

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANGELO CARROLL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Supreme Court Case No. 78081

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ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 20 2010

BY, Denise Husted
DENISE HUSTED, DEPUTY

THE STATE OF NEVADA,)

Plaintiff,)

vs.)

DEANGELO RESHAWN CARROLL)

Defendant.)

CASE NO: C212667

DEPT NO: XXI

**Transcript of
Proceedings**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

WEDNESDAY, MAY, 19, 2010

APPEARANCES:

FOR THE STATE:

MARC DiGIACOMO, ESQ.
Chief Deputy District Attorney
GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT:

DANIEL M. BUNIN, ESQ.
THOMAS A. ERICSSON, ESQ

RECORDED BY JANIE OLSEN, COURT RECORDER

TRANSCRIBED BY: KARReporting and Transcription Services

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AA 0659

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1 LAS VEGAS, NEVADA, WEDNESDAY, MAY 19, 2010, 11:28 A.M.

2 (Court was called to order.)

3 (Outside the presence of the jury.)

4 THE COURT: Does anyone want to start?

5 MR. BUNIN: Sure.

6 THE COURT: Jeff -- where'd he go? Is he out in the
7 hallway?

8 MR. BUNIN: Actually, before you bring them in, let
9 me make a --

10 COURT OFFICER: He's getting the jury all lined up,
11 I think.

12 THE COURT: Oh, okay. I think we have one matter.
13 Yes, sir.

14 MR. BUNIN: And I just want to make a quick record.
15 I don't know if this matters right now, but my client's a
16 little concerned physically. He said he hasn't actually
17 physically slept in a couple of days. He's concerned about
18 his ability to concentrate and be able to talk to me right now
19 and he wanted me to make sure that I said that. And he's
20 going to do his best, but I told him to let me know if he gets
21 to a point where he's really struggling physically and I'll
22 let Your Honor know.

23 THE COURT: Yeah. I mean, here's the problem. I
24 mean, obviously, you know, we want him to be able to
25 concentrate and pay attention, but being on trial for murder

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1 is stressful obviously. And so I don't know what we can do to
2 rectify the fact that he's not sleeping because I'm sure it
3 has to do with the stress of being on trial for murder.

4 MR. BUNIN: He says this is not normal. He normally
5 would be able to sleep.

6 THE COURT: Right. Well, I mean, I think that's
7 something pretty much anybody would experience if they're in
8 the middle of a murder trial. I mean, I can't imagine
9 anything more stressful than that.

10 Now, you know, if there's a physician or something
11 at the jail he can see about a sleeping pill, you know, he has
12 to request that through the detention center or you have to
13 request that through the detention center. But all I'm saying
14 is I don't know what -- I mean, I think that's natural. And
15 any time we do this trial, I think Mr. Carroll is going to be
16 suffering from stress and probably have trouble sleeping.

17 MR. BUNIN: I'm sure it's true.

18 THE COURT: I just think that's natural.

19 MR. BUNIN: I just hope he gets some sleep at some
20 point. From a defense perspective, we just want him to be
21 able to listen and give us input when that's necessary.

22 THE COURT: Obviously. As I said, I mean, if he
23 wants to request -- I don't know how the procedure is --
24 through the detention center that he sees somebody, that might
25 be something you want to look into. I don't know how it that

1 goes.

2 COURT OFFICER: Yeah, he'll just have to submit a
3 KIT through either -- you know, some sort of mental anguish
4 through our mental section or medical and they'll try to
5 evaluate, but I'm not sure if they'll give him any type of
6 sleeping pill or not.

7 MR. BUNIN: I don't even know if they'll evaluate
8 him before the trial is done, frankly, even if we request it.

9 THE COURT: Yeah. Like I said, I mean, I think that
10 that's -- whenever you do the trial, I mean, that's something
11 that, to me, is totally natural and anybody's going to be
12 experiencing that.

13 MR. BUNIN: I appreciate that. I just don't know if
14 the complete lack of sleep is normal and hopefully he'll get
15 some sleep tonight. And I guess I will just tell Your Honor,
16 if he gets to a point where he's saying he's absolutely not
17 able to listen or if he's falling asleep -- I don't want him
18 falling asleep in front of the jury.

19 THE COURT: Clearly.

20 MR. BUNIN: I don't want the jury to think he's
21 disinterested.

22 THE COURT: Right.

23 MR. BUNIN: So I just wanted to make that record.

24 THE COURT: If that's an issue, you can bring it
25 to --

1 MR. BUNIN: Thank you.

2 THE COURT: -- my attention and at that point in
3 time we can take a break and he can consult. But all I'm
4 saying is if you think it's going to be an issue, then what he
5 needs to do is do the KIT to see if somebody can see him to
6 give him, I don't know, Xanax. See, the other problem is that
7 the detention center -- obviously, a lot of these
8 psychological narcotic type drugs they're not going to give
9 the inmates.

10 MR. BUNIN: Right.

11 THE COURT: So I don't know even what the
12 possibilities are of what they can get.

13 MR. BUNIN: And I don't know. I just know that
14 doing the KIT can take a lot of time, but I'm going to tell
15 them to do that today and hopefully we'll get some resolution.

16 THE COURT: Right. Or you can even expedite it.
17 But, like I said, I know that some drugs they won't give at
18 the detention center.

19 MR. BUNIN: Yes.

20 THE COURT: I mean, a shot of whiskey would take
21 care of the problem, but obviously they can't give him that
22 either.

23 MR. DiGIACOMO: Just briefly, Judge, I know we
24 discussed this, the State has decided at least in the case in
25 chief we do not intend to call Anabel or Jayson.

1 THE COURT: Okay.

2 MR. DiGIACOMO: Also -- well, I don't think that
3 either counsel would do that. They obviously are aware that
4 any conversations we've had with any defendant including
5 Mr. Carroll since his arrest through his counsel is not
6 relevant in this proceeding.

7 MR. BUNIN: I'm sorry. Can you repeat that?

8 MR. DiGIACOMO: Any conversations we've had with
9 Mr. Carroll through his counsel are not relevant in this
10 proceed. Any discussion of any possible plea deals or
11 anything else is not relevant in the jury trial.

12 THE COURT: Right. I agree.

13 MR. BUNIN: So just so we're clear, so they're not
14 calling Anabel and Jay Jay in their case in chief, so it's not
15 something we'll talk about in the opening.

16 THE COURT: In your opening, right.

17 MR. BUNIN: I'm still going to make an argument when
18 they try to admit the tape that they're not going to be able
19 to lay the foundation without Anabel. I know that Your Honor
20 is inclined to rule a certain way, but you'll wait to hear the
21 arguments, but I know -- I'm certain they're going to
22 reference it in their opening, so I want to make it clear that
23 I still intend to try to argue that it's not admissible based
24 on --

25 THE COURT: And we had a preliminary discussion

1 about the ability of a police officer to authenticate the
2 voices on the tape having subsequently spoken with the
3 individuals involved.

4 MR. DiGIACOMO: And the Court has previously ruled
5 in other cases it was admissible based on the same argument
6 and so I would imagine we have a pretty good faith basis to
7 believe that it will come in.

8 MR. BUNIN: I just wanted to make sure it was clear
9 before the opening. That's all.

10 THE COURT: Okay. Where's Jeff? All right. We can
11 start.

12 (Jury reconvened at 11:33 a.m.)

13 THE COURT: All right. Court is now back in
14 session. The record will reflect the presence of the State
15 through the deputy district attorneys, the presence of
16 Mr. Carroll and his counsel, the officers of the Court and the
17 members of the jury.

18 Good morning, ladies and gentlemen. At the outset
19 I'd like to apologize for our tardy, very tardy start this
20 morning. Our morning calendar ran much longer than what was
21 anticipated. The maybe good news is tomorrow I have found
22 another judge to hear my calendar so we will be getting an
23 earlier start and we'll be able to start right at 9:00 o'clock
24 tomorrow morning because we won't have any calendar to be held
25 over because I know it's very frustrating for jurors to have

1 to sit around and wait in the hall and for that I apologize.

2 As I told you yesterday, we're going to begin today
3 with the Court reading some introductory comments and then the
4 attorneys will have the attorney to make their opening
5 statements. But before we do that -- thank you, Ms. Husted --
6 the clerk needs to administer the oath to the members of the
7 jury. If all 15 of you will please rise and raise your right
8 hands.

9 (Jurors sworn.)

10 THE COURT: All right. Ladies and gentlemen, I'm
11 now going to take a few minutes to talk to you about what to
12 expect in this case. My comments are intended to serve as an
13 introduction to the trial. At the end of the trial I will
14 give you more detailed instructions in writing and those
15 instructions will control your deliberations.

16 This is a criminal case brought by the State of
17 Nevada against the defendant. The case is based on an
18 indictment. The clerk will now read that and state the plea
19 of the defendant.

20 THE CLERK: Yes, Your Honor.

21 District Court, Clark County Nevada. The State of
22 Nevada, plaintiff versus Kenneth Counts, aka, Kenneth Jay
23 Counts II, Luis Alonso Hidalgo, aka, Luis Alonso Hidalgo, III,
24 Anabel Espindola, number 18 -- I'm sorry, and Deangelo
25 Carroll, Deangelo Reshawn Carroll. Case No. C212667,

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1 Department XXI. Information.

2 David Roger, District Attorney within and for the
3 County of Clark, State of Nevada, in the name and by the
4 authority of the State of Nevada, informs the Court:

5 That Kenneth Counts, aka, Kenneth Jay Counts II,
6 Luis Alonso Hidalgo, aka, Luis Alonso Hidalgo, III, Anabel
7 Espindola, and Deangelo Reshawn Carroll, the defendants above
8 named, having committed the crimes of conspiracy to commit
9 murder, felony; murder with use of a deadly weapon, felony,
10 and on or between May 19, 2005, and May 24, 2005, within the
11 County of Clark, State of Nevada, contrary to the form, force,
12 and effect of statutes in such cases made and provided, and
13 against the peace and dignity of the State of Nevada.

14 Count 1, conspiracy to commit murder. Defendants
15 Kenneth Jay Counts, aka, Kenneth Jay Counts II, and Luis
16 Alonso Hidalgo, aka, Luis Alonso Hidalgo, III, Anabel
17 Espindola, Deangelo Reshawn Carroll, and Jayson Taoipu did, on
18 or between May 19, and May 24, 2005, then and there meet with
19 each other and/or Luis Hidalgo, Jr. and between themselves,
20 and each of them with the other, wilfully, unlawfully, and
21 feloniously conspire and agree to commit a crime, to-wit:
22 Murder, and in furtherance of said conspiracy, defendants
23 and/or their coconspirators, did commit such acts as set forth
24 in Counts 1 and 2, said acts being incorporated by this
25 reference as though fully set forth herein.

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1 Count 2, murder with use of a deadly weapon.
2 Defendants Kenneth Jay Counts, aka, Kenneth Jay Counts II, and
3 Luis Alonso Hidalgo, aka, Luis Alonso Hidalgo, III, Anabel
4 Espindola, Deangelo Reshawn Carroll and Jayson Taoipu did, on
5 or about May 19, 2005, then and there wilfully, feloniously,
6 without authority of law, and with premeditation and
7 deliberation and with malice aforethought, kill Timothy Jay
8 Hadland, a human being, by shooting at or into the body and/or
9 head of said Timothy Jay Hadland, with a deadly weapon.
10 To-wit: A firearm, the defendants being liable under one or
11 more of the following theories of criminal liability, to-wit:
12 One, by directly or indirectly committing the acts with
13 premeditation and deliberation and/or lying in wait; and/or
14 two, by aiding and abetting the commission of the crime by,
15 directly or indirectly, counseling, encouraging, hiring,
16 commanding, inducing or otherwise procuring each other to
17 commit the crime, to-wit: By defendant Anabel Espindola
18 and/or defendant Luis Hidalgo, III and/or Luis -- Luis
19 Hidalgo, Jr., procuring defendant Deangelo Carroll to beat
20 and/or kill Timothy Jay Counts -- Timothy Jay Hadland, I'm
21 sorry; therefore defendant Deangelo Carroll procuring Kenneth
22 Counts and/or Jayson Taoipu to shoot Timothy Hadland;
23 thereafter, defendant Deangelo Carroll and Kenneth Counts and
24 Jayson Taoipu did drive to the location in the same vehicle;
25 thereafter, defendant Deangelo Carroll calling victim Timothy

1 Jay Hadland to the scene; thereafter, by Kenneth Counts
2 shooting Timothy Jay Hadland; and/or, three, by conspiring to
3 commit the crime of battery and/or battery with use of a
4 deadly weapon and/or to kill Timothy Jay Hadland whereby each
5 and every coconspirator is responsible for the foreseeable
6 acts of each and every coconspirator during the course and in
7 furtherance of the conspiracy to which the defendant has
8 entered a plea of not guilty.

9 By David Roger, District Attorney.

10 THE COURT: All right. Thank you, Ms. Husted.

11 Ladies and gentlemen, you should distinctly
12 understand that the Information just read to you is simply a
13 description of the charges made by the State against the
14 defendant. It is not evidence of anything. It does not prove
15 anything. The defendant starts out with a clean slate. The
16 defendant has pled not guilty and is presumed innocent.

17 This is a criminal case and there are two basic
18 rules you must keep in mind. First, the defendant is presumed
19 innocent unless and until proved guilty beyond a reasonable
20 doubt. The defendant is not required to present any evidence
21 or prove his innocence. The law never imposes upon a
22 defendant in a criminal case the burden of calling any
23 witnesses or introducing any evidence.

24 Second, to convict, the State must prove beyond a
25 reasonable doubt that the crime is committed and the defendant

1 is the person who committed the crime.

2 It will be your duty to decide from the evidence to
3 be presented whether the defendant is guilty or not guilty.
4 You are the sole judges of the facts. You will decide what
5 the facts are from the evidence which will be presented.

6 The evidence will consist of testimony of witnesses
7 and documents and other things received into evidence as
8 exhibits. You must apply the facts to the law which I shall
9 give you and in that way reach your verdict.

10 It is important you perform your duty of determining
11 the facts diligently and conscientiously for ordinarily there
12 is no way of correcting an erroneous determination of facts by
13 the jury.

14 You should not take anything I may say or do during
15 the trial as indicating my opinion as to how you should decide
16 the case or to influence you in any way in your determination
17 of the facts. At times I may even ask questions of witnesses.
18 If I do so, it is for the purpose of bringing out matters
19 which should be brought out and not in any way to indicate my
20 opinion about the facts or to indicate the weight or value you
21 should give to the testimony of a witness.

22 There are two kinds of evidence, direct and
23 circumstantial. Direct evidence is testimony about what the
24 witness personally saw, heard or did.

25 Circumstantial evidence is indirect evidence. It is

1 proof of one or more facts from which one can find another
2 fact. By way of example: If you wake up in the morning and
3 see the ground, the sidewalks and the streets are all wet and
4 water is running down the gutters, you may find from those
5 facts that it rained during the night. It is proof of one or
6 more facts from which you can find another fact.

7 Conversely, if you are awake during the night and
8 saw the rainfall, that would be direct evidence, which is
9 something you personally saw. You may consider both direct
10 and circumstantial evidence in deciding this case. The law
11 permits you to give equal weight or value to both, but it is
12 for you to decide how much consideration to give to any
13 evidence.

14 Certain things are not evidence and you must not
15 consider them as evidence in deciding the facts of this case.
16 They include: Statements and arguments by the attorneys,
17 questions and objections of the attorneys, testimony I
18 instruct you to disregard, and anything you may see or hear if
19 the Court is not in decision, even if what you see or hear is
20 done or said by one of the parties or one of the witnesses.

21 Remember, evidence is sworn testimony from the
22 witness stand by a witness while court is in session and
23 documents and other things received into evidence as exhibits.

24 There are rules of law which control what can be
25 received into evidence. When a lawyer asks a question or

1 offers an exhibit into evidence and the lawyer on the other
2 sides thinks that it is not permitted by the rules, that
3 lawyer may object. If I overrule the objection, the question
4 may be answered or the exhibit received. If I sustain the
5 objection, the question cannot be answered and the exhibit
6 cannot be received.

7 Whenever I sustain an objection to a question,
8 ignore the question and do not guess what the answer might
9 have been. Sometimes I may order evidence stricken from the
10 record and tell you to disregard or ignore such evidence.
11 This means when you are deciding the case you must not
12 consider the evidence which I have told you to disregard.

13 It is the duty of a lawyer to object to evidence
14 which the lawyer believes may not be permitted under the
15 rules. You should not be prejudice in any way against the
16 lawyer who makes objections on behalf of the party the lawyer
17 represents. Also, I may find it necessary to admonish a
18 lawyer. If I do, you should not be prejudice towards the
19 lawyer or client because I found it necessary to admonish him.

20 Only if you find the defendant guilty of
21 first-degree murder will the jury decide the sentence the
22 defendant may receive.

23 At the end of the trial, you'll have to make your
24 decision based on what you recall of the evidence. You will
25 not have a written transcript to consult and it is difficult

1 and time consuming for the Court recorder to play back lengthy
2 testimony. Therefore, I urge you to pay close attention to
3 the testimony as it is given. If you wish, you may take notes
4 to help you remember what witnesses said. If you do take
5 notes, please keep them to yourself until you and your fellow
6 jurors go to the jury room to decide the case. Do not let
7 note taking distract you so that you do not hear other answers
8 by witnesses. You should rely upon your own memory of what
9 was said and not be overly influenced by the notes of other
10 jurors.

11 Do not make up your mind about what the verdict
12 should be until after you've gone to the jury room to decide
13 the case and you and your fellow jurors have discussed the
14 evidence. It is important that you keep an open mind.

15 A juror may not declare to a fellow juror any fact
16 relating to this case of which the juror has knowledge. If
17 any juror discovers during trial or after the jury has retired
18 that that juror or any other juror has personal knowledge of
19 any fact in controversy in this case, that juror shall
20 disclose that situation to me in the absence of the other
21 jurors.

22 This means that if you learn during the course of
23 the trial that you have personal knowledge of any fact which
24 is not presented by the evidence in this case, you must
25 declare that fact to me. Once again, you communicate to the

1 Court through the bailiff.

2 During the course of this trial the attorneys for
3 both sides and all court personnel other than the bailiff are
4 not permitted to converse with members of the jury. These
5 individuals are not being antisocial. They are bound by
6 ethics and the law not to talk to you. To do so might
7 contaminate your verdict.

8 The trial will proceed in the following manner. The
9 deputy district attorney will make an opening statement which
10 is an outline to help you understand what the State expects to
11 prove. Next, the defendant's attorney may but does not have
12 to make an opening statement.

13 Opening statements serve as an introduction to the
14 evidence which the party making the statement intends to
15 prove. The State will then present its evidence and counsel
16 for the defendant may cross-examine the witnesses. Following
17 the State's case, the defendant may present evidence and the
18 deputy district attorney may cross-examine those witnesses.
19 However, as I have already said, the defendant is not required
20 or obligated to present any evidence or to call any witnesses.

21 After all the evidence has been presented, I will
22 instruct you on the law. After the instructions on the law
23 have been read to you, each side has the opportunity to
24 present oral argument. What is said in closing argument is
25 not evidence. The arguments are designed to summarize and

1 interpret the evidence. Since the State has the burden of
2 proving the defendant guilty beyond a reasonable doubt, the
3 State has the right to open and close the arguments.

4 After the arguments have been completed, you will
5 retire to deliberate on your verdict.

6 Jurors are now permitted to ask questions of
7 witnesses. If you have a question for a witness, I ask that
8 you write it down using a full sheet of your notebook paper
9 and then wait until the attorneys for both sides have had an
10 opportunity to question the witness, because very often one of
11 the lawyers will ask your questions. Then, if not, please get
12 my attention or the bailiff's attention and he will retrieve
13 your question. The questions from the jurors are governed by
14 the same rules of evidence which control the questions that
15 are admissible that the lawyers ask. So please don't be
16 offended if I don't ask one of your questions. That does not
17 mean it's not a good question or an interesting question, but
18 it could call for hearsay or some other type of inadmissible
19 evidence, and for that reason I may not be asking your
20 question.

21 That concludes my introductory remarks.

22 Is the State prepared to go forward with their
23 opening statements?

24 MR. DiGIACOMO: Your Honor, if we could just let the
25 school children out before.

1 THE COURT: Thank you.

2 STATE'S OPENING STATEMENT

3 MR. DiGIACOMO: Someone once said half told truths
4 are half mended. The whole truth in this case is that that
5 man, Deangelo Carroll, was asked by the owner of the Palomino,
6 an individual by the name of Luis Hidalgo or Mr. H, to --
7 first he says meet, but then he makes it clear, I want you to
8 kill Timothy J. Hadland.

9 Timothy Hadland is a friend of Deangelo Carroll's.
10 He's an individual that he worked with for other six months
11 and he was a former employee of the Palomino who left under
12 some argument as to whether or not TJ was doing something
13 wrong at the Palomino Club or not. But Mr. Carroll and what
14 the evidence will show is that TJ was bad mouthing the club to
15 cab drivers and causing the club to lose money. The Palomino
16 Club, as you've heard before, is a topless -- actually, it's a
17 fully nude bar that actually serves alcohol, the only one here
18 in the valley that does both of those things.

19 The truth of this case is that five years ago today,
20 Mr. Carroll goes and finds a hit man that he knows by the name
21 of Kenneth Counts. He loads up his van with both himself and
22 a juvenile by the name of Jayson Taoipu, an individual by the
23 name of Rontae Zone and Mr. Counts.

24 He lures TJ out to a dark area, because TJ was out
25 by the lake. He lures him off to North Shore Road, and when

1 he gets there and Kenneth Counts -- that's Mr. Hadland. Two
2 shots from a 357 to the side of the head, one entering in his
3 cheek, one entering in his ear, immediately killing
4 Mr. Hadland, leaving him dead on the side of the road.

5 He lays there for a few minutes. It's
6 11:00 o'clock, 11:30-ish at night when an individual who's
7 driving home from the lake or driving around the lake sees his
8 body, stops, calls, 9-1-1. The police arrive and obviously
9 the detectives show up.

10 They find TJ's girlfriend car lying -- on the road
11 some distance from where he's lying, several feet -- more than
12 that -- it's 100 feet or so. They find a pneumatic tube. Any
13 of you have ever been to the bank or at least the old style of
14 the bank where you could utilize this tube or sometimes when
15 you use -- you go to the pharmacy and they have these tubes.
16 They find a cell phone in Mr. Hadland's vehicle. It's TJ's
17 cell phone, which is important in the case. On the side of
18 the road they find a whole bunch of fliers from the Palomino
19 club.

20 The officers look into the cell phone and the last
21 phone call was an individual by the name of Deangelo on the
22 phone. Cops at this point don't know what happened.
23 Eventually they realize that Mr. Hadland's girlfriend, a woman
24 by the name of Paijik who is actually the owner of the car, is
25 still down at the campground at the lake, and they locate

1 Paijik down at the lake and she says TJ left last night to
2 meet Deangelo to smoke some marijuana. He hasn't come back.

3 The police think it might be really important to
4 find Mr. Carroll. They learn that Mr. Carroll was an employee
5 of the Palomino Club. They learn that the owner of the
6 Palomino Club is Mr. H. They make a phone call to Mr. H.
7 They have Mr. H respond down there. They have a conversation
8 with Mr. H and learn that Deangelo Carroll is, in fact, an
9 employee of the Palomino Club and they learn that he's
10 supposed to be on duty that night, the night of the 20th, at
11 the Palomino Club and the cops decide they're going to come
12 back to the scene.

13 Luis Hidalgo, Jr., Mr. H, he has two managers of his
14 club. He has his son, Luis Hidalgo, III, also known as Little
15 Lou, and Anabel Espindola. You will hear her referred to as a
16 manager and handles all the sheets and the paperwork for the
17 Palomino. You'll hear her referred to as the manager, but
18 she's also the long-time girlfriend of Luis Hidalgo, Jr.,
19 Mr. H. There's Mr. Carroll back in 2005.

20 Mr. Carroll's job at the Palomino is kind of a
21 rover. He does kind of everything. He'll work the front
22 door, he'll DJ for a period of time, and then he'll do what's
23 known as promotions. What you'll learn is that cab drivers
24 get paid when they bring employees to the Palomino Club that
25 are -- sorry, when they bring customers to the Palomino Club.

1 They get paid money, the cab drivers do, for bringing the
2 business up there. If the person who's coming to the club
3 doesn't have a VIP card, they pay more money, the cab driver
4 gets paid more money. If the person has a VIP card, they can
5 get through the door for either a reduced rate or for free.

6 And that all will becomes important, but what
7 happens is Mr. Carroll's job is to go out and tell the cab
8 companies as well as go down the Strip and hand out
9 information, VIP cards to potential customers in order to get
10 business up to North Las Vegas because business is very
11 dependent up there on the cab rides that come there as well as
12 the people who will go there, the customers going traveling
13 out of their way, because it's not in the normal area of town
14 where most of the strip clubs are.

15 Mr. Carroll has a couple of younger friends. Rontae
16 Zone here is, I think, 18 years old on the day of the murder.
17 Jayson Taoipu is actually 17 years old. They're two kids.
18 They're not employees of the Palomino, but they -- Mr. Carroll
19 provides a couple of dollars, 20, \$30 a day for Jayson and
20 Rontae to help go around and pass out these fliers and pass
21 out this information to the cab companies. And on May 19 of
22 2005 both Jayson and Rontae are with Mr. Carroll during the
23 daytime promoting.

