore, YOU ARE HEREBY ORDERED as follows:

3 **YOU ARE PROHIBITED**, either directly or through an agent, from contacting,
4 intimidating, using, attempting to use, or threatening the use of physical force, or
5 otherwise interfering in any way with the Applicant and/or the following persons:

6 _____
7 including, but not limited to, in person, by telephone, through the mail, through
8 electronic mail (e-mail), facsimile, or through another person;

9 1. ☒ **YOU ARE ORDERED** to stay away from:

10 Applicant: HELMUT KLEMENTI
11
12 _____
13
14

15 2. ☒ **YOU ARE FURTHER ORDERED: TO NOT OPERATE ANY**
16 **SNOW PLOWING EQUIPMENT ON MEADOW LANE OR CHARLES AVE. IN**
17 **STATELINE,NV.**
18

19 3. **THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON THE**
20 **DATE SET FORTH ON PAGE 1 UNLESS THE JUDGE ORDERS OTHERWISE.**

21 If an application for an extended order is filed within the effective period of this
22 temporary order, this temporary order will remain in effect until the hearing on
23 an extended order is held.

24 4. **IT IS FURTHER ORDERED** that the Clerk of the Court shall transmit a
25 copy of this Order together with the application, to the Douglas County Sheriff's

2-26-12;06:24PM;

DCSO CIVIL

1775 586 7203

4 / 13

1 Office and/or the Douglas County Constable and/or any other appropriate law
2 enforcement agency.

3 5. IT IS FURTHER ORDERED that said law enforcement agency will
4 promptly attempt to serve this Order upon the Adverse Party, without charge to the
5 Applicant, and upon service file a return of service with the Court by the end of the
6 next business day after service is made.

7
8 **NOTICE TO LAW ENFORCEMENT**

9 Any law enforcement officer, with or without a warrant, may arrest and
10 take into custody the Adverse Party, when the law enforcement officer has
11 reasonable cause to believe that (a) an order has been issued pursuant to NRS
12 200.591 against the Adverse Party; (b) the Adverse Party has received a copy
13 of the order; and (c) the Adverse Party is acting or has acted in violation of the
14 order. This arrest may occur regardless of whether the violation occurred in
15 the officer's presence.

16 Any law enforcement agency in this state may enforce a court order
17 issued pursuant to NRS 200.591, without regard to the county in which the
18 order is issued.

19 IT IS SO ORDERED this 26 day of Dec, 2012.

20
21 
22 JUSTICE OF THE PEACE
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24
25

4-28-12:06:24PM;

DCSO CIVIL

:775 688 7203

5/ 13

PROOF OF SERVICE UPON ADVERSE PARTY

I, the undersigned, personally served the Adverse Party above named with a copy of this Temporary Order Against Stalking, Aggravated Stalking or Harassment on the date set forth below.

Signature

Print Name

Date of Service

May 7, 2004

EXHIBIT 10

EXHIBIT 10

PC ATTACHMENT 7

APPROVED MARCH 12, 2013

The regular meeting of the Douglas County Planning Commission was held on Tuesday, January 8, 2013 in the Douglas County Commissioner Meeting Room of the Douglas County Administrative Building, 1616 8th Street, Minden, Nevada.

PLANNING COMMISSION MEMBERS PRESENT: Margaret Pross, Chair; Frank Godecke, Vice Chairman; Jo Etta Brown; James Madsen; Kevin Servatius; Don Miner and Jeremy Davidson.

STAFF PRESENT: Cynthea Gregory, Deputy District Attorney; Candace Stowell, Planning Manager; Lucille Rao, Junior Planner; Barbra Resnik, Civil Engineer II and Lorraine Diedrichsen, Clerk to the Board.

Call to Order and Determination of Quorum

Chair Pross called the meeting to order at 1:01 pm and determined a quorum was present.

Pledge of Allegiance

Member Servatius led the Pledge of Allegiance.

Approval of Agenda

Candace Stowell, Planning Manager, stated item 2 (For Possible Action. Discussion on Development Application (DA) 12-060, for Marilyn and Jeff Spencer, a request for a Major Variance to allow a six foot high fence to encroach into the setback on Juniper Drive and into the right-of-way on Charles Avenue and to allow a six-foot fence in the front yard area. The subject property is located at 321 Charles Avenue in the R-078 PAS (Residential, Planning Area Statement 078) in the Tahoe Regional Plan (APN 1318-23-810-085). The Planning Commission may approve, approve with modifications, or deny the request.) was being continued to April 9, 2013 at the request of the applicant.

Chair Pross indicated public comment for item 2 would be taken along with general public comment.

MOTION by Brown/Godecke to approve the agenda as amended; carried unanimously.

Disposition of the December 12, 2012 Meeting Minutes.

Vice Chairman Godecke noted the December 12, 2012 meeting was held on a Wednesday and requested that correction to the minutes.

MOTION by Godecke/Madsen to approve the minutes with the stated correction; carried with Miner and Servatius abstaining.

1159

DOUGLAS COUNTY PLANNING COMMISSION
MEETING OF JANUARY 8, 2013

Public Comment

Chair Pross opened public comment and stated this would be the time to make general public comment and public comment for item 2. The public comments made for item 2 would be incorporated into the item when it is heard on April 9, 2013. Public comment for item 2 will also be taken on April 9, 2013.

Janet Wells, 183 Juniper Drive, expressed safety concerns with the obstructed line of sight at this intersection since the building of the Spencer's fence. She has a daycare in her home and feels the children walking to and from the bus stop are at risk at that intersection.

Clarence Burr thanked the Planning Commission members for making the effort to attend their ag district meetings.

Pete Shaw, 185 Juniper Drive, talked about the construction of the fence at 321 Charles Avenue. He believes the fence is overbuilt by 4 ½' per county code and is obstructing the line of sight at the intersection of Charles and Juniper. This fence has created a public safety hazard and now the continuance of this item prolongs the safety hazard for another three months. He asked what the county plans to do to ensure public safety for the next three months.

Dr. Rowena Shaw, 185 Juniper Drive, talked about the safety hazard created by the fence constructed by the Spencers. She discussed efforts made by the District Attorney's office to have some of the fence boards removed but that has not happened. Also addressed was an altercation between two neighbors. She believes placing stop signs at that intersection would result in liability issues for the county. She urged denial of the variance request and would like to see the fence removed.

Diane Tedrick, 310 Charles Avenue, said the Spencer's fence is built on a slope so it sits up higher and results in a nonvisual area of 12'. This fence poses a big problem for her when backing up onto Charles and Juniper since she cannot see the oncoming cars. This is a dangerous situation. She requested the fence be removed and the variance request be denied.

Mary Ellen Kinion, a resident of Meadow Lane, said Ms. Spencer indicated to her that she did not want the neighbors complaining about the fence. She said the right side of the fence may be on a conservatory lot and believes the Spencers have removed part of the foliage on the adjoining lot. She stated the Spencers do not use the intersection in question.

Elfie Klementi does not believe the Planning Commission should grant variances to people who build illegal fences; the Planning Commission is responsible for protecting Douglas County residents. The Spencer's fence should not be allowed to stay while the neighbors suffer and are put in danger. The fence is a code violation, is too high, blocks

DOUGLAS COUNTY PLANNING COMMISSION
MEETING OF JANUARY 8, 2013

the line of sight at the intersection, and devalues the neighboring properties. A stop sign is not appropriate for that intersection.

Citing an issue with snow removal related to the Spencers, Helmut Klementi stated he was taking pictures of the snow berm pushed against his brother's fence when he was confronted by Mr. Spencer. Currently Mr. Klementi has a restraining order against Mr. Spencer.

Jim Slade stated he is unfamiliar with this intersection however he believes variances should only be granted when there is a clear and compelling reason to do so. The Spencer's fence should be removed immediately as it is illegal and a public safety hazard.

Justin Bliyl, builder of the Spencer's fence, thinks this is more of an issue between the neighbors than it is a safety issue. He agrees the fence may go over the boundary line on the corner side and he is willing to correct that. The Spencers' constructed the fence to keep people off their property and he stated he has witnessed the Klementi family taking pictures of his underage shirtless nephews while they were building the fence.

Public comment closed.

Public Hearings

1. **For Possible Action.** Discussion on Development Application (DA) 12-045, a Major Modification of a Special Use Permit (ref. File 620) for Mike Pegram, G PEG II, LLC, to allow an outdoor events center for the Carson Valley Inn. The subject property is located at 1625 Highway 395 N in the TC (Tourist Commercial), A-19 (Agricultural - 19 acre minimum parcel size), and GD (Gaming District Overlay) zoning districts in the Minden/Gardnerville Community Plan (APN 1320-29-401-018). The Planning Commission may approve, approve with modifications, or deny the request.

Dirk Goering, Assistant Planner, presented the site plan of the project, aerial of the site, land use, zoning map, comments made at the Minden Town Board meeting, revisions to the conditions of approval with a focus on 16, 17, & 18, lack of public comment received, and staff's recommendation for approval based on the revisions to the conditions.

