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Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME VII PAGES 1402-1651

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LEONARD RAY WOODS
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THE STATE OF NEVADA,
Plaintiff,
vs.
LEONARD RAY WOODS,
Defendant.

CASE NO: C-15-309820-1j
DEPT. III

RECORDER'S TRANSCRIPT OF PROCEEDINGS
RE: DAY 3

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 **LAS VEGAS, NEVADA, WEDNESDAY, MARCH 20, 2019**

2 [Proceeding convened at 1:31 p.m.]

3
4 MS. MURRAY: Before the jury is brought in, Mr. Woods
5 had a couple of questions about just some logistical stuff.

6 THE COURT: Okay.

7 MS. MURRAY: He wanted to know, sort of, where he is
8 allowed to stand for his opening, where -- what he is allowed to
9 utilize -- if he's allowed to utilize things such as the overhead to
10 access TVs, all of that. I said you would set the parameters.

11 THE COURT: Yeah. So you can use the podium for
12 opening. You can use the overhead. Any of that area in there -- just
13 where the attorneys would go -- you are free to use that area.

14 During the course of the trial, when we call witnesses,
15 nobody will be approaching the witnesses. So if you have
16 something to give to a witness, just hand it to the marshal and they
17 will take it up to the witness. But while you are questioning the
18 witnesses, you can use the podium if you want. You'll be able to use
19 the overhead to display whatever exhibits you want, while you're
20 questioning the witnesses. You can have that same access in that
21 area that the attorneys have. Okay?

22 THE DEFENDANT: Okay. Witnesses will be sitting in that

23 --

24 THE COURT: Witnesses will be sitting up here.

25 THE DEFENDANT: So this will be turned around?

1 THE COURT: The podium?

2 THE DEFENDANT: Yeah.

3 THE COURT: Yeah. I mean anybody can move it. It just
4 kind of sits there right now.

5 THE DEFENDANT: Before I put something up in here, do I
6 have to address you first? I'm going to now --

7 THE COURT: If it hasn't been admitted. If something's
8 been admitted, then anybody can display it whenever you want to.
9 So you can publish anything that's already in evidence. You don't
10 have to ask my permission. People do it a lot. But you don't have to
11 do that.

12 THE DEFENDANT: My thing with that was anything that
13 the prosecution already has given me in my discovery, I can put up
14 here in the --

15 THE COURT: No. It has to be admitted in the trial. So just
16 because either side possesses something doesn't mean it's admitted
17 into evidence for the trial.

18 So let's say that the prosecution has 10 photographs. And
19 they have two of them marked and they move to admit those in trial
20 and I grant that. Those two photographs can be displayed. If you
21 have a third photograph that you want to use, then you would first
22 have to get it admitted, and you'd have to have the witness establish
23 whatever foundation or anything to get it admitted. And then once
24 it's admitted, then you can display it to the jury. Does that make
25 sense?

1 THE DEFENDANT: Yes. I'm just saying like --

2 THE COURT: Here --

3 THE DEFENDANT: -- if someone told me everything that
4 you want to use, if you're going to bring it up, you've got to submit it
5 to the prosecution.

6 THE COURT: You have to get it admitted in court. Now,
7 that -- not -- that -- the obligations of each side to show the other
8 side what they want to use, that's the discovery issue. That's
9 separate from making sure that an item is introduced into court;
10 right?

11 Here's a for instance. Let's say -- the State may have a
12 photograph that it's important to bring out something in that
13 photograph, but they don't want to admit it because it might be
14 really, really gruesome for some other reason. So they're not going
15 to display that to the jury. Maybe they have a witness identify
16 something in it.

17 You may have a document. And that document might not
18 be admissible to the jury, but it may be okay to ask a witness some
19 questions about it. So you can't display that -- meaning, you can't
20 show something to the jury on the monitors that isn't admitted into
21 evidence in court.

22 My experience is that for the most part, particularly when
23 you're dealing with photographs -- and Julia, you or Robson can
24 jump in on this --but most of the time, the parties agree on
25 photographs; right? There's no opposition to those being admitted.

1 So if you have some photographs that you want to admit that they
2 haven't admitted, you just need to show them to them, and they'll
3 tell you we don't have any objection or we object to this one, or what
4 have you.

5 And then you'll just ask me, Judge, I'm going to move to
6 admit these 10 photographs. We'll have the clerk mark them. Your
7 stuff is marked with --

8 THE CLERK: Letters.

9 THE COURT: -- the alphabet -- A, B, C, D, E. Theirs are
10 marked with numbers -- 1, 2, 3, whatever. And I'll always say, Do
11 you have any objection? If they say, No objection, they're admitted.
12 If they say, Yeah, we have an objection, then we might have to argue
13 about whether it's appropriate to admit it.

14 But once it's admitted, then you can put it up on the
15 screen so everybody --

16 THE DEFENDANT: Okay. My thing more was, like, not
17 pictures, but text messages.

18 THE COURT: Text messages, okay.

19 THE DEFENDANT: So do I have to show her, this is what I
20 want to --

21 THE COURT: Yeah. I mean, I'm assuming those -- do you
22 have photographs of those as well? The things that are downloaded
23 or documents, downloads?

24 THE DEFENDANT: It's not -- it's on --

25 MS. FLECK: I'm not sure what he's referring to.

1 THE COURT: Okay.

2 THE DEFENDANT: It's on papers.

3 THE COURT: Yeah. So if it is a piece of evidence,
4 meaning it's a photograph of something that came off a phone, a
5 text message, or a document from a forensic examination of a phone
6 that shows a text message, then you'll need to show that piece of
7 evidence to them so they know what you're seeking to admit, and
8 they can argue about it or decide if they have any objection to it or
9 not. And if they have an objection, we'll deal with that. If they have
10 no objection, then we'll admit it and then you can display it.

11 THE DEFENDANT: Okay. So when do I do that?

12 THE COURT: When do you do that?

13 MS. MURRAY: When you're going to introduce it if there's
14 something of note --

15 THE DEFENDANT: Like [indiscernible].

16 MS. MURRAY: If there's something you know right now,
17 you need to [indiscernible].

18 THE COURT: Well, hold on. So if you've got some things
19 right now that you know you're going to want to admit and you want
20 to show them, then we can go through and talk about getting
21 exhibits admitted. Just like we talked yesterday about their
22 proposed things in their opening. I don't know --

23 Who is your first witness for today?

24 MS. FLECK: It is Officer Haynes.

25 THE COURT: Okay.

1 MS. FLECK: And then we have Divina.

2 THE COURT: Okay. So does what you're talking about
3 that you want to get marked and admitted, does it deal with either of
4 those two witnesses?

5 THE DEFENDANT: Yes.

6 THE COURT: It deals with?

7 THE DEFENDANT: Divina.

8 THE COURT: Divina. All right. So I'm guessing we'll
9 probably take a break after the officer. And then we can talk about
10 those particular things before Divina testifies. Okay?

11 Okay. Anything else?

12 MS. FLECK: Nothing from the State.

13 THE DEFENDANT: I think that's it.

14 THE COURT: Okay. All right. You can go get the jurors.

15 [Pause in proceedings.]

16 THE DEFENDANT: One quick one, Your Honor.

17 THE COURT: Okay.

18 THE DEFENDANT: Can I ask the jury, like I was going to
19 say, if you guys don't mind, could you excuse me for referring to my
20 notes, because I'm not a -- you know, a lawyer by trade, so I'm not
21 as --

22 THE COURT: Can you say that to the jury in your opening?

23 THE DEFENDANT: Or should I say it a different way?

24 THE COURT: Well --

25 THE DEFENDANT: Because I don't want them to think I'm

1 just sitting here trying to --

2 THE COURT: No, no, no. You -- I'm trying to think how to
3 answer that. The short answer is you can tell them whatever you
4 want. So if you want to tell them I have a lot of things that I want to
5 talk to you about that I've written down, so excuse me for reading
6 some of this --

7 THE DEFENDANT: Yeah.

8 THE COURT: -- that's fine.

9 THE DEFENDANT: Okay.

10 THE COURT: That's fine. Just, the only thing that I would
11 remind you, because I remind everybody of this all the time is
12 opening statements are opening statements; right? It's not the time
13 to argue the case. It's just to tell the jury this is what I believe the
14 evidence is going to be, as opposed to this is what the evidence
15 proves or you know, I did this or I did that; I think this or I think that.
16 Those things are bad. Attorneys aren't, you know, supposed to
17 personally talk about what they think. It's just I believe the evidence
18 will be this and the evidence that you're going to receive is going to
19 show this. That kind of stuff. Okay?

20 [Pause in proceedings.]

21 [In the presence of the jury.]

22 THE COURT: Thank you. You all can be seated.

23 All right. We are going to be on the record, 309820.

24 Mr. Woods is present, representing himself; Ms. Murray and Mr.
25 Hauser are present as standby counsel; the State's attorneys are

1 present; and the jurors are present as well.

2 Good afternoon, ladies and gentlemen. How we doing?

3 THE JURY: Good.

4 THE COURT: Good. Okay. Does everybody have a
5 clipboard and notepad before we get started? Yes?

6 All right. If you need more pens or more paper or
7 anything like that, just let us know at any time.

8 I'm going to get you sworn in before we get started. We
9 have a different oath that we administer to everybody once you
10 become a juror, so I'm going to have Cory do that now.

11 Okay. Go ahead.

12 [The jury was sworn in by the Clerk.]

13 THE COURT: All right. Thank you, folks.

14 You'll recall that during the jury selection process we
15 made mention -- or I made mention, rather -- in some of the
16 questions that I was asking you about the Notice that a person
17 receives that lets them know that they've been charged with certain
18 crimes. And in this case, it's called an Information.

19 So before I go into the things that I wanted to go through
20 with you, before we have opening statements, I'm going to read the
21 Information to you that is the charges that were filed against Mr.
22 Woods and state his plea to those charges.

23 [The Court read the Information aloud.]

24 THE COURT: So I would remind you again that the
25 Information is not evidence of the allegations that are contained

1 within it in those counts, rather it's just the notice that a person
2 receives to let them know that they've been charged by one or more
3 crimes. The defendant has pled not guilty to those charges, and, as
4 was discussed during the jury selection process, he is presumed
5 innocent.

6 The purpose of the trial will be to see whether the State
7 meets their burden of proof of each of the elements of the crimes
8 that have been charged. You all will be the ones that determine the
9 issues of fact in the case, as we discussed during the jury selection
10 process. That's your primary role is to be the judge of the facts. And
11 you will determine the facts from the testimony you hear and the
12 other evidence which is introduced -- whether it's a photograph or a
13 document or some physical item, whatever it may be. You'll also be
14 allowed to make reasonable inferences from the evidence that you're
15 provided with.

16 Trial will begin with opening statements. Each side has
17 the opportunity to make an opening statement. A couple of things
18 that are always in these statements.

19 Number 1, opening statements are statements, not
20 arguments. It's not the opportunity for the attorneys or parties to
21 argue their case to you; rather, it's just the opportunity to discuss
22 with you what they believe the evidence is going to be if it gets
23 produced during the course of the trial. The time to argue the case
24 will be at the end of the case.

25 And opening statements are just the words of the

1 attorneys, or the parties, in speaking about what the evidence is
2 going to be. It's not actually evidence. Evidence is what comes from
3 the witness stand, through the testimony of the witnesses or the
4 exhibits that are introduced during the course of the proceedings.

5 The State will have the first opportunity to make an
6 opening statement, and then Mr. Woods will have an opportunity to
7 make an opening statement. The defense, having no burden of
8 proof in their case, they don't have to make an opening statement.
9 Sometimes they may defer making an opening statement until after
10 the State has provided their case in chief.

11 Case in chief is what happens after opening statements.
12 So first, the State will have the opportunity to present a case in
13 chief -- and that's just each party's opportunity to present their
14 evidence. It consists of the calling of witnesses, the questioning of
15 those witnesses, and the production of any items of evidence that
16 the party wishes to present through those witnesses. So again, that
17 may be a videotape; it may be a photograph; it may be a document;
18 it may be a piece of clothing -- whatever it may be. Items of
19 evidence generally get introduced through the testimony of the
20 witnesses.

21 Any witnesses that are called by the State in their case in
22 chief -- they'll not only question them, but the defense will have the
23 opportunity to question them as well. Once the State rests their case
24 in chief, that means they've finished with the calling of their
25 witnesses and the production of their items of evidence, then the

1 defendant will have an opportunity to present a case in chief. Again,
2 the defense has no burden in the case, so they don't have to produce
3 witnesses or evidence, but they get that same opportunity to.