24 Another player you need to know about is Kenneth
25 Counts, KC. Mr. Counts lives across the street from Deangelo

1 Carroll and catercornered from his mother's house.
2 Mr. Carroll has known Mr. Counts for a period of time and he
3 knows that Kenneth Counts is the type of guy who would kill
4 somebody for money. And he confirms it with him that he'll
5 kill somebody for money. And you'll learn that Mr. Carroll
6 actually utilizes Mr. Counts to commit the killing because
7 Mr. Carroll doesn't actually want to pull the trigger.

3 What's the story of what happened on May 19th?

9 Mr. Carroll's using the white van to promote the club. He has
10 Jayson and Rontae with him. And he tells Jayson and Rontae
11 that Mr. H wants somebody -- and the term he used is "dealt
12 with." You will hear Rontae tell you that he knew that meant
13 to kill him. You will hear that Jayson says, Yeah, I'm
14 willing to do that. You'll also hear that Rontae says, No, I
15 don't want any part of this.

16 You'll hear that Mr. Carroll gives Jayson a
17 .22 caliber firearm and then he tries to give Rontae the
18 bullets to go with the firearm and you'll hear kind of a
19 discussion about what happens with these bullets.

20 You will hear that Little Lou, the son right here --
21 my pointer's not working, but the second one in -- calls
22 Mr. Carroll. There is a discussion in this case about whether
23 it's on a walkie-talkie or whether or not it's over a real
24 phone. The phone records establish that Little Lou calls
25 Mr. Carroll at home. Little Lou tells Mr. Carroll to bring

1 baseball bats and garbage bags because there's something that
2 has to be done, and then Mr. Carroll loads up Rontae and
3 Jayson and they drive over to the club.

4 You'll hear that Mr. Carroll winds up going into the
5 office and Little Lou is not there yet. You'll hear that
6 Mr. H is there. You'll hear that Mr. H says that he wants TJ
7 taken care of. You'll hear that he initially said, I want him
8 beat, and then he said, No, you know what, I want him killed.

9 You'll hear that after this conversation, because
10 Mr. Carroll didn't want to do it himself, he drives over with
11 Rontae and Jayson and he goes over and he gets Mr. Counts and
12 goes -- gets out of the car leaving Rontae and Jayson inside.
13 Mr. Carroll enters the house. KC then leaves with Mr. Carroll
14 dressed all in black and wearing black gloves and at this
15 point Kenneth Counts has a 357 firearm.

16 They leave E Street and begin driving towards Lake
17 Mead. Now, some of you might think Lake Mead -- anyone who's
18 lived here a long time and Lake Mead and how to get up to Lake
19 Mead, you'll know that there's really two -- well, there used
20 to be two Lake Meads and now there's kind of one. They're on
21 the north Lake Mead so up by Hollywood and Lake Mead, the
22 north side of town, not on the south side by Henderson.

23 As they're doing that, Carroll -- Mr. Carroll's
24 calling TJ and his ruse to TJ is that he wants to get some
25 marijuana and he wants to know whether or not TJ has some

1 marijuana. And you'll hear about this trip. You'll hear that
2 Mr. Carroll drives by a kiosk to get into Lake Mead, he loses
3 cell phone reception, he has to come back out to get reception
4 again. He goes back in again to make several phone calls to
5 both TJ and to Anabel Espindola.

6 Now, the subject of the conference with Anabel
7 Espindola may be slightly in dispute. One of two things
8 happens: Either Anabel Espindola specifically tells
9 Mr. Carroll if he's alone, kill him; if he's by himself -- or
10 if he's with somebody, beat him, beat him really badly; or she
11 merely says the words, Mr. Carroll, go to Plan B, either way
12 implying there's a Plan A. When they arrive at the location,
13 Mr. Counts does what he's been hired to do.

14 From there they do a U-turn and they actually drive
15 back through the southern part of the valley, the old Lake
16 Mead, which is now St. Rose that turns into 215, that old road
17 down there. But they come back through by the old Fiesta down
18 there. They come back up 95. There's some concern there may
19 be blood on the tires. They get back to the Palomino.
20 Mr. Carroll enters the Palomino with KC. KC waits downstairs,
21 outside the office. Mr. Carroll goes inside the office.
22 Mr. Carroll tells Mr. H the deed has been done. Mr. H orders
23 Anabel to go to the back, get some money. Mr. Counts gets
24 paid several thousand dollars for his killing.

25 During this time period Jayson and Rontae are

1 sitting outside of the club in a van -- in the van when KC
2 comes out and he's kind of upset because Deangelo's still
3 inside talking to Mr. H. KC's been paid. He just wants to
4 leave. And eventually instead of waiting for Mr. Carroll to
5 drive him home, he jumps in a yellow cab.

6 Mr. Carroll and Jayson remove the tires from the
7 van. They cut the tires. They throw the tires away in
8 dumpsters and get four new tires for this van. They also go
9 to the carwash. They wash the van. Mr. Carroll's so upset
10 about the death of his son [sic] he takes them all out to
11 breakfast at I-Hop and he pays with cash that he receives from
12 committing the killing.

13 But this story isn't just the story you're going to
14 hear from Rontae Zone. This isn't the story you're going to
15 see from the cell phone records. This isn't even the story
16 that you're solely going to see from the physical evidence or
17 the other items of evidence that can be put in front of you.
18 This isn't our story. It's his.

19 See, what happens is the police officers, when they
20 realize Deangelo's the last phone call, Mr. Hadland left to go
21 see Deangelo. Deangelo works at the Palomino. There's
22 Palomino cards on the ground. They think to themselves, Hey,
23 perhaps we should have a conversation with this guy Deangelo
24 who works at the Palomino. They go down to the Palomino and
25 you will learn that Mr. H has already tipped off Deangelo the

1 cops are coming and so Deangelo decides it would be a good
2 idea to have a conversation with the police. So he walks
3 right up to the police officers, introduces himself. I'm
4 Deangelo Carroll. TJ was my friend. Yeah, I had a phone call
5 with him. Absolutely I will go down to the police station and
6 have a conversation with you.

7 He goes down to the police station. He gets to the
8 police station and obviously his first story isn't, it was a
9 paid hit. His first story was, oh, absolutely, I called TJ
10 that night. I smoked marijuana with TJ every day. TJ's my
11 friend. Yeah, I left the Palomino. I was at my house. I was
12 on my balcony. I made a couple phone calls to him. We were
13 going to meet up for weed but then I couldn't get a hold of
14 him anymore and so nothing ever happened.

15 The police not really believing that story suggests
16 to him, hey, you're on a cell phone. Cell phone's hit cell
17 towers. We've got a little problem with that story because
18 your cell phone's hitting all the cell towers out by Lake
19 Mead. That's a problem for you, Deangelo. Deangelo goes,
20 Well, I didn't say I wasn't out there -- driving out there
21 looking for where TJ was. Okay. Fine. Me and Rontae and
22 Jayson, we drove out there looking to hook up with TJ for some
23 marijuana, but you know what, we just couldn't find him. And,
24 you know, I tried to get contact with him, couldn't get
25 contact with him. I wasn't there anymore.

1 Police -- now he's changed his story. They kind of
2 understand. They hit him again, you know, maybe something
3 else happened out there. And Mr. Carroll says, okay, fine, I
4 had this guy I didn't really know. He was the fourth guy.
5 He's in the car. His name's K, but I don't really know who he
6 is. He went out there and he just went crazy. He was going
7 to rob TJ and he shot him and we're all scared and that's why
8 I didn't say anything. And the police say, okay. Well, let
9 us leave the room and we'll talk about this a little bit and
10 we'll come back and talk to you in a moment.

11 They leave the room, they talk about it, they think
12 obviously Mr. Carroll still hasn't fully provided them the
13 truth. And they walk back in the room to try to flush out,
14 you know, whether or not he brought KC to do the robbery or
15 anything like that, and Mr. Carroll stops them and this is
16 what happens from that point forward. And I'm not going to
17 play -- obviously it's two hours and 34 minutes. You'll have
18 a chance through the trial, but these are little segments of
19 what Mr. Carroll says from there.

20 MR. ERICSSON: Your Honor, may we approach before
21 this --

22 THE COURT: Sure.

23 (Off-record bench conference)

24 THE COURT: Go on, Mr. DiGiacomo.

25 MR. DiGIACOMO: Thank you.

1 As I was saying a moment ago, this is -- I don't
2 know how you count it -- the fourth or fifth version of the
3 story, but it's as the police walk back in the room to clarify
4 what he was talking about as it relates to Kenneth Counts.

5 (Audio videotape played.)

6 THE COURT: Let me just remind the jury that this is
7 just opening statement. Nothing's been admitted into
8 evidence. You haven't heard any testimony. So at the end of
9 the day you'll have to base your decision on the evidence as
10 it's admitted. This is just Mr. DiGiacomo telling you what he
11 expects -- you to expect, just to make that clear.

12 Go on, Mr. DiGiacomo.

13 MR. DiGIACOMO: Thank you, Judge.

14 A few minutes later he has a little bit more
15 description of what happened.

16 (Audio videotape played.)

17 MR. DiGIACOMO: A few minutes later, he describes it
18 a little more.

19 (Audio videotape played.)

20 MR. DiGIACOMO: A few minutes later he describes
21 some more.

22 (Audio videotape played.)

23 MR. DiGIACOMO: Obviously, it's not every day that
24 an individual walks in and gives this type of confession, but
25 the nature of the story is somewhat sensational in the sense

1 that here's a club owner hiring a guy to kill a former
2 employee and the manner in which it was done. So the
3 detectives went and they got the acting sergeant, an
4 individual by the name of James Vaccaro, who at the time was
5 the most senior homicide detective at the Las Vegas
6 Metropolitan Police Department, and he goes in the room and he
7 gets somewhat confrontational with Mr. Carroll. This is part
8 of what's talked about.

9 (Audio videotape played.)

10 MR. DiGIACOMO: Before I get to that point -- this
11 is before that. He had a little bit to add to the description
12 of what happened during the payout.

13 (Audio videotape played.)

14 MR. DiGIACOMO: Shortly after this, the detectives
15 take a break and that's when they bring in Detective Vaccaro.
16 And when you actually watch this video during the trial itself
17 you will see the tone and nature of the interview changes as
18 opposed to this nice calm conversation. Detective Vaccaro
19 starts asking the tough questions. He starts saying, Let me
20 get this straight. You drove a guy that you knew was going to
21 kill somebody up to kill one of your friends? And at that
22 point Mr. Carroll starts backing off the story. Well, it was
23 just meant to be a beating. I never told KC that it was going
24 to be a killing. And he begins to back off the story.

25 And Detective Vaccaro asks him, How are we going to

1 prove this? How do we prove this story? What do we do? Do
2 we just drag Mr. H down here and ask him, did you pay somebody
3 to kill somebody? What do we do to prove your version of the
4 story? And Mr. Carroll comes up with it. He says, I'll wear
5 a wire.

6 And so several days later, they take Mr. Carroll up
7 on his offer. Mr. Carroll puts on a recording device supplied
8 by the FBI and he enters what's known as Simone's auto club.
9 Simone's auto club is another business. This one's down by
10 the airport. It's off of Bermuda and Sunset-ish, in that area
11 of town. It is an auto club. It's the original business that
12 Mr. H had here in town before he bought the Palomino Club.

13 Mr. H's son, Little Lou, lives in the back area of
14 this auto club in Room 6. And Anabel is actually the manager
15 down there, works days down there, and at night works -- at
16 night is the manager at the Palomino.

17 So on day one, May 23rd, Mr. Carroll goes inside the
18 Palomino Club -- I'm sorry, inside Simone's in an effort to
19 confirm the information that he had ratted to police. When he
20 gets inside the room there, there's a discussion and he gets
21 sent back to Room 6, which is Little Lou's room, and there's a
22 conversation between Little Lou that's eventually joined by
23 Anabel. You'll hear that during the testimony before you.

24 After he leaves that room, Mr. Carroll, the police
25 have a chance to listen to what is a poor recording, but

1 nonetheless -- poor quality recording. They have a couple
2 more questions they'd like to ask, particularly, What about
3 Mr. H? How come Mr. H isn't on this recording? So on
4 May 24th, Mr. Carroll goes back into Simone's Auto Plaza. He
5 goes back into Room 6. There's another conversation. And
6 while I'm not going to play that whole conversation for you,
7 on May 24th, this is a conversation between Anabel Espindola
8 and Deangelo Carroll.

9 (Audio videotape played.)

10 MR. DiGIACOMO: At the end of this case some things
11 are going to be just uncontroverted. Plan A. Plan A's
12 clearly the killing of Timothy Hadland. And while his finger
13 isn't on the trigger, it might as well have been. At the end
14 of the day, the State of Nevada is going to ask you to hold
15 Deangelo Carroll responsible for the killing of Timothy
16 Hadland.

17 Thank you.

18 THE COURT: All right. Thank you, Mr. DiGiacomo.

19 All right. Is the defense -- does the defense wish
20 to make an opening statement at this time?

21 MR. ERICSSON: Yes, Your Honor.

22 THE COURT: All right.

23 DEFENDANT'S OPENING STATEMENT

24 MR. ERICSSON: Good afternoon, ladies and gentlemen.
25 I know that we've been through -- we're going into two and a

1 half days of this, and I want to start out by expressing our
2 appreciation on behalf of us as Deangelo's attorneys and on
3 behalf of Deangelo for the candor and patience that each of
4 you had in getting through the jury selection.

5 You've been told several times and just again this
6 morning by the judge that what is presented in opening
7 statement is not evidence. You're hearing small sections of
8 very long conversations and very detailed information that was
9 provided to the police by Deangelo.

10 You are going to hear evidence related to the
11 motives of these other individuals who were involved in the
12 killing of Timothy Hadland. At the outset I would hope that
13 you understand we are in no way justifying the shooting of
14 Timothy Hadland. It clearly was a homicide. It clearly was a
15 killing.

16 What you folks are going to be asked to determine
17 after you hear all of the evidence and listen carefully to
18 each of the witnesses and details from these recordings is
19 what was the state of mind of Deangelo Carroll at the time of
20 that shooting. And that -- again, you'll find that we
21 probably do not dispute 90 percent of what the prosecution is
22 going to present to you, but there's 10 percent of this case
23 that is crucial in determining criminal liability that the
24 State is trying to prove against Deangelo.

25 We ask you to continue to be open minded and fair

1 minded, and one of the difficult things that all of us as
2 humans have is holding off judgment until we hear all of the
3 evidence. The State, because they have the burden of proof,
4 they get to present their evidence first. Will you please
5 hold off in coming to any conclusions until you have heard
6 from everyone, heard all of the evidence and been able to
7 compare the motivations and what was going on behind other
8 people besides these few snippets that you've heard of
9 Deangelo's voluntary statements to the police officers.

10 We believe that after you have heard all of the
11 evidence and considered it carefully, you will conclude that
12 Deangelo is not guilty of first-degree murder.

13 Thank you very much.

14 THE COURT: All right. Thank you, Mr. Ericsson.

15 I guess we should probably take our lunch break now.

16 Ladies and gentlemen, we'll go ahead and take our
17 lunch break. We'll be in recess for an hour until 1:25.

18 Once again, you are reminded that during the lunch
19 break you're not the discuss this case or anything relating to
20 the case with each other or with anyone else. Do not read,
21 watch, listen to any reports of or commentaries in any matter
22 related to the case. Don't do any independent research on any
23 subject connected with the trial. Don't visit the location
24 at -- the locations at issue. And please do not form or
25 express an opinion on the case until you begin deliberating

1 with one another.

2 If you would all please place your notepads in your
3 chairs and follow Officer Wooten through the double doors,
4 we'll begin with the presentation of evidence at 1:25.

5 (Jury recessed at 12:27 p.m.)

6 THE COURT: Before we take our lunch break, is there
7 anything you would like to put on the record relating to what
8 transpired during the opening statements and what was stated
9 at the bench?

10 MR. ERICSSON: Your Honor, we would like to make a
11 record. We had a --

12 THE COURT: Hang on one second. The door just
13 opened.

14 Oh, they can stay in for this part, Jeff.

15 THE MARSHAL: Okay.

16 THE COURT: It's just argument, if they want to stay
17 here because the Court's not closed yet.

18 Yes, go ahead.

19 MR. ERICSSON: Thank you, Your Honor. We wanted to
20 put on the record our objection that we brought to the Court's
21 attention up at the bench prior to the State playing short
22 segments of the interviews with the police and Deangelo
23 Carroll.

24 The position that we indicated was that that
25 information should have come out in its entirety during the

1 introduction of evidence. We -- most of us in here have
2 probably taken trial advocacy courses that have talked about
3 the importance of early information being provided to jurors
4 and how many people form very strong opinions as to a case at
5 opening statements. And it was our position that because they
6 weren't playing the entirety of the statements which have some
7 very favorable things that were said by Deangelo, that the
8 State should not have been able to just play very small
9 sections.

10 And it was based on that that we asked that they be
11 precluded from playing just portions at this point and wait
12 until the entire tape was played during the -- their trial.

13 MR. DiGIACOMO: Absolutely no legal basis. We had a
14 five-minute discussion at the bench. There's no legal basis
15 for the objection. The Court has previously ruled on the
16 admissibility of this item which means I had a good-faith
17 basis to believe that it was admissible.

18 The statute says that if I do not play a portion
19 that they think is appropriate, they're free to play whatever
20 portion that they want to after my opening. They clearly knew
21 we were putting in Deangelo Carroll's statement, so they were
22 free to put in whatever section that they wanted to put in,
23 and they chose not to do so.

24 Even prior to the opening they made a record about
25 the two wire recordings and they knew -- because I told them

1 yesterday that I was going to play certain portions of his
2 statement. They could have waited -- they could have done it
3 beforehand. To do it in the middle of the opening with no
4 legal basis -- well, I guess there's nothing you can do about
5 that, but -- I'm not even going to --

6 THE COURT: Yeah, I would just say that, you know,
7 clearly Mr. DiGiacomo would have been able to highlight
8 portions of the statement, the confession that he thought was
9 germane, you know, by saying Deangelo Carroll admitted this or
10 that or the other thing. I think that the fact that it was a
11 tape that was played -- I understand your argument that that's
12 more prejudicial, but it's really the same thing as the State
13 highlighting portions of the confession that they consider to
14 be more beneficial to their case. I mean, that's what you do
15 in opening statements. So I would just say with that that
16 that's -- I don't find that the playing the snippets were
17 objectionable. The Court reminded the jurors that it's not in
18 evidence yet. It's just opening statements so whatever, you
19 know, harm I think what is rectified certainly by -- and I'm
20 reluctant to use the word harm because that suggests that
21 there's something improper about it, and again, I don't think
22 it was improper. I think it's totally analogous to the old
23 fashion way of doing things of Mr. DiGiacomo just saying, you
24 know, you're going to hear from the detectives that Deangelo
25 Carroll, you know, admitted this and said that and, you know,

1 just pulling out snippets of it. So I think we've made our
2 record and it is what it is. But in any event, you know, the
3 Court did remind them it wasn't in evidence yet.

4 All right. Go to lunch.

5 MR. BUNIN: 1:30, did you say?

6 THE COURT: No, 1:25. I want to start right at
7 1:25.

8 MR. BUNIN: Okay.

9 (Court recessed at 12:32 p.m. until 1:40 p.m.)

10 (In the presence of the jury.)

11 THE COURT: All right. Court is now back in
12 session. The record will reflect the presence of the State,
13 the defendant and his counsel, the officers of the Court and
14 the members of the jury.

15 State, call your first witness.

16 MR. PESCI: State calls Ismael Madrid.

17 THE COURT: All right. Ismael Madrid.

18 Sir, just come on up here to the witness stand,
19 please, just up those couple of stairs and remain standing,
20 facing this lady right here.

21 ISMAEL MADRID, STATE'S WITNESS, SWORN

22 THE CLERK: Please be seated and please state and
23 spell your name.

24 THE WITNESS: Ismael Madrid, Ismael, I-s-m-a-e-l,
25 Madrid, M-a-d-r-i-d.

1 THE COURT: Go ahead.

2 MR. PESCI: May I proceed?

3 THE COURT: Yes.

4 MR. PESCI: Thank you.

5 DIRECT EXAMINATION

6 BY MR. PESCI:

7 Q Sir, what do you do for a living?

8 A I'm a police officer.

9 Q And you work with Metropolitan Police
10 Department?

11 A Yes, I do.

12 Q Is that often referred to as Metro?

13 A Yes.

14 Q How long have you been with Metro?

15 A Five years.

16 Q I want to direct your attention five years ago
17 today, actually. Were you a Metro officer?

18 A No.

19 Q At that point what did you do for a living?

20 A I was working at Home Depot.

21 Q Okay. On May the 19th, 2005, did you head out
22 to Lake Mead?

23 A Yes, I did.

24 Q Did you go there with somebody?

25 A I went with two friends.

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1 Q Who were those friends?
2 A One who is now my wife is Chelsea and Monique
3 Gonzales.
4 Q Okay. And when you went out there, how did you
5 get to the lake?
6 A We drove.
7 Q What did you drive?
8 A A Dodge Ram.
9 Q What route did you take?
10 A Through the -- we took the route from Lake Mead
11 past Hollywood.
12 Q So the northern part of the valley?
13 A Yes.
14 Q About what time of day did you head out to the
15 lake?
16 A Heading out about 6:30, 7:00.
17 Q In the morning or at night?
18 A At night.
19 Q And did you spend your evening out there at the
20 lake with those two individuals?
21 A Yes.
22 Q Eventually around 11:30 to around midnight
23 going into the 20th of May, 2005, did you make a trip back
24 into town?
25 A Yes.

1 Q Did you take the same route?
2 A I believe so.
3 Q Okay. Well, do you recall whether you went
4 around North Shore Road?
5 A Yes. Yes.
6 Q Okay. And at that point was it you and the
7 same two females?
8 A Yes.
9 Q Who was driving?
10 A Chelsea.
11 Q And was there something that occurred as you
12 were driving back into town on North Shore Road that grabbed
13 your attention?
14 A There was a body lying in the middle of the
15 street.
16 Q And how did you first see it? Where were you
17 seated in the car?
18 A I was seated in the passenger side, by the
19 passenger side door.
20 Q Now, is this a street where there are street
21 lights and things of that nature?
22 A No.
23 Q So how were you first able to see it? How
24 close did you get?
25 A Probably about a good 50 feet out with -- the

1 lamps -- the headlights from our vehicle is what lit it up.

2 Q And what did you do based on seeing the body in
3 the street?

4 A Stopped immediately.

5 Q Did you go anywhere?

6 A No.

7 Q Did you get out of the car?

8 A Yes.

9 Q Okay. After getting out of the car, what did
10 you do?

11 A I went to -- I went to go see what exactly was
12 lying in the middle of the road.

13 Q And what did you see when you got there?

14 A I saw a white male adult lying in the middle of
15 the road.

16 MR. PESCI: Your Honor, may I approach the witness?

17 THE COURT: Mm-hmm.

18 BY MR. PESCI:

19 Q Showing you what's previously been shown to
20 defense counsel as State's Proposed Exhibits 5 through 9, I'd
21 ask you to look at those and tell me if you recognize them.

22 A (Complying.)

23 Yes.

24 Q Do you recognize State's 5 through 9?

25 A Yes.

1 Q Are those fair and accurate depictions of the
2 scene that you just described to the jury as they were -- or
3 as it appeared on that date?

4 A Yes.

5 MR. PESCI: Move for the admission of 5 through 9.

6 THE COURT: Any objection?

7 MR. BUNIN: Submit it.

8 THE COURT: All right. Those will be admitted.

9 (State's Exhibits 5 through 9 admitted.)

10 BY MR. PESCI:

11 Q I also ask you to look at 12, 14 and 15. Do
12 you recognize those?

13 A Yes.

14 Q Other than the body, what else did you see out
15 in the area of the body?

16 A There's cards, advertisement cards.

17 Q Okay. And what's depicted in 12, 14 and 15,
18 are those fair and accurate depictions of what it is you saw
19 near the body and including the body on that date?

20 A Yes.

21 MR. PESCI: Move for the admission of 12, 14 and 15.

22 THE COURT: Any objection?

23 MR. BUNIN: Submit it.

24 THE COURT: All right. That's all admitted.

25 (State's Exhibits 12, 14 and 15 admitted.)

1 MR. PESCI: And I'd ask to publish.

2 THE COURT: That's fine.

3 BY MR. PESCI:

4 Q Sir, when you first came up on this scene,
5 looking at State's 5, was there crime scene tape?

6 A No.

7 Q And were there cars that we see in this
8 picture?

9 A No.

10 Q Were you the only car out there at that point?

11 A Yes.

12 Q And looking at State's 6 -- when I say the only
13 car out there, I'm referring to as far as traffic that was
14 going by.

15 A There was only one car parked alongside of the
16 road.

17 Q Okay. And looking at State's 6 --

18 MR. PESCI: Your Honor, can I turn this monitor on?

19 THE COURT: Of course.

20 BY MR. PESCI:

21 Q We'll have this monitor on to your side. Let
22 me know if it's showing up there, so we don't --

23 A Yes.

24 Q Okay. Could you please circle the car that you
25 saw in the area of the body when you first approached.

1 A (Complying.)

2 Q Okay. And if you tap the bottom right corner

3 of that screen, that circle will go away. I'll move it in a

4 little bit. Could you make the circle again, please.

5 A (Complying.)

6 Q That's the car that was in the area?

7 A Yes.

8 Q In State's 7, did you actually approach the

9 body?