Mr. Goering provided the members with the input he received from Carson City regarding their Pony Express Pavilion.

Member Servatius asked if the seating was fixed or portable and Mr. Goering responded it is loose seating because it allows the applicant to accommodate different types of events. Member Servatius stated public safety concerns with portable seating in venues this large as the chairs can become a problem or a weapon if problems such as fights arise. He suggested the surveillance cameras and bubbles are included in the electronics when staging events. There a serious

DOUGLAS COUNTY PLANNING COMMISSION
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responsibility for the safety of the public when you have an events this large. He believes there is not enough information included about the public safety of the patrons of these events. He supports this addition to the Carson Valley Inn but has some public safety concerns especially with the portable seating.

Being familiar with Harveys' temporary events center, Member Miner said Harveys' learning process led them to tie the chairs together to prevent them from being used as a weapon and to make them more stable. Harveys has held events for many years and they are very successful. There have been no major incidents either. He shares the safety concerns stated by Member Servatius but supports this events center. Carson Valley Inn is to be commended for promoting area tourism.

Member Brown asked about the entrance to the events center and the flow of traffic and Mr. Goering identified the two Carson Valley Inn access points as well as the Eighth Street access. The flow of traffic will be handled in conjunction with the Sheriff's office. Member Brown commended Carson Valley Inn for bringing this project forward.

Vice Chairman Godecke addressed possible conditions placed by the Water Conveyance Advisory Committee. He noted the project is in a floodway and a flood zone and asked how they will mitigate the flood prone areas for this development. Mr. Goering said the applicant is working with the Army Corp of Engineers and FEMA to make site improvements to move the floodway and floodplain out of the construction site.

Barbra Resnik, Civil Engineer II, cited the condition placed by Water Conveyance as it relates to the responsibility to clean up drainage water quality that goes into the wetland and to have a Douglas County approved filtration method. When the SUP is done for the events center, there will be some type of water quality improvement project put in and a maintenance plan will be required.

Member Madsen was glad to hear staff was so concerned about this. Why aren't you equally concerned about all the sand and oil separators this county has required of the developers and the like and then has no follow up and no service and absolutely no response and all of a sudden here we are and now you are all concerned about them?

Chair Pross commended Carson Valley Inn for being a major asset to Douglas County. She is glad the design blends in and reflects the agricultural heritage of Douglas County and she echoed the positive comments made by the other Members.

Member Madsen commended the Carson Valley Inn for bringing this forward. He too has concerns about the loose seating and hopes the security is a live feed so they can watch what is going on and provide security if something goes awry.

Member Servatius recommended the Carson Valley Inn seek input from Harrahs/Harveys regarding the staging of large events.

DOUGLAS COUNTY PLANNING COMMISSION
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Member Godecke discussed the proposed curfew for these events and stated he would like to see 11:00 p.m. be designated as the curfew no matter what size the event is.

Mark Rotter, Manhard Consulting, identified the location of the events center and the access points and presented the facility plan and elevations. He thanked the Planning Commission for their comments and addressed questions raised.

Carson Valley Inn has events inside now so they are used to dealing with large crowds already. This events center will only accommodate 800 people and not 6,000 or 7,000 like Harveys but they recognize the same types of things can occur.

Traffic - hopefully some of the people attending the events will stay at the Inn but they have worked with the Sheriff's office on traffic controls.

Security Cameras - Member Servatius' suggestion will be passed along.

Seating- loose seating will allow them to convert the area to different uses. This would make it a true events center that offers a variety of uses. Tying the seats together can be considered.

Floodplain - they have gone through the CLOMR process, have approval from FEMA, and are involved in the reduction of flows. Filtration and catch basins are also part of their plans.

Mr. Rotter indicated agreement with the modified conditions of approval.

The RV parking lot will be expanded in the future.

PUBLIC COMMENT

Denise Uber, E. Minden Village Loop resident, expressed noise concerns and asked how the SUP conditions noise. She asked how the noise will be monitored and how often events will occur.

Jim Slade is glad this project is having a public hearing. This project can be a benefit to the community and he supports it. His concerns lie with the floodway/floodplain issue, parking, and his largest concern is noise. Noise should be addressed to protect the citizens of the county and the neighbors of the project.

Les Hodgson, 1610 Eighth Street, is concerned about the noise levels. Who will be monitoring the noise and who will handle the complaints that may arise?

Bruce Scott, Town of Minden Engineer, said the Town supports the project and recognizes the concerns about the noise however they do not believe it will be a problem. He is confident the Carson Valley Inn will continue to work with the Town and community to work through the issues that may arise.

1/63

DOUGLAS COUNTY PLANNING COMMISSION
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Public comment closed.

Mr. Goering said there is no specific decibel level for this. Noise is difficult to measure and enforcement of a decibel level is problematic. A condition was added that allows noise monitoring and if problems arise, the Community Development Director would address them and if they persist, the Planning Commission would get involved. A similar condition was added relating to traffic and security.

He cited the Douglas County Code parking requirements and stated the project will be over parked.

Ms. Resnik explained what was required of the applicant in order to be able to work in the floodway. They must meet FEMA and county requirements.

Member Servatius said the reality is the noise is going to be loud. Noise will be controlled by the SUP and hours of operations. To be a good neighbor, he suggested the Carson Valley Inn limit their hours of operation at the beginning.

Member Brown asked if some type of soundproofing is being considered and Mr. Rotter responded they are working with a sound group to consider sound equipment and types of materials that can be used architecturally. He reminded them it is an open center so the hours will be the key.

MOTION by Miner/Brown to approve Development Application (DA) 12-045, a Major Modification to a Special Use Permit for G PEG II, LLC, based on the discussion and findings in the staff report as modified by today's modifications and subject to these recommendations and the recommended conditions; carried unanimously.

2. **For Possible Action. Discussion on Development Application (DA) 12-060, for Marilyn and Jeff Spencer, a request for a Major Variance to allow a six foot high fence to encroach into the setback on Juniper Drive and into the right-of-way on Charles Avenue and to allow a six-foot fence in the front yard area. The subject property is located at 321 Charles Avenue in the R-078 PAS (Residential, Planning Area Statement 078) in the Tahoe Regional Plan (APN 1318-23-810-085). The Planning Commission may approve, approve with modifications, or deny the request.**

At the request of the applicant, this item was continued to April 9, 2013.

3. **For Possible Action. Discussion on the 2012 Planning Commission Activities Report to be sent to the Board of Commissioners.**

Candace Stowell, Planning Manager, stated the report summarizes the actions taken and the presentations/highlights that occurred during the 2012 year. She touched on the significant actions of the year and requested Planning Commission input on the report.

1/64


DOUGLAS COUNTY PLANNING COMMISSION
MEETING OF JANUARY 8, 2013

No public comment.

MOTION by Miner/Godecke to approve the 2012 Planning Commission Activities Report and forward the report to the Board of Commissioners as written; carried unanimously.

There being no further business to come before the Planning Commission, the meeting adjourned at 2:31 p.m.

Respectfully Submitted:


Lorraine Diedrichsen, Clerk to the Board

Approved:


Margaret Pross, Chair

1/10/13

EXHIBIT 11

EXHIBIT 11

MY NAME IS HELMUT KLEMENT.
ON DEC. 18TH, I ATTENDED A KGID BOARD MEETING ABOUT SNOW REMOVAL PROBLEMS WE HAD WITH MR.

SPENCER, SNOW PLOW DRIVER, IN THE MEADOW LANE AND CHARLES AVE. AREAS. WE WERE ADVISED BY

BOARDMEMBERS TO TAKE PICTURES OF EXTREME BERMS ON OUR PROPERTY. SPENCER'S SIX FOOT FENCE

WAS ALSO ON THE AGENDA.

AFTER THE MEETING, I HAD DINNER IN MY TWIN BROTHER AND SISTER IN LAW'S HOUSE ON 187 MEADOW

LANE.

I OFFERED TO TAKE A PICTURE OF THE BERM PUSHED AGAINST MY BROTHER'S FENCE ON CHARLES AVE.

BEFORE I DROVE HOME.

WHILE I WAS TAKING THE PICTURE, ALL OF A SUDDEN, MR. SPENCER CAME DOWN FROM HIS HOUSE

SCREAMING AND YELLING, TO THE PLACE I WAS STANDING. MR. SPENCER PUNCHED AND ASSAULTED ME.

HE WENT BACK TO HIS HOUSE AND LEFT ME LAYING ON THE ICE, IN THE DARK. I WAS IN SO MUCH PAIN

BECAUSE HE BROKE A RIB, I COULD NOT GET UP, THE POLICE, AMBULANCE AND FIRE ENGINE CAME AND I

WAS BROUGHT TO BARTON MEMORIAL HOSPITAL.

MR. SPENCER WAS ARRESTED, PUT IN HANDCUFFS AND WAS BROUGHT TO JAIL FOUR HOURS LATER, HE WAS

OUT ON BAIL

I HAVE A RESTRAINING ORDER AT THIS TIME AGAINST HIM. THE CASE IS IN THE HANDS OF A LAWYER.