4 If the defense chooses to put on a case in chief, then the
5 State has that same opportunity to question their witnesses as they
6 have to question the State's witnesses. And sometimes the State
7 may have witnesses in what we call a rebuttable case. The defense
8 could potentially have what we call a surrebuttal case.

9 After all of the witnesses have been called and evidence
10 produced, that's when we have closing arguments, which I'll talk
11 about in just a minute.

12 In terms of evidence, you guys have probably heard these
13 terms before. Direct evidence and circumstantial evidence. That's
14 the two ways that we generally refer to evidence that gets produced
15 during a court hearing.

16 Direct evidence is testimony from a person about what
17 they personally saw or heard or did, such as an eyewitness.
18 Circumstantial evidence, on the other hand, is testimony -- and it can
19 come from multiple people -- but testimony of a chain of facts from
20 which you could infer the existence of another fact, even though it
21 wasn't testified to by direct evidence.

22 And let me give you an analogy that kind of explains that.
23 So let's say that you're driving home after court today and it starts
24 raining. You're on 95. You're heading out to the north part of town,
25 and it starts to rain. And you can see the rain falling as you're

1 looking out your window. Maybe if your radio is off, you can hear
2 the rain as it's kind of pitter-pattering on the car. Maybe you roll
3 your window down, you stick your hand out, you can feel the rain on
4 your hand.

5 If somebody asked you to come to court later on and
6 testify about whether it was raining, you'd be an eyewitness. You
7 could provide direct evidence. I saw the rain; I heard the rain; I felt
8 the rain. I was an eyewitness to the rain; so I can provide testimony
9 that constitutes direct evidence of the fact that it rained.

10 On the other hand, let's say you drive home, and you look
11 up in the sky as you're parking your car on your driveway, and you
12 see really dark clouds that you would associate with being rain
13 clouds, but it's not raining, and you go in your house. Maybe you
14 are in your house an hour or something like that, not really paying
15 attention to anything, and you come outside and now the ground is
16 wet, your car is wet. There's water running down the gutters in the
17 street. The clouds have parted. The sun's poking through. It's very
18 humid outside, and you're looking around and saying, Well, I didn't
19 see the rain or hear the rain or feel the rain, but nonetheless, there's
20 all these little factors that lead me to conclude that it rained while I
21 was inside my house.

22 So that would be proof of the fact that it rained by use of
23 circumstantial evidence, meaning all those other circumstances lead
24 you to conclude reasonably that it rained while you were inside your
25 home.

1 The law permits you to use both direct and circumstantial
2 evidence in deciding any issue in the case. It's up to you to decide if
3 a fact has been proven by circumstantial evidence, and it will be up
4 to you to decide how much weight to give any piece of evidence,
5 whether it's direct or circumstantial, but you can utilize both forms of
6 evidence in deciding any issues that are presented to you in the
7 case.

8 Anything you see or hear outside the courtroom is not
9 evidence, so that has to be disregarded. It may come about during
10 trial that folks raise objections to things. Objections are, you know,
11 part of the legal and ethical responsibility of parties to a case; right?
12 So don't hold it against them for making objections.

13 Objections are most commonly raised to a question asked
14 of a witness before the witness answers the question. So one of the
15 parties may perceive that a question is not formed appropriately, the
16 topic isn't appropriate, it's going to call for an improper kind of an
17 answer; right? So they may raise an objection.

18 If I sustain an objection, that means whoever asked the
19 question has to go on to another topic, rephrase the question, just
20 can't let the witness answer that question. If I overrule an objection,
21 that means witness gets to go ahead and answer the question.

22 Sometimes objections get raised after a witness has
23 already started answering a question. So, for instance, I am sure
24 you all know people that you may kind of see them, you're
25 acquainted with them, you pass them as you're walking along at

1 work or whatever, and you just kind of say hello and that engenders
2 like a 15-minute response; right? Very simple question and people
3 are very verbose sometimes. And they talk a lot way off topic of
4 whatever it was you were asking.

5 So people can tend to do that in court on occasion
6 because being in court is a little different than just having casual
7 conversation out in public. We have certain rules of evidence that
8 govern how to ask questions and how people can answer them. So
9 if a witness kind of goes off on a tangent unrelated to a question, the
10 parties may raise an objection and ask that parts of that answer be
11 stricken because it doesn't relate to the question or it's irrelevant to
12 the trial.

13 So if that happens and I order something to be stricken or
14 disregarded, you have to do just that. Even though you've already
15 heard it, you can give it no weight or consideration in your
16 deliberations.

17 With regard to the witnesses themselves in considering
18 the weight and value of the testimony of any witness, you may take
19 into consideration the appearance, attitude, and behavior of the
20 witness; the interest of the witness in the outcome of the case, if any;
21 the relationship of the witness to the defendant or the State; and the
22 inclination of the witness to speak truthfully or not; as well as the
23 probability or improbability of the witnesses' statements, given all of
24 the other facts and circumstances in evidence.

25 So you judge what you think about each particular witness

1 and each portion of their testimony, and you'll decide how much
2 weight and credibility to give to those witnesses and their testimony.
3 After all the witnesses have been produced and the evidence
4 introduced that's going to be introduced, regardless of who
5 produces it, that's when we have closing arguments at the end of the
6 case.

7 Before the closing arguments, I'll give you the jury
8 instructions. We talked about that a little in jury selection. You'll
9 each get a packet of the instructions, and I'll read them to you.

10 The closing arguments -- first off, the State both begins
11 and ends closing arguments because they have the burden of proof.
12 So the prosecution can give an argument, Mr. Woods can give an
13 argument, and then the prosecution can give a rebuttal closing
14 argument.

15 The arguments are -- again, it's the words of the attorneys
16 or the parties. It's not evidence, but it's their opportunity to talk to
17 you now about the evidence you've received during the trial and talk
18 about the jury instructions or the law that you've been given, and
19 how you should kind of mesh all that together to come up with a just
20 and proper verdict.

21 Couple of things about things you can and cannot do
22 during the course of the trial. First off, obviously, we give you
23 clipboards and notepads to take notes. Note taking is important. We
24 do not have a transcript at the end of the case to go back and read
25 everything that everybody has said, so you need to be paying

1 attention and taking notes.

2 On the other hand, don't let really ambitious note taking
3 interfere with your ability to watch and listen to people as they
4 testify too, because that's important also. If you can't hear anybody
5 when they're testifying, just kind of give us an indication, raise your
6 hand. Sometimes the microphone, we move them around when
7 there's going to be opening arguments or statements, or closing
8 arguments or statements, and we try to remember at least to get the
9 microphone back closer toward the witness will be testifying.

10 But if somebody has a soft voice, if you're struggling to
11 hear them, make sure you let me know right away so we can have
12 them speak up. If any of you have any difficulty in hearing, and you
13 need to, we can give you the headphones that we have that are tied
14 into the microphones and make it easier to hear as well.

15 Anybody testifying in a foreign language?

16 MS. FLECK: No, your Honor.

17 THE COURT: Not from the State?

18 MS. FLECK: No.

19 THE COURT: Okay. Any potential witnesses from the
20 defense that are testifying in a foreign language?

21 THE DEFENDANT: No.

22 THE COURT: Okay. So that's not an issue. All right.

23 The other thing about note taking during testimony, I'll
24 just point out, don't take notes when you think I'm taking notes
25 because I may be writing notes about all kinds of things up here. It

1 may be about witnesses. It may be about jury instructions. It may
2 be about tomorrow's law and motion calendar. You just need to
3 kind of focus and take notes when you deem it appropriate.

4 If, during the course of the trial, any of you come upon the
5 belief that you know something about the case, and you did not
6 discuss it with us during jury selection, then I need you to let us
7 know that right away. And you do that by getting that information to
8 JR, and he'll let me know. And make sure you don't talk to anybody
9 else on the jury about what it is you think you know.

10 And here's kind of basically what I'm referring to. It's not
11 uncommon that the State and the defense talk to you in jury
12 selection about a big list of people who are going to come in and
13 testify. But you don't get, like, a yearbook to look everybody's
14 photos; right? They read off a whole bunch of names. And then
15 occasionally somebody may come into court, and a juror says, Wow.
16 I didn't recognize their name, but I recognize that person. You know,
17 they go to my grocery store. They used to work where I work. Their
18 kids go to school with my kids, whatever it may be. So I think I know
19 one of the witnesses now.

20 If that happens, as I said, just make sure you bring it to the
21 attention of the marshal, and don't talk to any other jurors about
22 what it is you believe you know about the person or about the case.

23 During the course of the trial, as we discussed during jury
24 selection, you cannot try and talk with any of the attorneys, parties,
25 witnesses, other than the marshals, obviously. They will, if they're

1 following their obligations, kind of avoid talking to you outside of
2 court. Again, it's not that they're trying to be rude, but they have
3 ethical obligations not to. So if you have issues that you need to
4 bring up, you can certainly bring them up with the marshal, and they
5 can bring them to my attention. But please do not try and talk with
6 the attorneys and the parties and the witnesses.

7 You're also admonished that you cannot visit the scene of
8 any of the acts or occurrences that are made mention of during the
9 trial, unless I specifically direct you to do so. You cannot investigate
10 the case or anyone who has anything to do with the case. You
11 cannot engage in any kind of legal or factual research on your own.
12 You must not be influenced in any degree by any personal feelings
13 of sympathy, prejudice, bias against either the State or the defense.
14 They're both entitled to the same fair and impartial consideration
15 from our jurors throughout the trial. And don't engage in any kind of
16 social media communication during our trial either.

17 Additionally, you all, as jurors, will be given an
18 opportunity to ask written questions of any of the witnesses who are
19 called to testify. You are not encouraged to ask a large number of
20 questions because that's the primary responsibility of the attorneys
21 in the case. And I have the ability to bar jurors from asking an
22 excessive number of questions.

23 I can tell you that I've been doing this about a little over
24 14 years. I've never had to bar jurors from asking a question.
25 People are always more than appropriate. So here's how the

1 process works. Let's say the State calls a witness. The witness gets
2 up on the stand. The State gets to do what we call direct
3 examination. That's their opportunity to question the witness. Then
4 the defense has the opportunity to conduct cross-examination of that
5 witness. That may go back and forth a couple of times. We call
6 redirect examination, recross-examination.

7 When they're all done with the witness, I will look over
8 and ask you all if you have any questions. If you have a question,
9 just make sure you raise your hand so I can see it; so I know there's
10 some questions before I release the witness. Your questions have to
11 be in writing. Okay?

12 JR will come and collect the questions from you. I'll take a
13 look at them. If I determine that they're appropriate questions, then
14 I'll ask them of the witness. The attorneys will have an opportunity
15 to follow up, and then the witness will be excused. It's just a one-
16 time thing though. You don't get to ask questions, and then I ask
17 your questions. Attorneys follow up, you guys ask more questions.
18 It's just kind of that one opportunity. And your questions need to be
19 appropriate under the rules of evidence.

20 And for purposes of jury questions, what that really means
21 is your questions need to be factual in nature and designed to clarify
22 information that the witness's argument provided. So you're
23 listening to the testimony. The witness is talking about something.
24 Maybe you're a little confused about it and you want some
25 clarification. Perfectly fine. Write down the question. And then I'll

1 ask it of the witness. Okay?

2 My suggestion is usually that jurors, if you have questions,
3 you write them in your notepad. As the questioning from the parties
4 goes on, a lot of times, your questions get answered so you just
5 cross that one out. But if we get to the end of that witness and you
6 still have a question, like I said, raise your hand, get our attention,
7 and then we'll take a look at your questions.

8 While you cannot discuss the case, even during our
9 recesses, even with your fellow jurors. You have to find other things
10 to chat about when you take a recess.

11 The only time you can talk about the case is in the
12 deliberation room with your fellow jurors. If you need a break -- as
13 you probably picked up during jury selection, we take a break about
14 every hour and a half to two hours, depending upon if we're in the
15 middle of a witness, just finished a witness, whatever it may be. But
16 if you need a brake at any time sooner than that, you're not feeling
17 well, you need to use the restroom, or anything like that, just get my
18 attention or JR's attention. We can certainly take a break. I think I
19 said yesterday that you can feel free to bring drinks into the
20 courtroom whether it's like a water bottle or soda bottle or anything
21 like that. If you'd make sure it has a top, that would be great so that
22 we don't spill it.