10 A Yes.

11 Q I'm sorry. Can you tap the bottom right

12 corner.

13 A (Complying.)

14 Q Thank you.

15 In State's 8, when you first got up to the body, how

16 close did you get to the body?

17 A About a good foot away.

18 Q Okay. Was the body in this condition as you

19 got to it?

20 A Yes.

21 Q Was the hat on top of it?

22 A Yes.

23 Q And does there appear to be something across

24 the chin area?

25 A Chain, gold chain.

1 Q Was that in that position when you got there?
2 A Yes.
3 Q And kind of orienting the jury from the other
4 direction, looking at State's 9, would that be a picture taken
5 from the opposite direction?
6 A Yes.
7 Q And then State's 14, you said near the body --
8 State's 14, what's depicted in State's 14?
9 A Those are the advertisement cards I saw that
10 night.
11 Q Okay. And looking at State's 15, is that more
12 of a closeup?
13 A Yes.
14 Q All right. What -- do you see some yellow
15 placards or signs with numbers on them --
16 A Yes.
17 Q -- in State's 15?
18 Were those there when you got there?
19 A No.
20 Q Now that you work with the police department,
21 do you know what those placards are?
22 A Yes.
23 Q What are they?
24 A They're significant that ID specialists use to
25 take photographs as far as labeling what items are there at a

1 crime scene.

2 Q All right. And looking at No. 3, was that in
3 that area when you were out there?

4 A Yes.

5 Q Does that appear to be something like a bank
6 tube --

7 A Yes.

8 Q -- for drive-through banking?

9 A Yes.

10 Q After seeing all these things, what, if
11 anything, did you do?

12 A I immediately called 9-1-1.

13 Q When you called 9-1-1, eventually did police
14 respond?

15 A Yes.

16 Q When police responded, did they speak to you
17 and your two friends?

18 A Yes.

19 Q Did they ask you to give a statement?

20 A Yes.

21 Q What's normally referred to as a voluntary
22 statement?

23 A Correct. Yes.

24 Q Is that a handwritten one-page document?

25 A Yes.

1 Q Did you fill out a voluntary statement?

2 A Yes.

3 Q Did that contain everything you remembered or
4 saw that evening?

5 A Yes.

6 Q Okay. And when you filled that out, were the
7 other -- your friends also talking to the police?

8 A Yes.

9 Q Were you all kind of grouped together having
10 this conversation or were you separated when you gave your
11 statement?

12 A We were separated.

13 MR. PESCI: Pass the witness.

14 THE COURT: All right. Cross.

15 MR. BUNIN: Thank you.

16 CROSS-EXAMINATION

17 BY MR. BUNIN:

18 Q Good afternoon. I have very few questions for
19 you. I'm just going to clarify a few things, okay? Just to
20 be clear, you were not working as a police officer at the time
21 of this incident; is that correct?

22 A Correct.

23 Q You had not yet been working for Metro at all.
24 You were in training at that point?

25 A I was in -- a month prior to participating in

1 the academy.

2 Q Okay. What time was it that you came across
3 the body in the road?

4 A It was close to midnight.

5 Q And this was a Wednesday night?

6 A I don't recall what day it was, but --

7 Q Do you remember if it was a weeknight or a
8 weekend?

9 A It was a weekday.

10 Q It was a weekday. And you were at the lake
11 with friends, right?

12 A Yes.

13 Q You were a passenger in a vehicle?

14 A Yes.

15 Q Somebody else was driving?

16 A Yes.

17 Q Had you been drinking at all that day or that
18 evening?

19 A I had about two beers.

20 Q Two beers over the course of the entire
21 evening?

22 A Yes.

23 Q Now, you didn't see any lights of any other
24 vehicle near the vehicle -- or the body that you just
25 identified in those photos, did you?

1 A No.

2 Q And you don't recall seeing any vehicles
3 passing you? You have no specific recollection of any other
4 vehicles in the area at the time?

5 A No.

6 Q All right. You, at one point, when you first
7 went to check the body in the road, you actually made physical
8 contact with it, didn't you?

9 A I did not make physical contact. I approached
10 it, but never touched it.

11 Q Never touched it?

12 A No.

13 Q Maybe I read it wrong. Did you make a phone
14 call to 9-1-1 and tell them that you made contact with the
15 body because you thought it was a joke and then when you got
16 close you realized it was not a joke. Does that sound right?

17 A Sounds about right.

18 Q So did you make -- you may have made briefly
19 physical contact with the body because you didn't realize --

20 A I never made contact at all.

21 Q All right. Did you touch any of the items
22 sitting in the road that you just pointed to in the
23 photograph --

24 A No.

25 Q -- the cards?

1 A No.

2 Q Nothing else?

3 A No.

4 Q All right. You have -- you don't know anything
5 about the facts and circumstances -- you have no personal
6 knowledge of any of the facts and circumstances surrounding
7 this situation?

8 A No.

9 Q No.

10 MR. BUNIN: No other questions. Thank you.

11 THE COURT: Redirect.

12 MR. PESCI: Yes. Thank you.

13 REDIRECT EXAMINATION

14 BY MR. PESCI:

15 Q Sir, when you're talking about contact, so it's
16 clear, it's not physical contact?

17 A Not physical, no.

18 Q Is that, in essence, I got up near or close to
19 the body?

20 A Yes.

21 MR. PESCI: Thanks. Nothing further.

22 THE COURT: Anything else, Mr. Bunin?

23 MR. BUNIN: No, Your Honor.

24 THE COURT: Any juror questions?

25 All right. Sir, thank you for your testimony.

1 Please don't discuss your testimony with anyone else who may
2 be a witness in this matter, and you are excused.

3 State, call your next witness.

4 MR. PESCI: Officer Lafreniere.

5 JASON LAFRENIER, STATE'S WITNESS, SWORN

6 THE CLERK: Please be seated and please state and
7 spell your name.

8 THE WITNESS: Jason. It's J-a-s-o-n, Lafreniere,
9 L-a-f-r-e-n-i-e-r-e.

10 THE CLERK: Thank you.

11 MR. PESCI: May I proceed, Your Honor?

12 THE COURT: Yes.

13 MR. PESCI: Thanks.

14 DIRECT EXAMINATION

15 BY MR. PESCI:

16 Q Sir, what do you do for a living?

17 A I'm a detective with the Las Vegas Metropolitan
18 Police Department.

19 Q How long have you been with Metro?

20 A About eight and a half years.

21 Q If you could keep your voice up loud, they're
22 recording everything and that will --

23 A Yes.

24 Q -- help out real good.

25 A About eight and a half years.

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1 Q All right. Focusing on five years ago today,
2 were you a detective at that point or were you working patrol?

3 A I was working patrol.

4 Q And when you say patrol, what does that mean?

5 A It means I respond to calls for service, I
6 conduct traffic stops, I drive a marked patrol vehicle and
7 wear a uniform.

8 Q Were you by yourself? Were you in a marked
9 car?

10 A I was by myself in a marked patrol vehicle.

11 Q And was there a particular area that you were
12 working in at that time?

13 A Yes, sir. I patrol the northeast area of town.

14 Q Now, does the northeast area of town take in --
15 or responsible for North Shore Road?

16 A I believe it is, yes, sir.

17 Q Well, let me ask it to you this way: Did you
18 work the evening hours of May 19, 2005?

19 A Yes, sir.

20 Q Did you respond to a call coming from North
21 Shore Road?

22 A Yes, sir.

23 Q When you responded, what did you find?

24 A I came in contact with a young man and I think
25 two young ladies and I -- there was a body lying in the middle

1 of the road on North Shore.

2 Q The young man you just spoke of, was that the
3 gentleman that just stepped out of court?

4 A Yes, sir.

5 Q Okay. When you made contact with him or you
6 got up close and talked to them, what did you find out?

7 A I found out that they were either traveling to
8 or from Lake Mead area. I don't recall which. During their
9 journey, they found -- they came across a body lying in the
10 middle of the road and they contacted the police department.

11 Q Did you see this body?

12 A Yes, sir.

13 Q Did you go up and approach the body?

14 A I did approach the body, yes, sir.

15 Q Did you touch the body?

16 A No, sir.

17 MR. PESCI: May I approach the witness?

18 BY MR. PESCI:

19 Q Showing you State's Proposed Exhibits 10 and
20 11, which I've shown defense counsel, do you recognize those?

21 A Yes, sir, I do.

22 Q Are those fair and accurate depictions of the
23 scene as you saw it on that day?

24 A Yes, sir, it is.

25 MR. PESCI: Move for the admission of 10 and 11.

1 THE COURT: Any objection to 10 and 11 -- submitted.

2 MR. BUNIN: Submitted.

3 THE COURT: All right. Those will be admitted.

4 (State's Exhibits 10 and 11 admitted.)

5 BY MR. PESCI:

6 Q Now, when you came up on the body, was this car
7 that's depicted in the left-hand corner of State's 10 in that
8 position?

9 A Yes, sir, it was.

10 Q And did you actually get up close to the body
11 itself?

12 A I walked up to the body to see if it was dead
13 or if he was alive or what we needed to do, but I didn't step
14 anywhere on the blood or I didn't touch the body.

15 Q And did you see some of the items that were
16 near the body?

17 A I saw items. I don't recall...

18 Q I'll show you State's 50. Do you recognize
19 what's depicted in State's 50?

20 A Yes, I do.

21 Q Is this something that you saw in the area of
22 the body?

23 A Yes, sir, it is.

24 Q Okay. Does seeing that photo help you
25 remember?

1. A Yes, sir, it does.

2. Q And were there, in fact, some advertisements
3. for the Palomino nightclub?

4. A Yes, sir, that's correct.

5. Q Did you talk to the gentleman that just left
6. the courtroom and the two females?

7. A Yes, sir.

8. Q And were they given voluntary statements to
9. fill out?

10. A Yes, sir, they were.

11. Q Did you then contact someone else in the police
12. department?

13. A I don't recall if I contacted my supervisor,
14. but I know my supervisor was contacted as were other officers
15. who responded out to the scene.

16. Q Okay. Did you contact your supervisor?

17. A I don't remember if I did or if I asked
18. dispatch to do it, but my supervisor was contacted.

19. Q Were you the first officer, uniformed officer,
20. to get to the scene?

21. A Yes, sir.

22. Q What did you do at the scene?

23. A I immediately backed up Mr. Madrid and the
24. females and I placed crime scene tape across the street.

25. Q Now, we've seen those in some of those photos.

1 Is that the tape that you put up?

2 A Yes, sir.

3 Q And is that to try to secure the scene?

4 A Yes, sir.

5 Q And did you keep it as it was?

6 A Yes, sir.

7 Q Didn't touch the tube or the cards or the body?

8 A No, sir.

9 Q Eventually did other people from Metro respond?

10 A Yes, sir.

11 Q In fact, did homicide get out there eventually?

12 A That's correct.

13 Q And was it then their investigation?

14 A Yes, sir.

15 Q And that's the normal procedure when patrol

16 comes upon a dead body?

17 A That's correct.

18 MR. PESCI: Pass the witness.

19 THE COURT: All right. Cross.

20 CROSS-EXAMINATION

21 BY MR. BUNIN:

22 Q Good afternoon.

23 A Good afternoon, sir.

24 Q I'm also going to have very few questions for

25 you, okay? And just to clarify a few things, you were a

1 patrol officer at the time, right?

2 A Yes. Yes.

3 Q You are a detective now?

4 A Yes, sir.

5 Q At the time five years ago you patrolled the

6 northeast area all the way to Lake Mead; is that correct?

7 A Yes, sir. Yes. Yes, that's correct. I'm

8 sorry.

9 Q Okay. Now, that particular night you were

10 working by yourself?

11 A Yes, sir.

12 Q You were in a marked patrol vehicle?

13 A Yes, sir.

14 Q And you were a uniformed officer at the time?

15 A Yes, sir.

16 Q In order to get to the scene where the body was

17 located, you had to pass through kind of a shack or like a fee

18 station; is that right?

19 A I believe so. Yes, sir.

20 Q And there was no other way to get to that scene

21 from the direction you came, you have to pass through that fee

22 shack in order to get there?

23 A Yeah. Yes, sir. I'm not sure if there's

24 another way around it, but from the way I came, I believe

25 that's the only road to get there. Yes, sir.

1 Q Okay. Do you remember that particular night if
2 anybody was working in that station?

3 A I don't recall anybody being in that station.

4 Q And you don't know if that station had any
5 cameras or any recording equipment on it?

6 A No, sir, I do not.

7 Q All right. Now, it was your job that night as
8 the first patrol officer there just to secure the scene,
9 correct?

10 A That's correct, yes, sir.

11 Q And by secure the scene, I mean -- or at least
12 part of that would mean just preserving evidence by leaving it
13 where it's sitting?

14 A Yes, sir.

15 Q Okay. Since you were a patrol officer at the
16 time, it was not your job to investigate after that particular
17 evening?

18 A No, sir.

19 Q That would be for the detectives?

20 A Yes, sir.

21 Q So other than that particular night when you
22 went out to the scene, you didn't do anything else on this
23 case?

24 A The only thing that I remember doing was
25 actually approaching the vehicle to make sure there were no

1 other victims or no suspect inside the vehicle. I did no
2 follow-up investigation on this case, though.

3 Q After the early morning of May 20th, you did
4 nothing else on this particular case?

5 A That's correct.

6 MR. BUNIN: Okay. I have no other questions.

7 THE COURT: Redirect.

8 MR. PESCI: No.

9 THE COURT: Detective, thank you for your testimony.
10 Please don't discuss your testimony with anyone else.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: You are excused.

13 State, call your next witness.

14 MR. PESCI: State calls Paijit Karlson.

15 THE COURT: Ma'am, just come on up here, please.
16 Follow my bailiff right up here to the witness stand, just up
17 those couple of stairs right there, and just remain standing,
18 facing our court clerk.

19 PAIJIT KARLSON, STATE'S WITNESS, SWORN

20 THE CLERK: Please be seated, and please state and
21 spell your name.

22 THE WITNESS: My name's Paijit, P-a-i-j-i-t,
23 Karlson, K-a-r-l-s-o-n.

24 THE COURT: Go ahead, Mr. Pesci.

25 MR. PESCI: Thank you, Judge.

1 DIRECT EXAMINATION

2 BY MR. PESCI:

3 Q Ma'am, where are you from?

4 A From Thailand.

5 Q And is English your second language?

6 A Yes.

7 Q If there's any confusion as I'm asking
8 questions, please stop me, and I'll try to slow down or change
9 the question, okay.

10 I want to direct your attention to May 19, 2005,
11 five years ago. Did you know someone by the name of Timothy
12 Hadland?

13 A Yes.

14 Q What did you call him?

15 A TJ.

16 Q TJ. How long had you known TJ in May of 2005?

17 A Over a year.

18 Q You met a year before that?

19 A 2004.

20 Q 2004. Okay. Did you and TJ start dating?

21 A Yes.

22 Q And back in May of 2005, were you in a dating
23 relationship with him?

24 A We lived together.

25 Q Okay. Was there a decision to go and spend

1 some time at Lake Mead?

2 A Yes.

3 Q Was that your decision?

4 A No.

5 Q Was that TJ's idea?

6 A Yes.

7 Q Do you really enjoy camping?

8 A Not really.

9 MR. BUNIN: It's not relevant, Your Honor.

10 BY MR. PESCI:

11 Q Well, ma'am, did you go camping with him?

12 A Yes.

13 Q Okay. When you were out -- did you go camping

14 at Lake Mead?

15 A Yes.

16 Q Was this a campsite where you're all by

17 yourself, you and TJ, or were there other people around?

18 A Me and TJ.

19 Q Do you remember what time you got out there?

20 A We leave about 6:00. We leave the house about

21 6:00.

22 Q Would that be 6:00 at night?

23 A In the evening, yeah, afternoon.

24 Q And how did you get out there?

25 A We drove our car. We drove there.

1 Q What kind of a car?
2 A Kia Sportage.
3 Q Kia Sportage. And whose car was that?
4 A It's my car.
5 Q When you got out there, did TJ get a phone
6 call?
7 A Yes.
8 Q Was TJ standing near you when he received this
9 phone call?
10 A Close by.
11 Q Closer than me and you or further away?
12 A Closer.
13 Q Okay. So tell me to stop when --
14 A About that.
15 Q Here. Okay. Could you hear the phone ring?
16 A Yes.
17 Q Did you see TJ on the phone?
18 A Yes.
19 Q Could you hear what TJ was saying?
20 A Yes.
21 Q Could you hear what the person on the phone --
22 A No.
23 Q -- was saying?
24 What did TJ do after that phone call?
25 A He leave the lake.

1 Q Left the lake?

2 A (The witness nodded.)

3 Q Okay. Did TJ explain to you who he had spoken
4 to?

5 A Yes.

6 MR. BUNIN: Objection. I'm going to object if they
7 bring in hearsay evidence. I thought it was coming there.

8 THE COURT: Mr. Pesci.

9 BY MR. PESCI:

10 Q Did he tell you where he was going?

11 A Yes.

12 Q Okay. Where did he tell you he was going?

13 MR. BUNIN: Objection. It's hearsay.

14 MR. PESCI: Judge, it's his future intent to where
15 he's going.

16 MR. BUNIN: It's specifically for the truth of the
17 matter. I mean, that's what --

18 MR. PESCI: Right. And it's classic law --

19 THE COURT: Kind of like a present sense.

20 Go ahead.

21 THE WITNESS: He go met Deangelo.

22 BY MR. PESCI:

23 Q To go meet Deangelo?

24 A Yes.

25 Q Did you know who Deangelo was?

1 A Coworker. He work together.
2 Q Coworker. Ma'am, did you ever meet Deangelo?
3 A I meet one at the house, but I see around when
4 I drop TJ at work.
5 Q Did you say you met him once at the house?
6 A Yes.
7 Q Whose house?
8 A Our house.
9 Q That would be yours and TJ's?
10 A Yes.
11 Q And then you said something about work? Did
12 you say you would see him when you would --
13 A Yes.
14 Q -- drop TJ off at work?
15 A Yes.
16 Q Okay. Where did TJ work?
17 A Palomino.
18 Q Palomino Club?
19 A Yes.
20 Q Had you ever been to the Palomino before?
21 A Yes.
22 Q In fact, did you work there one night?
23 A Yes.
24 Q Did you see Deangelo the night that you worked
25 at the Palomino?

1 A Yes.

2 Q Do you see Deangelo here in court today?

3 A Yes.

4 Q Could you point to him and describe something's
5 he's wearing?

6 A The blue.

7 MR. PESCI: May the Court reflect the identification
8 of the defendant, Your Honor.

9 THE COURT: It will.

10 MR. PESCI: Thank you.

11 BY MR. PESCI:

12 Q Ma'am, when you were at the Palomino Club, did
13 you ever meet any of the other people that worked there?
14 Specifically, did you ever meet Luis Hidalgo, the father,
15 Mr. H?

16 A Yes.

17 Q Did you see him there?

18 A I see him first night when I work, yes. I see
19 him.

20 Q You saw him?

21 A Yes.

22 Q Maybe like seeing the people here in the jury
23 box? You saw him, but you didn't come up and have a
24 conversation?

25 A No.

1 Q Did you ever meet or see Anabel Espindola?
2 A At work, the boss, yes.
3 Q You did see her?
4 A Yes.
5 Q All right. Did you ever see Mr. H's son, Luis
6 Hidalgo, III or Little Lou?
7 A Yes, first night.
8 Q First night. So your experience at the
9 Palomino Club, you had met all these individuals?
10 A Yes.
11 Q Going back to the lake, when TJ said he was
12 going to meet Deangelo, did TJ leave the campsite?
13 A Yes.
14 Q Did he take that phone that he had with him?
15 A Yes.
16 Q When TJ left, did you think he was going to be
17 coming back?
18 A He tell me half an hour --
19 MR. BUNIN: I still object to what he says.
20 THE WITNESS: -- said he'll come back.
21 MR. BUNIN: This is all for the truth of the matter.
22 BY MR. PESCI:
23 Q Ma'am --
24 THE COURT: Well, it's overruled.
25 BY MR. PESCI:

1 Q Ma'am, did you have any more conversations with
2 TJ after he told you he was going to see Deangelo?
3 A Yes.
4 Q You had a conversation with TJ?
5 A Yes.
6 Q All right. Was that before he left?
7 A Before, yes.
8 Q All right. When he left to go see Deangelo,
9 did you ever see TJ again?
10 A No.
11 Q Did you ever talk to TJ again?
12 A No.
13 Q At some point during that evening, did you hear
14 or see lights and helicopters?
15 A Yes.
16 Q And what did you do when you saw them?
17 A I don't know what happened. I -- I see
18 helicopter flew around when I put the fire. I don't know
19 what's going on.
20 Q Did you try to find out where TJ was?
21 A Yes.
22 Q What did you do to try to find that out?
23 A I call.
24 Q Who did you call?
25 A Call his mom.

1 Q Did you talk to his mom?
2 A Yes.
3 Q Don't tell us what she said. Just did you talk
4 to her?
5 A Yes.
6 Q Were you able to find out where TJ was by
7 talking to his mom?
8 A No.
9 Q Were you able to find TJ any other way?
10 A No.
11 Q Did you remain out at Lake Mead?
12 A Yes.
13 Q Did you go to a place different than your
14 campsite?
15 A Yes, I walk.
16 Q Where did you go?
17 A I tried to walk to get out to see people, but
18 it's -- I cannot -- no one could sleep.
19 Q Now, you talked about knocking on the door.
20 Now, you were camping. Were you camping in a tent?
21 A In a tent, yes.
22 Q Now, you're referring to knocking on a door.
23 Was it somebody's -- was it a tent or was it a --
24 A Mobile home.
25 Q Mobile home. Were you able to find someone at

1 the mobile home?

2 A Yes.

3 Q Was this in the morning?

4 A Yes.

5 Q Would that be the 20th, the next day?

6 A Yes.

7 Q Was the sun up?

8 A Yes.

9 Q At some point when you were at the mobile home,

10 did the police find you?

11 A Yes.

12 Q Did they talk to you?

13 A Yes.

14 Q Did they ask you about TJ?

15 A Yes.

16 Q Did they tell you about TJ?

17 A Yes.

18 Q Did they also take a statement from you?

19 A Yes.

20 Q Did you tell them about the evening that you

21 were out there camping?

22 A Yes.

23 Q And about TJ's experience with the Palomino

24 Club?

25 A Yes.

1 Q On May the 19th of 2005, was TJ still working
2 at the Palomino Club?

3 A No.

4 Q How long before the night he was killed did he
5 stop working at the Palomino Club?

6 A Oh, two, three weeks. About that, between
7 that.

8 Q About two or three weeks before?

9 A Before we go to camping?

10 Q Yes.

11 A Yes.

12 Q Okay. Do you know -- did TJ's -- did he leave
13 the club on good terms?

14 MR. BUNIN: Objection. Foundation.

15 THE COURT: Sustained.

16 BY MR. PESCI:

17 Q Ma'am, did you have conversations with TJ about
18 him no longer working at the Palomino Club?

19 A Yes.

20 Q Did he, TJ, tell you about why he left the
21 club?

22 MR. BUNIN: I'm going to object to what he said. I
23 can't cross-examine TJ here. This is hearsay.

24 THE COURT: Well, Mr. -- not speaking exception.

25 MR. PESCI: Actually, I was just asking if he talked

1 to her --

2 THE COURT: Right. I mean, I think --

3 MR. PESCI: -- without asking what he said.

4 THE COURT: Okay. I thought you were trying to lay
5 a foundation for what he said.

6 MR. PESCI: Yes. I was trying to establish that
7 they had a conversation.

8 THE COURT: Yeah.

9 So you talked about it?

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 Go on.

13 BY MR. PESCI:

14 Q All right. So we're clear, you and TJ were
15 dating at this time?

16 A We lived together.

17 Q Lived together. And had been for months?

18 A A year.

19 Q Okay. Did you talk on a daily basis?

20 A Yes.

21 Q Did you share with each other your day, what
22 had happened or what was going on in each other's lives?

23 A Yes.

24 Q And, in fact, did TJ tell you about how he left
25 the Palomino Club? It's just a yes or a no. Did he tell

1 you --

2 A Yes.

3 Q -- about leaving the club? Okay. If you know,
4 did he leave the club on good terms?

5 A Yes.

6 MR. BUNIN: Same objection, Your Honor. There's no
7 foundation laid.

8 THE COURT: Well, I'll see counsel up here.

9 (Off-record bench conference)

10 BY MR. PESCI:

11 Q Ma'am, I think you just explained to us that
12 you had conversations with TJ about him leaving the club, the
13 Palomino Club; is that correct?

14 A Yes.

15 Q Okay. Do you know if TJ had bad feelings
16 towards the owners or the club?

17 A They don't get along.

18 Q Okay. Is that based on your conversation with
19 TJ?

20 A Yes.

21 Q And in conversations with you, did TJ talk bad
22 about the club and the owners of the club?

23 A Yes.

24 Q Now, after the police spoke to you by that
25 mobile home, you gave them a statement; is that correct?

1 A Yes.

2 Q Eventually were you able to get your car back?

3 A Yes.

4 Q All right. And that's the car that you and TJ

5 had gone out to camp in?

6 A Yes.

7 Q Did you have some -- you and TJ have some

8 personal items inside of that car?

9 A I don't remember, just the bag, the clothes,

10 yes.

11 Q All right. Did you bring things with you to go

12 camping with?