<http://enhanced.charter.net/viewmessage?r=%3Crequest%3E%3Cmail%20action%3D%22...> 1/8/2013

EXHIBIT
helmut klement
public comment
For Identification Only
Filed 1/8/13
By Deputy D1124 151
2 R.App.432

EXHIBIT 12

EXHIBIT 12

1 CASE NO: 14-CV-0260

2 DEPT. NO: II

COPY

3
4
5 IN THE NINTH JUDICIAL DISTRICT COURT
6 IN AND FOR DOUGLAS COUNTY, STATE OF NEVADA
7

8 HELMUT KLEMENTI,

Transcript of Proceeding

9 Plaintiff,

10 v.

11 JEFFREY D. SPENCER, and
12 DOES 1-5,

HEARING
January 30, 2017

13 Defendants
14 _____ /

15 JEFFREY D. SPENCER,

16 Counterclaimant,

17 v.

18 HELMUT KLEMENTI, an individual,
19 EGON KLEMENTI, an individual,
20 MARY ELLEN KINION, an individual,
21 and DOES 1-5,

22 Counterdefendants.
23 _____ /

24 SUNSHINE LITIGATION SERVICES
25 TRANSCRIBED FROM JAVS CD

1 there was voluminous records from doctors that Mr. Routsis wasn't able to
2 find, and kept losing, that there were all these reasons that they were appearing.

3 But there was actually a ton of medical records, and I think
4 probably the biggest change – and I apologize because it's been so long. I
5 don't remember exactly, but I don't think the charges actually changed
6 substantially at all from what I charged the day I read the Sheriff's Office
7 Report until the day we went to trial.

8 I think the only enhancement was based on medical records
9 because once there was substantial bodily harm, it elevated – I think it was a
10 gross misdemeanor to a felony.

11 Q And the medical records influenced you to the point of the
12 felony because of substantial bodily harm?

13 A Well, exactly. At the time that I charged it, I did not have
14 any medical records.

15 Q I see.

16 A At all. And then I think I was given his original medical
17 records, and I talked to the victim himself in that count, and he was still seeing
18 a doctor.

19 And by the time I actually understood what had actually happened
20 to him – when I believe that he was pushed down by Mr. Spencer, it was much
21 more severe than I had originally understood.

22 And the only reason it became a felony was because the level of
23 proof that I would need for prolonged physical pain, where impairment was met
24 by the medical records.

25 But I actually think that all – the charges were the same the entire

1 type of questions I would ask as the Judge concerning the factors that weighed
2 into you charging the matter.

3 BY MS. CAPERS:

4 Q Did anything Mr. Shaw or Mrs. Shaw say or do that
5 influenced your decision to charge a felony in this matter?

6 A Before I answer, can I just clarify?

7 Q Yes.

8 A That's Dr. Shaw?

9 Q Yes.

10 A They had video camera security outside of their home, is
11 that right?

12 Q Yes.

13 A Okay. I know – I just want to make sure.

14 No. And if it helps, just to sort of go back in time, when I was
15 working as a Deputy District Attorney with the DA's Office, we have a
16 charging manual.

17 And the way things work is that when Sheriff's Office reports are
18 generated, they are randomly assigned – sometimes randomly, sometimes at the
19 direction of the DA, to particular deputies in the office.

20 So we constantly have a stack of reports. And when we have
21 time, we go through these reports, and we file certain guidelines that we're
22 given, and we make a charging decision.

23 No one is involved in the charging decision except for myself and
24 then, for example, if I have a question of the deputy that writes the report, I'll
25 call downstairs. I would try and find that out.

1 But the charging decision is made solely by whichever Deputy
2 District Attorney was assigned that case.

3 And it's always been office policy, and I can't speak for today,
4 but while I was employed there, victims and witnesses do not drive that
5 process. I mean, you can imagine in a domestic battery if you're relying on a
6 victim for filing. It doesn't work that way.

7 And while the manual is very specific victims must be constantly
8 apprised of what's happening in a case, and what the – what's going on, that's
9 very different than allowing them to participate in the actual charging.

10 And I know that the Shaws are actually – they were not victims,
11 but they would not have a part in the charging decision.

12 My – and again, I don't have a copy of all of the complaints, but
13 my understanding is is that the only real change was from a gross misdemeanor
14 for the abuse of Helmet Klementi up to a felony, and that was when the medical
15 records showed that there were serious injuries and that he was in prolonged
16 physical pain.

17 So, in a long round-a-bout way, the Shaws had nothing to do with
18 my decision to upgrade the charges from a gross to a felony.

19 MS. CAPERS: Alright. Thank you. I pass the witness.

20 THE COURT: Thank you. Mr. Moore?

21 MR. MOORE: Thank you, Your Honor.

22 THE COURT: Well, no, wait. We might as well take it as far as
23 any cross-examination based on Ms. Capers' questions.

24 We can go one at a time, or we can go –

25 MR. ROUTSIS: We would be the opposing counsel. Can I proceed

1 MR. MOORE: No thank you, Your Honor.

2 THE COURT: Ms. Capers?

3 MS. CAPERS: No, Your Honor.

4 THE COURT: I just have a question in regards to -- and I think I
5 understand where Mr. Routsis was going, in regards to the snow plow.

6 So I understand that the enhancement, if you will, from the gross
7 misdemeanor to a felony, was based on the medical records, substantial bodily
8 injury, correct?

9 THE WITNESS: That's correct.

10 THE COURT: What made you -- tell me about this snow plow.
11 And it's a different person, isn't it? It's a different victim?

12 THE WITNESS: It is, Your Honor.

13 The snow plow event was totally separate from the pushing of
14 Helmut. The snow plow dealt with his brother, Egon, and it was a totally
15 separate incident.

16 It was reported about -- well before this letter. And, Your Honor,
17 this would probably assist the Court as well. Originally, there was only one
18 Complaint presented to the Court, and that was the misdemeanor battery that
19 involved Helmut.

20 The same day I filed that Complaint, I also filed a separate
21 Complaint alleging a felony and a gross misdemeanor. And the felony was
22 based on its mitigation of a witness because, at the time, it was my
23 understanding that he had shoved Helmut down and attempted to intimidate
24 him because Helmut was going to testify about an unlawful fence or some
25 issues they were having in the neighborhood, and it was to scare --

1
2 STATE OF NEVADA }
3 COUNTY OF WASHOE } SS:

4 I, PAMELA D. SIMON, a notary public in and for the County of
5 Washoe, State of Nevada, do hereby certify:

6 That I was provided a JAVS CD of the hearing above-referenced, and
7 that said transcript, which appears hereinbefore was transcribed verbatim into
8 typewriting as herein appears to the best of my knowledge, skill, and ability and
9 is a true and correct record thereof.

10 I further certify that I am not an attorney or counsel for any of the
11 parties, nor a relative or employee of any attorney or counsel connected with
12 the action, nor financially interested in the action.

13 DATED this 13th day of February, 2017.

14
15 
16 _____
17 PAMELA D. SIMON
18
19
20
21
22
23
24
25

EXHIBIT 13

EXHIBIT 13

Case No. CR-13-0069

FILED

13 CR 00636
RECEIVED

2013 MAY 17 AM 9:57

MAY 17 2013
DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA
BEFORE THE HONORABLE RICHARD GLASSON, JUDGE

-oOo-

THE STATE OF NEVADA,

Plaintiff,

-VS-

PRELIMINARY HEARING

JEFFREY DALE SPENCER,

Defendant.

Copy

TRANSCRIPT OF PROCEEDINGS

APRIL 24, 2013

STATELINE, NEVADA

APPEARANCES:

For the Plaintiff:

MARIA PENCE
District Attorney
Minden, Nevada

For the Defense:

WILLIAM ROUTSIS
Attorney at Law
Reno, Nevada

REPORTED BY:

SUZANNE KUES ROWE
Nevada CCR #127

1 THE COURT: Thank you, ma'am.

2 THE WITNESS: I skipped the wastebasket. Sorry.

3 THE COURT: I didn't even know we had one down there.
4 Why the heck would we have a wastebasket by the witness? They
5 can police their own tissue.

6 MS. PENCE: Your Honor, the state would call Helmut
7 Klementi.

8 THE COURT: Okay. Thank you. While we're waiting for
9 that, Ms. Pence, we have the Lister case May 23rd?

10 MS. PENCE: Yes, Your Honor. The state is going to be
11 asking for a continuance. And I believe there will be no
12 objection, because five of our six witnesses were unavailable for
13 that.

14 THE COURT: Sweet. Nice to know, because I hear the
15 Giants will be in town for a day game, and so will Abraham.

16 MS. PENCE: Oh. Nice.

17 THE COURT: And he needs to go to a game.

18 Mr. Klementi.

19
20 HELMUT KLEMENTI,
21 called as a witness in the matter herein,
22 having been first duly sworn
23 was examined and testified as follows:

24
25 THE COURT: Mr. Klementi, please have a seat.