23 I personally eat obscene amounts of jelly beans when I sit
24 in court. So if people are bringing in little snack things just so that
25 they're not real noisy, that's perfectly fine as well. Don't worry about

1 it.

2 Other than that, I think that's pretty much it for me. And I
3 would just remind you all to silence your phones if you would. You
4 don't have to turn them completely off, but even vibrating can
5 sometimes be a distraction. So if you would completely silence
6 them before we start court, that would be great.

7 Thank you for your patience with me. I will turn it over to
8 the State for their opening statement.

9 **OPENING STATEMENT BY THE STATE**

10 MS. FLECK: Thank you, Your Honor.

11 August 5th of 2015 -- that evening at approximately 6 p.m.,
12 15-year-old Divina Leal and her mom, Josie Jones, where at Divina's
13 cheerleading practice up at Washington and North Pecos at Desert
14 Pines High School. Cheerleading practice lasted from 6 p.m. until
15 8 p.m. that evening. After practice, which Josie sat and watched all
16 of, the two of them left from Desert Pines High School. They got on
17 the I-15 South, and they traveled down to the Tropicana exit.

18 There they got off of Tropicana, and they traveled west.
19 They went to the Walgreens at the corner of Tropicana and Decatur
20 to get a couple of things for the house. Josie drove their black
21 Chevrolet SUV into the front of Walgreens at approximately
22 8:13 p.m. that evening. Josie and her mom -- I'm sorry -- Divina and
23 her mom both went inside.

24 You will learn that they were inside the store for
25 approximately five minutes. And when they came out of the store,

1 Josie was walking slightly in front of her daughter, Divina. As Josie
2 stepped off the curb to get into the driver's side of her car, the
3 defendant emerged from the darkness, from between two of the
4 cars. And he immediately began attacking Josie.

5 Now, to Divina it appeared as though the defendant was
6 shaking her mom. However, to her horror, she quickly realized he
7 wasn't shaking her. He was viciously, violently, and repeatedly
8 stabbing her, all the while calling her a bitch and reminding her that
9 he told her he would find her, and he told her he would kill her.

10 Divina went back into the store to try to get help. And
11 when she came out, her mother was curled in a ball on the sidewalk
12 with her throat slit, gasping for air.

13 Now, Divina will tell you that at that time she literally
14 begged her mother not to leave her. Medics arrived shortly
15 thereafter, and Josie did leave. She got into the ambulance. The
16 medics took her to UMC and attempted to save her life.

17 Patrol officers, first responding officers from the Las Vegas
18 Metropolitan Police Department, arrived immediately thereafter, and
19 Officer Lee was one of the first to arrive, and he had what's called
20 the body cam on. He was one of the first to see Divina at the scene.
21 And she screamed out to him, I know who did this. I know who did
22 this. I saw the entire thing. He later was able to get from her that
23 the person that repeatedly and brutally stabbed her mother was her
24 stepfather.

25 That's correct, ladies and gentlemen. You will learn

1 throughout the course of this trial that Divina's stepfather, the
2 person who repeatedly stabbed her mother, right before her eyes, is
3 none other than the defendant, Leonard Woods.

4 Now, Josie and the defendant had been together for
5 approximately nine years, off and on. Divina knew him since she
6 was a little girl. She will tell you that he more or less raised her at
7 times, and that she thought of him as a father. And that, throughout
8 her life, she was often as close to him or closer than she was her
9 own biological father.

10 That all changed on July 17th of 2015. On that date, Josie,
11 Divina, and the defendant were living at 3492 Pinion Pine Drive.
12 They were the only three living in the house at the time.

13 On July 17th, Josie went to work, like she normally did, as
14 a dog groomer. And you will hear that Divina oftentimes went with
15 her, and on that day, she wanted to go with her. But on that day the
16 defendant didn't let her. He said, No. You know, you don't need to
17 go today. I want you to stay home and clean.

18 And you'll see the pictures of this apartment. You'll see
19 the pictures of how clean the apartment was before she was asked to
20 clean on the morning of July 17th. But she did as the defendant
21 wanted, and she stayed home while her mom went to work.

22 She woke up first thing in the morning and asked the
23 defendant, Okay. So what is it that you want me to clean? And it
24 was then that he told her, That's not why you're staying home today.
25 He then told her that he had been watching her look at herself in the

1 mirror of her bathroom looking at her own breasts. She had no idea
2 where he was going with this; no idea what he was talking about.

3 It became clear when he told her, Well, this is the deal. I
4 want you to send me a picture of your breasts, or I'm going to tell
5 your mom that you've been sending dirty pics to boys.

6 She clearly thought that he was joking. Divina will tell you
7 that she and the defendant had a good relationship throughout her
8 life, that there were always ups and downs within the family, but that
9 she trusted him, and that he was a person that she knew very well.
10 This was out of the ordinary for their relationship, and she was
11 shocked.

12 She'll tell you that while she first thought he was joking, it
13 became quite clear that he wasn't, and she got scared. He then,
14 while they were in the kitchen of the Pinon Peak house, came around
15 from behind her, what she describes as a rub/grab. He came around,
16 reached around, grabbed her boobs and started to rub them. She
17 was terrified. She tried to get away from him. And it was at that
18 point that he lifted up her shirt and looked at her breasts and said to
19 her, You've got some nice titties.

20 Divina wasn't wearing a bra at that time. She had just
21 woken up, and she was bare-chested. At this point, she was
22 mortified and terrified.

23 Divina went into her room, tried to kind of gather herself,
24 but she was crying. And the defendant came in and offered her \$20.
25 He said, Here's \$20. Let's keep this between the two of us.

1 Additionally, you can get some more privileges.

2 And he started telling her all of the privileges that she
3 could now get now that the two of them had had that interaction.
4 Divina stayed in her room until she tried to figure out -- until she
5 figured out what to do. She didn't know who to call; she didn't know
6 who to tell.

7 She first called her friend, Devyn -- whom you will learn
8 that at that Devyn was her best friend. She kind of tried to talk loud
9 so that the defendant would hear her trying to make kind of ordinary
10 plans with Devyn. But at the same time was whispering to her,
11 Please come help. Please come and help me.

12 Devyn also had just woken up so didn't really understand
13 exactly what was going on. Divina then asked the defendant, Hey, is
14 it okay if I go to Devyn's house? We want to hang out today.

15 And he told her, Sure, you can go, but under one
16 condition. You send me a picture of your breasts, and then you can
17 go with your friend. Scared, Divina did exactly that. She took the
18 picture of herself, and she sent it to the defendant's phone. She then
19 texts her friend, Devyn. She didn't feel that Devyn was
20 understanding the true magnitude of what was happening; so she
21 started to text her to please come and get her. She needed help.
22 Her father had touched her.

23 You'll hear from Devyn Hagarty. And she will tell you
24 about the events from that morning and the text messages that she
25 was receiving. And based upon those texts, she reached out to her

1 nana who she was living with -- her nana, Dora. And the two of
2 them went over to the Pinon Peak house in order to get Divina.

3 Dora will tell you that when they got there, Divina got into
4 the car and that she was clearly upset but trying to hold it together.
5 She'll also tell you about a strange interaction that she had with the
6 defendant, who she had not met, who had never shown any interest
7 in their family, who had never shown any interest in meeting her.

8 But on that day, Dora will tell you, that as Divina sat in the
9 back seat, the defendant made sure to come over and meet Dora.
10 Then he asked where they lived, where they were going, if Josie
11 knew where they were going. And she'll tell you that that was very
12 out of the ordinary.

13 Dora and Devyn went around the corner. And it was then
14 that Divina completely and totally decompensated. She was crying,
15 she was hysterical, she was trembling, and she told Devyn and Dora
16 that Joe molested her.

17 You will hear that Joe was the defendant's nickname.
18 That was a name that his friends called him, that his family called
19 him. And you'll oftentimes hear him refer to that throughout the
20 course of this trial.

21 Now, Devyn and Dora went straight to Dora's house where
22 they called Divina's mom, Josie. And Josie came straight over to the
23 house. Of course, she was also shocked. She was also panicked and
24 didn't know exactly what to do or exactly how to handle this
25 situation. Dora advised her to call the police. And Dora will tell you

1 how Josie appeared in front of her during that conversation -- that
2 she was terrified, she was in fear, that she was also trembling, and
3 that she was extraordinarily scared and anxious to make a phone call
4 to the police.

5 She continued to encourage her to do that. And it was
6 then that Josie told her, If I do this, if he goes to jail, he will kill me.
7 He will find me and he will kill me.

8 You will learn that that is a threat that the defendant made
9 to Josie numerous times throughout their relationship. Divina
10 would sit in her room and hear the defendant tell her mother, If you
11 leave me, I will kill you, and I will kill your children. It was a threat
12 that this family knew through and through.

13 And in spite of that threat and in spite of that fear, Josie
14 picked up the phone and she made that phone call. And she called
15 the Las Vegas Metropolitan Police Department, and she reported her
16 boyfriend for touching her child.

17 Numerous members of the Las Vegas Metropolitan Police
18 Department descended upon the Pinon Peak home in order to talk
19 with the defendant. And when they got there, he was in Josie's
20 black Chevrolet SUV. They pulled him over, got him out of the car,
21 and in the console area of the car was a cellphone.

22 Now, based upon some preliminary reports, they knew
23 that that cellphone would obviously be important or could bear
24 something of evidentiary value. They took that phone and they
25 impounded that phone.

1 And as they were taking the defendant out of car and
2 towards their own patrol vehicle, he spontaneously said something
3 to one of the officers.

4 There could be a picture of Divina on my phone. The last
5 time I looked on my phone a few minutes ago, it was downloading a
6 photo from Divina. Not sure what it was.

7 You will learn that once this phone was impounded, it was
8 given to a man by the name of Detective Darr, who did an internal
9 examination of that phone using some software called Lantern -- that
10 this software is able to extract information from cellular telephones
11 such as photographs, such as text messages, such as e-mails that
12 people may have sent, Google searches that people may have sent,
13 and that this technology allows us to kind of download and compile
14 a lot of that information. And ultimately, this phone was put through
15 that process, and there were a number of pieces of evidence found
16 within that phone.

17 First of all, on the morning of July 17th, the defendant
18 received a message from Divina. And that message was sent at
19 10:14 a.m., entirely consistent with the time that Divina said that she
20 sent a picture of her breasts to the defendant. It was a multimedia
21 message, meaning a photograph or what Detective Darr will
22 describe to you as maybe, maybe it could have been like a one- or
23 two-second clip of a video. He doesn't know exactly what it is
24 because the defendant, as he said, never downloaded it; he never
25 opened it. You'll see the expiration date of that photograph was on

1 July 20th, three days later; so we were never able to retrieve the
2 exact content of the photograph.

3 But more than that, there were three photographs in that
4 phone the detectives weren't expecting to find. You will learn that in
5 March of 2015, the defendant and Divina and Josie were living at yet
6 a different address.

7 March 9th of 2015, a photograph was taken from the
8 defendant's phone peering through a window above a shower down
9 into Divina, as she thought that she was changing clothes alone in
10 her own bathroom as a 15-year-old girl. She didn't know she wasn't
11 alone. She didn't know that somebody who she trusted and loved
12 was peering through that window at her, taking photographic
13 pictures of her.

14 Same telephone, a few weeks later, March 23rd of 2015,
15 same vantage point. The defendant's phone took a photograph of
16 Divina's bare buttocks on that date, and yet again on April 21st of
17 2015, peering through the window at this child, taking photographs
18 of her while she's changing.

19 Now, of course, on July 17th, detectives and officers didn't
20 know everything that was in that phone. That analysis had not been
21 done.

22 So on July 17th, the defendant was arrested for the open
23 and gross lewdness for the touching and the rubbing of Divina's
24 breasts, and he was taken to the Clark County Detention Center.

25 You will learn that as the defendant was being

1 transported, as the patrol officers were literally leaving, Divina and
2 her mother moved out of that house. They did not wait a week; they
3 did not wait a day; they did not wait a night. They moved out
4 immediately. Divina and her mother moved out all of their personal
5 possessions, and they left the defendant's belongs at Pinon Peak.

6 They also allowed a family by the name of the Henleys to
7 move in. Rent was already getting paid; so why not let another
8 family move in. The Henleys moved into Pinon Peak, and girls
9 moved out. They stayed with cousins, and eventually they went to
10 stay at Siegel Suites until they could find more permanent housing.
11 But they knew they could not be in that house, if and when the
12 defendant was released from custody, which happened on July 20th
13 of 2015.