13 A Yes.

14 Q And were those things still inside the car?

15 A Yes.

16 Q All right. Because you thought the car was

17 going to come back?

18 A Yes.

19 Q Now, I asked earlier if it was just you and TJ

20 that went to the lake. Did you guys bring anything with you?

21 A Food, yes.

22 Q Okay. Let me put it to you this way: Did you

23 bring dogs with you?

24 A Yes.

25 Q All right. Are those dogs that you two had?

1 A Yes.

2 Q Was there more than one dog?

3 A Three.

4 Q Three dogs?

5 A Yes.

6 Q Were they out there at the campsite with you?

7 A Yes.

8 MR. BUNIN: This is all leading, Your Honor. I

9 mean, I let it go on the setup stuff. This is substantive now

10 and he's telling her how to testify, so I'm going to object to

11 it.

12 MR. PESCI: I think somewhat based on the language

13 issue, Judge --

14 THE COURT: Yeah, I mean, he tried to ask it open

15 ended, but -- don't be leading, Mr. Pesci, is what I'm trying

16 to say.

17 MR. PESCI: Thank you, Judge.

18 BY MR. PESCI:

19 Q Did you have dogs?

20 A Yes.

21 Q Did you bring the dogs?

22 A Yes.

23 MR. PESCI: Pass the witness.

24 THE COURT: All right. Cross, Mr. Bunin.

25 MR. BUNIN: Thank you.

1 CROSS-EXAMINATION

2 BY MR. BUNIN:

3 Q Good afternoon. You've testified at other
4 hearings and trials in this particular matter, haven't you?

5 A Yes.

6 Q And each time you've testified you've spoken in
7 advance to the prosecutors here in the courtroom?

8 A He's my lawyer, yes.

9 Q This is your lawyer; is that how you view it?

10 A Be on my side, yes.

11 Q Okay. And you've spoken to them each time
12 you've testified?

13 A He gave me the paper, yes, to read, yes.

14 Q And that was my next question. You were also
15 provided transcripts of what you had said in the past; is that
16 correct, before you testified?

17 A He don't --

18 Q It's a yes or a no question. Were --

19 A No.

20 Q You were never provided transcripts of what was
21 said?

22 A I have a paper to read, yes. He gave me the
23 paper.

24 Q Okay. And when you say he, you mean the
25 prosecutor here in the room?

1 A Yes.

2 Q And they gave you a paper to read before
3 testifying?

4 A Yes.

5 Q And you read that paper?

6 A Yes.

7 Q And they talked to you about how -- you know,
8 how you were going to testify before you testified?

9 A No, it's in my head.

10 Q So you never discussed what questions they were
11 going to ask before you testified?

12 A Yes.

13 Q Meaning -- just so I'm clear, you did discuss
14 the questions they were going to ask you in advance, correct?

15 A He --

16 Q It's a yes or a no --

17 A -- asked me to read.

18 Q It's a yes or a no question. Did you discuss
19 any of the questions that the prosecutors were going to ask
20 you before you testified?

21 A Yes.

22 Q Okay. And if you don't understand my question,
23 please ask me. I'm not trying to trick you. I'm just trying
24 to get directly to the point, but I'm trying to ask yes or no
25 questions, so please listen carefully and if you can answer

1 them that way, please do so, okay?

2 A Okay.

3 Q Now, you've never spoken to me or anyone from

4 the defense before, have you?

5 A No.

6 Q All right. Now, on May 19th of 2005, you said

7 you'd been dating TJ for about a year; is that correct?

8 A We date six months. We live together, so a

9 year.

10 Q Okay. And you said TJ had worked at the

11 Palomino Club a total of about three months?

12 A Yes.

13 Q That was in 2005 also?

14 A Yes.

15 Q And he was a doorman at the Palomino Club?

16 A Yes.

17 Q Now, at some point TJ got you a job at the

18 Palomino Club?

19 A Yes.

20 Q And the job he got you was dancing?

21 A Yes.

22 Q And you only worked there for one day?

23 A Yes.

24 Q You danced at other clubs around that time

25 frame?

1 A Yes.

2 Q Okay. Now, on May 19th around 6:00 p.m., you

3 left to go to Lake Mead?

4 A Yes.

5 Q You got some food and you went out to Lake Mead

6 with the intent of camping there for the evening; is that

7 right?

8 A Yes.

9 Q It was just the two of you that went?

10 A Yes.

11 Q Did TJ smoke any marijuana that night when you

12 were with him?

13 A I don't think he smoked that night.

14 Q He did smoke at times?

15 A No.

16 Q He never smoked, TJ?

17 A He smoke, yes.

18 Q But you don't recall if he smoked that night or

19 not?

20 A Not -- not that I remember.

21 Q Did you smoke any marijuana that night?

22 A No.

23 Q Did you drink any alcohol that evening?

24 A No.

25 Q Did TJ drink any alcohol that evening?

1 A He had one shot, yes.

2 Q One shot?

3 A (The witness nodded.)

4 Q And nothing else?

5 A No.

6 Q I'm sorry. You shook your head yes when I said

7 one shot. Just for the record, I want to make sure nobody

8 disputes that.

9 And then for the entire evening, you had one shot;

10 is that correct?

11 A Yeah, just one.

12 Q Okay. Now, at some point you said TJ left the

13 campsite after a telephone call, correct?

14 A Yes.

15 Q And you could not hear both ends of the

16 conversation, correct?

17 A I heard TJ.

18 Q Well, and I think on direct examination you

19 just said you only heard one side of the conversation, TJ's

20 side.

21 A Yes.

22 Q You couldn't hear anything that was being said

23 by the person that TJ was talking to?

24 A No.

25 Q Okay. So the only thing you know is whatever

1 TJ would have said to you? I mean, you don't know anything
2 beyond whatever TJ told you, correct?

3 A Yes.

4 Q All right. Then TJ left, and like you
5 testified, you never saw him again; that's correct?

6 A Yes.

7 Q You didn't see where TJ went?

8 A No.

9 Q You didn't witness any of the events that
10 resulted in TJ's death?

11 A Again, please.

12 Q I'm sorry. I talk fast.

13 A Yes.

14 Q You didn't witness any of the events that
15 occurred where TJ died? You didn't see any of that?

16 A No.

17 Q You didn't know where TJ was?

18 A No.

19 Q You don't have any personal knowledge as to the
20 details as to what occurred when TJ died? In other words, you
21 weren't there, you didn't witness anything?

22 A No.

23 Q Correct?

24 A Yes.

25 Q Okay.

1 MR. BUNIN: Court's indulgence.

2 I have no other questions. Thank you.

3 THE COURT: All right. Thank you.

4 Redirect.

5 MR. PESCI: Yes, thank you.

6 REDIRECT EXAMINATION

7 BY MR. PESCI:

8 Q Ma'am, you were just asked some questions about
9 meeting with myself and Mr. DiGiacomo. Do you remember those
10 questions? Remember the attorney asking you about meeting
11 with us?

12 A Yes.

13 Q Okay. And you've indicated that at prior
14 proceedings you've met with us.

15 A Yes.

16 Q And that you've looked at papers.

17 A Yes.

18 Q And that would be transcripts of what you said
19 at prior proceedings?

20 MR. BUNIN: And this is all leading, Your Honor.

21 THE COURT: Well, overruled.

22 BY MR. PESCI:

23 Q Do you recall his questions about meeting with
24 me and Mr. DiGiacomo?

25 A Yes.

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1 Q And when you have met with us, have we ever
2 told you to lie for us?

3 A No.

4 Q Have we asked you to tell the truth?

5 A Yes.

6 Q Are you making something up today for us?

7 A No.

8 Q And then you were asked some questions about
9 marijuana. Specifically he asked you if TJ smoked marijuana
10 out at the campground. Do you remember that question?

11 A At the camp. He doesn't smoke at the camp that
12 night. He didn't.

13 Q Okay.

14 MR. BUNIN: I'm sorry. I couldn't hear that. Did
15 or did not?

16 THE COURT: I think he said --

17 You said he didn't?

18 THE WITNESS: He did not smoke any.

19 THE COURT: He did not.

20 MR. BUNIN: Did not, correct. Thank you.

21 BY MR. PESCI:

22 Q Did he tell you why he was going to see
23 Deangelo?

24 A Yes.

25 Q For what?

1 MR. BUNIN: Objection. It's still --
2 THE WITNESS: Go get the marijuana.
3 MR. BUNIN: -- hearsay. I know she's answering, but
4 it's hearsay.
5 MR. PESCI: Judge, it's not being offered for the
6 truth of the matter.
7 THE COURT: I said overruled.
8 BY MR. PESCI:
9 Q Did TJ tell you why he was going to see
10 Deangelo?
11 A Yes.
12 Q For what reason?
13 A Go get marijuana.
14 Q Go get marijuana?
15 A Yes.
16 MR. PESCI: Thank you. Nothing further.
17 THE COURT: Mr. Bunin.
18 MR. BUNIN: No, I have no followup. Thank you.
19 THE COURT: Ma'am, thank you for your testimony.
20 Please don't talk about your testimony with anyone else who
21 may be a witness in this matter.
22 THE WITNESS: Yes.
23 THE COURT: Next witness.
24 MR. PESCI: Kristin Grammas.
25 THE COURT: All right.

1 Ma'am, just remain standing, facing our court clerk.

2 KRISTIN GRAMMAS, STATE'S WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. And
4 please state and spell your name.

5 THE WITNESS: Kristin Grammas; K-R-I-S-T-I-N
6 G-R-A-M-M-A-S.

7 THE COURT: Thank you.

8 Mr. Pesci.

9 MR. PESCI: Thank you, Judge.

10 DIRECT EXAMINATION

11 BY MR. PESCI:

12 Q Ma'am, what do you do for a living?

13 A I am a senior crime scene analyst for the Las
14 Vegas Metropolitan Police Department.

15 Q How long have you been with Metro?

16 A Approximately eight years.

17 Q And have you been a crime scene analyst the
18 whole time you've been with Metro?

19 A Yes, I have.

20 Q All right. And you say senior crime scene
21 analyst. Is that -- you kind of moved up with experience and
22 time?

23 A Yes, I have.

24 Q Okay. Back on May the 19th, maybe it was even
25 into May the 20th of 2005, were you working that night?

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1 A Yes, I was.

2 Q Did you respond out to the area of North Shore
3 Road?

4 A Yes, I did.

5 Q Who did you respond there with?

6 A Senior crime scene analyst Stephanie Smith, and
7 supervisor -- crime scene supervisor Dave Rafino.

8 Q Did you three kind of work as a team?

9 A Yes, we did.

10 Q Predominantly was it you and Stephanie working
11 -- Stephanie Smith working together?

12 A Yes. I did the evidence and diagram, and she
13 did the photos and report.

14 Q Okay. When you say that, the evidence and the
15 diagram, what do you mean by that?

16 A I -- she does all the photography first, and
17 then I identify what items of evidence I'm going to collect.
18 And then I will put placards on them After she's photoed
19 them, I'll put the placards up. She'll photo them again. And
20 then I'll recover those items after I have sketched them into
21 a diagram.

22 Q When you say recovered, what do you do to
23 recover some piece of evidence at a scene?

24 A Depending on the type of evidence, what it is,
25 but usually it's put in a bag or an envelope. If it's in a

1 bag we fold the top down so that we make sure no other
2 evidence gets into it. We don't want any cross contamination
3 of trace evidence. If it's biological, meaning it has blood
4 on it, it has to go into a paper item, a paper bag or item so
5 that it can breathe.

6 Q All right. And you talked about a distinction
7 based on what the evidence is. Did you receive training and
8 experience in this are to be able to perform this job?

9 A Yes, I did.

10 Q Could you briefly tell the ladies and gentlemen
11 of the jury about that training and experience?

12 A I attended the University of Nevada Las Vegas
13 and the Community College of Southern Nevada with major course
14 work in criminal justice, and minor course work in
15 anthropology. I've also gone to numerous blood schools,
16 homicide investigation schools, latent print processing
17 schools, photography classes.

18 I've also completed the American Institute of Applied
19 Science forensic science course, which is all aspects of
20 forensic science as far as crime scene documentation,
21 fingerprints. I am also the current secretary of the Nevada
22 State Division of the International Association of
23 Identification, which is a section that is only allowed for
24 forensic science community members.

25 Q Now, ma'am, had you done some of this training

1 prior to starting your job?

2 A Yes, I did.

3 Q And have you had training while you're still on
4 the job?

5 A Yes, I have.

6 Q Do you continue to receive and go to training?

7 A Absolutely. Yes.

8 Q Okay. And you talked a minute ago about
9 photographs; correct?

10 A Yes.

11 Q And I think, if I understood correctly,
12 Stephanie Smith, the other crime scene analyst, was the
13 individual who took the photographs.

14 A Yes, she was.

15 Q Even though she took the photographs, were you
16 there physically with her when they were taken?

17 A Yes, I was.

18 Q Was she there physically with you when you were
19 recovering evidence?

20 A Yes, she was.

21 Q And that's how you were in essence working as a
22 team?

23 A Yes.

24 Q If I understood correctly, you said that you
25 did the diagram in this case?

1 A Yes, I did.

2 Q All right.

3 MR. PESCI: May I approach the witness, Your Honor?

4 THE COURT: Yes.

5 BY MR. PESCI:

6 Q Showing you State's proposed Exhibit 148, I
7 believe.

8 A 148, yes.

9 Q Okay. Do you recognize that?

10 A Yes, I do.

11 Q And what is that?

12 A This is the computer generated version of the
13 diagram that I sketched at the crime scene.

14 Q Okay. And when you do this, it doesn't -- does
15 it come out like this out at the scene?

16 A No, I am not an artist.

17 Q So what do you do to convert what you do at the
18 scene into what we see here?

19 A We have a lot of measurements for each item of
20 evidence, the placement of the body, and other items that are
21 at our scene. And then I can put those into our computer
22 program, and it'll put them in the accurate positions.

23 Q Okay. And this is an accurate representation
24 of what that program produced based on your entry of the
25 information?

1 A Yes, it is.

2 MR. PESCI: Move for the admission of State's 148,
3 Your Honor.

4 THE COURT: Any objection?

5 MR. ERICSSON: Submit it, Your Honor.

6 THE COURT: It's admitted.

7 (State's Exhibit 148 admitted.)

8 BY MR. PESCI:

9 Q All right. Now, do you have kind of a legend
10 that explains what we're looking at?

11 A Can we turn it?

12 Q Thank you.

13 A Yes, we do.

14 Q All right. I got thrown off by the N sign
15 pointing this way. So is that north?

16 A That's north down. Yes.

17 Q So north is at the bottom?

18 A Yes.

19 Q The way we're looking at this.

20 A Yes.

21 Q Okay. So is this representative of what you
22 saw out at the scene?

23 A Yes, it is.

24 Q Okay. Now, you said that originally the scene
25 is photographed.

1 A Uh-huh. Yes, it is.

2 Q And then after the photographs you put down
3 placards, I think you said?

4 A Yes. After the first rounds of photographs are
5 taken, we put down placards and then I would measure in the
6 items of evidence. She will take more photos showing the
7 placards with the numbers, and then I will recover those items
8 after we're done.

9 Q All right. You just said you measured in.
10 What do you mean by that?

11 A Well, we found a reference point, which in this
12 case was a long ways from the actual scene because there
13 wasn't something close. So we went for the intersection which
14 is 1700 feet east of -- of the intersection with Lake Mead
15 Boulevard for North Scenic Shore Drive.

16 Q Why would you go that far for a reference?

17 A Because it was the closest thing out there.
18 It's in the middle of nowhere. There is no light poles which
19 we would normally use or any type of signs out there. That
20 was the nearest thing.

21 Q Do you need something that's somewhat
22 permanent?

23 A Yes, we want something permanent, especially in
24 Las Vegas. Because, not in this general area, but a lot of
25 times I'll go to crime scenes and then five years later

1 testify and it's now a development and it was an empty lot
2 area. So --

3 Q And then the items that you saw around the
4 body, did you -- you and Stephanie, or Stephanie Smith
5 photographed that?

6 A She did, yes.

7 Q Okay. Showing you State's proposed Exhibits
8 13, 16, 17, 18, 19, 20. Take a look at those and tell me if
9 you recognize them.

10 A Yes, I do.

11 Q Okay. And are those the various items that
12 were found in the road near the body?

13 A Yes, they were.

14 Q And are those fair and accurate depictions of
15 those pieces of evidence?

16 A Yes, they are.

17 Q Move for the admission, Judge, of 20, 19, 18,
18 17, 16, and 13.

19 THE COURT: Submit it?

20 MR. ERICSSON: Submit it, Your Honor.

21 THE COURT: All right. Those will all be admitted.

22 (State's Exhibit 13, 16 through 20 admitted.)

23 BY MR. PESCI:

24 Q Okay. Looking at 13. What are we looking at
25 here?

1 A This is a pair of eyeglasses that was near the
2 body, and it had apparent blood on one of the lenses.

3 Q And going back to State's 148, where would that
4 be referenced in your diagram of the scene?

5 A It's over here. You can see No. 1 is the
6 eyeglasses, so No. 1 is this item right here.

7 Q All right. And then as you look at 13, do you,
8 in fact, have the placard No. 1 next to it?

9 A Yes, I do.

10 Q And is this how you can associate these items
11 to the actual diagram?

12 A Yes, it is.

13 Q Okay. And looking at what you list as No. 2,
14 what are those?

15 A These are Palomino cards.

16 Q And do you recall how many were out at the
17 scene on the ground?

18 A 33.

19 Q All right. And these 33 Palomino cards that
20 you put at placard No. 2, where are those on your State's 148,
21 the diagram? Do you want to take that off for a second? Let
22 me -- let me go to that.

23 A There we go. Thank you. That would be No. 2.

24 Q All right. So let's keep that one up, and
25 we'll look at No. 3, which is State's 17. Do you recognize

1 that?

2 A Yes, I do. It's a pneumatic bank tube.

3 Q All right. Have you ever heard the word
4 pneumatic before this?

5 A No, I didn't. I actually had to call Wells
6 Fargo and find out what to call it.

7 Q And that's the information that you got from
8 them?

9 A Yes.

10 Q All right. Looking at State's 18, which is
11 corresponding to placard No. 4; what is that?

12 A That is a cigarette butt.

13 Q And was that in the area around the body?

14 A Yes, it was.

15 Q State's 19, which is placard five.

16 A That's another cigarette butt.

17 Q And then State's -- let's see, State's 20,
18 which is placard No. 6.

19 A Yes, that's a beer can.

20 Q Now, you've indicated that items of evidence
21 were recovered?

22 A Yes.

23 Q And the items that we just looked at, were
24 those recovered?

25 A Yes, they were.

1 Q All right. We'll physically go through those
2 in a minute. Let's just look at some more of the photos. And
3 before we go back to that, just overall, do you see State's
4 159?

5 A Yes, I do.

6 Q And what is that?

7 A It appears to be an aerial view of the area
8 that we were in.

9 Q Okay.

10 MR. PESCI: Move for the admission of State's 159.

11 THE COURT: Submit it?

12 MR. ERICSSON: Yes, Your Honor.

13 THE COURT: All right. That'll be admitted.

14 (State's Exhibit 159 admitted.)

15 BY MR. PESCI:

16 Q Now, on the left hand side, is that the area of
17 Las Vegas?

18 A Yes, it is.

19 Q Okay. North Shore Road, if you take Lake Mead,
20 would you eventually work your way over to North Shore Road?

21 A Yes, you would.

22 Q So this is just to kind of orient the ladies
23 and gentlemen of the jury to where this is in relation to Las
24 Vegas.

25 A Okay. Yes.

1 Q Those were the physical items of evidence found
2 near the body. Was there also a car in the area?

3 A Yes, there was. There was a Kia Sportage.

4 Q And the Kia Sportage, did -- did you and Ms.
5 Smith photograph and document that there?

6 A Yes, it was photographed, documented, and we
7 did a cursory search as to what was in the vehicle, and then
8 we sealed it and I followed it back to our crime lab.

9 Q What do you mean by seal it?

10 A We put physical seals on it, they're normally
11 orange or red, that say do not enter, police. And we seal it
12 so that nobody can open then, and if they are opened, we can
13 tell.

14 Q All right. Showing you State's 21 through 29;
15 do you recognize those?

16 A Yes, I do.

17 Q Are those fair and accurate depictions of the
18 Kia Sportage and the items that you saw during that
19 processing?

20 A Yes, they are.

21 MR. PESCI: Move for the admission, Your Honor, of 21
22 through 29.

23 THE COURT: Submit it?

24 MR. ERICSSON: Yes, Your Honor.

25 THE COURT: All right. 21 through 29 are admitted.

1 (State's Exhibit 21 through 29 admitted.)

2 BY MR. PESCI:

3 Q Did you take, you and Ms. Smith take pictures
4 of the car at different angles out at the scene?

5 A Yes, she did.

6 Q I'm showing you 21 and 22. Are those showing
7 the car?

8 A Yes, they are.

9 Q And you talked about looking inside the car; is
10 that accurate?

11 A Yes, we did.

12 Q Specifically State's 23, what did you find in
13 the area of the floorboard on the driver's front seat?

14 A On the floorboard there is a cell phone right
15 there.

16 Q And, in fact, State's 24, is that a close up of
17 that cell phone?

18 A Yes, it is.

19 Q Now, besides the cell phone, did you find other
20 items inside the car?

21 A Yes, we did.

22 Q Showing you State's 25. What is that?

23 A It's a cooler in the backseat.

24 Q 26?

25 A It's a black bag in the front passenger seat.

1 Q And did you look inside of that bag?
2 A Yes, I did.
3 Q And eventually did you find some items inside
4 that bag and recover them?
5 A Yes. Yes, I did.
6 Q Okay. Do you recall what, specifically, you
7 recovered from that bag?
8 A Multiple items, but the most noted one is
9 probably there were some more VIP Palomino Club cards.
10 Q Okay. Different from the 20 -- the 33 that
11 were out on the --
12 A Yes.
13 Q And then State's 27. Is that in back of the
14 car?
15 A Yes, it is.
16 Q And then did you find a bag, State's 29?
17 A Yes.
18 Q And then going back to -- or going to State's
19 28, which is going back to the cell phone, is that the cell
20 phone that was inside the Kia on the floorboard?
21 A Yes, it is.
22 Q All right. It appears as if there is some --
23 something on that. What is that?
24 A This cell phone was processed at the scene.
25 I'm looking for latent prints. Latent means you can't see

1 them with the naked eye or visually see them. So I processed
2 it with powder, black powder in this case, used tape to lift
3 any possible prints or partial prints that we had, put them on
4 a latent print card, and then this phone was given to our
5 detective at the scene.

6 Q All right. Now, latent print card, can you
7 kind of explain a little bit more in detail what a latent
8 print is and how you get it from what we're looking at on the
9 screen to a card?

10 A The way we get it on the card, it's actually a
11 white card, we put the piece of tape on the card, on top of it
12 I have to put the event number, my name and P-number, what
13 date I received the latent print, the victim's name, and the
14 location of the incident and exactly where the print was
15 recovered. And then we put the tape on there, and I will
16 initial the tape so that if it's removed or moved, they can
17 tell. So it's a way of making sure nobody moves our tape --

18 Q Okay.

19 A -- and changes it.

20 Q And is the tape the item that actually has the
21 print?

22 A The -- yes, it's taped onto the print.

23 Q So the tape is used to lift that print?

24 A Yes, it is.

25 Q And then the tape is put onto a card?

1 A Yes, it is.

2 Q And then is the card then booked into evidence?

3 A Yes, it's submitted to our supervisors, and
4 then it goes to our latent print section.

5 Q A minute ago you talked about the identifying
6 information that you put on a piece of evidence to know where
7 it's come from and what case it has to do with, and
8 specifically you mentioned an event number. What -- what is
9 an event number?

10 A An event number is made up of the year, the
11 month, the day, and then however many calls have been that
12 day, whatever call number that one is.

13 Q All right. So do you recall what the event
14 number was on this case off-hand?

15 A No, I do not.

16 Q That's fine. If I show you some --

17 A I know the first five.

18 Q -- some evidence from this, do you this you
19 could recall the event number?

20 A Yes, I would.

21 MR. PESCI: May I approach the witness?

22 THE COURT: Of course.

23 BY MR. PESCI:

24 Q Before we actually get that, let's go back to
25 these photos. Showing you State's 30, 31, and 32; do you

1 recognize those? Well, hold off on 32 for a minute. Do you
2 recognize 30 and 31?

3 A Yes, I do.

4 Q Are those fair and accurate depictions of the
5 evidence that was recovered from that scene?

6 A Yes, they are.

7 MR. PESCI: Move for their admission.

8 THE COURT: Submit it?

9 MR. ERICSSON: Yes, Your Honor.

10 THE COURT: All right. Those will all be admitted.

11 (State's Exhibit 30 and 31 admitted.)

12 MR. PESCI: Thank you, Your Honor.

13 BY MR. PESCI:

14 Q The -- what we just looked at here in State's
15 28 is the cell phone that was recovered at the scene. And I
16 think you testified that it was given to the detectives at the
17 scene.

18 A Yes, it was given to Detective McGrath.

19 Q Okay. The other physical evidence recovered
20 from the scene, did you give it to Detective McGrath, or did
21 you hold onto it?