1 THE WITNESS: Thank you.

2 THE COURT: Would you please state your name and spell
3 your first and your last name for our record?

4 THE WITNESS: Helmut Klementi. First name H E L M U T,
5 Klementi. K L E M E N T I.

6 THE COURT: Thank you, Mr. Klementi.

7 The attorneys have some questions they want to ask you,
8 and we are going to start first with Ms. Pence.

9 EXAMINATION

10 BY MS. PENCE:

11 Q. Mr. Klementi, how old are you?

12 A. 79.

13 Q. And what is your date of birth?

14 A. April 11, 1934.

15 Q. And where do you live?

16 A. Pine Ridge Drive, 167.

17 Q. And where is Pine Ridge Drive?

18 A. It's --

19 Q. What city?

20 A. Stateline.

21 Q. And is that here in Nevada?

22 A. Yes, that's by the Kingsbury Grade Improvement
23 District.

24 Q. And are you employed?

25 A. No.

1 Q. Were you previously employed?

2 A. Yes.

3 Q. What kind of work did you do?

4 A. I did 35 years show business. 14 years I drove the
5 limousine.

6 Q. And did you work here in this community in Tahoe?

7 A. Yes.

8 Q. And you have retired?

9 A. Yes.

10 Q. Because of the time I'm just going to ask you some very
11 directed questions.

12 Were you having dinner with your brother Egon and his
13 wife Elfie on the night of December 18th, 2012?

14 A. Yes.

15 Q. And where were you having dinner with them?

16 A. At their house.

17 Q. And what street is their house on?

18 A. 187 Meadow Lane.

19 Q. And do you know what county that's in?

20 A. Douglas County.

21 Q. And did something happen on that night that caused you
22 to have to come to court today?

23 A. Yes.

24 Q. And just very briefly, can you summarize what happened?

25 A. After dinner I told my brother, I'm taking pictures,

1 Like it was Dr. Norman said we should take pictures from the
2 berm.

3 So, I went out there around the house in front of
4 Charles, and I took three pictures.

5 Q. And what happened after you took the pictures?

6 A. I heard somebody screaming from the balcony, from
7 opposite from Egon's house, and he screamed and yelled.

8 Q. Did you recognize the voice you heard screaming and
9 yelling?

10 A. Yes.

11 Q. And whose voices did you hear?

12 A. Jeff Spencer.

13 Q. And do you know where Mr. Spencer lives?

14 A. Yes.

15 Q. Did the voice, where did you hear the voice?

16 A. The voice came from the balcony. South side of the
17 house.

18 Q. When you say, "of the house," whose house are you
19 talking about?

20 A. Pardon?

21 Q. Whose house did it come from?

22 A. Jeff Spencer.

23 Q. And how do you know Mr. Spencer?

24 A. I only met him very shortly when he came there, and
25 then I didn't meet him anymore.

1 Q. Okay. Could the witness be shown what's been marked as
2 State's Exhibit 1?

3 MR. ROUTSIS: We'll stipulate to Mr. Spencer being the
4 defendant, and that he knows him.

5 THE COURT: The stipulation is accepted.

6 MS. PENCE: Thank you.

7 THE COURT: Do you have a picture on the table there?

8 THE WITNESS: Yes.

9 THE COURT: Ms. Pence, did you have a question about
10 that picture?

11 BY MS. PENCE:

12 Q. Do you recognize the person in that photograph?

13 A. Yes.

14 Q. And who is it?

15 A. Jeff Spencer.

16 Q. And is that the person whose voice you recognized?

17 A. Yes.

18 Q. After you heard that voice yelling, what happened?

19 A. I tried to put the video from my camera on, and he, I
20 heard him running down the stairs yelling, screaming, and it was
21 so fast.

22 He punched me in the chest, and I flew down on my back
23 on the icy street, and he left.

24 Q. When he started yelling, you said you were putting the
25 cap on your camera?

1 A. No, I tried to put the video on the camera, just tried
2 to push a button. But, yeah. That's it.

3 Q. Okay. So, you were trying to push a video on. Why
4 were you trying to put a video on?

5 A. Because the screaming and everything, and I didn't take
6 any more pictures, so I tried to take the sound.

7 Q. Okay. You were trying to record. What were you trying
8 to record?

9 A. The screaming and just, you know, because it was so
10 scary, him running down the steps, but then it was so quick.

11 Q. Okay. I want to back you up just a little bit. You
12 said the screaming and yelling was scary. Why did it frighten
13 you?

14 A. Because I was down there, and I just knew it was, you
15 know -- I don't know why, I mean just because it was so scary.

16 Q. Do you know who he was yelling at?

17 A. Oh, yeah. At me.

18 Q. He was yelling at you?

19 A. Yeah.

20 Q. And how do you know that?

21 A. There was nobody there except me.

22 Q. And when he, when you heard him coming down the stairs
23 and up the street, were you facing him or facing away?

24 A. I was facing up the street.

25 Q. Towards him or away from him?

1 A. Towards him.

2 Q. Okay. So, you could see him?

3 A. No, because I had my camera and I tried to find this
4 button, so I didn't see him, but I knew it was him.

5 Q. And how did you know it was him?

6 A. Because the screaming, the voice.

7 Q. The voice?

8 A. I know his voice.

9 Q. And you knew his voice. Okay. You said he punched you
10 in your chest?

11 A. Yes.

12 Q. And then after he punched you, what happened next?

13 A. I fell on the deck, I hit the icy street with my head.

14 Q. And why did you fall?

15 A. Because he punched me so hard, I flew.

16 Q. When you fell down, were you hurting?

17 A. Yes.

18 Q. Can you please describe for the Court the injuries that
19 you received from being punched and falling to the icy street?

20 A. I have a hip replacement, and this hurt, and the chest
21 hurt me and I couldn't move. So, I screamed for help.

22 Q. And did you go to a doctor?

23 A. Yes.

24 Q. And did you learn whether or not you had sustained any
25 broken bones?

1 MR. ROUTSIS: Objection. That calls for a medical
2 opinion. Hearsay.

3 THE COURT: Overruled. He can testify as to his
4 physical condition.

5 THE WITNESS: They told me that --

6 THE COURT: Don't talk over the witness, sir. If you
7 have a different, objection state it. If it's the same
8 objection, it's overruled again.

9 MR. ROUTSIS: I'm going to object that it's a lack of
10 foundation, because he is discussing medical conclusions, such as
11 broken bones, to say how he felt. But, he can't give medical
12 conclusions.

13 THE COURT: Overruled.

14 BY MS. PENCE:

15 Q. Can you describe for the Court the injuries that you
16 received from the punch and falling to the ground?

17 A. I did not know what injuries I had. I just waited for
18 the ambulance to bring me to the hospital.

19 Q. And since the hospital -- well, okay. Let's start
20 there. So, you went to the hospital in an ambulance?

21 A. Yes.

22 Q. Okay. And did they treat you at the hospital?

23 A. Yes.

24 Q. And did they treat certain parts of your body?

25 A. They made different tests for the head. And body.

1 Q. Okay. What did they find was wrong with you?

2 MR. ROUTSIS: Objection. Lack of foundation. Calls
3 for a medical opinion.

4 THE COURT: Ms. Pence?

5 MR. ROUTSIS: Hearsay.

6 THE COURT: Wait a minute. Hearsay is late.

7 MS. PENCE: Your Honor, I believe that the witness can
8 testify as to what his physical injuries were afterwards, but I
9 do have copies of the medical records that were the result of the
10 subpoena duces tecum. I believe this Court has a copy.

11 They have all accompanying affidavits. And if you
12 prefer, at this time, I don't have any problem entering those and
13 summarizing the injuries contained therein. Or I would be
14 willing just to let the witness describe the injuries.

15 MR. ROUTSIS: We would object on both grounds, unless
16 the medical records were properly, unless they present proof that
17 the custodian of records has properly verified that this was done
18 in the proper channels.

19 THE COURT: Well, there's no exhibits marked yet.

20 Ms. Pence. Did you want to mark exhibits?

21 MS. PENCE: Your Honor, can I have a minute?

22 THE COURT: I think they have already been provided to
23 the Court under seal. So, those will be marked as exhibits next
24 in order. 4 and 5?

25 MS. PENCE: Thank you, Your Honor.

1 (Marked Exhibits 4 and 5.)

2 MS. PENCE: Your Honor, if I could have a moment with
3 defense counsel?

4 THE COURT: Okay.

5 (Discussion off the record.)

6 THE COURT: Do you have a knife? Thank you. I'll give
7 it back carefully.

8 MR. ROUTSIS: Well, these are, I think there's a
9 problem, because they are California records.

10 THE COURT: What are California records, Counsel?

11 MR. ROUTSIS: Medical records.

12 THE COURT: Which exhibits?

13 MR. ROUTSIS: The medical records. I don't know, she
14 hasn't marked them yet.

15 THE COURT: Well, yes she did.

16 MR. ROUTSIS: State of California, County of El Dorado.

17 THE COURT: Is this Exhibit 5 or Exhibit 4 to which you
18 are referring?

19 MS. PENCE: Your Honor, these would be the medical
20 records that were obtained pursuant to the subpoena for Barton
21 Memorial Hospital.