14 The defendant was released pending charges on that open
15 and gross lewdness case. Now, of course, by then, the girls were
16 not at Pinon Peak. But Dorie Henley and Philip Henley were staying
17 there. And Dorie Henley will testify before you, and she will tell you
18 that while her and her dad, Philip, were living there, a black male
19 adult came by numerous times looking for Josie Jones, that one
20 time he simply walked into the apartment or the house; and that
21 another time he came, knocked on the door, talked with them, asked
22 where Josie was, and went through the belongings that were left for
23 him; that he also at that time left in a light-colored, four-door sedan.
24 Dorie will tell you that on several other occasions she saw that same
25 white four-door sedan with same black male adult drive by Pinon

1 Peak.

2 They were not there because they had relocated. They
3 had moved as far away as they could from Pinon Peak -- all the way
4 to the other side of town at Hacienda and Decatur, and they had
5 gotten themselves entirely set up. They had gotten a new
6 apartment. They had moved in. They were starting a new life. They
7 were trying to get a fresh start. And they were trying to hide from
8 the defendant.

9 On August 5th of 2015, they realized they could not hide
10 from the defendant. On August 15th -- I'm sorry -- on August 5th, at
11 approximately 8:13 p.m., Josie and Divina arrive at the Walgreens.
12 Here you'll see the black SUV pulling into the front of Walgreens.
13 You will have this to look at in further detail throughout the trial.

14 Now, if you look at the driver's door of that SUV, you will
15 see some movement right now -- opening of the door, just turned
16 her lights off. Now you can see Divina walking in, and now you will
17 see Josie closing the door with a white shirt on, walking in front of
18 the car, and walking into the Walgreens.

19 Less than 30 seconds later, at 8:14 and 43 seconds, you
20 will now see the defendant pull in. And as you see, he parks two
21 slots away from Josie and Divina and not all the way pulled forward.
22 You can see that he's pulled his car a quarter length behind where
23 he should normally be parking. And there he waits.

24 You will not see him, ladies and gentlemen, ever get out of
25 the driver's side door, because he doesn't. The next time you see

1 him, he will already be outside. It will become clear to you that what
2 he's done is scooted across to the passenger side and gotten out.
3 Also, you will not see him until the girls emerge. At this point in
4 time, he's waiting.

5 Now, the defendant waits until the girls come out, which is
6 at approximately 8:19 and 21 seconds. So for purposes of the
7 opening, we will go forward to about 8:19. However, know that, in
8 that time, you do not see the defendant, and he is simply waiting for
9 Josie and Divina to come out.

10 Now, at 8:19 and 21 seconds, you will see in the front of
11 that black SUV, the girls start to emerge from the light. I would ask
12 you to then look to the back of defendant's car. Here the girls
13 emerge and here comes the defendant. He is now stabbing Josie
14 Jones. As you can see, the defendant now runs to the back of the
15 car, runs around it, chases her around that SUV. He now gets into
16 his car and leaves -- a matter of seconds.

17 Now, throughout the course of this trial, you will hear
18 from a number of people who happened to be there on this fateful
19 night, and two of them are Garland Calhoun and Yesenia Rivas. And
20 they will describe to you what they saw as they were going to
21 Walgreens on a very casual evening to get something to drink and
22 go over to a friend's house.

23 You will also hear from Divina, and she will testify before
24 you and tell you what she experienced and what she saw that
25 evening. Of course, various members of the Las Vegas Metropolitan

1 Police Department also came to the scene, to include medical, patrol
2 officers, crime scene analysts, and of course, detectives. And you
3 will hear from a number of people from Metro.

4 Detectives, as they were on that scene, had a pretty good
5 idea about what happened. What they didn't know, as they were
6 investigating preliminarily that evening, is why? And their first clue
7 to that was in Josie Jones's purse. A card for Detective Shane from
8 the Sexual Assault Detail of the Las Vegas Metropolitan Police
9 Department with Event No. 1507172118. And you will learn, ladies
10 and gentlemen, that that is the event number for the open and gross
11 lewdness that Divina disclosed and that her mother reported.

12 A number of hours later, roughly four hours later, Las
13 Vegas Metropolitan Police Department Officers Swartz and Haynes
14 were on detail in Downtown Las Vegas, outside of the El Cortez, and
15 they were on bike patrol; so they were wearing those very, very
16 yellow shirts with Metro Police emblazoned on the back.

17 And Officer Haynes will tell you that at approximately just
18 after midnight, the defendant approached him. As he came up to
19 him, he said, Hey, I want to talk to you.

20 Officer Haynes made sure that everything was safe with
21 his partner, Officer Swartz. They were on another call, made sure
22 that the area was contained, and had at a conversation with the
23 defendant. And it was then that the defendant said to him, I was
24 involved in an incident, and I think I'm wanted.

25 At that point, Officer Haynes did not know what he was

1 talking about. He had the defendant identify himself by way of a
2 Nevada ID card. It was none other than Leonard Woods.

3 He didn't want to talk about what the incident was, but he
4 said that the incident occurred at Tropicana and Decatur in the
5 Walgreens' parking lot. Of course, that was a stabbing.

6 August 6th of 2015 -- of course, by this point in time, the
7 defendant has been detained. He has met with detectives, and they
8 have taken him down and transported him to the Las Vegas -- or to
9 the Clark County Detention Center where he has now been booked.

10 On August 6th, the following call was placed from the
11 Clark County Detention Center.

12 [Jail recording played.]

13 THE COURT: You can pause it for a second, if you want.

14 MS. FLECK: Pause it.

15 THE COURT: Can you pause that for a second? Can you
16 take that screen down for a second. I'm sorry.

17 MALE SPEAKER: I think it's the laptop.

18 MS. MURRAY: It is coming from the TVs and from the --

19 THE COURT: Okay.

20 MS. MURRAY: -- or from the laptop.

21 THE COURT: Okay. Okay.

22 MS. FLECK: We'll turn that off on the laptop.

23 THE COURT: You can play it just from the laptop by
24 putting a microphone up next to it?

25 MR. ROGAN: It should be fine. I'll try it again.

1 THE COURT: Okay.

2 [Jail recording played.]

3 MS. FLECK: Ladies and gentlemen, you will have an
4 opportunity to hear that call throughout trial, and we will ensure that
5 it's louder for you. But in case you didn't hear it, what the defendant
6 said on that call was, I've done something to Josie, and I don't think
7 she's going to make it. And there he was right, ladies and
8 gentlemen, she didn't make it.

9 Josie Jones succumbed to the vicious, violent, and
10 repeated stabbing. There were 16 stab wounds in total. Two of
11 those through and through, including the one to her throat. She
12 succumbed to that attack after the defendant did exactly what he
13 promised to do. He found her and he killed.

14 And for that, ladies and gentlemen, at the end of this trial,
15 Mr. Rogan and I, on behalf of the State of Nevada, will ask that you
16 return a verdict of first-degree, along with the other charges in this
17 case.

18 Thank you.

19 THE COURT: Thank you, Ms. Fleck.

20 Opening statement, Mr. Woods.

21 **OPENING STATEMENT BY THE DEFENDANT**

22 THE DEFENDANT: Ladies and gentlemen, we have heard
23 one side of the version of these events.

24 First, I would like to say to you, the jury, that I hope you
25 don't mind me referring to my notes because as overwhelming as

1 this is, you know, I'm not a lawyer or a paralegal, so if you don't
2 mind me referring to my notes. I had to write a lot because it's a lot
3 of information that comes with this.

4 First of all, let me say my name is -- I want to properly
5 introduce myself. My name is Leonard Ray Woods. I'm a
6 50-year-old black man or African American, however you prefer. I'm
7 made of flesh and bone and blood, a human being with thoughts
8 and feelings. I am not a case file, and I'm certainly Case No.
9 C-15309820-1 because I'm not a murderer. Not in the three and a
10 half years that I have been fighting this case has one person -- not
11 the police, not the detectives, not the public defender, not the
12 prosecution -- has ever once asked me, Did I kill Josie Jones or any
13 other person?

14 MS. FLECK: Objection.

15 THE COURT: I'll sustain the objection.

16 Remember, Mr. Woods, as we discussed, this is just an
17 opportunity to discuss with the jury what the evidence -- you purport
18 the evidence is going to be -- not to argue about the case.

19 THE DEFENDANT: Okay.

20 But no one has even bothered. It's --

21 Ladies and gentlemen, I'm not here because I killed
22 someone. I'm here because my name was mentioned. No blood, no
23 weapon, no DNA, no car -- nothing pertaining to this crime has ever
24 been found on my person or anything belonging to me, and that is
25 not by accident. It's plain and simple, I had nothing to do with this

1 murder.

2 Now, from the start, you will see that this case will be
3 different from others. First off, because it's rare to see someone
4 defending themselves.

5 Now, I'm sure a couple of you guys have heard that saying
6 that the man who defends himself has a fool for a client. Well, I beg
7 to differ on that. I think that statement came from a lawyer himself,
8 because without clients, a lawyer wouldn't have a job. I really think
9 that any man who defends himself is the only man in the world that
10 has his best interests at hand.

11 Now, excuse me. As I said before, I did not go to law
12 school. I did not pass the bar. So you can only imagine how
13 overwhelming this is. I used to sit and hear how prosecutors and
14 public defenders would say whoever sells the jury the best story is
15 the one that wins the case.

16 But, ladies and gentlemen, I'm not here to sell you a story.
17 I'm here to tell you the facts and evidence of this case, because I
18 truly believe that the facts and evidence that you will see in these
19 next few days will destroy the fabrications, assumptions, and
20 theories that they're trying to tell you what happened here.

21 You will also learn that where I live, my address will come
22 up there -- where I lived at -- not the address where they're saying I
23 lived at. It's a whole different place.

24 Yes. Me and Josie had an on-and-off relationship, but she
25 had on-and-off relationships with several people. Josie was a

1 married woman. And that's what I was wrong for, if anything else. I
2 was involved with a married woman.

3 Josie's husband, Kevin Foster, not to long ago from this
4 date tried to kill her in the same way that she actually died -- stabbed
5 her twice and had cut all of her hair off. I don't understand why he
6 never was interviewed; he never was brought to justice; he never
7 was even thought to look at. If someone already as a MO of doing
8 something, especially the husband, I always thought that's the first
9 person you're supposed to look at.

10 Now, what you will learn about the accusation is that --
11 and I don't want to get myself in trouble here because I know I'm not
12 supposed to say certain things. But to me, it's like, how can you
13 guys make a righteous and truthful decision if you don't have all of
14 the facts? Not some of the facts. They want to give you some of the
15 facts that happened. If I can't give you all of the facts, it's like trying
16 to give you guys a jigsaw puzzle, but just having the outside of it.
17 You got to have all of that picture, or you didn't know if that's a
18 horse, a donkey, a mule, or whatever, that's going to be the outcome
19 of that jigsaw puzzle.

20 I did not kill Josie Jones; I did not touch Divina.

21 Now, an interesting thing about that, you will learn that
22 these pictures that they found in my phone, interestingly enough,
23 were not found on the day that they're saying all this occurred.

24 Yes. I went over to the house on that day, but I did not live
25 at that house. And I'm going to leave some of the facts alone,

1 because there will come as to why I was even over there that day.

2 Now, even though it is horrible -- especially without just
3 witness only. I saw it from a distance. I never saw it that vivid
4 before. The way Josie died. And nobody should have to die like
5 that.

6 But it's a lot of different circumstances that you guys are
7 going to see that it's several suspects that should be here standing in
8 the place that I'm standing right now.

9 The prosecution right now has fingerprints and palm
10 prints from that scene that was supposedly mine. I don't want how
11 much times I sat right there where you guys are sitting right now, we
12 got his fingerprints or palm prints. Well, after --

13 MS. FLECK: Objection. Never been said.

14 THE COURT: I'll sustain the objection.

15 THE DEFENDANT: Well, after it came back from forensic
16 evidence that those palm prints and fingerprints did not belong to
17 me. They belonged to the killer at that scene.

18 Another thing is after I got out of jail, I just heard of -- you
19 know, I came and hunted them down or whatever -- I have -- it's
20 going to be proven to you guys throughout these couple of weeks, I
21 was in San Diego. I have my Greyhound bus ticket and everything. I
22 had just got out. As soon as I got out, I went down to San Diego.

23 There's going to be several -- I had several witnesses, but
24 a lot of them chose not to come. But I do have letters and messages
25 saying that I was in San Diego when they're saying I was supposedly

1 up here stalking people.