22 A No, I impounded it.

23 Q Impound is a better way to say that. I
24 apologize. Looking at State's 30, what is -- what is that?

25 A This is a different type of lifting technique.

1 The tape is on smooth surfaces. We use it to lift prints.
2 But in this case the pneumatic tube was a plastic and it was
3 somewhat porous, so it's actually like a putty you put on it,
4 it hardens, and then you're able to lift it and it fills in
5 the holes in the grooves of the porous item. So we lift the
6 print using this technique and then that print is photographed
7 and then this is booked into evidence, the actual white micro
8 seal.

9 Q Okay. Showing you State's 31. Is that the
10 beer can that we saw at the scene?

11 A Yes, it is.

12 Q Like State's 30, was it the pneumatic tube that
13 we saw from the scene?

14 A Yes.

15 Q And did you, like the phone at the scene, try
16 to lift prints also from this can?

17 A Yes, I did.

18 Q And you just described to us what you tried to
19 do on the pneumatic tube, and you talked about the surface
20 being different?

21 A Yes.

22 Q Tell us the different surface of a can and how
23 that can affect latent print recovery.

24 A A can is very smooth. When you touch it, it's
25 easily -- you're going to normally leave prints pretty easily.

1 And it doesn't have any grooves or -- like in a Styrofoam cup
2 it has crevices, we would use a micro seal to lift it off of
3 the Styrofoam cup because it would fill in the crevices and
4 then harden, and lift it.

5 Q Okay. So the fact that someone has touched
6 something like the cup that you just reached towards, does
7 that mean you will necessarily find a print?

8 A No, it does not.

9 Q Can you find things on certain surfaces easier
10 than others?

11 A Yes, I can.

12 Q Can the weather effect prints?

13 A Absolutely.

14 Q Can somebody's propensity for being somewhat
15 sweaty, can that effect whether you can recover a print?

16 A Yes, it can.

17 Q If -- if someone perspires a lot, can it make
18 it more difficult to recover?

19 A If they perspire a lot, it's normally easier.

20 Q Oh, okay. And are there other things that can
21 affect recovering a latent print?

22 A The wind, the air. Here in Vegas we have such
23 heat that it will tend to cook, we call it, our prints. So it
24 will take the water out of your prints, so it's harder to get
25 prints in the middle of summer sometimes.

1 Q And did you, in fact, try to recover latent
2 prints from these various items?

3 A Yes, I did.

4 Q Now, going to the physical evidence that we see
5 in the photographs, I'm showing you State's Proposed Exhibit
6 155. Do you recognize that?

7 A Yes, I do.

8 Q And what do you recognize that as?

9 A That is the pneumatic bank tube that we saw
10 earlier.

11 MR. PESCI: And, Your Honor, could I ask your clerk,
12 maybe, for a pair of scissors or something to open the bag?

13 THE COURT: Sure.

14 THE WITNESS: It's pretty --

15 MR. DiGIACOMO: It's already open.

16 BY MR. PESCI:

17 Q Oh, it's already open?

18 A Yes, it is.

19 Q Leave that there in case something isn't.

20 A Thank you.

21 Q Can you recover what's inside of that please?

22 A Yes.

23 Q Now, is that the tube that we just saw that you
24 tried to process?

25 A Yes.

1 Q And the tube we saw out at the -- in the
2 photographs at the scene?

3 A Yes, it is.

4 Q And then you talked about an event number
5 earlier. Is there an event number associated with this case?

6 A Yes, there is.

7 Q And do you see that located on the side?

8 A Yes, it is.

9 Q What is that event number?

10 A It's event 05, which is from 2005, 05 for May,
11 19 from the 19th of May, and event number 3516. So that's the
12 3,516th call of the night.

13 Q Now, this piece of evidence or the bag in your
14 hand, do you know that you're the individual that actually
15 impounded this piece of evidence?

16 A Yes, I do.

17 Q What tells you that from the bag itself?

18 A On the front it has my signature. We sign our
19 things. And on the back it has my initials, K for Kristin, G
20 for Grammas, and my P-number, which is my identification
21 number, 7808, and then the date on it.

22 Q And now is there a red seal along that?

23 A Yes, there is.

24 Q And did that seal come from you?

25 A Yes, it did.

1 Q Okay. Are there any other seals?
2 A Yes, there's a blue seal.
3 Q And where did that blue seal come from?
4 A From the forensic lab.
5 Q All right. Earlier you talked about how you
6 will try to lift latent prints and then submit it for review
7 from somebody else?
8 A Yes.
9 Q Now, is that what the blue seal means?
10 A It can mean for latent prints, it can mean for
11 firearms. Any type of comparison --
12 Q Someone else --
13 A -- in forensics.
14 Q -- has looked at that item?
15 A Yes.
16 Q Okay. Thank you. Could you put the item back
17 inside the bag? Now, you talked about how there was some
18 items on the ground other than the pneumatic tubes,
19 specifically 28 Palomino cards. Looking at State's 154, what
20 is that?
21 A These are the Palomino VIP cards that were
22 recovered from the car.
23 Q From the car?
24 A Yes.
25 Q All right. So 33 on the street?

1 A Yes.

2 Q 28 in the car?

3 A Yes.

4 Q All right. And we talked about it from the

5 bag --

6 A Yes.

7 Q -- inside the car?

8 A Yes.

9 Q Okay. Did you impound that?

10 A Yes, I did.

11 Q Is that one already open?

12 A Yes, it is.

13 Q Would you mind pulling it out?

14 A Sure.

15 Q So these particular items came from inside of

16 the car?

17 A This was from the bag on the front passenger

18 seat.

19 Q Okay. Thank you. Could you put those back in?

20 Looking at State's 195; do you recognize that?

21 A Yes, I do.

22 Q And how do you recognize that?

23 A It has my name and signature on it, and it is a

24 Lake Mead National Recreation Area receipt.

25 Q Okay.

1 MR. PESCI: Judge, if I forgot, I apologize. I move
2 for admission of State's 155 and its contents, which I think
3 is 155A.

4 THE COURT: Oh, I was -- I thought you were going to
5 say something else.

6 Submitted?

7 MR. ERICSSON: Yes, Your Honor.

8 THE COURT: All right. That'll be admitted.

9 (State's Exhibit 155 and 155A admitted.)

10 MR. PESCI: And then additionally I make the same
11 motion for State's 154 and 154A, which are the cards inside
12 the bag.

13 THE COURT: Submitted?

14 MR. ERICSSON: Yes.

15 THE COURT: All right. 154 and 154A are admitted.

16 (State's Exhibit 154 and 154A admitted.)

17 BY MR. PESCI:

18 Q All right. What's in 195?

19 A It is a Lake Mead National Recreation Area
20 receipt.

21 Q Could you take that out? All right. This one
22 is not already open?

23 A No.

24 Q All right. Would you cut somewhere other than
25 the seal that you previously put on it? As you are cutting,

1 is this another piece of evidence that you personally
2 impounded?

3 A Yes, it is.

4 Q Did you put your seal on it with your P-number
5 and your identification of this event number?

6 A Yes, I did.

7 Q All right. And retrieved from inside of
8 State's 195, what is that?

9 A This is the Lake Mead receipt.

10 Q Where did that come from?

11 A It was on the interior windshield of the
12 driver's side.

13 Q Of the Kia Sportage?

14 A Yes.

15 MR. PESCI: Your Honor, I move for the admission of
16 State's 195 then to mark the receipt bag as 195A.

17 THE COURT: Submitted?

18 MR. ERICSSON: Yes, Your Honor.

19 THE COURT: All right. 195 and 195A are admitted.

20 (State's Exhibit 195 and 195A admitted.)

21 BY MR. PESCI:

22 Q And looking at State's 152, what are these?

23 A 33 Palomino Club advertisement cards.

24 Q From the street?

25 A Yes, these were from around the body.

1 Q Okay. And did you impound those?
2 A Yes, I did.
3 Q And is that one -- that one is already open; is
4 that correct?
5 A Yes.
6 Q All right. Could you recover what's inside?
7 And is that listed as 152A?
8 A Yes, it is.
9 Q All right. And those are those cards?
10 A Yes, they are.
11 MR. PESCI: Move for the admission, Your Honor, of
12 152 and 152A.
13 THE COURT: All right.
14 THE CLERK: 152?
15 MR. PESCI: And 152A.
16 THE COURT: That'll be admitted.
17 (State's Exhibit 152 and 152A admitted.)
18 BY MR. PESCI:
19 Q Now, ma'am, you have in front of you another
20 photograph.
21 A Yes, I do.
22 Q And is that State's 22 -- 32?
23 A Yes, it is.
24 Q And do you recognize what that is?
25 A Yes, that's the search warrant and return on

1 the white Astro van that was brought to our lab later.

2 Q All right. What is a search warrant return?

3 A A search warrant is done by detectives or
4 officers. They go to a judge and get a search warrant saying
5 that they can search the premises. In this case it was a
6 Chevy Astro van, and the return is the items that we recovered
7 from the search warrant. They're put on the return, and a
8 copy is left in the vehicle.

9 Q Okay. And when we're talking about this Astro
10 van, was this Astro van out at the scene on North Shore Road?

11 A No, it was not.

12 Q All right. After you processed the scene on
13 North Shore Road, did you then return back to your office, for
14 lack of a better term?

15 A Yes, we returned back. I followed the Kia
16 Sportage to my office. The next night we processed it. And
17 then on the 25th, this vehicle showed up.

18 Q All right. So when you say you processed the
19 Kia Sportage, is that were you retrieved some of the items you
20 just saw, particularly the cards from inside of the car?

21 A Yes, it is.

22 Q But eventually, as a part of your
23 responsibilities in this particular investigation, you also
24 processed an Astro van?

25 A Yes, I did.

1 Q All right. Showing you State's proposed
2 Exhibits 32. I don't think they're all in numeric -- 33 --
3 we've got State's 33 through 59. Take a minute to look over
4 those and tell me if you recognize them.

5 A Yes, I do.

6 Q And when this was processed, was that involving
7 you and Stephanie Smith again?

8 A Yes, it was.

9 Q Was there the same division of labor in the
10 sense of photographs being done by Ms. Smith?

11 A Yes.

12 Q Were you present when those were taken?

13 A Yes, I was.

14 Q And did you and Ms. Smith participate in the
15 processing for latent prints of this van together?

16 A Yes, we did.

17 Q Did you, in fact, divide the van in half?

18 A Yes, we did. I took the passenger side, she
19 took the driver side, and we kind of met in the back.

20 Q Okay. Do you sometimes mark yours up as driver
21 side, passenger side?

22 A Yes, I do. She does right front, left front.

23 Q Okay.

24 A It drives me crazy.

25 Q All right. Are these fair and accurate

1 depictions of yours and Ms. Smith's work on the -- on this
2 Astro van?

3 A Yes, it is.

4 MR. PESCI: Judge, I move for admission of State's 33
5 through 59.

6 THE COURT: Submitted?

7 MR. ERICSSON: Yes, Your Honor.

8 THE COURT: All right. 33 through 59 are admitted.

9 (State's Exhibit 33 through 59 admitted.)

10 BY MR. PESCI:

11 Q You spoke of seals earlier. Looking at State's
12 33. Are these the seals that you're referring to?

13 A Yes. The vehicle was sealed with those seals.

14 Q And that's the same sealing process that you
15 used on the Sportage?

16 A Yes, it would be.

17 Q And did you then look throughout this vehicle?

18 A Yes, I did.

19 Q And that's pursuant to the search warrant that
20 had been obtained?

21 A Yes.

22 Q Looking at State's 34; is that the right side
23 of the car?

24 A Yes, it is.

25 Q And State's 35; is that the left side?

1 A I think it's -- it's the right side also.

2 Q Now, ma'am, at this point in May of 2005, how
3 many cars do you think you have processed at this point if you
4 were to guess?

5 A Several hundred.

6 Q When you processed this car in relation to the
7 many cars you have processed before, how clean did this car
8 appear to you as opposed to other cars?

9 A It was extremely well kept. It was hard to
10 find evidence. We had to only -- we could only find evidence
11 in the ashtrays and in the glove compartment. Normally we see
12 stuff all over the floors and receipts, people chew gum and
13 leave it on the floor or you have a receipt and they wad it
14 up. That wasn't the case.

15 Q Was that the case when you processed this Astro
16 van?

17 A No, it wasn't. It was in very clean condition.

18 Q Now, when you say -- when we talk about
19 processing, looking at State's 36, do we have what is some
20 tape in State's 36?

21 A Yes, we do.

22 Q And is that the same procedure that you did to
23 lift latents from the pneumatic tube and from the beer can and
24 from the cell phone?

25 A Yes, it is.

1 Q Okay. And did you and Ms. Smith do that
2 together?
3 A Yes, we did.
4 Q And did you do that throughout the car?
5 A Yes, we did.
6 Q Showing you State's 37, is that some indication
7 of some of that tape?
8 A Yes, it is.
9 Q And State's 38?
10 A Yes, it is.
11 Q All right. Now, looking at State's 39 and that
12 floor area there, does it appear to have some floor
13 impressions or foot marks?
14 A Yes, those are from Ms. Smith and I as we were
15 climbing in the vehicle.
16 Q Okay. So that was not the state of this
17 vehicle when you first got to it?
18 A No, it was not.
19 Q So when you testified that it was clean and
20 tidy, that's not the way it appeared?
21 A No, it did not.
22 Q You spoke a minute ago about having to look
23 inside of ashtrays and things like that. Looking at State's
24 40, do you, in fact, have an ashtray open there that you
25 looked in?

1 A Yes, there's an ashtray and a storage
2 compartment.

3 Q And looking at State's 41, did you find some
4 items inside there?

5 A That was the storage compartment, and there was
6 a Palomino matchbook and some spoons in a Ziploc bag.

7 Q Did you recover that matchbook?

8 A Yes, I did.

9 Q Showing you State's 151. It looks like it's
10 been opened. Do you recognize that?

11 A Yes, I do.

12 Q And is that the matchbook that you impounded
13 that we're looking at?

14 A Yes, it is.

15 Q And could you recover what's in 151? Is that
16 the matchbook that we're looking at?

17 A Yes, it is.

18 Q Is that 151A?

19 A Yes, it is.

20 MR. PESCI: We move for the admission of State's 151
21 and 151A.

22 THE COURT: Submitted?

23 MR. ERICSSON: Yes, Your Honor.

24 THE COURT: All right. That'll be admitted.

25 (State's Exhibit 151 and 151A admitted.)

1 BY MR. PESCI:

2 Q Did you continue, in fact, to process the
3 remainder of that car?

4 A Yes, we did.

5 Q Looking at the various ashtrays and storage
6 compartments?

7 A Yes, we did.

8 Q Looking at State's 50. Did you look inside of
9 this particular compartment?

10 A Yes, we did.

11 Q And was there something associated with the San
12 Francisco 49ers?

13 A Yes, there is.

14 Q And looking at State's 51; did you eventually
15 work your way up to the front of the vehicle?

16 A Yes, we did.

17 Q And looking at State's 53; was there a glove
18 box or a storage container?

19 A We deemed it a glove compartment because there
20 was no other one in the vehicle and it was at the front of the
21 vehicle.

22 Q And did you recover some information or some
23 evidence from that area?

24 A Yes, we did.

25 Q Looking at State's 55; what is that?

1 A That's the various paperwork and some more
2 Palomino cards that were in the glove compartment, the center
3 console thing.

4 Q So these -- these Palomino cards are different
5 from the one in the Kia Sportage and different from the ones
6 that were out on the street?

7 A Yes, they are.

8 Q Okay. Looking at State's 56; did you find some
9 mail?

10 A Yes, we did.

11 Q Was that inside of that van?

12 A Yes, it was in the glove compartment.

13 Q And who was it addressed to?

14 A Deangelo Carroll.

15 Q And did you impound or take into evidence some
16 of the things that you found out -- in the ashtray?

17 A Yes, I did.

18 Q Specifically, we just looked at some Palomino
19 cards. Looking at State's 150; do you recognize that?

20 A Yes, I do.

21 Q What is State's 150, and its contents I believe
22 should be 150A?

23 A 42 Palomino Club cards.

24 Q Are those the ones we just saw kind of
25 displayed on the chair of the Astro van that was photographed?

1 A Yes, they are.

2 MR. PESCI: Move for the admission of 150 and 150A.

3 THE COURT: Submitted?

4 MR. ERICSSON: Submit it, Your Honor.

5 THE COURT: All right.

6 (State's Exhibit 150 and 150A admitted.)

7 BY MR. PESCI:

8 Q All right. Do you also recognize State's 149?

9 A Yes, I do.

10 Q What is that?

11 A Miscellaneous paperwork, including a Farmer's
12 Insurance certificate in the name of Simone's Auto Plaza, a
13 letter from the DMV in the name of Deangelo Carroll, a DMV
14 registration in the name of Anabel Espindola, an envelope with
15 Simone's Auto Plaza on the front containing DMV registration
16 in the name of Anabel Espindola, and a Bank of America
17 cashier's receipt in the name of Deangelo Carroll, and an
18 envelope from the DMV in the name of Deangelo Carroll.

19 Q And were all of these items found inside the
20 Astro van?

21 A Yes, they were in the glove compartment.

22 Q And the listing that you have on the outside of
23 149, are those the contents inside 149A?

24 A Yes, they are.

25 MR. PESCI: Move for the admission of 149 and 149A.

1 THE COURT: Submitted?

2 MR. ERICSSON: Submitted, Judge.

3 THE COURT: All right. That'll be admitted.

4 (State's Exhibit 149 and 149A admitted.)

5 BY MR. PESCI:

6 Q And, in fact, you just talked about a DMV
7 letter. Is that what we had looked at in a photograph a
8 minute ago?

9 A The envelope is, yes.

10 Q Envelope. Sorry. All right. Turning to
11 State's 145, what do you recognize State's 145 to be?

12 A This is a latent print card that I submitted in
13 this case from the Astro van.

14 Q All right. Now, latent print cards you told us
15 a little bit about earlier; is that correct?

16 A Yes.

17 Q Is that the actual, or is that a photocopy?

18 A This is a photocopy of it.

19 Q Okay. And how do you recognize that to be from
20 you?

21 A It has my initials on the tape and on -- I
22 label my items, so it has it on the label also. It has my
23 name, K. Grammas, 7808, and it has the event number.

24 Q All right. And looking at State's 146; do you
25 recognize that?

1 A Yes, I do. This is also a copy of a latent
2 print card recovered from the Astro van.

3 Q All right. Now, there actually seems to be two
4 pages per item; is that correct?

5 A Yes.

6 Q What is the second page?

7 A The second page is something that our latent
8 print section does once they receive our item.

9 Q Okay. But do you recognize it as being the
10 card that you had submitted?

11 A Yes, it's a copy of it.

12 Q All right. And do you recognize State's 156?

13 A Yes, I do. This is a copy of a latent print
14 card that was given by Stephanie Smith.

15 Q Okay. So Stephanie Smith was the woman who
16 processed the vehicle with you?

17 A Yes, she was.

18 Q And the two of you were together when you
19 processed these items and recovered these latents?

20 A Yes, we were.

21 Q And submitted them to the lab?

22 A Yes.

23 Q And do these have the identifiers unique to
24 this particular case as far as the event number?

25 A Yes, they do.

1 Q And then your personnel number and your
2 initials?

3 A Yes, they do.

4 MR. PESCI: Move for the admission of 145, 146, and
5 156.

6 THE COURT: Submitted?

7 MR. ERICSSON: Yes, Your Honor.

8 THE COURT: All right. They'll all be admitted.

9 (State's Exhibit 145, 146, and 156 admitted.)

10 BY MR. PESCI:

11 Q All right. Looking at 145, tell us about this
12 card, please.

13 A This is our latent print card. As you can see,
14 on top there is the event number that we talked about earlier.
15 My name, K. Grammas, 7808, which is my P-number, the date that
16 the car was processed, the 25th, the victim's name, Timothy
17 Hadland, the location, 6759 West Charleston Boulevard, which
18 is our crime scene section, and where it was located. So this
19 one is from the interior side passenger side door window of a
20 1995 Chevrolet Astro van, and that's the plate.

21 Q So 145 was from the interior side passenger
22 door?

23 A Yes.

24 Q So that would be the right side in Stephanie's?

25 A Yes, it would be the right side if Stephanie

1 says it. For me, it's the passenger side because it makes
2 more sense.

3 Q All right. 146, where is that one from?

4 A This is from the interior side passenger side
5 door window, same place, of the 1995 Chevrolet Astro van.

6 Q And then 156?

7 A This is from the exterior rear cargo door,
8 that's the back door, the outside of it, of the van.

9 MR. PESCI: Court's indulgence.

10 THE COURT: That's fine.

11 MR. PESCI: We'll pass the witness.

12 THE COURT: Before we do that, let's go ahead and
13 take our afternoon recess before we move into
14 cross-examination.

15 Ladies and gentlemen, we're just going to take ten
16 minutes until about -- ten minutes enough for everybody, until
17 3:05? And during that afternoon recess, you're reminded not
18 to discuss the case or anything related to the case or do
19 anything relating to the case. Notepads in your chairs, and
20 through the double doors.

21 (Court recessed at 2:57 p.m. until 3:11 p.m.)

22 (In the presence of the jury.)

23 THE COURT: All right. Court is now back in
24 session.

25 And, Mr. Ericsson, will you be conducting cross?

1 MR. ERICSSON: Yes, Your Honor.

2 THE COURT: All right. You may proceed.

3 CROSS-EXAMINATION

4 BY MR. ERICSSON:

5 Q Good afternoon, ma'am.

6 A Good afternoon.

7 Q I just want to clarify a few things. Your role
8 in this investigation in this case was basically to gather
9 evidence out at the scene?

10 A Yes, it was.

11 Q As well as process or gather fingerprints to be
12 evaluated by others?

13 A Yes.

14 Q And is it accurate to say that you personally
15 didn't conduct any testing on any of the evidence that was
16 gathered?

17 A Yes, I did not do any testing.

18 MR. ERICSSON: Thank you. I have no further
19 questions.

20 THE COURT: All right.

21 Redirect.

22 MR. PESCI: Nothing.

23 THE COURT: All right. Thank you for your testimony.
24 Please don't discuss your testimony with anyone else who may
25 be a witness.

1 THE WITNESS: Okay. Thank you.

2 THE COURT: You are excused.

3 State, call your next witness.

4 MR. PESCI: The State calls Rontae Zone.

5 THE COURT: All right. Come on up here, please, to
6 the witness stand and remain standing, facing that lady right
7 there.

8 RONTAE ZONE, STATE'S WITNESS, SWORN

9 THE CLERK: Please be seated, and please state and
10 spell your name.

11 THE WITNESS: R-o-n-t-a-e, last name Zone, Z-o-n-e.

12 THE COURT: All right. Mr. Pesci.

13 MR. PESCI: Thank you, Judge.

14 DIRECT EXAMINATION

15 BY MR. PESCI:

16 Q Mr. Zone, I want to direct your attention back
17 to May of 2005, in fact, about a year ago -- five years ago
18 today. At that time were you living with a person by the name
19 of Deangelo Carroll?

20 A Yes, I was.

21 Q And when you were living with him, did you ever
22 work with him?

23 A Yes, I did.

24 Q And where was that work performed?

25 A At the Palomino.

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1 Q Palomino Club?

2 A Yes, sir.

3 Q What was the work that you would do with

4 Deangelo?

5 A Promoting.

6 Q And what does promoting mean?

7 A Passing out fliers, represent the club.

8 Q And who did you normally pass these fliers out

9 to?

10 A Cab drivers.

11 Q How did you go about passing them out? How did

12 you get around to the cab drivers?

13 A We drove around the cab stops and we slid them

14 in the windows of the cab drivers so they could see it when

15 they come to their vehicles.

16 Q Now, when you say you would drive around, what

17 car would you drive around in to promote it?

18 A A white Astro van.

19 Q Is that Astro van something that Deangelo had?

20 A Yes.

21 Q Was it an Astro van that was associated with

22 the Palomino Club?

23 A Yes.

24 Q Now, you used the word "we" when you were

25 talking about promoting. Who would you promote with besides

1 Deangelo?

2 A Jayson Taoipu.

3 Q And Jayson, did you know him by a nickname?

4 A Jay Jay.

5 Q Jay Jay?

6 A Yes.

7 Q When you promoted with Deangelo and Jay Jay,

8 did you personally go inside of the Palomino?

9 A No.

10 Q And how would this come about that you would

11 have these cards from the Palomino and go do this on behalf of

12 the Palomino?

13 A They were brought out to me.

14 Q By whom?

15 A By Deangelo.

16 Q Did Deangelo provide the means of

17 transportation?

18 A Yes.

19 Q Did you receive payment for doing this?

20 A Yes.

21 Q Who paid you?

22 A Deangelo.

23 Q Did you ever get any payment directly from

24 anyone inside of the Palomino?

25 A No, never.

1 Q Was your connection -- or what was your
2 connection to the Palomino other than Deangelo?

3 A Excuse me?

4 Q My fault. Did you have any knowledge of the
5 people inside the Palomino other than Deangelo?

6 A No.

7 Q Did you hear about some of the people in the
8 Palomino as far as owners and things of that nature?

9 A Not until.

10 Q Okay. So focusing specifically to about May 19
11 of 2005, on that day did you promote with Deangelo and with
12 Jay Jay?

13 A Yes.

14 Q At the beginning of the day, did Deangelo
15 indicate to you that somebody from the Palomino Club wanted
16 something done?