22 THE COURT: Let the record reflect the Court's opening
23 Exhibit 5, because it appears to most closely match the size of
24 the document in Counsel's hand.

25 The Court's also going to open the sealed Exhibit 4,

1 just in case we need to get around to that, so I can return this
2 awesome weapon of minor destruction to our deputy.

3 Okay. And, Counsel, your objection is to number five?

4 MR. ROUTSIS: I just don't know if an out-of -- if it
5 complies with the subpoena.

6 THE COURT: My question is, is it Exhibit 5 you are
7 objecting to?

8 MR. ROUTSIS: I don't know which one she marked.

9 THE COURT: The deputy is going to bring them over to
10 you, and you're going to look at them and familiarize yourself
11 with the size of these documents. Don't look inside.

12 MR. ROUTSIS: That would Exhibit Number 5?

13 THE COURT: Okay.

14 MR. ROUTSIS: And four?

15 THE COURT: All right.

16 MR. ROUTSIS: And I will give them back to the deputy.

17 THE COURT: Okay. Your objection, sir? Do you have an
18 objection to Exhibits 4 and 5?

19 MR. ROUTSIS: Yes. My objection, Your Honor, would be
20 it's an out-of-state hospital.

21 THE COURT: The out-of-state hospital records
22 objection. Overruled. You got another one in your arsenal
23 there?

24 MR. ROUTSIS: I believe the affidavit is sufficient, so
25 I'm not going to make an objection at this point.

1 THE COURT: Thank you. Ms. Pence, did you want me to
2 admit Exhibits 4 and 5?

3 MS. PENCE: Please, Your Honor.

4 THE COURT: Exhibits 4 and 5 are generally admitted.
5 (Admitted.)

6 MS. PENCE: And, Your Honor, unless defense counsel
7 objects, I can summarize the content.

8 THE COURT: They speak for themselves.

9 MS. PENCE: Thank you, Your Honor.

10 THE COURT: But, Mr. Klementi is still here. Perhaps
11 there's some questions that Counsel wants to ask him?

12 BY MS. PENCE:

13 Q. Mr. Klementi, as a result of Mr. Spencer's attacks, did
14 you sustain broken ribs?

15 A. Yes.

16 Q. And how do you know you had broken ribs? What
17 happened?

18 A. I had, after the hospital and then I took the X-rays,
19 and they said you have two broken ribs.

20 Q. Now when did that --

21 MR. ROUTSIS: Objection. Hearsay as to what the doctor
22 said to him.

23 THE COURT: Sustained.

24 BY MS. PENCE:

25 Q. When did you go to see Mr. Brooks or Dr. Brooks?

1 A. It was ordered after the hospital to take, to go to the
2 doctor to have x-rays taken and checked up.

3 Q. And how long after that was that?

4 A. About ten days.

5 Q. Why did you go to the doctors ten days after?

6 A. Because I could not get an appointment.

7 Q. You couldn't get an appointment before then?

8 A. Yeah.

9 Q. Okay. When you left the hospital, were you in pain?

10 A. Very much, yeah.

11 Q. On a scale of one to ten, the night you left the
12 hospital, how bad was your pain?

13 A. Ten.

14 Q. Were you given a prescription for pain?

15 A. Yes.

16 Q. Okay. And did you take that pain medication?

17 A. Yes.

18 Q. Did you take it between the time you left the hospital
19 until your appointment with Dr. Brooks?

20 A. Yes.

21 Q. And did you still have pain when you went to see Dr.
22 Brooks?

23 A. Yes.

24 Q. Okay. So, after you saw Dr. Brooks and he confirmed,
25 was he able to determine if something was causing the pain?

1 A. Yes.

2 Q. And what was it that was causing the pain?

3 MR. ROUTSIS: Objection. Same objection, Your Honor.
4 Speculation, hearsay.

5 THE COURT: Objection overruled, objection overruled.
6 What was causing the pain, sir?

7 THE WITNESS: The broken ribs.

8 THE COURT: Broken ribs.

9 MR. ROUTSIS: I'm going to object to the term, "broken
10 ribs." He could say ribs, but broken ribs would have to be
11 confirmed.

12 THE COURT: Well, your objection is overruled.

13 BY MS. PENCE:

14 Q. In addition to your broken ribs, you mentioned that you
15 had a hip replacement that was hurt. Can you describe how that
16 was hurt in the fall to the street?

17 A. I cannot sit more than 10, 15 minutes. Hurts and it
18 hurts. Still hurts now.

19 Q. Now?

20 A. Yeah. And I don't know.

21 Q. And today is April 25th, 2013?

22 A. Yes.

23 Q. And this is as a result of the injury you sustained on
24 the night of December 18th?

25 A. Yes.

1 Q. And you still have pain in your hip?

2 A. Yeah.

3 Q. Are you taking any kind of medication for pain?

4 A. Yes.

5 Q. Still?

6 A. Yeah.

7 Q. In addition to the ribs and the hip, did you have any
8 other injury as a result of being punched and falling to the
9 ground?

10 A. Yeah, a hernia.

11 Q. A hernia. Tell me about your hernia.

12 A. In 2011, I had a hernia, um, made, you know, and after
13 this punch. When I saw Dr. Brooks, he said, you have a hernia.
14 You have to get it repaired.

15 Q. And when he told you needed to have your hernia
16 repaired, he was talking about the same hernia you had previously
17 had repaired?

18 A. Right.

19 Q. And did you have to have that repaired again?

20 A. Oh, yeah.

21 Q. You stated that when you fell back on to the icy
22 street, you also hit your head. Did you hurt your head?

23 A. Yes.

24 Q. And what about your chest where he punched you, did you
25 have an injury there?

1 A. Yes.

2 Q. And did you have pain as a result of that injury?

3 A. Yes.

4 Q. Okay. Do your brother and your sister-in-law still
5 live on Charles or on Meadow?

6 A. Yes.

7 Q. And do you still try and visit them there?

8 A. I visit them every day.

9 Q. And going and coming from their house, in light of what
10 happened with Mr. Spencer, do you worry?

11 A. I am worried, yes. I'm worried. I just going the back
12 way, you know, and make sure.

13 Q. What do you worry about?

14 A. Well, about anything can happen. I don't know. It was
15 frightening. It was a shock for me.

16 Q. And when you say, "It was frightening, it was a shock,"
17 you are referring to when he attacked you?

18 A. When he attacked, when he came down.

19 Q. And is that what you worry about?

20 A. Yes, because I thought I had one shot, and --

21 Q. Do you worry that he might hurt you again?

22 A. Yes.

23 Q. Have you done anything other than what you've already
24 testified to, that you avoid him and you go around the back, have
25 you taken any legal steps to protect yourself from Mr. Spencer?

1 A. Yes.

2 Q. And what did you do?

3 A. Get Restraining Order, so I can't get hurt.

4 MS. PENCE: Your Honor, we'd ask that State's Exhibit 1
5 be admitted.

6 THE COURT: Any objection, sir?

7 MR. ROUTSIS: To the picture?

8 THE COURT: Right.

9 MR. ROUTSIS: No objection.

10 THE COURT: Exhibit 1 is admitted.

11 (Admitted.)

12 MS. PENCE: No further questions.

13 THE COURT: Mr. Routsis?

14 MR. ROUTSIS: Thank you.

15 EXAMINATION

16 BY MR. ROUTSIS:

17 Q. Mr. Klementi, the night of the 18th, when you and
18 Mr. Spencer had a confrontation, didn't you go to an improvement
19 district meeting with your brother and his wife?

20 A. Before, yes.

21 Q. So, you weren't at dinner before this happened, you
22 went to the improvement district meeting. After dinner did you?

23 A. No. Six o'clock we had the meeting.

24 Q. Okay. So --

25 A. Seven o'clock, about, we had dinner, eight o'clock, I

1 went outside to go home, and told my brother I will take the
2 pictures that Dr. Norman recommended.

3 Q. So, you did not --

4 THE COURT: I'm sorry. Six o'clock meeting, seven
5 o'clock dinner, eight o'clock you're outside?

6 THE WITNESS: Yeah.

7 THE COURT: Okay. Thank you.

8 BY MR. ROUTSIS:

9 Q. What time did you arrive at your brother's house?

10 A. We went together.

11 Q. What time did you arrive from your house?

12 A. No, I didn't -- yeah.

13 Q. You live on Pine Ridge?

14 A. Yes.

15 Q. And how far is that away from Egon's house? Egon
16 Klementi's house?

17 A. Depending. Three minutes. Two minutes.

18 Q. By car?

19 A. Yeah.

20 Q. Okay. And how did you get to your brother's house that
21 day?

22 A. I don't remember.

23 Q. And you got to your brother's house in order to go to
24 the improvement district meeting?

25 A. Yes. No. I went, I mean the improvement district is

1 just across from my house. And I went, we met there at the
2 improvement district. And after this, after the meeting, I went
3 with my brother and my sister-in-law to the house.