2 I never had a Ford Taurus in my life. I'm not associated
3 with a Ford Taurus. I don't know even who has a Ford Taurus. You
4 will learn through this whole case that not only didn't I have a Ford
5 Taurus, that Ford Taurus has never been recovered in this whole
6 three and a half years I've been fighting this case. I don't know
7 where you can hide a car in Las Vegas that can't be found.

8 I was approached on the Strip -- and he's going to be the
9 first witness -- I was approached on the Strip and told me I fit the
10 description. Usually, I'm thinking, you know, kind of racial
11 discrimination, you fit the description. Okay. And I would stop.
12 When I'm told that I fit the description of what just happened.

13 It's told backwards that I came up to somebody. I don't
14 know who would come up to an officer after they killed someone
15 and say, Hey, here I am; you got me -- when they had a car. Why not
16 drive that car? I have roots in San Diego. I have family in Salt Lake
17 City. I have a cousin in Arizona. Those three destinations are
18 surrounding Las Vegas. Why wouldn't I drive the car to one of those
19 destinations? Why would I be on the Strip gambling?

20 So now you're not just saying, I'm the killer, I had to be a
21 sociopath. I killed someone and then went gambling. But in that
22 time, I was supposed to have went gambling, I somehow found a
23 three-hour cleaner. I had no blood whatsoever.

24 MS. FLECK: Judge, I'm just going to object.

25 THE COURT: I'll sustain the objection.

1 It's not -- Mr. Woods, again, it's not to time to argue the
2 case about what you believe the evidence shows. It's just to talk to
3 the jury about the evidence will be.

4 THE DEFENDANT: Okay. Okay. Okay.

5 Well, let's get to the pictures. The evidence will show that
6 the pictures weren't taken by my phone. They were sent to my
7 phone. So I don't know how you can take a picture and send it to the
8 same phone. That was just ridiculous to me. It would also show
9 that, like, the one true part that came up was the picture that she was
10 supposed to have sent to me never downloaded. So I never saw a
11 picture of Divina. I never had a chance to see breasts that I had said,
12 Those are pretty, pretty breasts. She used another word. But it
13 didn't happen.

14 You will also find -- the evidence will also show that this
15 same person, teenage person -- the evidence will show that this
16 other time she has tried to manipulate the situation and --

17 MS. FLECK: Objection.

18 THE COURT: Mr. Woods, any response?

19 THE DEFENDANT: I don't know what the objection was
20 for.

21 THE COURT: Well, I'll sustain the objection.

22 THE DEFENDANT: Well, it shows that she's manipulated
23 situations before.

24 MS. FLECK: Objection.

25 THE COURT: I'm going to sustain the objection.

1 Ladies and gentlemen, you'll disregard any statement or
2 allegation that Mr. Woods is making about some allegation that
3 Divina manipulated something in the past.

4 THE DEFENDANT: Okay. But the evidence will show --
5 will show that.

6 THE COURT: No. The evidence will not show that,
7 Mr. Woods.

8 I just ordered that objection granted and ordered the jury
9 to disregard that allegation.

10 THE DEFENDANT: Oh, okay, my fault. That's what I was
11 led to believe it would, but I'm sorry.

12 THE COURT: And that will be stricken as well, Mr. Woods.
13 I have ordered the objection granted; I have ordered the jury to
14 disregard it. So quit making this allegation that has already been
15 granted and ruled that you can't mention anything about this alleged
16 allegation.

17 THE DEFENDANT: Okay. After they left the Pinon Peak
18 address, they went to move with the dad's cousin.

19 Now, I don't want to get in trouble, so please, you got to
20 stop me if it gets to where I'm over the line because I really don't
21 mean to do that. I'm not trying to disrespect anybody, especially not
22 the jury.

23 They moved to the cousin's address where the evidence
24 will show, through witnesses that were interviewed, there was a
25 fight at that address between Josie, Divina, and the cousin, to where

1 they had to leave that address a week before her demise. That
2 cousin is not -- was never interviewed, was never brought in as a
3 witness.

4 Now, that same cousin -- the information I tried to get him
5 subpoenaed here, says he never lived in Las Vegas. But, as we
6 interviewed or when Divina takes the witness stand, you'll see that,
7 Yes, he did. And now conveniently, he's living in Oklahoma, not too
8 far from Divina's dad.

9 The spying, peeping charges -- I know I'm in here for
10 murder. But where I come from those charges hurt me -- I'm not
11 going to say more than the murder charge, but pretty close to it. I
12 have four daughters and one son. That should speak for itself, but
13 I'm going to say it anyway, it's no way in the world I could or would
14 take advantage of a girl, a young girl, when I have daughters and
15 know that it would get pretty rough if that same thing happened to
16 my daughter. It's not nowhere on earth I wouldn't look for someone
17 that did something like that to my daughter.

18 What also hurts me about this case, I think, I think Divina's
19 allegations went way further than she even thought. I'm not mad --

20 MS. FLECK: Objection.

21 THE COURT: Mr. Woods, it's not an opportunity to testify
22 to the jury and tell them your thoughts and feelings about things.

23 THE DEFENDANT: Okay.

24 THE COURT: Again, it's an opportunity to talk to them
25 about what you believe the evidence is going to be in the trial.

1 THE DEFENDANT: Okay. I'm not mad at -- I'm not mad at
2 the allegation that was made against me.

3 THE COURT: I'll strike that statement.

4 Mr. Woods, again, it's not an opportunity to testify to the
5 jury about what your feelings are about things right know. It's an
6 opportunity to give an opening statement about what you believe
7 the evidence is in the case.

8 THE DEFENDANT: How do I rephrase it? The
9 allegations -- well, what was said against -- the pictures that were in
10 my phone, once again, I'm going to say -- and it will show that those
11 pictures were sent to my phone -- not taken by my phone.

12 Another thing that will show -- the evidence will show,
13 when there was a problem with Divina several years ago in Arizona,
14 she called me. I need help; please come get me. I'm in Las Vegas.

15 Now, just like I told you, I have daughters. So when she
16 told me to come get her, I left and went down to Phoenix, Arizona, to
17 get a girl who cried and told me, Hey, I need you to come down here
18 and get me.

19 That's why it's so difficult to understand how any of these
20 charges could even been made.

21 Like I said, you guys have to forgive me -- or please
22 forgive me. I've got a lot of thoughts. I'm trying to relay them to
23 you and trying to think it throughout the same time.

24 But like I said, also, before, you will see that when the
25 officer comes and takes the stand, you will see that this jailhouse --

1 with this case broadcast over the media, the news, all over the jail --
2 it is notorious around the jail that people steal people's PIN
3 numbers. They call people's wives and girlfriends and loved ones --
4 or they sell PIN numbers in here. They use PIN numbers without
5 people's permission. So I'll leave that right there without getting to
6 far into that also.

7 The reason why I was over at that house on that day was
8 to clean up, but not clean up in the inside. It was to clean up dog
9 poop around the backyard. Why she didn't want to clean or why it
10 went there, I still couldn't tell you that reason.

11 The evidence said that -- like I said, the evidence -- the last
12 evidence said I was supposed to be looking or peeping or spying
13 into someone's home.

14 Now, that house that they're talking about, well, the
15 address anyway, was my house. It wasn't like someone saying, I
16 went up to look inside somebody's window. I didn't understand that
17 at all. I wasn't looking in my window, anybody else's window, and
18 there's no proof that -- there's no proof that when I saw these
19 pictures -- and can't wait till these -- some of these people get on the
20 stand so I can ask them myself. You don't know who's behind taking
21 these pictures or where these pictures came from or how they were
22 sent to this phone. So I didn't understand that.

23 And how does a month later, you take the phone -- you
24 stop me in traffic, you take the phone on July 17th. There were no
25 derogatory pictures in that phone on July 17th. But a month later,

1 you're telling me -- and I got rebooked. A lot of you guys, if you
2 don't know what that is, that means I was in on some charges, and
3 later on these other charges come and say, Well, now we found
4 these pictures in your phone. And I wonder, well, how come they
5 wasn't there when you took the phone on July 17th.

6 Like she told you, the phone -- it didn't die out. The bill
7 was not paid through the 20th. So I don't understand how you can
8 have pictures.

9 And the accuser says that there's pictures in the phone.
10 But at the same time, she was supposed to be unaware that the
11 pictures were taken.

12 How can you know pictures are in the phone that you are
13 unaware that they were even being taken? That's another point.

14 I know I'm not going to get all of what I wanted to say out
15 to you guys because this is, like I said, pretty much overwhelming.
16 But the three things I can say that I've been thinking about a lot that I
17 wanted to say to you all was that -- perjury is my first one. Perjury
18 is, as we think of, lying on the stand or lying in court. But the
19 definition of perjury is --

20 MS. FLECK: Objection.

21 THE COURT: Well, I'm going to sustain the objection,
22 Mr. Woods. This is not the time to argue about things. I mean, I'm
23 not sure why you would be mentioning that unless you're alleging
24 that some witness is saying something inappropriate which would
25 be something you would talk about in closing argument after a

1 witness has testified.

2 THE DEFENDANT: Okay. I'll go to the next one. Facts in
3 evidence -- if I'm allowed to say that -- please look at the facts in
4 evidence on this case or the lack thereof -- especially the lack thereof
5 of the evidence in this case. And it will show you that I did not
6 commit this murder.

7 The last one is reasonable doubt. Now, I know -- I don't
8 know how far I can go with that -- but during the jury selection, a lot
9 of -- well, a couple of jurors was -- it bothered me that -- well, let me
10 take that back.

11 Well, some of the jurors had made an assessment of me
12 before the facts even come out. One even said, Just listen to his
13 voice. That really bothered me. It made me wonder how many
14 others was already formulating opinions before the evidence even
15 came out.

16 So I say that to say reasonable doubt. The prosecution,
17 yes, has to prove every element of this crime -- every element of this
18 crime. And reasonable doubt, to me, is that thing inside of all of us
19 when you're --

20 THE COURT: Mr. Woods, I'm going to stop you right
21 there.

22 There's one definition of reasonable doubt, ladies and
23 gentlemen. It's a legal definition. It's the only definition. Attorneys
24 and parties are not allowed to express what they believe reasonable
25 doubt is.

1 THE DEFENDANT: Okay.

2 THE COURT: It's an instruction that you'll get in the
3 closing of the case.

4 And I apologize for interrupting you, but --

5 THE DEFENDANT: And I apologize for that. Can I say that
6 if your head, heart, or gut tells you something is --

7 THE COURT: No, no. Reasonable doubt has a specific
8 legal definition and meaning. You are not allowed --

9 THE DEFENDANT: No, I'm --

10 THE COURT: Please, listen. You're not allowed to
11 quantify it or talk about what you think it means, in your heart or
12 your head or gut or anything else. That's all a legal definition. It's
13 inappropriate for opening statement as well. We're not talking about
14 the law right now.

15 THE DEFENDANT: Okay. Well, I wasn't trying to compare
16 it to reasonable doubt anymore. I was just saying a feeling that you
17 get away from reasonable doubt. Can I explain it like that?

18 THE COURT: What are you seeking to tell them about a
19 feeling? That pertains to deciding whether you're guilty or not
20 guilty?

21 THE DEFENDANT: Not just that. Just evidence -- evidence
22 at all. Let the evidence speak for itself and not have a predetermined
23 -- you know what I mean? And not have a predetermined judgment.

24 THE COURT: Okay. It's perfectly fine to tell them not to
25 have to predetermined judgment and to talk to them about, you

1 know, evaluating all the evidence in the case before making any
2 decisions. You just can't talk to them about some standard to
3 evaluate it that is anything other than the legal definition I'll give
4 them about reasonable doubt.

5 THE DEFENDANT: Okay. Well, I'm going to end it -- I'm
6 going to end it there because I don't want to get myself in trouble.
7 I'm just trying to do the best I can. Like I said, I'm not a lawyer and
8 not a paralegal.

9 But I think it will come out also that the reason why I'm
10 defending myself, because I know -- well, in some minds it might be,
11 you know, why is this happening? Why is he doing this? But I think
12 the evidence will show -- will make itself clear why this happened.

13 Again, my God, I'm not a killer. Nothing associated with
14 being a killer has ever been associated with me. There's a reason,
15 again, why there's been no forensic evidence, no DNA, no blood, no
16 murder weapon, no car -- nothing to this case says that I killed
17 anybody. And that's not by accident.