17 A Yes.

18 Q Did you know the name Mr. H back on May 19,
19 2005?

20 A Yes, I did.

21 Q Who did you know Mr. H to be?

22 A The owner of the Palomino.

23 Q Okay. Did you personally talk to Mr. H?

24 A No.

25 Q Did Deangelo tell you what Mr. H wanted?

1 A No.

2 Q Later in the day did you have a conversation
3 about something that was to be done for Mr. H?

4 A Yes.

5 Q What -- or who did you have the conversation
6 with about what was to be done?

7 A Deangelo.

8 Q What did Deangelo tell you that Mr. H wanted
9 done?

10 A He said he wanted him dealt with.

11 Q Who did he want dealt with?

12 A Most likely Timothy. I didn't know him.

13 Q Okay.

14 MR. BUNIN: I'm going to object, if he's
15 speculating.

16 THE COURT: Yeah. Lay a foundation.

17 MR. PESCI: Sure. Thank you, Judge.

18 BY MR. PESCI:

19 Q Did Deangelo indicate that somebody needed to
20 be dealt with because Mr. H wanted that?

21 A Yes.

22 Q Did you know who specifically it was at the
23 time Deangelo first told you?

24 A No.

25 Q Now, when you had this conversation about

1 dealing with this person, where was this conversation? What
2 part of the day? Tell us about that.

3 A It was the afternoon around -- by Cheyenne High
4 School.

5 Q Okay. Where were you, if you were by Cheyenne?
6 Were you walking, in a car? What were you doing?

7 A We were in a van.

8 Q When you say we, who do you mean?

9 A Me, Deangelo and Jayson.

10 Q Jayson. When Deangelo told you that Mr. H
11 wanted this person dealt with, what did you understand "dealt
12 with" to mean?

13 MR. BUNIN: I object. This is speculation.

14 MR. PESCI: Well, Judge, it's not speculating. It's
15 him that he's talking about.

16 THE COURT: Well, no, but the point is --

17 MR. PESCI: I'm asking what he, the witness, thought
18 that meant.

19 THE COURT: Sustained. You'll have to ask it a
20 different way.

21 BY MR. PESCI:

22 Q What did you think you were going to go do in
23 relation to the person that was to be dealt with?

24 MR. BUNIN: Same objection, Your Honor.

25 THE COURT: I'll see counsel up here.

1 (Off-record bench conference)

2 BY MR. PESCI:

3 Q Rontae, keeping in mind the phraseology "dealt
4 with," okay, that's what you heard Deangelo say?

5 A Yes.

6 Q Okay. Now, what things did Deangelo do that
7 helped you to understand what dealt with meant?

8 A Well, I'm from the streets. I know what dealt
9 with means.

10 Q Let me put it to you this way: Did you see a
11 gun --

12 MR. BUNIN: Same objection, Your Honor, because
13 that's still speculation.

14 THE COURT: Well, he hasn't said anything yet, so
15 that's overruled.

16 MR. BUNIN: All right.

17 THE COURT: Mr. Pesci can go on and try to lay a
18 foundation or ask the question in other ways.

19 MR. PESCI: All right. Thank you.

20 BY MR. PESCI:

21 Q At some point on May 19th of 2005, did Deangelo
22 Carroll ever produce a gun?

23 A Yes, he did.

24 Q What did you see Deangelo do after he said
25 "dealt with" with a gun?

1 A Gave it to Jayson.

2 Q What else did Mr. Carroll do after saying dealt
3 with that had to do with a gun? Did you see anything else in
4 relation to a gun?

5 A He put bullets. He gave me bullets.

6 Q So if I'm understanding correctly, after dealt
7 with was said by Deangelo, Deangelo gave a gun to Jayson?

8 A Yes.

9 Q And bullets to you?

10 A Yes.

11 Q Okay. Based on those actions of the defendant,
12 what did you think was going to happen to the person who was
13 going to be dealt with?

14 MR. BUNIN: It's still the same objection, Your
15 Honor.

16 THE COURT: Well, overruled.

17 You can answer.

18 THE WITNESS: It was for him to be murdered.

19 BY MR. PESCI:

20 Q Okay. What did Jayson do with the gun that
21 Deangelo gave him?

22 A He kept it.

23 Q What did you do with the bullets that Deangelo
24 gave you?

25 A I dump them out on my lap.

1 Q After they were dumped out -- on your lap or
2 off of your lap?

3 A Off of my lap.

4 Q After you dumped out those bullets, what
5 happened to those bullets?

6 A Jayson picked them up.

7 Q What did Jayson do with those bullets?

8 A He kept them.

9 Q As the day continued on, did you, Jayson and
10 Deangelo go promote?

11 A Yes, we did.

12 Q Did Deangelo ever talk to you more about what
13 needed to be done to deal with this person?

14 A Yes, he did.

15 Q What did he say?

16 A He said that Mr. H wanted him dealt with and
17 that it had to be done.

18 Q Okay. Was there any conversations that you
19 heard about trash cans or baseball bats?

20 A Yes.

21 MR. BUNIN: This is leading, Your Honor.

22 THE COURT: Try not to lead.

23 BY MR. PESCI:

24 Q Did you hear anything else about what should be
25 done to the person that had to be dealt with?

1 A Yes.

2 Q What did you hear?

3 A They said something about trash bags and bats.

4 Q Okay. Did Deangelo say that in front of you?

5 A No.

6 MR. BUNIN: Well, then I object, Your Honor.

7 THE COURT: Yeah, that's sustained, if he didn't
8 overhear it.

9 MR. BUNIN: And I move that that be stricken, his
10 prior response.

11 BY MR. PESCI:

12 Q Okay. Did you ever hear anything on May the
13 19th, 2005 about trash bags and baseball bats?

14 MR. BUNIN: And again, that's a leading --

15 THE COURT: Yeah, I mean, that's sustained.

16 Mr. Pesci, kind of maybe back up and who's talking and
17 everything like that and then what did he hear.

18 BY MR. PESCI:

19 Q Deangelo -- after the incident with the gun and
20 the bullets, did you have any conversations earlier than that?
21 Did you have any conversations with Deangelo or Jayson about
22 the concept of baseball bats and trash cans?

23 A No.

24 Q At some point did that come up, not saying who
25 said it, but at some point did that come up?

1 A Yes.

2 Q Okay. Later on in the day, did you go and
3 actually promote?

4 A Yes.

5 Q And when you went, who went with you?

6 A Jayson and Deangelo.

7 Q And where did you go to do that?

8 A We went -- I think it was a blue cab, blue cab
9 stop. That was the only stop we made.

10 Q A blue cab stop?

11 A Yeah.

12 Q What do you mean by a blue cab stop? What is
13 that?

14 A I'm not familiar with the cab stops, so, you
15 know, I ain't -- I didn't work specifically in the --
16 professionally for them, so I couldn't tell you what cab stop.
17 All I know is that we stopped at a cab stop and that was the
18 only stop we made.

19 Q Okay. After that cab stop, did you go any
20 place else when you were promoting?

21 A No.

22 Q Now, did there come a point in time where you
23 went back to -- or did you go back to Deangelo's house at any
24 point?

25 A Yes.

1 Q On the day of the 19th?

2 A Yes.

3 Q Now, what did you do when you got back there?

4 A We went back -- he had came back, he got us

5 from his house, and he told us to wear black and get ready to

6 dress up to go promote.

7 Q When you say he said to -- told us, who's he?

8 A Deangelo.

9 Q And when you say us, is that you and who?

10 A Me and Jayson.

11 Q Okay. Did Deangelo ever tell you anything that

12 Little Lou said to you -- or said to him?

13 A Not really, you know. It was pieces and parts

14 of it.

15 MR. BUNIN: I object to anything Little Lou would

16 have said. It's hearsay, so I don't want him to say any --

17 say that.

18 THE COURT: It's overruled.

19 MR. BUNIN: It's actually through Deangelo too, so

20 it's Little Lou through Deangelo to him.

21 THE COURT: It's overruled.

22 BY MR. PESCI:

23 Q You can answer the question.

24 A Okay. Excuse me. Ask it again.

25 Q Did you -- did Deangelo ever tell you anything

1 that Little Lou wanted?

2 MR. BUNIN: Well, then I ask him to lay foundation.
3 Ever puts a time frame for anywhere, Your Honor.

4 THE COURT: Right.

5 BY MR. PESCI:

6 Q On May the 19th, 2005, the day that you had
7 been promoting and the day that there were discussions about
8 dealing with TJ, did Deangelo ever tell you anything that
9 Little Lou wanted done?

10 A Deangelo told me that Little Lou said that
11 Mr. H wanted him dead.

12 Q Now, at some point did you -- after getting
13 dressed up or being told to get dressed up, did you again go
14 to promote?

15 A Yes, we did.

16 Q Who was present?

17 A Me, Deangelo and Jayson.

18 Q And where did you go when you first left to go
19 promote?

20 A When we first left we went to another cab stop
21 and that was it.

22 Q Okay. At some point did you go out towards
23 Lake Mead?

24 A Yes, we did.

25 Q Tell us about that. Who was there and what

1 preceded you going out to Lake Mead?

2 A Me, Deangelo and Jayson and Counts went out to
3 Lake Mead.

4 Q Let me stop you for a second. You just said
5 somebody that we haven't heard of before. Counts?

6 A Yes.

7 Q Who was that?

8 A Kenneth Counts.

9 Q And did you know Kenneth Counts before this?

10 A No.

11 Q How did Kenneth Counts get to be in that group
12 with you, Deangelo and Jayson?

13 A He knew Deangelo.

14 Q Was he in the car with you?

15 A Yes.

16 Q How did he get in the car?

17 A Deangelo went and picked him up.

18 Q Were you there when he went to pick up Counts?

19 A Yes, I was.

20 Q Was Jayson in the car when you went to pick up
21 Counts?

22 A Yes, he was.

23 Q What car were you in?

24 A White Astro van.

25 Q Do you know roughly where it was that you went

1 to pick up Counts?

2 A On the west side. That's about the only thing
3 I know. About D Street and somewhere between there.

4 Q Now, when you picked up Counts, was that after
5 you were told that someone needed to be dealt with?

6 A Yes.

7 Q When you went to pick up Counts, how did that
8 occur? Who went to talk to Counts? How did he get in the
9 car? Tell us about that.

10 A Deangelo went and talked to Counts.

11 Q What did you and Jayson do?

12 A We sat in the van.

13 Q After Deangelo went inside, what happened?

14 A He went inside and then came back out. He went
15 inside, he was in there for about ten minutes and then he came
16 back out.

17 Q When you say he, do you mean --

18 A Him and Counts.

19 Q Counts?

20 A Him and Counts.

21 Q So Deangelo went inside and then Deangelo and
22 Counts came out?

23 A Yes.

24 Q Can you describe what Mr. Counts looked like
25 when he came out and got in the van?

1 A He was wearing all black. That's all I know.
2 Q When Mr. Counts -- did Mr. Counts get in the
3 car?
4 A Yes, he did.
5 Q Where did he sit?
6 A He sat next to me.
7 Q Where were you seated?
8 A On the left side, on the left back side of the
9 van.
10 Q On the left-hand side in the back?
11 A On the left back -- on the left-hand back side
12 of the van.
13 Q And you said Mr. Counts sat next to you?
14 A On the right side, back of the van.
15 Q Okay. So on the right side of you, to your
16 right?
17 A Yes.
18 Q And did Counts -- Mr. Counts say anything when
19 he got in the van?
20 A No.
21 Q Was there a discussion at that time amongst the
22 four of you?
23 A No, not yet.
24 Q Did you leave the place where Counts was picked
25 up?

1 A Yes, we did.

2 Q Where did you go?

3 A We went to Lake Mead.

4 Q Earlier you talked a little bit about a handgun

5 that was given to Jayson by the defendant. Did you see that

6 handgun when you were in the van?

7 A Yes, I did. Yes, I did.

8 Q Okay. Who had the handgun?

9 A Deangelo did.

10 Q And can you describe that handgun?

11 A It was chrome with a green pearl handle,

12 revolver.

13 Q And as you drove out to Lake Mead, I think you

14 testified that there was not a discussion at first.

15 A There wasn't.

16 Q Okay. At some point was there a discussion?

17 A Yes, there was.

18 Q What was the discussion?

19 A The discussion was did I have a burner.

20 Q Did you have a burner?

21 A Yeah.

22 Q Who asked you that?

23 A Counts.

24 Q Okay. And what did you understand a burner to

25 be?

1 A A gun.

2 Q And what was your response?

3 A No.

4 Q As you were driving out to Lake Mead, was
5 anybody receiving phone calls?

6 A Yes.

7 Q Who?

8 A Deangelo.

9 Q And was -- where was Deangelo in this car -- in
10 the van?

11 A In the driver's seat.

12 Q When he received those phone calls, were you
13 seated right behind him?

14 A Yes.

15 Q Were you able to hear the phone conversation or
16 at least Deangelo's portion of the conversation?

17 A Yes.

18 Q What, if anything, do you recall Deangelo
19 saying on the phone when you were driving out to Lake Mead?

20 A He was -- he had recalled he was -- he had
21 talked to Anabel, he had talked to Little Louie and then he
22 had talked to Timothy.

23 Q Okay. Do you remember anything of what
24 Deangelo said, Deangelo's part of the conversation, what he
25 said to those people?

1 A I don't remember.

2 Q Okay. Going back to Mr. Counts, you said he
3 was dressed all in black?

4 A Yes.

5 Q Did he have anything on his hands?

6 A Gloves.

7 Q When you went out towards Lake Mead, had you
8 been out in that area before?

9 A No.

10 Q And kind of getting back to the phone
11 conversations, was there any time when Deangelo was on the
12 phone that he had problems with talking on the phone?

13 A Yes.

14 Q Tell us about that.

15 A When he was going to meet Timothy, he lost
16 reception, so he had to turn back around to get reception, so
17 he had to go --

18 Q Do you remember where you were or what you saw
19 in the area where the reception was lost?

20 A We were -- it was at a stop to where you can
21 only make a left and a right. And we made the left and then
22 when we made the left, he lost reception and we had to turn
23 back around and go back the way we came so he can get
24 reception.

25 Q Did you do that more than once?

1 A We only did it once.

2 Q And what happened after you had to turn around
3 to get reception?

4 A He got reception. He talked to Timothy and he
5 turned back around.

6 Q And when he turned back around, where did you
7 go?

8 A We went back the way we were going in the first
9 place.

10 Q Okay. And when you went in that direction, did
11 you come upon anybody or see anybody?

12 A No.

13 Q Eventually was there someone that you met?

14 A No.

15 Q What happened when you went out on that road?

16 A We made the left. We made the left and we went
17 down this road to meet Timothy.

18 Q Okay. Did you ever meet Timothy?

19 A Yes, we did.

20 Q All right. Tell the jury how that happened.

21 A We met Timothy. He pulled to the side. He
22 pulled up in front of us about 5 feet, well, I think about 5,
23 6 feet. He got out of the car to meet Deangelo. And when he
24 walked up to meet Deangelo, as he was walking up to meet him,
25 Counts got out of the car and Counts like snoopd to the front

1 and then he snooped to the back and he snooped back to the
2 front.

3 Q Okay. Let me stop you for a second. You said
4 he snooped --

5 A He sneaked.

6 Q -- to the front. What do you mean by that?

7 A He sneaked.

8 Q Okay. Can you show the jury how it was that he
9 did that, with the Court's permission?

10 A He crept low to where nobody could see him.

11 MR. PESCI: For the record, Your Honor, the witness
12 stepped off of the stand and he bent --

13 THE COURT: Bent at the waist.

14 THE WITNESS: Yes.

15 BY MR. PESCI:

16 Q Which direction did he end up going finally,
17 Kenneth Counts?

18 A He went -- he crept around the van towards
19 where Timothy was at.

20 Q Okay. Looking at it from your perspective, if
21 you're inside the car, where was Deangelo?

22 A He was in the driver's side of the van.

23 Q Okay. So if I'm Deangelo, would it be kind of
24 in this position?

25 A Yes.

1 Q And then what you described Mr. Counts doing,
2 was Mr. Counts still on your right?
3 A Yes, he was.
4 Q And when you talked about him creeping, did he
5 get out of the right side of the car?
6 A Yes, he was.
7 Q And when he crept, did he go around the
8 front?
9 A Yes.
10 Q Where was Timothy?
11 A Timothy was on the driver's side of the van
12 talking to Deangelo.
13 Q So he would be kind of to my left here?
14 A Yes.
15 Q Describe the lighting out at that area.
16 A There wasn't no light.
17 Q Did you see what happened when Mr. Counts
18 crept around the front of the van?
19 A No. I only seen a spark and him fall. That's
20 it.
21 Q You say a spark?
22 A Yeah.
23 Q Did you hear anything?
24 A Yeah.
25 Q What did you hear?

1 A A gunshot.

2 Q Did you -- you said something about falling?

3 A Yes.

4 Q Who fell?

5 A Timothy.

6 Q And now, did you hear more than one shot?

7 A Yes, I did.

8 Q How many did you hear?

9 A Two.

10 Q Was anybody else outside of the van at the time

11 that you saw Mr. Counts get out?

12 A No.

13 Q At the time that the spark occurred, was Jayson

14 still in the front seat?

15 A Yes, he was.

16 Q And at the time that the spark occurred, was

17 Deangelo still in the driver's seat?

18 A Yes, he was.

19 Q After that second shot, what happened?

20 A Counts quickly hopped back in the van and we

21 drove off.

22 Q When you drove off, what did you do to get out

23 of there?

24 A I just stayed calm, stayed calm, stay collected

25 and do what I have to do to get out of there.

1 Q When Counts got back in the car, did you say
2 anything to him?
3 A No.
4 Q Did Jayson say anything to him?
5 A No. He said something to me.
6 Q Who said something to you?
7 A Counts.
8 Q What did he say?
9 A He said why didn't I shoot him.
10 Q What did you say?
11 A I said because I didn't have nothing to do with
12 it.
13 Q When Counts got back in the car and he asked
14 you about that, did Deangelo say anything to Counts?
15 A No.
16 Q Did Deangelo ever get out of the car?
17 A Yes, he did.
18 Q When did he get out of the car?
19 A Before Timothy -- as Timothy was pulling up, as
20 he was pulling up.
21 Q Okay. So just to put it in sequence, when
22 Deangelo got out of the car and Timothy was pulling up, was
23 Counts still in the car?
24 A Yes, he was.
25 Q Did Deangelo get back inside the car?

1 A Yes, he did.

2 Q When Deangelo was back inside the car, did
3 Counts get out of the car?

4 A Yes, he did.

5 Q The creeping that you talked about and the
6 shooting that you talked about, was that when Deangelo was in
7 the car?

8 A Yes.

9 Q All right. After the shooting, did Deangelo
10 get out of the car?

11 A No.

12 Q Did Deangelo get on the phone?

13 A No.

14 Q Did Deangelo say anything to Mr. Counts?

15 A No.

16 Q Did he say anything to you?

17 A No.

18 Q Where did you guys go after that?

19 A Went back to the club.

20 Q When you went back to the club, what happened
21 when you got there?

22 A When we got there, Deangelo went in first and
23 he was in there for about a half hour, 45 minutes and he came
24 back out to get Counts and then they went in the club.

25 Q Okay. During that time period, did you stay

1 with Jayson and Counts in the van?

2 A Yes, I did.

3 Q When Deangelo came and Counts went with him
4 inside the Palomino, where did you and Jayson go?

5 A We were still in the van.

6 Q Were Deangelo -- I'm sorry. Was Deangelo and
7 Counts inside the Palomino for some time period?

8 A Yes, they were.

9 Q Did you stay in the van the whole time or what
10 happened?

11 A We had stayed -- me and Jayson had stayed in
12 the van for probably about an hour, about an hour and a half.
13 We got tired of it and we sat on the bleachers that was like
14 in the middle of the club where the cabs come pick the
15 customers up at and we just sat there.

16 Q All right. When you say the middle of the
17 club, do you mean outside or inside the club?

18 A Outside.

19 Q Okay.

20 A I've never been inside.

21 Q Okay. And did you see either Deangelo or
22 Counts come back out of the Palomino?

23 A Deangelo didn't come out; Counts did.

24 Q What happened when Counts came out?

25 A Counts got in a cab and drove off.

1 Q Did you see that?
2 A Yes, I did.
3 Q After Counts got in a cab and drove off, did
4 Deangelo eventually come out?
5 A Yes, he did.
6 Q And was Jayson still with you?
7 A Yes, he was.
8 Q Did the three of you go anywhere?
9 A Yes, we did.
10 Q Where did you go?
11 A We had went to a carwash.
12 Q When you went to the carwash, was that with the
13 Astro van?
14 A Yes.
15 Q Was that the van that was out at the lake when
16 TJ was shot?
17 A Yes.
18 Q What happened at the carwash?
19 A They washed the car, cleaned the car.
20 Q When you say they, who do you mean?
21 A Jayson and Deangelo.
22 Q After they cleaned the car, what did they do --
23 or what did the three of you do?
24 A We went back to his house.
25 Q His house being whose house?

1 A Deangelo's.

2 Q And after you got back at Deangelo's house, did
3 the three of you eventually go back out again?

4 A Not that night.

5 Q Did you the next day?

6 A Yes, we did.

7 Q What happened the next day?

8 A We went to someone's house around the corner
9 from the tire shop. He slashed the tires, all four tires, and
10 went and got new ones.

11 Q All right. When you say he, who do you mean?

12 A Deangelo.

13 Q Okay. Deangelo slashed the tires to the Astro
14 van?

15 A Yes.

16 Q What happened to those tires?

17 A He -- we drove to the tire shop and he paid for
18 brand new ones.

19 Q Deangelo paid for new ones?

20 A Yes, he did.

21 Q So after the car was washed and cleaned and the
22 tires changed, what happened?

23 A We went back to his house to get the family and
24 we went to I-Hop.

25 Q You went to I-Hop?

1 A Yes, we did.

2 Q What did you do at I-Hop?

3 A We went and sat down and dined and ate.

4 Q Who paid for it?

5 A That I don't know.

6 Q Let me ask it this way: Did you pay?

7 A No.

8 Q Did Jayson pay?

9 A No.

10 Q But your food was -- you ate food; food was

11 brought to you?

12 A Yes.

13 Q After eating at I-Hop, what did you do?

14 A We went to a barbershop.

15 Q What happened at the barbershop?

16 A We went for Deangelo to get his hair cut at the

17 barbershop.

18 Q And did you see that happen, Deangelo got his

19 hair cut?

20 A Yeah.

21 Q After the haircut, did you ever go somewhere

22 with Deangelo?

23 A We went to a store after that.

24 Q What store?

25 A Like a Big Lots, a savings store.

1 Q What happened there?

2 A He bought a broom, a broom, a fan, cleaning
3 material for the house.

4 Q Okay. And after going there, did you ever go
5 to Simone's?

6 A Yes, we did.

7 Q And had you been to Simone's before?

8 A No.

9 Q Who did you go to Simone's with?

10 A With Deangelo and Jayson.

11 Q Now, when you talked earlier about going
12 shopping and to the hair cut, was Jayson with you as well --

13 A Yes.

14 Q -- in those incidents? Okay.

15 When you went to Simone's with Deangelo and Jayson,
16 what happened?

17 A We went to Simone's and he had went inside and
18 me and Jayson sat in the van again.

19 Q When you say he, do you mean Deangelo?

20 A Yes.

21 Q When you sat in the van, what did you see
22 happening, or could you see anything happening?

23 A When we sat in the van, I couldn't really see
24 anything. Me and Jayson couldn't really see anything.

25 Q All right. That's fine. At some point did you

1 get out of the van?

2 A Yes, we did.

3 Q Where'd you go?

4 A We went in Simone's plaza.

5 Q And when you went in Simone's plaza, what
6 happened?

7 A We went -- we had a seat on the couch. We
8 started to have a seat on the couch and watch TV.

9 Q Was Deangelo in there with you?

10 A He wasn't in that part of the room or the
11 office where we were. He was there, but he wasn't in that
12 particular area.

13 Q All right. Let me put it to you this way: Did
14 you go in Simone's with Deangelo?

15 A No.

16 Q Was he already inside?

17 A Yes.

18 Q When you and Jayson were -- what did you say,
19 watching TV?

20 A Yes.

21 Q Did Deangelo ever come and talk to you again?

22 A Yes, he did.

23 Q How? Where? What happened?

24 A Me and Jayson had went to the bathroom and
25 that's where we had met him at. That's where -- he had went

1 to use the bathroom and that's where he was talking to us.

2 Q When you say he, are you referring to Deangelo?

3 A Yes.

4 Q And what did Deangelo say to you in the
5 bathroom of Simone's?

6 A He said -- he said Mr. Hidalgo had told police
7 that he was aware of Deangelo's actions.

8 Q Okay. Were you told by Deangelo to do anything
9 when you were in that bathroom?

10 A I was told to be quiet.

11 Q Who told you to be quiet?

12 A Deangelo.

13 Q Did Deangelo tell you whether or not anybody
14 was going to be paid for taking care of the person at the
15 lake?

16 A Yes.

17 Q Now, what did Deangelo tell you as far as
18 payment about taking care of the person at the lake?

19 A He said that we could have got paid for it if
20 we did it, but we didn't, so we didn't get paid.

21 Q Did Deangelo say if somebody did get paid?

22 A Yes, he did.

23 Q What did he say?

24 A He said Counts got paid.

25 Q Okay. What happened after Simone's? Where did

1 you go?

2 A We went back to his house.

3 Q Did you stay there at that point?

4 A He had drove to like Yale Street and he had
5 dropped me and Jayson off and I had walked to his house
6 because he didn't -- he didn't go home. He went back to work.