4 Q. Okay. So, you didn't go to their house before the
5 improvement district meeting?

6 A. No.

7 Q. You met them at the meeting?

8 A. Yes.

9 Q. Did you drive to the meeting?

10 A. No.

11 Q. Did you walk?

12 A. Yes. It's a few steps.

13 Q. How far from your home is it?

14 A. It's just, the same distance like Egon and Ef's house.

15 Q. Why did you go to the improvement district meeting?

16 A. Because of --

17 MS. PENCE: Objection, Your Honor. Relevance.

18 THE COURT: What's the relevance?

19 MR. ROUTSIS: Well, I think the defense is going to be
20 -- we'll move on.

21 THE COURT: Okay. Thank you.

22 BY MR. ROUTSIS:

23 Q. In any event, the improvement district meeting ended at
24 about seven o'clock?

25 A. The part of the public, yeah. I mean of the hearing

1 from the, about the snow plow and the fence.

2 Q. And at the meeting, you did you discuss or did your
3 brother discuss any snow berms regarding what Mr. Spencer may
4 have done?

5 MS. PENCE: Objection, Your Honor. Relevance.

6 THE COURT: Overruled.

7 BY MR. ROUTSIS:

8 Q. At the meeting, did your brother make any complaints
9 about Mr. Spencer?

10 A. Well, Elfie did.

11 Q. Elfie did? Okay. Did you make any complaints about
12 Mr. Spencer at the meeting?

13 A. No, I never talked.

14 Q. Why did you go to the meeting? I'll withdraw it.

15 A. To hear, to listen and to find out what's going on.

16 Q. Okay. And then you went to your brother's home,
17 correct?

18 A. With my brother and my sister-in-law.

19 Q. And did your brother go out and take pictures of any
20 snow berms on the 18th prior to your --

21 A. No. I don't know.

22 Q. Well, after you got back from the meeting at about
23 seven o'clock, you got to your brother's residence?

24 A. We went inside and had dinner.

25 Q. Okay. And then your brother never went out and took

1 pictures?

2 A. No.

3 Q. Okay. And at some point you went outside with a
4 camera?

5 A. Yes, I went outside to go home.

6 Q. You didn't take a camera with you?

7 A. I had the camera with me.

8 Q. So, at about eight o'clock you left to go home?

9 A. Yeah.

10 Q. And did you take any pictures before going home?

11 A. Yes.

12 Q. Why did you do that?

13 A. Because Dr. Norman said we should take pictures from
14 the berm.

15 Q. Who -- excuse me. The DA's nodding her head, yes, and
16 I think that's improper.

17 THE WITNESS: Okay. I just look at you.

18 MR. ROUTSIS: I think she's confirming an answer and
19 nodding her head yes, and I don't think that's proper. And I
20 object to that. And I'd look the Court to admonish her not to do
21 that.

22 THE COURT: Ms. Pence if you are nodding in response to
23 what a witness is saying, please don't do that.

24 MS. PENCE: I won't, Your Honor.

25 THE COURT: Thank you.

1 MR. ROUTSIS: I'm not saying you were. It appeared you
2 were. I'm just concerned.

3 BY MR. ROUTSIS:

4 Q. Mr. Klementi, when you left the residence at about
5 eight o'clock, you left to go home, is that correct?

6 A. I left and told my brother, "I'm taking pictures."

7 Q. Okay. And you told your brother you're going to take
8 pictures?

9 A. Yeah.

10 Q. Because that's what they instructed you to do at the
11 improvement district meeting, correct?

12 A. Yes.

13 Q. So, you went down Charles, Charles Avenue?

14 A. I went out on the side of the house.

15 MR. ROUTSIS: Your Honor, if we could draw?

16 THE WITNESS: And went around the house on Charles,
17 took pictures from the top, left, two pictures, all together
18 three pictures.

19 Q. Yes. I'd ask the witness to draw Charles Street and
20 where he went, how close to the Spencer's residence he went.

21 THE COURT: Ms. Pence?

22 MS. PENCE: I'd object as to relevance and the need for
23 that information at this particular hearing.

24 THE COURT: Sustained.

25 MR. ROUTSIS: Well, we intend to show that --

1 THE COURT: You don't have to show anything. It's a
2 prelim.

3 MR. ROUTSIS: Okay. We think it's relevant though to
4 show that this is, my client thought this was a trespass, and we
5 need to identify how close he got to the property.

6 THE COURT: We don't hear defenses at a prelim.

7 MR. ROUTSIS: Okay. Very good.

8 BY MR. ROUTSIS:

9 Q. In any event, Mr. Klementi, you left your brother's
10 house and you were going to walk home?

11 A. No.

12 Q. Were you going to come back to his house?

13 A. I was going to come back to my car, which was parked in
14 front of the garage.

15 Q. I thought you said you walked to the improvement
16 district from your home and that your brother drove you to his
17 house. Is that what happened? Did you walk to the improvement
18 district like you testified?

19 A. Yes.

20 Q. And did your brother drive you to his house?

21 A. No. No. I drove -- I went back to my garage, took the
22 car out, and drove to my brother's house.

23 Q. After the meeting?

24 A. Because after the -- yes. And I had to go back home,
25 didn't want him to have me drive me home.

1 Q. So, you had your car at your brother's house that
2 evening?

3 A. Yeah, after the meeting.

4 Q. What kind of car?

5 A. Montego.

6 Q. And it was parked there when you had dinner?

7 A. Yes.

8 Q. And then you went outside and took pictures?

9 A. Yes.

10 Q. Did your brother ask to you take pictures?

11 A. No.

12 Q. Excuse me?

13 A. No.

14 Q. You took them on your own?

15 A. Yeah, because --

16 Q. You took the pictures of the berm for your brother,
17 without your brother asking you to do so?

18 A. Yeah.

19 Q. Okay. And were you going to come back in, or were you
20 going to --

21 A. No.

22 Q. You were going to go home after that?

23 A. Yeah.

24 Q. Okay. And how many pictures did you take?

25 A. Three.

1 Q. Three? How close -- and you took pictures on -- you
2 were attacked on -- or, excuse me. You had a confrontation with
3 the defendant on Charles Avenue, correct?

4 A. After I took the pictures.

5 Q. You were on Charles Avenue, correct?

6 A. Yes.

7 Q. How close did you get to the defendant's driveway?

8 MS. PENCE: Objection. Relevance.

9 THE COURT: Yeah, what's the relevance, Mr. Routsis?

10 MR. ROUTSIS: It's res gestae. It's the facts of the
11 case. We need to get an understanding of where he's located?

12 THE WITNESS: About in the middle of the street.

13 THE COURT: Objection is overruled. In the middle of
14 the street.

15 BY MR. ROUTSIS:

16 Q. Okay. And when you say, "the middle of the street,"
17 you're saying the middle of Charles. How many feet away from the
18 defendant's driveway were you?

19 MS. PENCE: Objection. Relevance.

20 THE COURT: Sustained. It's in the middle of the
21 street, that can be established by measurement any time.

22 BY MR. ROUTSIS:

23 Q. So, you were quite a ways from the defendant's
24 driveway, correct?

25 A. Yes.

1 Q. Okay. And at some point you heard the defendant
2 yelling, correct?

3 A. Yes.

4 Q. And isn't it true that the defendant -- let me strike
5 that at this point, Your Honor. You live in this community,
6 correct?

7 A. Yes.

8 Q. That morning were you aware that there was an article
9 in the newspaper about vandalism, some young kids vandalizing
10 cars in the neighborhood?

11 A. No.

12 MS. PENCE: Objection, relevance.

13 MR. ROUTSIS: Okay.

14 MS. PENCE: And hearsay, if he's going to ask about --

15 THE COURT: Okay. The question has been withdrawn.

16 The answer stands, but there's no question to the answer, so it's
17 just kind of floating out there in outer space.

18 BY MR. ROUTSIS:

19 Q. Did you -- you testified that you heard Mr. Spencer
20 yelling, correct?

21 A. Yes.

22 Q. And he appeared to be yelling from his residence,
23 correct?

24 A. From where?

25 Q. From his house?

1 A. Yes.

2 Q. Was he outside, do you know?

3 A. On the balcony.

4 Q. Did you see him?

5 A. No.

6 Q. How do you know he was on the balcony?

7 A. Because I know the balcony, where it is.

8 Q. Okay.

9 A. And it's --

10 Q. Thank you. Now, you never responded to any of his
11 yells, correct?

12 A. No.

13 Q. And isn't it true that it was dark out?

14 A. Except the light from the house.

15 Q. It was nighttime?

16 A. Yes.

17 Q. It had been snowing that day? Do you recall that?

18 A. I don't recall.

19 Q. You don't remember. Okay.

20 THE COURT: I have a question that I would like one of
21 the counsels to answer. Are we talking about light and dark and
22 whatever and photographs. Are there any flashes involved?