18 So please take all of that into consideration before you
19 make a conscious decision.

20 Thank you.

21 THE COURT: Thank you. All right. The State may call
22 their first witness.

23 MR. ROGAN: Your Honor, the State calls Officer Vincent
24 Haynes.

25 VINCENT HAYNES

1 [having been called as a witness and being first duly sworn, testified
2 as follows:]

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

5 THE WITNESS: Vincent Haynes; V-I-N-C-E-N-T,
6 H-A-Y-N-E-S.

7 THE COURT: All right, Officer. Thank you very much.
8 Mr. Rogan.

9 **DIRECT EXAMINATION**

10 BY MR. ROGAN:

11 Q Good afternoon, Mr. Haynes.

12 A Good afternoon.

13 Q I want to direct your attention to August 5th of 2015. At
14 that time were you working as a police officer with the Las Vegas
15 Metropolitan Police Department?

16 A Yes.

17 Q When were you first hired on as a police officer with
18 Metro?

19 A January 3rd -- January 16, 2008.

20 Q What part of town were you patrolling on the overnight
21 hours of August 5th to August 6th, 2015?

22 A Downtown Area Command, in the area of 6th and Ogden.

23 Q All right. And were you in a vehicle?

24 A In the vehicle.

25 Q Did you have a partner?

1 A I had a partner.

2 Q And what was your partner's name?

3 A Officer Swartz.

4 Q What was your uniform like?

5 A I was in my bike uniform, which is a yellow with the Metro
6 Police on the back, Metro patches on the side, and a badge on the
7 front, with black pants.

8 Q Okay. Are you normally a bike patrol officer?

9 A Yes.

10 Q But you were using a vehicle that night?

11 A Yes.

12 Q And the vehicle, is it a standard police car with lights and
13 sirens?

14 A Yes, it is.

15 Q All right. Does it have any indication on the side that says,
16 like, Las Vegas Metropolitan Police Department on the side?

17 A Yes. It has the Metro Police on the sides.

18 Q All right. Shortly after midnight, were you and Officer
19 Swartz engaged in a vehicle stop in the vicinity of 6th and Ogden?

20 A Yes, we were.

21 Q And did someone approach you at that time?

22 A Yes. As I was exiting my vehicle, a black male came up to
23 me and said he wanted to speak to me.

24 Q And what did you do after that?

25 A I told him to wait for a second. I'm going to make sure my

1 partner is okay at the vehicle. And I'd come back to him and talk to
2 him.

3 Q And did you eventually come back and talk to him?

4 A Yes, I did.

5 Q And during that conversation, did he, this black man,
6 identify himself to you?

7 A Yes.

8 Q And how did he identify himself?

9 A First of all verbally, when he told me his name, and then
10 later he gave me his Nevada ID.

11 Q Do you remember the name that he gave you?

12 A Leonard Woods.

13 Q Did Mr. Woods say to you at that time why he approached
14 you?

15 A Yes. He said he was involved in an incident, and he
16 thought he might be wanted.

17 Q Did you ask him any further questions about what incident
18 he was referring to?

19 A No. He went on and told me that it was at the location of
20 Tropicana and Decatur, in the Walgreens' parking lot.

21 Q Did -- thank you. After he told you this information, did
22 you reconnect with your partner and tell him what you had learned?

23 A Yes.

24 Q And at some point, did you or your partner look in the Las
25 Vegas Metropolitan Police Department computer that's in your

1 vehicle to see if Mr. Woods was wanted?

2 A Yes. My partner did.

3 Q And what, if anything, did you learn?

4 A My partner looked up the -- looked it up in the computer
5 and saw he wasn't wanted. But he also looked up at the location
6 that he gave and saw what happened at that location.

7 Q And based upon that, did -- was Mr. Woods arrested at
8 that time?

9 A No. He was --

10 Q Or placed in handcuffs, I should say.

11 A -- placed in handcuffs. Yeah.

12 Q All right. And did you or your partner at that time then
13 contact the detectives who were investigating what had taken place
14 at that Walgreens at Trop and Decatur?

15 A Yes. My partner contacted the detective.

16 Q Okay. And at some point, did you and your partner then
17 transport Mr. Woods to police headquarters?

18 A Yes.

19 Q I know this was four years ago. But do you recall what Mr.
20 Woods looked like?

21 A Yes.

22 Q Do you see Mr. Woods here in court?

23 A Yes, I do.

24 Q Could you please --

25 THE DEFENDANT: Objection, Your Honor.

1 THE COURT: Overruled. You can go ahead.

2 BY MR. ROGAN:

3 Q Could you please point to him and tell me something that
4 he's wearing right now?

5 A He is wearing a white dress shirt with an
6 orange-and-black-checkered tie.

7 THE COURT: Wearing a -- I can't see the tie. Wearing a
8 jacket or no jacket?

9 THE WITNESS: No, I don't see a jacket.

10 THE DEFENDANT: I'm the only man sitting behind the
11 defendant.

12 THE COURT: Okay.

13 MR. ROGAN: Objection.

14 THE COURT: The record will reflect the identification of
15 the defendant.

16 Thank you, Officer Haynes.

17 I'll strike the defendant's statement from the record.

18 MR. ROGAN: Thank you.

19 I have no further questions for this witness.

20 THE COURT: All right. Mr. Woods, do you have any
21 questions of the officer?

22 THE DEFENDANT: Yes, yes, yes.

23 **CROSS-EXAMINATION**

24 BY THE DEFENDANT:

25 Q Officer Haynes, how long have you been an officer?

1 A Eleven years.

2 Q Eleven years. And in that 11 years, have you ever worn a
3 body-worn camera?

4 A Yes.

5 Q Have you -- did you ever wear a body camera before this
6 incident?

7 A I didn't have one on.

8 Q No. Before this incident. Previous years, days --

9 A No.

10 Q -- weeks before. You've never worn a body cam incident
11 before this -- before contacting Woods -- or myself?

12 A No.

13 THE COURT: You're not -- I'm sorry. You're not asking
14 him on the date. You're asking him at any time prior to that date has
15 he ever worn --

16 THE DEFENDANT: Yes. Prior to that day.

17 THE COURT: Okay. Did you understand that?

18 THE WITNESS: Yes.

19 THE COURT: Okay. So had you ever worn any body cam
20 on duty prior to the date of this event?

21 THE WITNESS: No.

22 THE COURT: Okay. Thank you.

23 BY THE DEFENDANT:

24 Q Have you ever worn a body camera after that date?

25 A Yes.

1 Q Okay. Were there -- was there any reason -- I mean, being
2 a traffic officer -- you're a traffic officer; right?

3 A I'm on patrol.

4 Q Patrol officer. And you pull over cars regularly; am I
5 correct?

6 A That's part of the job.

7 Q Okay. So I'm saying, if you were to go in someone's car
8 and take something out, or plant something in there because a lot of
9 people say police plant evidence --

10 MR. ROGAN: Objection. Argumentative.

11 BY THE DEFENDANT:

12 Q -- I'm not saying you did.

13 THE COURT: I'll sustain the objection.

14 THE DEFENDANT: Not saying --

15 THE COURT: Just -- you just ask questions. It's not to
16 make statements or make testimony. It's just you can ask him a
17 question.

18 THE DEFENDANT: Okay.

19 BY THE DEFENDANT:

20 Q What would protect you from somebody making a false
21 accusation against you, if you didn't wear -- if you weren't wearing a
22 body camera?

23 MR. ROGAN: Objection. Argumentative.

24 THE COURT: Well, I'll sustain the objection.

25 I mean, you can ask him as to why they weren't wearing

1 body cam before that time period. But asking him about protecting
2 himself or why or how they would protect themselves is not
3 appropriate.

4 BY THE DEFENDANT:

5 Q Okay. Do the patrol vehicles have dash cameras?

6 A No.

7 Q None of them? Or just not the one you --

8 A The one I was in did not.

9 THE COURT: And I'm sorry. You're talking about that
10 date?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. On that date, did that patrol vehicle
13 have any kind of dash cam video?

14 THE WITNESS: No.

15 THE COURT: Okay. Thank you.

16 BY THE DEFENDANT:

17 Q So no other officer's patrol cars have dash cameras in
18 them?

19 MR. ROGAN: Objection. Relevance to other police cars.

20 THE COURT: Well, I'll overrule it from a relevance
21 standpoint. But your question was about his car.

22 Now, you're asking about if any cars had it?

23 THE DEFENDANT: Well, yeah. Well, I'm getting at
24 because -- and a lot of the videos will show --

25 THE COURT: Well, I don't want you to argue to me about

1 what the evidence is. I'm just asking --

2 THE DEFENDANT: Okay.

3 THE COURT: -- is your question now asking him if other
4 patrol cars at that time had dash cam video?

5 THE DEFENDANT: Well, can I say on that date?

6 THE COURT: Okay. Do you know --

7 THE DEFENDANT: On that date. Not at that scene, but on
8 that date.

9 THE COURT: Understood.

10 Do you know if any other patrol vehicles from the Las
11 Vegas Metropolitan Police Department, on August 5th, 2015, had
12 dash cam videos?

13 THE WITNESS: No.

14 THE COURT: You don't know, or you don't know if they
15 had any?

16 THE WITNESS: I don't know.

17 THE COURT: You don't know. Okay. Thank you.

18 THE WITNESS: I know mine didn't.

19 THE COURT: Okay.

20 BY THE DEFENDANT:

21 Q Okay. You testified that -- well, first of all, did you make a
22 police report of the incident of this night, a written report?

23 A No.

24 Q Okay. So a person came up to you, basically saying they
25 committed a crime this serious, and you didn't feel the need to make

1 a police report?

2 A It was given to -- the detectives took it up.

3 Q So that's a no?

4 A No. The detectives took it up.

5 Q Okay. You said earlier that you told me to wait right there.

6 And to my belief, an arrest is stopping somebody from --

7 MR. ROGAN: Objection.

8 THE COURT: It's not about -- this is not an opportunity
9 express your beliefs or opinions.

10 THE DEFENDANT: Not belief -- I've got to say -- okay.

11 THE COURT: Just ask the specific questions.

12 BY THE DEFENDANT:

13 Q Isn't the term for arrest, stopping someone from their
14 liberty?

15 A You approached me, sir.

16 Q That's not what I asked. Isn't part of the arrest procedure
17 stopping someone from their liberties?

18 THE COURT: Do you understand?

19 THE WITNESS: I don't understand his question.

20 THE COURT: Are you asking him if part of arresting
21 somebody means restricting them from moving, leaving?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Does part arresting mean
24 you're keeping somebody from leaving?

25 THE WITNESS: Yes.

1 THE COURT: Okay.

2 BY THE DEFENDANT:

3 Q Okay. And that's what you did that night?

4 A No, not at that time. You --

5 Q Okay. So you're saying you stopped -- well, had you had
6 any idea before you coming in contact with me that there had been
7 an incident at -- was it Tropicana and Decatur, I believe?

8 A No.

9 Q No, not at all?

10 A No.

11 Q Nothing over the radio? Or nothing to that --

12 A No. I didn't hear it.

13 Q Okay. So you said that you're not the arresting officer.
14 Am I correct?

15 A Correct.

16 Q Does placing handcuffs on someone constitute as an
17 arrest?

18 A No.

19 Q Okay. Does placing someone in the back of a patrol unit
20 constitute as an arrest?

21 A No.

22 Q Okay. So you can just put civilians in the back, handcuff
23 them, without no --

24 MR. ROGAN: Judge, I'm going to again object as to
25 argumentative.

1 THE COURT: I'm going to sustain the objection.

2 I mean, you can ask him about the various things of
3 investigative detentions, arrests -- the difference of those things.

4 THE DEFENDANT: Oh, okay.

5 BY THE DEFENDANT:

6 Q Okay. Well, let me say this, is the reason you said I came
7 up to you is because you couldn't otherwise justify the probable
8 cause to stop me that night?

9 MR. ROGAN: Objection. Argumentative.

10 THE COURT: Well, I'll let you answer the question.

11 THE WITNESS: You approached me. I was on another -- I
12 was on a vehicle stop and you approached me.

13 BY THE DEFENDANT:

14 Q You keep saying that. But this is what I'm trying to say
15 that I didn't approach you; you stopped me.

16 THE COURT: Well, but that --

17 BY THE DEFENDANT:

18 Q That's why I'm asking the question.

19 THE COURT: Now, that is argumentative. I mean, I get
20 that that's your position. But all you can do is ask him questions
21 right now.