7 Q Okay.

8 A So I went to his house and Jayson went home.

9 Q All right. Was there anybody staying with you
10 at that house at that point?

11 A Yes.

12 Q Who was that?

13 A My baby's mother, my girlfriend, and his wife
14 and kid.

15 Q A few days after that, did Deangelo ever talk
16 to you about talking to the police?

17 A Yes, he did.

18 Q And what did Deangelo say?

19 A He said not to say anything.

20 Q Did you eventually speak to the police?

21 A Yes, I did.

22 Q And how did that come about? Did the police
23 come to you or did you go to the police?

24 A They came to me. He brought them to me.

25 Q I'm sorry?

1 A Deangelo brought them to me.

2 Q So the police were brought to you by Deangelo?

3 A Yes.

4 Q And then did you talk to the police?

5 A Yes, I did.

6 MR. PESCI: Court's indulgence.

7 Pass the witness.

8 THE COURT: All right. Cross.

9 MR. BUNIN: All right. Thank you.

10 CROSS-EXAMINATION

11 BY MR. BUNIN:

12 Q Mr. Zone, this is the seventh time you've made
13 a statement in this case; is that right?

14 A Yes, sir.

15 Q Now, you did a voluntary statement to the Metro
16 Police Department back in May -- on May 21, 2005, right?

17 A Yes.

18 Q And that's actually what you're talking about
19 when you say the police were brought to you by Deangelo,
20 right?

21 A Yes.

22 Q You testified at the preliminary hearing of
23 Little Lou, Anabel and KC in June of 2005, correct?

24 A Correct.

25 Q And then you testified at Jay Jay's preliminary

1 hearing in December of 2005, right?

2 A Correct.

3 Q And you testified at KC's trial in
4 February 2008?

5 A Correct.

6 Q And you testified at Mr. H's grand jury
7 proceedings, correct?

8 A Correct.

9 Q And you testified at Mr. H and Little Lou's
10 trial in January of 2009?

11 A Correct.

12 Q Now, back in May of 2005 when you gave your
13 voluntary statement to the police, you spoke to Detective
14 Wildemann; is that correct?

15 A Yes.

16 Q And you also spoke to Detective McGrath?

17 A Yes.

18 Q Before June 13th of 2005, before that
19 preliminary hearing, you spoke to the prosecutors; is that
20 correct?

21 A Yes.

22 Q You spoke specifically to Mr. DiGiacomo?

23 A Yes.

24 Q And Mr. Pesci?

25 A Yes.

1 Q The two prosecutors sitting here today?
2 A Yes.
3 Q You met them at the prosecutors' office, didn't
4 you?
5 A Yes.
6 Q And you talked to them in advance of the
7 hearing about what you were going to say?
8 A Yes.
9 Q Were you paid money to go to the office that
10 day?
11 A No.
12 Q Were you given a voucher to collect some money
13 for your time that day?
14 A No.
15 Q All -- were you paid after you testified in
16 June of 2005?
17 A Yes.
18 Q You met with detectives also before you
19 testified in June of 2005; is that correct?
20 A Correct.
21 Q Now, you testified -- and you said in December
22 of 2005. Did you meet with the prosecutors in December of
23 2005?
24 A No.
25 Q You didn't meet with them at all before

1 testifying at that hearing?

2 A The investigators, but --

3 Q Okay. So you met with the investigators for
4 the prosecutions' office?

5 A Yes.

6 Q But you didn't meet with these specific
7 prosecutors on that particular occasion?

8 A No.

9 Q Did you meet with the investigators at the
10 office -- at the prosecutor's office?

11 A Yes.

12 Q Were you paid a voucher or any sort of money
13 for going to the office that day?

14 A No.

15 Q All right. But you were paid after you
16 testified?

17 A Yes.

18 Q A subpoena fee, right?

19 A Yes.

20 Q All right. Now, did you meet with detectives
21 also before testifying in June of -- in December of 2005?

22 A Yes.

23 Q All right. Now, before you testified at the
24 grand jury for Mr. H, you met with the prosecutors?

25 A Yes.

1 Q And you met with them at their office?
2 A Yes.
3 Q And you met with other members of the
4 prosecutors' office?
5 A Yes.
6 Q And you met with detectives?
7 A Yes.
8 Q You were paid after you testified?
9 A Yes.
10 Q Were you paid for meeting at the office for
11 spending some time over there? Were you given a voucher?
12 A Yes.
13 Q Okay. So you got paid for your time at the
14 prosecutors' office and then again just a subpoena fee after
15 testifying?
16 A I got paid a witness fee.
17 THE COURT: Wait.
18 JUROR NO. 12: Can he slow down when he's --
19 THE COURT: Oh, can you speak a little more slowly?
20 The --
21 MR. BUNIN: I thought that was me she was talking
22 about.
23 THE COURT: Oh, Mr. Bunin, I'm sorry.
24 MR. BUNIN: Based on my experience, I thought
25 they're talking about me.

1 THE COURT: They are talking about you.

2 MR. BUNIN: All right.

3 BY MR. BUNIN:

4 Q I lose my thought process when I go slow, but I
5 need to go slower. You're exactly right.

6 You got paid money for meeting the prosecutors at
7 their office before H's grand jury proceeding, correct?

8 A I got paid a witness fee.

9 Q Right.

10 A That was it.

11 Q It was a witness fee?

12 A Yeah.

13 Q And you also got paid after you testified as a
14 subpoena fee?

15 A Yeah.

16 Q Okay. Now, you testified at KC's trial in
17 2008. Did you meet -- right?

18 A Yes.

19 Q Did you meet with the prosecutors before you
20 testified at that trial?

21 A Yes.

22 Q These prosecutors sitting here?

23 A Yes.

24 Q You met with them at their office?

25 A Yes.

1 Q You met with other members of the district
2 attorney's office that day?

3 A Yes.

4 Q You met with detectives?

5 A No.

6 Q Okay. Were you also paid a fee for taking the
7 time to go to the prosecutors' office on that particular day?

8 A Yes.

9 Q Were you also paid after you testified?

10 A Yes.

11 Q All right. And then -- it's not a lot of
12 money, right? You get paid 20 something dollars when you
13 testify in court; is that right?

14 A Right.

15 Q Although, you weren't -- were you working
16 during this entire time frame?

17 A No.

18 Q So 20 something dollars was important to you?

19 A No.

20 Q All right. Now, you also testified at H and
21 Little Lou's trial in 2009, you said?

22 A Right.

23 Q And before you testified at that hearing, you
24 met with these prosecutors?

25 A Right.

1 Q And you met with other members of the
2 prosecutors' office?
3 A Right.
4 Q And you met with detectives?
5 A No.
6 Q Were you paid when you met at the prosecutors'
7 office?
8 A Yes.
9 Q And you were paid after you testified?
10 A Yes.
11 Q All right. Each time before you've testified,
12 were you given paperwork to review?
13 A On a couple occasions, not all occasions, but
14 on a couple.
15 Q On the last few you were?
16 A No. On the last few, I wasn't.
17 Q And you weren't before this one?
18 A No.
19 Q But you were prior to testifying on other
20 occasions?
21 A Yes.
22 Q Okay. And the people that gave these
23 statements to review were the prosecutors here?
24 A Yes.
25 Q Anybody else? Did the detectives also give you

1 statements to look at?

2 A No.

3 Q Or anybody else from the prosecutors' office
4 give you statements?

5 A No.

6 Q All right. And you were shown by these
7 prosecutors transcripts of your prior statements?

8 A Right.

9 Q So these two DAs showed you transcripts of what
10 you said in the past?

11 A Right.

12 Q All right. And that occurred on several
13 different occasions when you were testifying?

14 A Right.

15 Q So you could remember what you said in the
16 past?

17 A Right. It's five years.

18 Q Okay. Well, you're talking about much closer
19 than five years. You said it was the first couple of times
20 you testified, right?

21 A Well, when it occurred. It was five years ago.

22 Q Yes, it was. But you didn't get shown
23 transcripts the last few times; that's what you just said?

24 A Right.

25 Q And you were shown transcripts from testimony

1 in 2005 and 2006, back in 2006?

2 A Right.

3 Q Right. To remind you what you said, right?

4 A Right.

5 Q About a year after the event occurred?

6 A Right.

7 Q Maybe even less than a year after the event

8 occurred?

9 A Right.

10 Q Okay. Now, you met with the prosecutors again

11 before this trial?

12 A Right.

13 Q At their office?

14 A Right.

15 Q Paid money by a voucher?

16 A Right.

17 Q And you're going to be paid after you testify

18 today?

19 A Right.

20 Q You met with detectives too?

21 A No.

22 Q Now, you weren't shown any paperwork before

23 testifying at this particular trial?

24 A Not at all.

25 Q All right. But in the past when you were shown

1 paperwork, just to be clear, it was transcripts and statements
2 you gave either to the police or in court?

3 A Right.

4 Q Okay. In the times you've testified you've
5 changed your story a few times, haven't you?

6 A Right.

7 Q Now, when you talked to the DAs, they wanted to
8 make sure you told the story correctly, didn't they?

9 A Right.

10 MR. PESCI: Objection, Your Honor, as to what we
11 told him.

12 THE COURT: Right.

13 MR. PESCI: Move to strike.

14 THE COURT: Well, it's sustained.

15 MR. BUNIN: Well, it goes --

16 THE COURT: It's -- the way you asked the question
17 was they wanted you -- he can't speculate as to what they may
18 have wanted, so it was sustained for that reason.

19 MR. BUNIN: Right.

20 BY MR. BUNIN:

21 Q Well, your meetings were over how you were
22 going to testify; isn't that correct?

23 A Correct.

24 Q All right. Now, the prosecutors' office, they
25 haven't given you any sort of written agreement for immunity,

1 have they?

2 A No.

3 Q But someone from the prosecutors' office
4 promised you that they're not going to proceed on any charge
5 arising out of this homicide, didn't they?

6 A Correct.

7 Q In fact, what you were told exactly by someone
8 from the prosecutors' office is do the right thing and you
9 won't go to jail, right?

10 A Right.

11 Q And you have no written agreement whatsoever to
12 tell the truth, do you?

13 A No.

14 Q You were just told to do the right thing?

15 A Correct.

16 Q Also, Detective Wildemann is somebody else that
17 told you if you do the right thing you won't go to jail?

18 A Correct.

19 Q And you're testifying here so you don't get
20 charged with a crime?

21 A Correct.

22 Q Now, if you -- you're testifying because if you
23 didn't testify, you'd be on the run, correct?

24 A Correct.

25 Q If you didn't testify, you'd be in the mix of

1 this murder, wouldn't you?

2 A Correct.

3 Q All right. So by testifying, you won't get
4 charged with murder?

5 A Correct.

6 Q Now, if you got charged with murder like
7 everybody else, you understand -- or like other people in this
8 case, you could have faced the death penalty; isn't that
9 correct?

10 A Correct.

11 Q And you didn't want to face the death penalty?

12 A Not for nothing I didn't do.

13 Q You didn't want to face the death penalty,
14 right?

15 A Not for something I didn't do.

16 Q You understand it's a yes or a no question.

17 MR. PESCI: Asked and answered. That's --

18 MR. BUNIN: No, it's not. It's avoided.

19 And he understands my question, Your Honor. These
20 are clear yes and nos.

21 THE COURT: Yes or no.

22 BY MR. BUNIN:

23 Q You didn't want to face the death penalty,
24 correct?

25 A No.

1 Q Now, let's talk about some of your statements.
2 You talked to the police on May 21 of 2005 and you already
3 told me it was Detectives Wildemann and McGrath; is that
4 correct?

5 A Correct.

6 Q And you gave them what's called a voluntary
7 statement, correct?

8 A Correct.

9 Q Meaning you were aware they were recording you.
10 They recorded your statement?

11 A Correct.

12 Q And when you spoke to them -- well, you lied to
13 the police, didn't you?

14 A Correct.

15 Q A couple of different times?

16 A Correct.

17 Q You lied in order to protect yourself, right?

18 A No.

19 Q Do you remember testifying at KC's trial in --
20 on February 1st, 2008?

21 A Correct.

22 Q Do you remember being asked that exact same
23 question that I just asked you, you lied to protect yourself?

24 A Correct.

25 Q And you said on that occasion, yes, you did lie

1 to protect yourself, didn't you?

2 A Correct.

3 Q Under oath, right?

4 A Correct.

5 Q When you testified at KC's trial, you swore an

6 oath just like you swore today?

7 A Correct.

8 Q To tell the truth?

9 A Correct.

10 Q And the answer to the question that day was --

11 when asked, you lied to the police to protect yourself, your

12 answer was yes?

13 A Yes.

14 Q All right. Now, you're protecting yourself

15 today, too, aren't you?

16 A Correct.

17 Q Now, prior to giving the interview to the

18 police, you and Deangelo did not concoct some story about what

19 the truth should be, correct?

20 A Correct.

21 Q In fact, you had no time to talk to Deangelo

22 before talking to the police, correct?

23 A Correct.

24 Q And right before you talked to the police,

25 Deangelo specifically said to you, If you don't tell the

1 truth, we're going to jail, right?

2 A Correct.

3 Q That's exactly what he said, word for word?

4 A Exactly what he said.

5 Q We meaning you, Jay Jay and Deangelo?

6 A Correct.

7 Q And then you spoke to the police right after he
8 said that to you?

9 A No.

10 Q You spoke to the police soon after he said that
11 to you?

12 A He brought the police and then he said it.

13 Q And he said, If you don't tell the truth, we're
14 all going to jail?

15 A Correct.

16 Q And then you spoke to the police?

17 A Correct.

18 Q And then you lied?

19 A Correct.

20 Q All right. Now, let's get to the day of the

21 homicide because I'm confused on how you testified. Maybe

22 it's just me. But I want to clear up this business about what
23 Deangelo specifically said that day.

24 You claim that it was during the daytime, sometime
25 on May 19th, was the first time that Deangelo brought this

1 entire event up, right?

2 A Correct.

3 Q And the only words Deangelo used were H wanted

4 someone dealt with, right?

5 A Correct.

6 Q He never used the word murder?

7 A Correct.

8 Q He never used the word kill?

9 A Correct.

10 Q Now, but other times when you testified, you

11 said Deangelo said, H wants someone killed, can't you?

12 A I was asked that question.

13 Q And your answer was, Yes, Deangelo said H

14 wanted someone killed?

15 A Correct.

16 Q But Deangelo never used those words?

17 A Correct.

18 Q And were you told at some point to say the

19 words killed? Did anybody ever tell you to say the word

20 killed instead of dealt with?

21 A Correct.

22 Q Who?

23 A Prosecutors.

24 Q Told you to use the word kill instead of dealt

25 with?

1 A They didn't tell me to use anything. They
2 asked me what's the other phrase of being dealt with.

3 Q But Deangelo never at any point used the word
4 kill, correct?

5 A No. No, he didn't.

6 Q Or murder?

7 A No.

8 Q He used dealt with?

9 A Yes.

10 Q All right. Now, the first time he used the
11 exact words -- the first time you ever heard those words from
12 Deangelo was on May 19th of 2005?

13 A Correct.

14 Q And then there was another conversation the
15 same day, the same words were used, dealt with, right?

16 A Correct.

17 Q And I think you talked about a third
18 conversation where he talks about somebody -- where he was on
19 the phone and the words dealt with were what were used, right?

20 A Correct.

21 Q Okay. Now, later in the day, on that same day,
22 you got into the van with Deangelo and Jay Jay?

23 A Correct.

24 Q All right. And then nobody ever said, you
25 know -- nobody ever said, We're going to go commit a killing

1 or a homicide, or anything along those lines when you got into
2 the van, correct?

3 A Correct.

4 Q All right. The -- let me see. I'm sorry. No
5 one -- the day of the incident -- you just testified a moment
6 ago that you went promoting, didn't you?

7 A Correct.

8 Q Do you remember testifying at KC's trial?

9 A Correct.

10 Q And you testified under oath?

11 A Correct.

12 Q And you swore to tell the truth?

13 A Correct.

14 Q And at that trial didn't you say, We didn't go
15 promoting at all that day?

16 A What day?

17 MR. PESCI: Judge, we're going to ask for a page and
18 a reference --

19 MR. BUNIN: Well, I want to ask him the question
20 first, and then depending on the answers, I'll give the page
21 and the reference and I'll ask to approach.

22 MR. PESCI: He said in context of the question.
23 It's cross-examining, giving direct examination. There's a
24 multitude of times it could have been involved.

25 THE COURT: Well, okay --

1 MR. BUNIN: I'm asking him specifically at KC's
2 trial --

3 THE COURT: Did he say this, and then if --

4 MR. BUNIN: -- did he say that you did not promote
5 on this particular day.

6 THE COURT: All right. Don't say "you said" because
7 that suggests it's in the transcripts unless it's -- you point
8 it out. Do you see what I'm saying?

9 MR. BUNIN: I will. I do.

10 BY MR. BUNIN:

11 Q Do you recall testifying on that particular
12 date?

13 A Right.

14 MR. BUNIN: Sorry. Court's indulgence.

15 THE COURT: That's fine.

16 MR. BUNIN: I'm on page 128, lines 11 to 15.

17 May I approach the witness?

18 THE COURT: Yeah.

19 BY MR. BUNIN:

20 Q I'd like you to please read to yourself only
21 lines 11 to 15 and let me know when you're done, okay? So
22 from there to there.

23 A (Complying.)

24 Okay.

25 Q The question was: There has been a number of

1 inconsistencies. Let's talk about -- you know, you told
2 Mr. DiGiacomo that I had -- you know, you never promoted that
3 day. Do you remember telling Mr. DiGiacomo and I that?

4 Your answer: I didn't promote that day, correct?

5 A Correct.

6 Q All right. I mean, as long as you don't get
7 charged with murder, you don't care what answer you give in
8 court, do you?

9 A Why should I?

10 Q I agree.

11 At the time of this incident, you would smoke pot
12 back then on a daily basis; isn't that correct?

13 A Yes, I did.

14 Q And the day of the incident you also smoked
15 pot; isn't that correct?

16 A Correct.

17 Q And you, in fact, smoked pot all day the day of
18 the incident?

19 A Correct.

20 Q Earlier in the day you had gone somewhere to
21 pick up pot; is that the case?

22 A Correct.

23 Q All right. And you also smoked pot in the van
24 on the way up to Lake Mead, correct?

25 A Correct.

1 Q You smoked a blunt?
2 A Correct.
3 Q Which is a hollowed out cigar filled with pot?
4 A Correct.
5 Q And that's what you smoked?
6 A Correct.
7 Q And you were high?
8 A I was what, sir?
9 Q High.
10 A Correct.
11 Q Now, would you agree that your perceptions are
12 different when you're high?
13 A Oh, wow, here we go again. All right.
14 Q Excuse me. Would you -- it's a yes or a no
15 question. And would you agree that your perceptions are
16 different when you're high?
17 A In a way.
18 Q And your memory is also different when you're
19 high?
20 A No.
21 Q You actually believe, you personally believe
22 that weed makes you smarter, don't you?
23 A Have you smoked it?
24 Q Answer my question.
25 THE COURT: Mr. Zone, you don't get to answer --

1 ask, excuse me, questions.

2 BY MR. BUNIN:

3 Q My question is, you personally believe that
4 weed makes you smarter, right?

5 A I never said it makes me smart or it makes me
6 stupid.

7 Q You never said it makes you smarter?

8 A No.

9 Q Okay. Do you remember testifying at Mr. H's
10 trial?

11 A I don't remember a lot of things, sir.

12 Q Were you high when you testified at Mr. H's
13 trial?

14 A No.

15 Q Have you ever been high any time you've been in
16 court?

17 A No.

18 Q Well, do you remember testifying at Mr. H's
19 trial?

20 A Yes.

21 MR. BUNIN: I'm on page -- on the second day, he
22 testified. I think that's February 4th, page 20 -- I believe
23 it's 23, 9 through 11. Let me see. Yes, page 23, 9 through
24 11.

25 May I approach?

1 BY MR. BUNIN:

2 Q I want you to read just those three lines. Let
3 me know when you're done, please.

4 A (Complying.)

5 Yeah.

6 Q So the question was: But I think your answer
7 to my question was weed makes me smarter.

8 And your answer was: It makes me smarter.

9 Right?

10 A Correct.

11 Q You also -- do you agree with me if I tell you
12 that you said it on the page before too that it makes you
13 smarter?

14 A Correct.

15 Q This was under oath?

16 A Correct.

17 Q After you swore to tell the truth?

18 A Correct.

19 Q Just like today you swore to tell the truth?

20 A Correct.

21 Q Okay. Now, you still smoke pot to this day?

22 A Yes.

23 Q Did you smoke it today?

24 A Yeah.

25 Q How long ago?

1 A Not too long ago.
2 Q Less than an hour?
3 A This morning.
4 Q Did you smoke at all this afternoon?
5 A I didn't have the time. I'm up in here. How
6 can I do it?
7 Q Otherwise you would have?
8 A No.
9 Q I don't know what time you got here. What time
10 did you get here today?
11 A What time did I get here?
12 Q Yeah.
13 A I don't know what time I got here.
14 MR. BUNIN: Your Honor --
15 THE COURT: Mr. Zone, once again, you need to answer
16 the question.
17 THE WITNESS: I'm telling you what. I got here at
18 9:30 in the morning.
19 BY MR. BUNIN:
20 Q What was that first part you just said? I want
21 to make sure the record's clear.
22 A I got here at 9:30 in the morning.
23 Q Before you said that, what did you say?
24 A 9:30 in the morning. 9:30 in the morning.
25 9:30 in the morning.

1 Q So you were high when you got here?
2 A No, I wasn't.
3 Q You had smoked this morning?
4 A If I was high, you could see it right now.
5 Q Did you smoke this morning?
6 A You could see it looking at me right now. If I
7 was really high, you could see. As you're looking at me right
8 now, you can tell if I'm high.
9 MR. BUNIN: I love this guy.
10 MR. PESCI: I'd like the record to reflect --
11 BY MR. BUNIN:
12 Q Did you smoke this morning?
13 MR. PESCI: -- that the defense counsel just said, I
14 love that guy, so --
15 THE WITNESS: See, a question, a question.
16 THE COURT: All right. Well --
17 MR. PESCI: -- so --
18 THE COURT: -- Mr. Zone, just try to answer the
19 questions and --
20 THE WITNESS: No.
21 MR. BUNIN: And, Judge, I'm going to ask you to
22 admonish him because these are all yes or no questions. Can
23 you admonish him? I know you just --
24 THE COURT: Sir, I thought I just did.
25 MR. BUNIN: I'm sorry.

1 BY MR. BUNIN:

2 Q My questions are all yes or no questions, okay?

3 A (No audible answer).

4 Q Is that a yes?

5 A Come again.

6 Q I said, is that a yes? You said uh-huh and I
7 want to make sure for the record you said yes.

8 A I say -- no. I said come again, ask me again.

9 Q All my questions are yes or no questions. Do
10 you understand?

11 A Correct.

12 Q Now, you smoked pot this morning?

13 A Correct.

14 Q How much? This one's not a yes or no.

15 A How much?

16 Q How much?

17 THE WITNESS: Do I have to answer that?

18 THE COURT: Yes.

19 THE WITNESS: I smoked a blunt this morning.

20 BY MR. BUNIN:

21 Q A hollowed out cigar filled with pot?

22 A Correct.

23 Q So you were high when you got here today?

24 A No, I wasn't.

25 Q And you're not under the influence now?

1 A No, I'm not.

2 Q All right. Let's talk about -- talk a little

3 about Jay Jay and the gun and some bullets. I'm going to talk

4 about that, okay?

5 You first told the police when you first met with

6 them that Jay Jay did not have a gun; isn't that correct?

7 A Correct.

8 Q And that was a lie?

9 A Yes, it was.

10 Q You lied to protect yourself?

11 A Yes, I did.

12 Q You also lied to protect Jay Jay?

13 A No.

14 Q Well, Jay Jay was a good friend of yours at the

15 time?

16 A Yes.

17 Q And you didn't want Jay Jay to get in trouble

18 back then?

19 A It doesn't matter.

20 Q You didn't want Jay Jay to get in trouble back

21 then?

22 A I was protecting myself.

23 Q Okay.

24 A I wasn't worried about anyone else.

25 Q You didn't want Jay Jay to get in trouble back

1 then?

2 A I was --

3 Q It's a yes or a no question.

4 A No.

5 Q Okay. Now, you told the police -- in fact, you
6 told the police nothing should happen to Jay Jay because he
7 didn't do anything, right?

8 A Correct.

9 Q Now, the police, during your interview when you
10 were telling these things, threatened to book you for murder,
11 correct?

12 A Correct.

13 Q And then after they threatened to book you for
14 murder, you changed your story and said Jay Jay had a gun,
15 right?

16 A When they told me they was going to book me for
17 murder, I told the truth.

18 Q When they --

19 MR. BUNIN: Your Honor, I'm going to ask that be
20 stricken. It was a yes and a no question and he's trying not
21 to --

22 THE COURT: All right.

23 MR. PESCI: The answer doesn't have to be yes or no,
24 Judge.

25 MR. BUNIN: He's trying not to answer my questions.

1 MR. PESCI: It would be what he responds to the
2 question.

3 THE COURT: Well --

4 MR. BUNIN: No, it's clear I'm asking --

5 THE COURT: Excuse me. I'm not going to strike it,
6 but, Mr. Zone, if it's a yes or no question, just answer yes
7 or no. If you can't answer, just say, I can't answer that.
8 If the State wants you to clarify anything, they'll come back
9 over and allow you to give explanations. But for right now,
10 if Mr. Bunin asks you a yes or no question, and you can answer
11 it yes or no, then just answer it yes or no.