23 MR. ROUTSIS: Yes.

24 THE COURT: Well, I don't know. I want to know from
25 the witness.

1 MR. ROUTSIS: It hasn't been established at this point.

2 THE COURT: It has not.

3 MR. ROUTSIS: Right.

4 BY MR. ROUTSIS:

5 Q. Do you have the pictures from your camera?

6 A. Yes.

7 Q. Where are they?

8 A. At home.

9 Q. Okay. What are the pictures of?

10 A. Of the berm.

11 Q. Of the berm?

12 A. Of the berm and the side of Egon, the fence.

13 Q. Okay. And you had a flash, correct?

14 A. It's automatic.

15 Q. Automatic. Okay. And --

16 THE COURT: And it was working?

17 THE WITNESS: Yes.

18 THE COURT: Okay. My question is taken care of. Thank
19 you.

20 BY MR. ROUTSIS:

21 Q. Now --

22 THE COURT: It's a vandal with a flash camera. Can we
23 move on to another area?

24 MR. ROUTSIS: Well, you don't know -- where did you
25 take your last picture, your last picture you took with the

1 flash, where were you physically located, relative to the
2 defendant's driveway?

3 MS. PENCE: Objection. Relevance, Your Honor.

4 THE COURT: Sustained.

5 MR. ROUTSIS: Judge, he made the point that it's
6 relevant that my client may have seen the flash. Now, if he's
7 down the street he may not have seen the flash. So I think it's
8 extremely relevant.

9 THE COURT: Not relevant to the proceedings here before
10 me today, which is a preliminary hearing.

11 MR. ROUTSIS: Okay.

12 THE COURT: The record will reflect that Mr. Routsis is
13 rolling his eyes and nodding at me. And that's not appropriate
14 either, and you are hereby admonished.

15 MR. ROUTSIS: Okay. You never responded to
16 Mr. Spencer's statements to you, correct?

17 THE COURT: That's been established.

18 BY MR. ROUTSIS:

19 Q. Okay. Isn't it true that Mr. Spencer was simply asking
20 you to identify yourself, and he asked you who are you, who are
21 you, identify yourself?

22 MS. PENCE: Objection. Hearsay.

23 THE COURT: Overruled.

24 MR. ROUTSIS: You can answer.

25 THE WITNESS: No, he didn't. He just screamed and

1 yelled.

2 "What are you doing to my truck? Are you stealing my
3 truck?"

4 He did not ask, I didn't hear anything asking who I am.
5 BY MR. ROUTSIS:

6 Q. So, Mr. Spencer asked you or yelled at you, what are
7 you doing with my truck, are you trying to steal my truck,
8 correct?

9 A. Correct. And I was not --

10 Q. And you didn't say, this is Helmut, this is Egon?

11 THE COURT: Mr. Routsis, you will give this witness --

12 MR. ROUTSIS: I thought he was done.

13 THE COURT: The witness the courtesy of responding to
14 your question before you ask him another?

15 MR. ROUTSIS: I apologize. I thought he was done.

16 THE COURT: No. No, Mr. Klementi. You don't need to
17 respond until the question is asked.

18 BY MR. ROUTSIS:

19 Q. Okay. After Mr. Spencer, eight o'clock at night, yells
20 out to you, what are you doing to my truck, or something to that
21 effect, why don't you respond and say, it's Helmut. I'm not a
22 thief? Why didn't you say that?

23 A. Because I was shocked about the screaming. And I was
24 frozen.

25 Q. Okay. After he yelled, what are you doing with my

1 truck, and what are the exact words that -- I don't want to put
2 words into your mouth. If you could tell me the exact words that
3 Mr. Spencer said to you?

4 THE WITNESS: The exact words I don't --

5 MS. PENCE: Objection, Your Honor. Hearsay.

6 THE COURT: It's not offered to prove that Mr. Spencer
7 was speaking the truth, so it will be allowed.

8 Do you recall the exact words?

9 THE WITNESS: No.

10 THE COURT: Okay.

11 THE WITNESS: Just a lot of words.

12 BY MR. ROUTSIS:

13 Q. He was concerned about vandalism and his truck,
14 correct? That's what you said?

15 THE COURT: No, he didn't say anything about vandalism.
16 You said something about vandalism.

17 You said it was something that you read in a newspaper.
18 This witness never said anything about vandalism.

19 Mr. Routsis, do you have any relevant questions to ask
20 on cross-examination that do not attempt to place words in this
21 witness's mouth that he didn't say?

22 BY MR. ROUTSIS:

23 Q. Mr. Klementi, did Mr. Spencer say to you -- what else
24 did he say to you, other than what are you doing around my truck?
25 What else did he say, was your recollection?

1 A. I don't have a recollection.

2 Q. He was concerned about the truck and what you were
3 doing to the truck, is that correct?

4 A. That's correct. But I was not close to the truck.

5 Q. And it's dark out, correct?

6 A. Yes.

7 Q. Didn't you think of saying I'm taking pictures for my
8 brother. I'm not doing anything to your truck? Did that ever
9 cross your mind?

10 A. No.

11 Q. Okay. Instead you started running, or walking away?

12 A. No.

13 Q. What did you do?

14 A. I stood there.

15 Q. You never started walking away?

16 A. No. I stood there, tried to get the video going. And
17 he was so fast, and punched me and I flew. That's all I
18 remember.

19 Q. Didn't you tell the police officer you began walking
20 back towards Charles after you heard the defendant yelling?

21 A. No.

22 Q. If that's in the report, it's inaccurate?

23 A. I was on Charles.

24 Q. Right. But, after you heard the defendant yelling,
25 didn't you tell the police officer you began walking towards

1 Charles Avenue and Meadow Lane?

2 THE WITNESS: No.

3 MS. PENCE: Objection, relevance, Your Honor. This all
4 goes to the defense's theory of the case. And there will be a
5 time for him to ask this witness those questions.

6 But, at the prelim, if there's a question as to whether
7 or not this goes to probable cause, I could see why it would be
8 relevant. But, at this point, I don't believe it's relevant to
9 this proceeding.

10 THE COURT: And you might be correct. But, if I'm
11 incorrect in ruling on your answer, then I've created error.

12 Whereas, this witness's response was, "no," which was
13 shorter than your objection or my explanation of why I was
14 overruling it.

15 BY MR. ROUTSIS:

16 Q. You don't remember telling the police officer that you
17 were walking towards --

18 THE COURT: Sir, he answered that question. Twice.

19 BY MR. ROUTSIS:

20 Q. After you heard Mr. Spencer yelling, what did you do?

21 THE COURT: Sir, sir you don't need to give a speech to
22 me or the witness. The witness has repeatedly responded that
23 after he heard yelling, he attempted to operate the video device
24 on his camera. That's what he did.

25 I know it, you know it, Ms. Pence knows it, and it's

1 irrelevant for you to ask it again and again and again.

2 MR. ROUTSIS: Okay.

3 THE COURT: If you are in a rut and want to take a
4 break to go over your notes and find a new area.

5 MR. ROUTSIS: I'm not in a rut. I'm going.

6 THE COURT: Okay.

7 BY MR. ROUTSIS:

8 Q. Mr. Klementi, now you've testified that my client
9 approached you at night, and you never said a word before
10 physical contact occurred between the two of you, is that
11 correct?

12 A. Yes.

13 Q. And when he approached you, did you ever see him? Or
14 did you have your back towards him?

15 A. I was flying before I saw him. It was, I was like
16 this, and he punched me so hard, and there I went.

17 Q. So, you never told the -- I'll move on, Your Honor.

18 THE COURT: Because now I'm curious about what happened
19 next, whether Mr. Spencer left, or this person left, or whether
20 they stuck around and helped with the investigation or helped
21 Mr. Klementi up off the ground or something?

22 MR. ROUTSIS: Absolutely.

23 BY MR. ROUTSIS:

24 Q. Now, did you get struck in the back or the chest?

25 A. Chest.

1 Q. You never told the police you were struck in the back?

2 A. No.

3 Q. Okay. And you said you were struck in the chest. How?
4 Can you give us an example of what you recall Mr. Spencer did to
5 you?