22 THE DEFENDANT: But he's not --

23 THE COURT: And he's -- he's giving -- I understand if you
24 don't like that answer. But that's not the time for you argue with him
25 about whether he's correct or not.

1 THE DEFENDANT: Okay.

2 BY THE DEFENDANT:

3 Q Is that not a yes or no? Is the reason you said I came up to
4 you was because you couldn't otherwise justify probable cause to
5 stop me?

6 THE COURT: That's the question you just asked. And he
7 said no because you approached him.

8 THE DEFENDANT: No, he didn't say no. He said -- he just
9 said I approached him.

10 BY THE DEFENDANT:

11 Q But it's no, because I approached him?

12 A No. Because you approached me. Yes.

13 Q Okay. Is there a reason -- is the reason you are saying you
14 are not the arresting officer when you put the cuffs on me and put
15 me in the car because you couldn't justify the arrest without
16 Mirandizing me first, which you did not?

17 MR. ROGAN: Objection. Relevance and --

18 THE COURT: Well, yeah. That's a compound question.
19 So you have to start with, Did he arrest you? Which he said no.

20 BY THE DEFENDANT:

21 Q Okay. Did you -- after putting handcuffs -- or before
22 putting handcuffs, after placing me in the car -- or before putting me
23 in the car, did you Mirandize me of my rights?

24 A No.

25 Q Okay. Is there a reason it took two years to respond to my

1 body camera inquiry because the evidence your body camera
2 recorded didn't coincide with the statements that you said took place
3 that night?

4 MR. ROGAN: Objection. Foundation.

5 THE COURT: I'll Sustain the objection.

6 Any issues related to the discovery of evidence or pretrial
7 issues about the turning over and discovery of evidence is not an
8 avenue for discussion at trial about whether something was turned
9 over or not turned over, if it existed or not.

10 I mean, you can ask him about body cam video, but he
11 said he was not wearing a body camera.

12 THE DEFENDANT: Okay.

13 BY THE DEFENDANT:

14 Q So were you -- okay. If I was not under arrest -- you said
15 you didn't arrest me. You weren't the arresting officer putting the
16 handcuffs on me; wasn't part of the arrest, putting me in back of the
17 car, wasn't a part of the arrest, was I free to walk away from you that
18 night?

19 A No.

20 Q I wasn't under arrest, but I was not free to walk away from
21 you that night. Okay.

22 I have a picture -- well, first, let me say this, was anybody
23 besides you and your partner there that night when we made contact
24 with each other? Were any other law enforcement there in the
25 immediate vicinity when we made contact with each other?

1 A I don't recall.

2 Q You don't recall? It's not a definite yes or no.

3 I have a picture I would like to put on the screen, but --

4 THE COURT: Has it been -- well, I take it it hasn't been
5 admitted. So what -- is it marked?

6 THE DEFENDANT: She was supposed to -- she was
7 supposed to ask was it okay, but she went to the bathroom.

8 THE COURT: Is it marked?

9 MS. MURRAY: It's not marked. I don't know if he can
10 submit it.

11 THE COURT: Do you have -- where do we have it?

12 MS. MURRAY: He's holding it.

13 THE DEFENDANT: Yes, I have it right here.

14 THE COURT: Show it to the State, if you would, please.

15 MS. FLECK: Your Honor, may I? Thank you.

16 THE COURT: Yeah. Why don't you hand that to me.

17 MS. FLECK: So the Court can look at that.

18 THE DEFENDANT: Well, I need the words for later, so I
19 don't want the words cut off.

20 MS. MURRAY: They won't.

21 THE DEFENDANT: If you just fold it, it would be okay.

22 MS. MURRAY: We won't.

23 THE COURT: Well, yeah. It's a piece out of a -- assuming
24 the detective's report?

25 MS. MURRAY: Yes.

1 THE COURT: A page out of the detective's report. And it
2 has textual information out of the report, which is not admissible.
3 But we will -- you don't have --

4 The State doesn't any objection to the photograph;
5 correct?

6 MS. FLECK: No, we don't.

7 MR. ROGAN: No.

8 THE COURT: Okay. So this will be marked first in order;
9 so that's Defendant's A?

10 Okay. JR.

11 So that will be admitted. And you can display it on the
12 overhead, if you wish.

13 It should come up, Officer Haynes, right here, to your left
14 as well -- whichever screen you want to look at is fine. You probably
15 have to zoom it out a little bit.

16 THE DEFENDANT: Can Officer Haynes see that picture
17 okay?

18 THE COURT: Can you see that, sir? I know it's a little --

19 THE WITNESS: It's blurry. I can see.

20 THE COURT: Okay. All right. You can go ahead.

21 BY THE DEFENDANT:

22 Q Okay. That's specifically, almost definitely -- well, a
23 minute or two, I guess, in range of when we came in contact of each
24 other.

25 Is that officer in the background yourself?

1 A I can't see that picture, sir.

2 Q Okay. You testified earlier that you were wearing tan to
3 yellow uniform that night; am I correct?

4 A I was wearing a bike yellow uniform.

5 Q Okay.

6 A Yellow top. Black pants.

7 Q Yellow top and black pants. And this officer here is clearly
8 wearing a dark top, the black --

9 THE COURT: Where are you referring to in photograph?
10 The individual right in the very front?

11 THE DEFENDANT: Yes. No. That's me in the front.

12 THE COURT: Okay.

13 THE DEFENDANT: That's the officer in the background.

14 THE COURT: Okay. I don't want you to testify about
15 anything. Just tell me which person that you're wanting the officer
16 to look at.

17 THE DEFENDANT: Him, where the arrow is going to.

18 THE COURT: Here?

19 THE DEFENDANT: Right there.

20 THE COURT: Okay. Can you make that out at all?

21 THE WITNESS: I can't make it out.

22 THE COURT: Okay. Do you know if you're in this
23 photograph? Do you recognize this at all?

24 THE WITNESS: I don't.

25 THE COURT: Okay.

1 All right. Mr. Woods?

2 BY THE DEFENDANT:

3 Q So that's not -- you said specifically -- well, you are sure
4 that you were wearing a yellow top that night?

5 A Yes.

6 Q Okay. Okay. Now, you -- after you handcuffed me, put me
7 in the back of the car, you then transported me to, I believe you said
8 headquarters. But I thought it was detective?

9 A Yeah. The detectives came out and talked to you.

10 Q Yes. Do you recall what the conversation was between
11 me and that particular detective?

12 A No.

13 Q No. Did I state to you at any time I didn't want to talk? I
14 wanted a lawyer?

15 A No.

16 Q I never said I didn't want talk about the incident?

17 A You did say that to me.

18 Q I did say that to you. Okay. Do you remember, or can you
19 recall if I ever said that to the detective -- how close were you -- did
20 you hear me and the detective's conversation?

21 A No.

22 Q Where was I when me and the detective had our
23 conversation?

24 A I'm not sure.

25 THE DEFENDANT: Okay. Can I say where I was? Or I

1 can't say?

2 THE COURT: No, no.

3 THE DEFENDANT: Oh, okay.

4 THE COURT: You just ask this gentleman questions about
5 it and what he has knowledge of.

6 THE DEFENDANT: Okay.

7 BY THE DEFENDANT:

8 Q And okay. Well, if you wasn't the arresting officer, and
9 that detective, which is B. Embrey, said he was the arresting officer,
10 why did you handcuff me, put me in your car, and transport me,
11 instead of the arresting officer, if he was indeed the arresting officer?

12 A Because you was going down to questioning.

13 Q Why didn't the arresting officer take me down to
14 questioning?

15 A Because I had the patrol car.

16 Q How did the detective get to the scene?

17 A In his car.

18 Q And I couldn't have rolled to his interrogation in his own
19 car?

20 MR. ROGAN: Objection. Foundation. This witness
21 is [indiscernible] knowledge.

22 THE COURT: Well, and that's argumentative as well. So
23 I'll sustain the objection as argumentative.

24 THE DEFENDANT: Okay. Okay. Okay. I think I'm going
25 to -- that will be all for you.

1 THE COURT: Okay. Mr. Rogan?

2 **REDIRECT EXAMINATION**

3 BY MR. ROGAN:

4 Q Sir, you were asked about whether you gave -- you wrote
5 a statement about what happened that night. Do you recall that
6 question?

7 A Yes.

8 Q And your answer was, the detectives wrote the
9 statements; correct?

10 A Correct.

11 Q But you did give --

12 THE COURT: So wait -- you mean report?

13 MR. ROGAN: I'm sorry. Reports.

14 THE COURT: Okay.

15 BY MR. ROGAN:

16 Q The detectives wrote the reports; correct?

17 A Correct.

18 Q Okay. Now, you did, however, sit through a taped
19 statement with the detectives; correct?

20 A Correct.

21 Q And you gave the detective, at that time, in that taped
22 statement, exactly what occurred that evening?

23 A Correct.

24 MR. ROGAN: Nothing further.

25 THE COURT: Anything further, Mr. Woods?

1 THE DEFENDANT: Yes.

2 **RECROSS-EXAMINATION**

3 BY THE DEFENDANT:

4 Q You said you gave a taped statement. Where were you
5 when you gave that taped statement?

6 A At headquarters.

7 Q And is there a reason why you didn't make your own
8 taped statement?

9 THE COURT: Make his own report? Or make his own --

10 THE DEFENDANT: Make his own -- well, I asked report.
11 So I tried to say the report is written, the statement is recorded. So I
12 was wondering why he didn't give a --

13 THE COURT: Well, the report is the report that's generated
14 by law enforcement officer of many things. A statement is just a
15 statement by a witness about what that witness knows.

16 THE DEFENDANT: Okay. Since he was --

17 BY THE DEFENDANT:

18 Q Since you were the one that handcuffed me, put me in the
19 car, drove me down there, I'm wondering why was it not you that
20 made the report, instead of -- I guess you reported it to somebody
21 else -- reported the incident to somebody else instead of making
22 your own report and giving it to the prosecution? Or however it
23 comes down to change of command?

24 MR. ROGAN: Objection. Asked and answered.

25 THE COURT: Well, that's a little complex. I'm not going to

1 sustain the objection.

2 I'll overrule the objection.

3 Why do you not make the report yourself and let the
4 detectives make the report?

5 THE WITNESS: Because of -- it was the lead detectives of
6 the investigation that actually the report.

7 THE COURT: Okay. So you provide them your part of it,
8 and then they make the report?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Mr. Woods.

11 THE DEFENDANT: That's it.

12 THE COURT: Anything else?

13 Okay. Anything further from the State?

14 MR. ROGAN: No.

15 THE COURT: Any questions from our jurors?

16 Officer Haynes, thank you very much for your time. I
17 appreciate it. You are excused, sir.

18 THE WITNESS: All right. Thanks.

19 THE COURT: All right. Folks, we're going to take a quick
20 recess before we continue on.

21 During the recess you are admonished not to talk or
22 converse among yourselves, or with anyone else on any subject
23 connected with the trial, or read, watch, or listen to any report of or
24 commentary on the trial, by any medium of information, including,
25 without limitation, newspapers, television, Internet, radio, or form or

1 express any opinion on any subject connected to the case until it's
2 finally submitted to you. No legal or factual research, investigation,
3 or social media communication on your own.

4 Whenever we take a break, just leave your clipboards and
5 notepads in your chair. And you can head back out this way to the
6 deliberation room. Thank you.

7 [Outside the presence of the jury.]

8 THE COURT: Does anybody have anything outside the
9 presence?

10 MS. MURRAY: I'm sorry. Can we perhaps make a copy of
11 this exhibit?

12 MS. FLECK: Sure.

13 MS. MURRAY: And then that way it'll be on blank sheets,
14 so you can still this as discovery.

15 THE COURT: Yeah. And we'll make a copy of that.

16 MS. MURRAY: I appreciate that. Thank you.

17 MS. FLECK: Yeah. The only thing that I would remind the
18 defendant -- I think, he's already opened the door to it -- but he gave
19 a statement to the detectives --

20 THE COURT: Okay.

21 MS. FLECK: -- where he confessed to this. It was
22 suppressed. And we didn't actually fight it from page 18 on because
23 he does indicate that he would like to speak to lawyer.

24 THE COURT: Okay.

25 MS. FLECK: Doesn't mean that that statement didn't

1 happen.

2 So I think for him to say something completely contrary to
3 what's in that, or act as though certain things didn't happen I think
4 flies in the face of the truth which defendant -- or I should say a
5 defense attorney is not allowed to do or the State.

6 So I think he should just be mindful of the fact that he did
7 give a statement. So he can't -- he can't be repeatedly saying things
8 that are inconsistent with the truth.