12 THE WITNESS: Okay.

13 THE COURT: Okay? And then, like I said, they can
14 come back later and ask you to explain things.

15 So, Mr. Bunin, ask your question.

16 MR. BUNIN: All right.

17 BY MR. BUNIN:

18 Q After the police threatened to charge you with
19 murder, you changed your story and said Jay Jay had a gun?

20 A Correct.

21 Q You also changed your story in order to protect
22 yourself?

23 A Correct.

24 Q Now, you testified -- I believe you testified
25 that Deangelo tried to give you bullets two different times on

1 May 19th of 2005?

2 A I can't answer that.

3 Q At some point you testified that Deangelo tried
4 to give you bullets when you were in the van?

5 A Yes, he did.

6 Q And then you claim you dropped them on the
7 floor in the van, right?

8 A Yes, I did.

9 Q And then in the van when you dumped them on the
10 floor, Jay Jay picked them up. That's what you previously
11 testified?

12 A Correct.

13 Q And then Jay Jay held onto them, right?

14 A Correct.

15 Q Then back in the apartment you say again
16 Deangelo tried to give you bullets; is that right?

17 A I can't answer that. I don't remember.

18 Q You don't remember? Do you remember testifying
19 that way in the past?

20 A No.

21 Q Well, do you remember testifying at
22 Mr. Hidalgo's trial back in 2009?

23 A No.

24 Q You don't remember -- you don't even remember
25 testifying at the trial?

1 A I remember a lot. I do remember a lot and
2 there's a lot I don't want to remember.

3 Q I'm not asking you what you want to remember
4 and what you don't. My question's clear. Do you remember
5 testifying at all at H's trial last year?

6 A Yeah.

7 MR. BUNIN: Then I'm on page 58, lines 19 to 21, on
8 the second day of his testimony.

9 May I approach?

10 THE COURT: Yeah, you can move freely.

11 MR. BUNIN: I'm sorry?

12 THE COURT: You can move freely.

13 MR. BUNIN: Thank you.

14 BY MR. BUNIN:

15 Q Just read lines 19 to 21 to yourself, please.

16 A (Complying.)

17 Q So the question was: You're back in the
18 apartment and Deangelo Carroll gave you the bullets again?

19 And your answer was: Correct, sir.

20 Right?

21 A I can't answer that.

22 Q Okay. Do you see it here on the transcript
23 that I just showed you?

24 A Yeah.

25 Q And the transcript says that's what you said?

1 A Yeah.

2 Q But you can't answer it because you don't
3 remember your testimony from last year?

4 A No.

5 Q Now, Jay Jay, you said, had picked up the
6 bullets in the van and held onto them, right?

7 A Correct.

8 Q But then later you say that Deangelo gave them
9 to you again in the apartment, right?

10 A He tried.

11 Q Isn't it the truth that you never dumped the
12 bullets on the floor ever?

13 A Hah-hah, that's funny.

14 Q The truth is you, at some point -- did you ever
15 give bullets to Jay Jay?

16 A I dumped them.

17 Q Okay.

18 A I didn't give anybody anything. I dumped them.

19 Q Do you remember --

20 A I didn't hand them to anybody. I didn't give
21 them to anybody. I didn't share them with anybody. I didn't
22 even share them with myself.

23 Q That's great.

24 Do you remember testifying at a preliminary hearing
25 in this matter?

1 A Correct.

2 Q Were you under oath when you testified?

3 A Correct.

4 Q So you swore to tell the truth?

5 A Correct.

6 Q And that means you told the truth?

7 A Correct.

8 MR. BUNIN: I'm on, of the first prelim, page 29,

9 lines 8 through 10.

10 May -- can I approach? Yes?

11 THE COURT: Yes.

12 MR. BUNIN: Sorry. Habits.

13 THE COURT: No, I know.

14 BY MR. BUNIN:

15 Q So read lines 8 through 10.

16 A (Complying.)

17 Q Can you see it?

18 A Yeah. That was a question that they asked me.

19 Q I'm sorry. Let me have you read line 6 then --

20 A Yeah.

21 Q -- just to make it clear. Read line 6.

22 A (Complying.)

23 Okay.

24 Q You said, I gave the bullets to Jay Jay, right?

25 A Okay. And you're referring to when I tried to

1 protect myself? Of course.

2 Q I'm just asking you what you testified under
3 oath. You testified that you gave bullets to Jay Jay?

4 A But that wasn't the testimony under oath. That
5 was in an investigation.

6 Q This transcript I just showed you was from your
7 preliminary hearing statement back in 2005. You testified
8 under oath.

9 A Correct.

10 Q And in the statement I just showed you, it
11 says, I gave them to Jay Jay. You're talking about you gave
12 the bullets to Jay Jay, right?

13 A Well, if I gave them to him, I gave them to
14 him. I dumped them out. So if you call it I gave it to
15 him --

16 Q It's a yes or a no question. It's a yes or a
17 no question.

18 A Ask it again because you asked me two questions
19 within one question.

20 THE COURT: All right. Mr. Bunin's going to state
21 his question and then if it's a yes or no question, just
22 answer yes or no.

23 Mr. Bunin, please restate your question.

24 MR. BUNIN: I'm actually going to move on.

25 THE COURT: All right.

1 MR. BUNIN: I think I've got my answers. Thank you.

2 BY MR. BUNIN:

3 Q Now, at some point late in the evening, you and
4 Jay Jay and Deangelo left in the white van, right?

5 A Correct.

6 Q And you went to the west side of town; is that
7 right?

8 A Correct.

9 Q And that's where you say you picked up KC,
10 right?

11 A Correct.

12 Q Now, Deangelo went into KC's house?

13 A Correct.

14 Q You and Jay Jay waited in the car?

15 A Correct.

16 Q Deangelo was in the house a short amount of
17 time?

18 A Correct.

19 Q You have no idea what was discussed in the
20 house?

21 A Correct.

22 Q You have no idea if any plan was made?

23 A Correct.

24 Q You have no idea if KC followed any plan?

25 A Correct.

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1 Q You don't know if Deangelo said this is
2 supposed to be a beating but KC didn't follow the plan; you
3 have no idea?

4 A Correct.

5 Q Now, you said KC came out dressed in black,
6 right?

7 A Correct.

8 Q And you were also dressed in black?

9 A Correct.

10 Q At the time KC got in the van, you had no idea
11 he had a gun, right?

12 A Correct.

13 Q When KC got into the van, you still thought you
14 were going to promote?

15 A Correct.

16 Q Is that what you told the police?

17 A I can't answer that. I don't remember.

18 Q Didn't you tell the police that when KC got
19 into the van you knew you were going to Lake Mead?

20 A I don't remember that.

21 Q Well, then let's take a look at your voluntary
22 statement on page 13. There's no lines on the voluntary
23 statement, so I want to find exactly where it is. All right.
24 Where I marked it. Will you just read -- it's near the bottom
25 of the page.

1 A (Complying.)
2 Yeah.
3 Q So the question was: So when you guys were
4 going over there, okay, to pick KC up, your understanding was
5 you were heading out to Lake Mead; is that right?
6 Your answer: Yes, sir.
7 Right?
8 A Correct.
9 Q All right. Are you changing your story again
10 today to protect yourself?
11 A Correct.
12 Q All right. KC gets in the van?
13 A Correct.
14 Q You go to Lake Mead?
15 A Correct.
16 Q KC never participates in any communication
17 about what was going to happen on the way up to the lake,
18 right?
19 A Correct.
20 Q Nothing else is discussed about the plan once
21 the van gets to Lake Mead that you heard, right?
22 A Correct.
23 Q Now, finally you get out to the lake, right?
24 A Correct.
25 Q And you drove through a guard shack when you

1 were heading towards the area where you eventually met up with
2 TJ, right?

3 A Correct.

4 Q Although -- do you remember testifying at H's
5 trial last year that there was no guard shack?

6 A See, I don't -- that's what I'm saying. I
7 never said -- I don't know anything about a guard shack.

8 Q But you just said right now there was a guard
9 shack when I asked you the question?

10 A It's Lake Mead, man. It's black. You ain't
11 going to see nothing out there. Nobody's going to see
12 anything out there.

13 Q Good.

14 A Try to go to Lake Mead Drive and be out in Lake
15 Mead at 11:00 o'clock at night and you see -- you tell me what
16 you see.

17 Q Well, here's something you saw. You saw
18 another car coming towards you, right?

19 A Right.

20 Q And then it turns out that TJ was in that car,
21 right?

22 A Correct.

23 Q And TJ -- as TJ pulls up, you kind of duck down
24 and hide a little bit, don't you?

25 A No.

1 Q Jay Jay said that that's what you did. Is he
2 lying?
3 A I don't know -- you know, the only thing I can
4 do is speak for myself. If he said I dunked, he's lying.
5 Q So Deangelo pulls over?
6 A Correct.
7 Q Pulls the van over, right?
8 A Correct.
9 Q And you testified he got out of the van for a
10 second; he went to the bathroom?
11 A Correct.
12 Q And then he got back in the van?
13 A Correct.
14 Q Ask then TJ kind of makes a U-turn and stops
15 the van alongside of the road?
16 A Correct.
17 Q And you guys -- the cars were -- two cars were
18 facing the same direction; is that correct?
19 A No -- yeah, actually they were facing forward.
20 Q They were each facing towards each other,
21 forward -- the front?
22 A They were facing this way.
23 Q Okay. Now, Deangelo's back in the driver's
24 seat, right?
25 A Correct.

1 Q Jay Jay's in the passenger seat?
2 A Correct.
3 Q You're behind Deangelo on the back seat
4 driver's side?
5 A Correct.
6 Q And KC is right next to the sliding door to get
7 out of the back seat --
8 A Correct.
9 Q -- passenger side?
10 A Correct.
11 Q All right. Now, TJ walks up to the car?
12 A Correct.
13 Q Walks up to the driver's side?
14 A Correct.
15 Q Where Deangelo's sitting?
16 A Correct.
17 Q And they talk to each other?
18 A Correct.
19 Q And they're looking at each other?
20 A Correct.
21 Q In fact, your exact words are, They're
22 conversating about something. You have no clue what. Isn't
23 that correct?
24 A Correct.
25 Q And at this point KC gets out of the van?

1 A Correct.

2 Q And he sneaks out?

3 A Correct.

4 Q He does it slowly?

5 A Correct.

6 Q And he does it quietly?

7 A Correct.

8 Q He creeps?

9 A Correct.

10 Q And this is all while Deangelo's talking to TJ?

11 A Right.

12 Q And Deangelo never looks back, he's looking and

13 talking to TJ?

14 A Right.

15 Q Now, you have no idea if Deangelo heard KC

16 sneak out of the car?

17 A Correct.

18 Q KC got down low so you couldn't see him?

19 A Correct.

20 Q And it's pitch black outside?

21 A Correct.

22 Q And he crept towards the front of the van?

23 A Correct.

24 Q And he shot?

25 A Correct.

1 Q And you -- just like you, you have no idea if
2 Deangelo saw any of it as it -- until it happened?

3 A He had to have.

4 Q You don't know, do you? He was talking to TJ?

5 A Correct.

6 Q Facing to his left?

7 A Correct.

8 Q KC would have been on his right?

9 A Correct.

10 Q And it's pitch black outside?

11 A Correct.

12 Q In fact, all you could see was the flash when
13 the gun went off?

14 A Correct.

15 Q All right. And KC never pulled out a gun at
16 any point until right before he got out of the van?

17 A Correct.

18 Q This was the first time that you saw KC with a
19 gun?

20 A Correct.

21 Q You had no idea until that point that KC had a
22 gun?

23 A Correct.

24 Q You couldn't really see the gun itself because
25 it was so dark outside; in fact, you couldn't see much of

1 anything. That's your testimony; isn't that right?

2 A Correct.

3 Q Like you said, it's pitch black, so the truth

4 is you really didn't see anything but a flash once KC got out

5 of the car?

6 A Correct.

7 Q Now, you were in the van the entire time of the

8 shooting?

9 A Correct.

10 Q You did nothing?

11 A Correct.

12 Q Jay Jay was in the van the entire time of the

13 shooting?

14 A Correct.

15 Q He did nothing?

16 A Correct.

17 Q Deangelo was in the van the entire time of the

18 shooting?

19 A Correct.

20 Q He did nothing?

21 A Correct.

22 Q KC was the only one out of the van?

23 A Correct.

24 Q KC was the only one that shot a gun that night?

25 A Correct.

1 Q After the shooting, KC hurried and hopped back
2 in the van?
3 A Correct.
4 Q And he was kind of panicky?
5 A Correct.
6 Q He was pretty excited?
7 A Correct.
8 Q He was yelling at Deangelo?
9 A Correct.
10 Q He said, Get me out of these hills?
11 A Correct.
12 Q He even seemed kind of upset?
13 A Correct.
14 Q And Deangelo also seemed kind of surprised and
15 agitated?
16 A Right.
17 Q Yes?
18 A Right.
19 Q And he tells Deangelo to go?
20 A Right.
21 Q And he keeps saying, Hurry up?
22 A Right.
23 Q And then Deangelo is pretty flustered but he
24 eventually goes?
25 A Correct.

1 Q And, in fact, at the time you were flustered
2 and you thought that you hit a bump -- you thought maybe you
3 hit the body of TJ, right?

4 A Correct.

5 Q As it turns out, you didn't hit the body of TJ?

6 A Correct.

7 Q It was just something you thought at the time?

8 A Correct.

9 Q But Deangelo, being flustered, just took right
10 off, not really paying attention?

11 A Correct.

12 Q All right. Now, you drove right to the
13 Palomino Club afterwards, correct?

14 A Correct.

15 Q After KC got back in the van -- you testified
16 he asked you if you had a burner; is that right?

17 A Correct.

18 Q Meaning a gun?

19 A Correct.

20 Q And then he asked Jay Jay; is that right?

21 A Correct.

22 Q So just to be clear, before you got to the
23 lake, KC didn't know if anybody had a gun, but after he asked
24 if you had a burner?

25 A He asked me before.

1 Q But not Jay Jay?
2 A He asked Jay Jay before too.
3 Q All right. There was no other conversation or
4 the drive back to the club?
5 A Correct.
6 MR. BUNIN: I'm sorry. Court's indulgence.
7 THE COURT: Need a break?
8 MR. BUNIN: No.
9 BY MR. BUNIN:
10 Q Just -- there was no other conversation on the
11 drive back to the club? Did I just ask you that?
12 A Correct.
13 Q And that's correct?
14 A Correct.
15 Q And then you went back to the Palomino Club?
16 A Correct.
17 Q And at some point on the way back you say KC
18 asked you where you live?
19 A Right.
20 Q And you didn't tell where you live?
21 A Yes, I did.
22 Q You said you lived with Deangelo?
23 A Yes, I did.
24 Q And do you remember that's how you testified at
25 KC's trial, you said you lived with Deangelo?

1 A Correct.

2 Q Do you remember testifying at a different

3 hearing that you didn't tell him anything?

4 A Correct.

5 Q So in all these times I'm saying you testified,

6 you were under oath.

7 A Correct.

8 Q And you swore to tell the truth.

9 A Correct.

10 Q And one of your answers was, when he said,

11 where do you live, and your answer was, I didn't tell him,

12 right?

13 A Correct.

14 Q And then at the other time, at a different

15 hearing, you said, I told him I lived with Deangelo, right?

16 A Correct.

17 Q Did somebody tell you to change your testimony?

18 A No.

19 Q Did you discuss your testimony in advance and

20 maybe discuss what would be the best answer?

21 A No, I --

22 Q You just changed it on your own?

23 A I've had seven testimonies.

24 Q No, my question is, you just changed it on your

25 own?

1 A Correct.

2 Q To protect yourself, you answering questions?

3 A Correct.

4 Q However you need to answer them to protect
5 yourself?

6 A Huh?

7 Q All right. You have no idea if Deangelo was
8 paid anything for what occurred?

9 A Correct.

10 Q And he never mentioned it at all?

11 A Correct.

12 Q You went to breakfast the next morning with
13 Deangelo, Jay Jay and several other people; isn't that right?

14 A Correct.

15 Q So it wasn't just you, Jay Jay and Deangelo?

16 A Correct.

17 Q And you have no clue who paid for breakfast?

18 A Correct.

19 Q Now, just to be clear on a couple of areas that
20 I've already covered, earlier in the day when you went and
21 bought pot, it wasn't you that actually got it, right, it was
22 somebody else?

23 A Correct.

24 Q You just kind of went along for the ride?

25 A Correct.

1 Q All right. When you went to the lake, you
2 didn't do anything wrong, right?
3 A Correct.
4 Q You just went along for the ride?
5 A Correct.
6 Q When you went to the Palomino Club, you waited
7 outside the club for like an hour and a half?
8 A Correct.
9 Q It was a five-minute walk back to Deangelo's
10 house, right?
11 A Correct.
12 Q You could have left?
13 A Correct.
14 Q You didn't tell anybody hanging outside what
15 just happened, did you?
16 A No.
17 Q You didn't tell a police officer?
18 A No.
19 Q You just waited for Deangelo?
20 A Correct.
21 Q And you left with Deangelo?
22 A Correct.
23 Q Because you didn't do anything wrong, you were
24 just along for the ride?
25 A Correct.

1 Q You -- after you left the Palomino Club --
2 well, you claimed you were given bullets and you dropped them
3 to the floor. You didn't really do anything wrong because you
4 had nothing to do with this, right?

5 A Correct.

6 Q You went to a carwash after you left the
7 Palomino Club, right?

8 A Correct.

9 Q And you just testified Deangelo cleaned the
10 car?

11 A Correct.

12 Q And Jay Jay cleaned the car?

13 A Correct.

14 Q But you didn't do anything to help?

15 A Correct.

16 Q Because you were just along for the ride?

17 A Correct.

18 Q Now, if Jay Jay says you actually cleaned the
19 car, is he lying?

20 A He's lying.

21 MR. PESCI: Objection, Your Honor. He's saying what
22 somebody else testified to and specifically that someone's
23 lying.

24 THE COURT: Okay. Sustained.

25 BY MR. BUNIN:

1 Q You went with Deangelo and Jay Jay the next day
2 to change tires, right?

3 A Correct.

4 Q You said Deangelo slashed the tires?

5 A Correct.

6 Q But you didn't have to go with him the next
7 day, right? You could have done something else?

8 A Correct.

9 Q But you went with him?

10 A Correct.

11 Q You didn't go somewhere and get the police and
12 tell them what had just happened?

13 A No, I didn't.

14 Q You didn't tell anybody what happened?

15 A No, I didn't.

16 Q You went along with Deangelo?

17 A Correct.

18 Q But you didn't do anything to help with the
19 tires because you were just along for the ride, right?

20 A Correct.

21 Q Got it.

22 Then you went to Simone's the next day, you
23 testified, and you waited around, right?

24 A Correct.

25 Q While Deangelo went inside and talked to the

1 people that were inside?

2 A Correct.

3 Q Presumably he talked to Anabel and Little Lou;

4 is that your testimony?

5 A I didn't talk to them.

6 Q Okay. But you just waited around and didn't do

7 anything?

8 A Correct.

9 Q You didn't tell the police?

10 A Correct.

11 Q You didn't tell anybody?

12 A Correct.

13 Q You just went along because you weren't doing

14 anything wrong?

15 A Correct.

16 Q But you were in a 7-Eleven in the van with Jay

17 Jay and Deangelo, weren't you?

18 A Correct.

19 Q Right after this -- well, the day after this

20 occurred?

21 A Correct.

22 Q Jay Jay was driving?

23 A Correct.

24 Q Jay Jay got pulled over?

25 A Correct.

1 Q By a police officer?

2 A Correct.

3 Q And that would have been a great moment for you

4 to go to the police officer and say this thing just occurred,

5 I had nothing to do with it. Did you go tell the police that?

6 A No.

7 Q In fact, you went inside 7-Eleven. You bought

8 a drink, right?

9 A Correct.

10 Q Because you didn't do anything wrong, you're

11 just along for the ride, you're just there?

12 A Correct.

13 Q All right. And you went to breakfast with

14 everybody the day after this occurred?

15 A Correct.

16 Q You only talked to the police -- the first time

17 you ever spoke to the police was when Deangelo showed up with

18 them and said, Tell them the truth or we're all going to jail?

19 A Correct.

20 Q And before that, you never made any effort to

21 speak to the police?

22 A Correct.

23 Q Or anyone else about the incident?

24 A Correct.

25 Q Because you didn't do anything wrong?

1 A Correct.

2 Q Now, when you went to the lake, you never asked
3 what the plan was?

4 A Correct.

5 Q And whether or not Deangelo even knew what was
6 going -- well, you don't know if Deangelo knew any sort of
7 plan because he wasn't telling, right?

8 A Correct.

9 Q All right. So you have no idea what Deangelo's
10 plan was?

11 A Correct.

12 Q And you, again, have no idea if KC stuck to
13 that plan when you got there? You have no idea?

14 A Correct.

15 Q All right. For all you know, KC went off on
16 his own and did this and Deangelo had no part of what actually
17 happened, correct?

18 A Correct.

19 Q Because Deangelo never said?

20 A Correct.

21 Q All right.

22 MR. BUNIN: Court's indulgence.

23 No more questions, Your Honor.

24 THE COURT: All right. I've -- well, you guys can
25 come up.

1 (Off-record bench conference)

2 THE COURT: All right. Mr. Zone, I've got a couple
3 of questions up here.

4 Everybody okay without a break? Okay.

5 I've got a couple of juror questions up here. A
6 juror wants to know, were there any bats or plastic bags in
7 the van on the night of the killing.

8 THE WITNESS: No, there wasn't.

9 THE COURT: All right. And then another juror wants
10 to know, were the van lights or the other car's lights on or
11 off during the encounter with TJ on North Shore Road.

12 THE WITNESS: Yes, there was lights on.

13 THE COURT: Okay. Do you know if it's both vehicles
14 or one vehicle or what?

15 THE WITNESS: It was both vehicles because the
16 vehicle -- both vehicles were still running.

17 THE COURT: All right. Thank you.

18 Mr. Bunin, before we go to redirect, do you have any
19 followup on those jurors' questions?

20 MR. BUNIN: I don't.

21 THE COURT: All right. Redirect.

22 MR. PESCI: Thank you.

23 REDIRECT EXAMINATION

24 BY MR. PESCI:

25 Q Rontae, do you want to be here?

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1 MR. BUNIN: Objection. It doesn't matter.
2 THE WITNESS: No.
3 MR. BUNIN: It's not relevant.
4 MR. PESCI: It absolutely is relevant.
5 THE COURT: Mr. Pesci, I said overruled.
6 MR. PESCI: I didn't hear. I apologize.
7 BY MR. PESCI:
8 Q Do you want to be here?
9 A No.
10 Q Why not?
11 A Because it's not my problem.
12 Q Do you -- did you know Deangelo before this
13 happened?
14 A Correct.
15 Q Did you know Kenneth Counts?
16 A No.
17 Q Okay. Did you actually live with Deangelo?
18 A Yes.
19 Q Are you uncomfortable testifying against
20 Deangelo based on having previously lived with him and been
21 friends with him?
22 A Correct.
23 Q Do you want to say something to hurt Deangelo?
24 A No.
25 Q Is that why, to some degree, you have not been

1 consistent with what you have said?

2 A Correct.

3 Q Do you see Deangelo here in court today?

4 A Yes, I do.

5 Q Can you point to him and describe something
6 he's wearing?

7 A He's wearing a blue shirt.

8 MR. PESCI: May the record reflect identification of
9 the defendant.

10 THE COURT: It will.

11 BY MR. PESCI:

12 Q Did you consider him your friend?

13 A Correct.

14 Q Are you comfortable here testifying against
15 your friend?

16 A No.

17 Q Are you here because you want to be or because
18 we've issued a subpoena seven times for you?

19 A Because you issued a subpoena.

20 Q All right. Are you doing what we want you to?

21 A Correct.

22 Q No, listen to the question. Are --

23 MR. BUNIN: He did, Your Honor. It's asked and
24 answered.

25 BY MR. PESCI:

1 Q Are you doing what we want you to?

2 MR. BUNIN: It's asked and answered. His answer is
3 correct.

4 BY MR. PESCI:

5 Q Okay. How are you doing what we want you to
6 right now?

7 A I'm not.

8 Q Okay. What are you doing here today? Are you
9 coming because you've been subpoenaed to be here?

10 A Correct.

11 Q Did we tell you what to say, how to say it and
12 when to say it?

13 A No.

14 Q Did we pay you thousands of dollars to be a
15 witness?

16 A No.

17 Q Have you gotten the same witness fee that every
18 other witness gets for coming to court?

19 A Yes, I have.

20 Q Are you a rich man?

21 MR. BUNIN: Objection. I don't know how he knows
22 what everybody else got.

23 THE COURT: Yeah. Sustained.

24 MR. BUNIN: Thank you.

25 BY MR. PESCI:

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANGELO CARROLL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Supreme Court Case No. 78081

APPELLANT'S APPENDIX

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 30th day of May, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven Wolfson, Clark County District Attorney's Office

Aaron Ford, Nevada Attorney General

Jamie J. Resch, Resch Law, PLLC d/b/a Conviction Solutions

By: 

Employee, Resch Law, PLLC d/b/a Conviction Solutions