6 A. No. He was, it was so -- I don't -- he just --

7 Q. Is it possible that you were walking away and you
8 turned around?

9 A. No.

10 Q. And he just pushed you?

11 A. No.

12 Q. Is that possible, Mr. Klementi?

13 A. No.

14 Q. Okay. What part of the chest did you feel impact? So
15 it wasn't the chest, the ribs?

16 A. The ribs, yeah.

17 Q. Not the chest?

18 A. I'm sorry. The ribs of course. Below the chest.

19 Q. And you went to a Dr. Brooks ten days after this event?
20 Is that correct?

21 A. Yes.

22 Q. And it was Dr. Brooks who told you you had broken ribs?

23 A. He examined me, which was --

24 Q. Fine. Did the hospital the night you were taken in an
25 ambulance tell you you had broken ribs?

1 A. They didn't realize it.

2 Q. They didn't realize it?

3 A. They didn't know it.

4 Q. Did they take any x-rays of you?

5 A. No.

6 Q. Did they release you within minutes, or how long did
7 you stay at the hospital?

8 A. About three hours or so.

9 Q. Three hours? Okay.

10 A. But, I am not, I mean I am not sure.

11 Q. Okay. Now, your testimony is that they released you
12 from the hospital without any x-rays?

13 A. Yes.

14 Q. Did you tell them your ribs hurt?

15 A. Yes.

16 Q. Did you tell them you were punched in the ribs?

17 A. Yes.

18 Q. You said you were punched in the ribs?

19 A. Yes.

20 Q. Okay. And they didn't take x-rays? I'll move on.
21 Strike that.

22 Did you have any bleeding in your head?

23 A. Not that I know of.

24 Q. Okay. When you were, at some point -- can you explain
25 how Mr. Spencer got scratches on his arms? Did you grab for him

1 at all?

2 A. No way.

3 Q. No? Okay. And he never hit you again? He never hit
4 you in the face or hit you when you were down?

5 A. I was flat on the ground.

6 Q. No? Okay. What color clothes were you wearing that
7 night? Were they dark?

8 A. Yes.

9 Q. Okay. Now, your brother Egon, was he outside when this
10 was happening?

11 A. No.

12 Q. Where was he?

13 A. I don't know.

14 Q. Okay. But, you left him in the house, right?

15 A. Yes.

16 Q. And he was, was he at the dinner table or where was he?

17 A. I don't know.

18 Q. Okay. And when you left him, did you -- and you went
19 out on the street, and when you left him, he was in the house?

20 MS. PENCE: Objection, Your Honor. Relevance.

21 THE COURT: Yes, it's not relevant. The witness
22 already told us he left him in the house. What's the point of
23 asking him twice?

24 MR. ROUTSIS: Okay. I'll move on.

25 BY MR. ROUTSIS:

1 Q. When you're down on the ground, does Mr. Spencer ask
2 you, does he say to you?

3 Why didn't you identify yourself?

4 Did he yell at you?

5 Why didn't you say who you were?

6 A. Mr. Spencer?

7 Q. Yes.

8 A. Punched me and ran away, let me lie on the floor. And
9 I would be dead if I couldn't get any help.

10 Q. Okay. You're saying that as soon as he hit you, he ran
11 away?

12 A. Yes.

13 Q. He didn't say anything to you?

14 A. No.

15 Q. Didn't say a word?

16 A. No.

17 Q. And your brother, at some point Egon comes out,
18 correct?

19 A. Because I yelled help.

20 Q. Okay. Now, you don't have any memory that when you
21 were on the ground, Mr. Spencer was saying, why didn't you
22 identify yourself, and you tried to kick at him? You don't
23 recall that --

24 MS. PENCE: Objection, Your Honor.

25 THE COURT: Ms. Pence?

1 MS. PENCE: Objection, Your Honor. As to he didn't say
2 anything. And irrelevant as to whether he tried to kick him.

3 THE COURT: Well, it's relevant to the point that the
4 witness may now contradict himself. And change the story that he
5 earlier told about Mr. Spencer leaving. So, it would be to show
6 the credibility of this witness, so the objection is overruled.

7 MS. PENCE: And, in addition, Your Honor, I would just,
8 of note, that sufficiency of the evidence isn't one of the things
9 at a prelim that are normally of great concern.

10 And most of these points that might perhaps go to
11 motive or bias are not really before the Court.

12 THE COURT: Thank you.

13 MS. PENCE: At a prelim.

14 MR. ROUTSIS: Thank you.

15 BY MR. ROUTSIS:

16 Q. You don't recall that he tried to, he yelled at you to
17 say, why didn't you identify yourself and to see if you were
18 okay, and you tried to kick him.

19 THE COURT: Sustained. There's no reason to answer,
20 Mr. Klementi.

21 BY MR. ROUTSIS:

22 Q. At some point, your brother came out, Egon came out?

23 A. Yes.

24 Q. Is that correct?

25 A. Yes.

1 Q. And Mr. Spencer had left at that point?

2 A. Yes.

3 Q. And when Egon came out, did he try to help you up?

4 A. No, he just asked, they called the ambulance.

5 Q. No. My question is, when Egon came out, did he come up
6 to you and ask you, did he try to help you up?

7 MS. PENCE: Objection, Your Honor. Relevance.

8 THE COURT: Well, he's already answered that
9 Mr. Routsis. His brother didn't try to help him up. He called
10 the ambulance, which would certainly be appropriate. You don't
11 want to move somebody who might be injured.

12 MS. PENCE: I just don't know what the relevance --

13 THE COURT: I don't know what the relevance of it is
14 either.

15 MS. PENCE: That was my objection.

16 MR. ROUTSIS: The circumstances --

17 THE COURT: Mr. Routsis, of your next three questions,
18 two need to be relevant, or I'm going to close the preliminary
19 hearing.

20 BY MR. ROUTSIS:

21 Q. Isn't it true that your brother, Egon Klementi, came
22 out and took pictures of you instead of trying to see how your
23 physical condition was?

24 And that this was, this whole night was trying to get
25 Mr. Spencer to come out and fool him into some type of vandalism?

1 You never identified yourself, you never attempted to
2 get you up.

3 He took pictures of you while you were laying on the
4 ground.

5 When the ambulance came, he went into a great dialog.

6 You're planning a civil suit and you're involved in a
7 civil suit right now as will, aren't you?

8 THE COURT: Ms. Pence?

9 MS. PENCE: Objection, Your Honor. Defense Counsel is
10 testifying.

11 It's a compound question. It's complex.

12 It called for speculation on behalf of this witness as
13 to what his brother's plans were.

14 It's irrelevant.

15 And I'm sure it's some other things, but those are the
16 only things that come to mind.

17 THE COURT: Sustained. Is there any redirect?

18 MS. PENCE: No, Your Honor.

19 THE COURT: Sir, you are excused. Thank you.

20 MR. ROUTSIS: And I'm going to make an objection that
21 my right to cross-examine --

22 THE COURT: Sir, I gave you an opportunity.

23 MR. ROUTSIS: I'm making a record.

24 THE COURT: Thank you.

25 Ms. Pence, other evidence?

1 STATE OF NEVADA }
2 COUNTY OF DOUGLAS } Ss.

3 I, SUZANNE KUES ROWE, Certified Court Reporter,
4 licensed in the State of Nevada, License #127, and a Notary
5 Public in and for the State of Nevada, County of Douglas, do
6 hereby certify that the foregoing proceeding was reported by me
7 and was thereafter transcribed under my direction into
8 typewriting; that the foregoing is a full, complete and true
9 record of said proceedings.

10
11 I further certify that I am not of counsel or attorney
12 for either or any of the parties in the foregoing proceeding and
13 caption named, or in any way interested in the outcome of the
14 cause named in said caption.

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19 Date: May 16, 2013

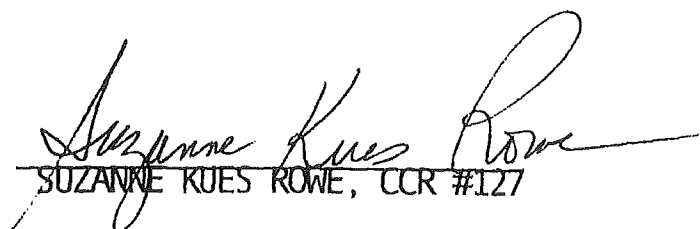
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22 SUZANNE KUES ROWE, CCR #127
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EXHIBIT 14

EXHIBIT 14

Dana Anderson, MFT
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To whom it may concern:

I have seen Jeffrey Spencer twelve times since March 20, 2015. Several of these sessions include his wife, Marilyn Spencer.

Both Jeff and Marilyn suffer from symptoms of Chronic Post Traumatic Stress Disorder (CPTSD) due to Jeff's arrest, charges of assault and elder abuse, prosecution, trial, civil lawsuits and continued stalking and harassment from their neighbors.

Jeff especially experiences the following signs and symptoms:

Flashbacks—reliving the trauma over and over, including physical symptoms like a racing heart, dizziness or light headedness, nervousness and stomach pain, .

Bad dreams/night terrors

Frightening thoughts related to the arrest and charges of Elder Abuse

Staying away from places, events, or objects that are reminders of the traumatic experience

Avoiding thoughts or feelings related to the incidence

Being easily startled

Feeling tense or "on edge"

Having difficulty sleeping

Lack of concentration

Inability to deal with stressful situations involving work and relationships

Trouble remembering short term

Negative/Dislorted thoughts about oneself or the world

Distorted feelings like guilt or blame

Loss of interest in enjoyable activities

Depression, Anxiety, lack of energy

Cognition and mood symptoms can begin or worsen after the traumatic event, these symptoms can make the person feel alienated or detached from friends or family members.

A diagnosis of PTSD detrimentally impacts one's ability to cope with the stressors of everyday life, and can be a lifelong condition.

Regards,

Dana Anderson 05/21/17