9 THE COURT: Well, the bigger danger in something like
10 that, Mr. Woods, is -- and this is what happens with a lot of *pro per*
11 people -- you want to argue with witnesses and kind of testify while
12 you're up there, as opposed to just asking questions.

13 So if you do that and start making statements like that,
14 you could potentially open the door up to things coming in that are
15 otherwise excluded because you're making statements as the
16 defendant in front of the jury about your version of things. Even if
17 you don't testify, you're essentially testifying when you make those
18 kinds of statements. So you have to --

19 THE DEFENDANT: So you're referring to -- so I know not
20 to --

21 THE COURT: Well, I mean, I can't refer to anything in
22 specific. But what I'm telling you is, like, with that last gentleman
23 when you kept saying, No, no, no, I didn't approach you -- that's you
24 testifying. You may not like that he's telling you that you
25 approached him --

1 THE DEFENDANT: Okay.

2 THE COURT: -- but you can't argue with him about it. No,
3 you're not telling the truth. I didn't approach you. You approached
4 me -- kind of thing.

5 You just have to ask the questions. And if you believe
6 there are questions that help point out that he's wrong, then you can
7 do that. But you can't ask him isn't it -- you know, or make -- you
8 say, No, no, no. Isn't it true that you approached me?

9 THE DEFENDANT: Okay.

10 THE COURT: And if he says, No, well, that's -- okay, that's
11 answer. But.

12 You can't say, No, that's not true. You approached me,
13 because now you're making a statement and simply offering
14 testimony --

15 THE DEFENDANT: Okay.

16 THE COURT: -- which is kind of the same thing we were
17 talking about during portions of the opening when you were saying I
18 believe and this is how I feel about things, those are your personal
19 statements about stuff, which is akin to testimony. And if you do
20 that kind of thing, you risk subjecting yourself to having to testify,
21 whether you want to or not, because you've made so many
22 statements like that to the jury. So you have to be really, really
23 mindful of that.

24 And what they're pointing out is in regard to that portion
25 of your statement to the police that was suppressed, you can do

1 things that open that door up by going into things that make that all
2 of a sudden relevant, even though it was earlier suppressed. So if
3 you have any questions about any of that, make sure you talk to your
4 attorney. Okay?

5 MS. FLECK: And specifically what he said is, No one has
6 asked me, not one person has asked me if I committed this crime.
7 It's, like, there's a whole statement where they're asking him and
8 talking about it.

9 THE COURT: I know. I know. That was in opening
10 versus --

11 MS. FLECK: Yeah.

12 THE COURT: -- questioning witnesses in evidence.

13 But I knew what you were -- why you were raising that
14 concern because, obviously, their position is people did ask you that
15 and it's in the statement, and that was suppressed. So you don't get
16 to benefit from the suppression by re-characterizing what occurred.

17 THE DEFENDANT: Oh, okay.

18 THE COURT: Does that make sense?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay.

21 THE DEFENDANT: Totally. So I have to -- people on the
22 stand, anybody on the stand, I have to address all my questions in
23 the form of a --

24 THE COURT: Of a question.

25 THE DEFENDANT: Okay. I got that.

1 THE COURT: In a question. It's got to be questions. All
2 this part of the trial is is pulling out answers from witnesses, and
3 then you use that to make your closing argument, what you want to
4 say at the end. But you can't testify while you're doing the question.
5 You just have to ask the question. Okay?

6 THE DEFENDANT: So I ask the questions all along, but in
7 closing I can go pretty much say --

8 THE COURT: Yes. But, again, closing is based on
9 evidence. So it has to come out as evidence to be usable in closing.

10 THE DEFENDANT: Yeah, yeah. I got it.

11 THE COURT: But that's -- obviously, yes, you're spot on.
12 That's the time that you get to argue to the jury about what you think
13 about evidence.

14 THE DEFENDANT: Okay.

15 MS. FLECK: What's the parameters of approaching to get
16 the pictures now that I'm going to use with the next witness?

17 THE COURT: If you have exhibits, then I'll have JR bring
18 any exhibits out. I mean, if you guys have exhibits that you want to
19 come up here to --

20 MS. FLECK: Organize.

21 THE COURT: -- get on the -- not the bench.

22 MS. FLECK: The calendar.

23 THE COURT: The calendar, yes. I don't know why I can't
24 up with the word. If you all have exhibits there, and you guys need
25 to approach those and grab exhibits, you can do so.

1 MS. FLECK: Okay.

2 THE COURT: I'm just limiting any kind of approaching the
3 bench thing to have the marshal involved in that on both sides.

4 MS. FLECK: So you -- just to be clear, you want me leave
5 them here, but I can come and get them to put them on to podium,
6 just not approach Divina with them?

7 THE COURT: Yes.

8 MS. FLECK: Okay.

9 THE COURT: Yes. So if you know what you're going to
10 use with her, you can leave them up there if you want and have her
11 go through them. Or you can have the marshal bring them up to her
12 whenever necessary.

13 MS. FLECK: Okay.

14 THE COURT: All right. We're in break.

15 [Recess taken from 3:30 p.m., until 3:45 p.m.]

16 [In the presence of the jury.]

17 THE COURT: Thank you. You all can be seated. We'll be
18 back on the record. Mr. Woods, Ms. Murray, Mr. Hauser, State's
19 attorneys as well, all jurors are present.

20 We're going to continue on with the State's case in chief.

21 You all can call your next witness.

22 MS. FLECK: Thank you, Your Honor. The State calls
23 Divina Leal.

24 THE COURT: Thank you.

25 DIVINA LEAL

1 [having been called as a witness and being first duly sworn, testified
2 as follows:]

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

5 THE WITNESS: Divina Leal, D-I-V-I-N-A; last name Leal,
6 L-E-A-L.

7 THE COURT: Okay. Thank you, Divina.

8 MS. FLECK: May I proceed?

9 THE COURT: Yes.

10 MS. FLECK: Thank you.

11 **DIRECT EXAMINATION**

12 BY MS. FLECK:

13 Q Good afternoon. Divina, how old are you?

14 A Nineteen.

15 Q And when's your date of birth?

16 A September 25th, 1999.

17 Q Okay. You're currently not living in Las Vegas; is that
18 true?

19 A True.

20 Q How long ago was it that you lived in Las Vegas?

21 A About eight months ago.

22 Q Okay. Eight months ago you moved from Las Vegas?

23 A Yes.

24 Q Okay. I want to direct your attention back to 2015. Were
25 you living here at that time?

1 A Yes.

2 Q And who were you -- in the earlier part of the year, who
3 were you living here with?

4 A My mom and Leonard.

5 Q And what's your mom's name?

6 A Josie Kate Jones.

7 Q Okay. And you said Leonard. Who's Leonard? And
8 you're pointing -- can you please describe something that the person
9 is wearing that you're pointing to?

10 A A white top -- or a white shirt and checkered tie.

11 Q Okay. Leonard Woods, is that his name?

12 A Yes.

13 MS. FLECK: Let the record reflect identification of the
14 defendant.

15 THE COURT: Ms. Leal, is the gentleman wearing a jacket
16 or no jacket?

17 THE WITNESS: No jacket.

18 THE COURT: Okay. The record will reflect the
19 identification of the defendant. Thank you.

20 BY MS. FLECK:

21 Q Divina, what was the relationship between your mom,
22 Josie, and the defendant?

23 A It was, like, an estranged relationship. They lived
24 together, but they didn't act like they were together.

25 Q Okay. How many years -- fair to say kind of an on again,

1 off again?

2 A I'd say about eight or nine.

3 Q Eight or nine years?

4 A Yeah.

5 Q Okay. And through those eight or nine years, it was kind
6 of an on-again, off-again relationship?

7 A Yes.

8 Q In the beginning of 2015, the first few months of that year,
9 where were you all living? Say up until about May of that year.

10 A May of that year, I would say Montello.

11 Q Do you remember the cross street?

12 A No, I don't recall.

13 Q Was Montello a house or an apartment?

14 A A house.

15 Q And who lived at that Montello address with you?

16 A Leonard, my mom, me, and my little brother.

17 Q Okay. What's your brother's name?

18 A Kenyatta Leal.

19 Q And at some point, did your little brother move from Las
20 Vegas?

21 A Yes.

22 Q When was that?

23 A I'd say maybe June, a little after his birthday.

24 Q Okay. Of 2015?

25 A Yes.

1 Q What house did you move to after you were at that
2 Montello address?

3 A Pinon Peak.

4 Q Pinon Peak?

5 A Yes.

6 Q And who lived at Pinon Peak?

7 A Leonard, my mom, and I. And my little brother lived there
8 for little bit before he moved.

9 Q Okay. Then I'd like to direct your attention to July --
10 specifically July 17th of 2015. You guys were all at Pinon Peak at
11 that time?

12 A Yes.

13 MS. FLECK: I'm going to have the marshal, please,
14 approach with some photographs.

15 BY MS. FLECK:

16 Q Divina, if you could just look through these photographs,
17 kind of skim through them, and let me know if you generally
18 recognize what's depicted in the photographs.

19 A This was the house on Pinon Peak.

20 MS. FLECK: Okay. If I could just grab those back so I can
21 reference some numbers. And I'll also show defense counsel.

22 THE COURT: Okay.

23 MS. FLECK: And this is State's Proposed Exhibit 3, 4, and
24 7 through 18. Showing defense counsel what's been marked as
25 those.

1 THE DEFENDANT: I have no problem.

2 MS. FLECK: No problem? Okay. So it sounds like there's
3 no objection.

4 THE COURT: Okay. Those will be admitted.

5 **[PLAINTIFF'S EXHIBIT NO. 3, 4, AND 7 THROUGH 18 ADMITTED.]**

6 MS. FLECK: Okay. Thank you.

7 THE COURT: And you can publish.

8 BY MS. FLECK:

9 Q Showing you first State's Exhibit 3. Who do we see here?

10 A My mother and I.

11 Q Okay. And how old were you when this photograph was
12 taken?

13 A I'd say about 13 or 14.

14 Q Showing you now State's Exhibit No. 4. Is this you?

15 A Yes.

16 Q Okay. Just a little bit older, maybe 15 at this time?

17 A Yes. 14, 15.

18 Q Okay. Now, you said that you were living at Pinon Peak.

19 Showing you State's Exhibit 7. Is that the street you guys were
20 living on?

21 A Yes, yes.

22 Q Okay. Now State's Exhibit No. 8.

23 A That's the front door.

24 Q Okay. That's the front door?

25 A Yes.

1 Q Okay. So is it kind of -- Pinon Peak kind of a trailer?

2 A Yes.

3 Q State's Exhibit 9. Just a different angle of it; is that
4 correct?

5 A Yes.

6 Q State's Exhibit 10, what do we see here?

7 A The living room that's right when you walk into the front
8 door.

9 Q State's Exhibit 13, what do we see here?

10 A That's Leonard's room.

11 Q Okay. State's Exhibit 15?

12 A My mom's room.

13 Q And State's Exhibit 18?

14 A My room.

15 Q And State's Exhibit 12?

16 A The kitchen.

17 Q Okay. So directing your attention, then, to July of 2015,
18 did your mom work at that time?

19 A Yes.

20 Q And where was she working?

21 A You Dirty Dog Mobile Dog Grooming.

22 Q Is that something that you would sometimes do with her?

23 A Yes. More than sometimes.

24 Q More than sometimes? Is that a yes?

25 A Yes.

1 Q Okay. What was the woman's name who ran that dog
2 grooming business?

3 A Kim Merits.

4 Q Okay. And was there another woman that was working
5 there that you all were friends with?

6 A Christina Delpino.

7 Q On July 17th, did you go with -- or did your mom go to
8 work that day?

9 A Yes, she did.

10 Q And did you go to work with her that day?

11 A No, I didn't.

12 Q Why not?

13 A Leonard made me stay home.

14 Q Okay. And what was the reason for him making you stay
15 home?

16 A He told me that I had to clean.

17 Q So when you woke up that morning what happened?

18 A I didn't clean.

19 Q Okay. When you woke up that morning, was your mom
20 already gone?

21 A Yes.

22 Q And so who all was at the house?

23 A Just Leonard and I.

24 Q And then tell us what happened.

25 A That morning I woke up maybe around 9:30 or 10:00. He

1 was being unusually nice. He's more of a quiet person. He was
2 offering to go get me breakfast. He got me Jack in the Box that
3 morning. I ate my Jack in the Box.

4 And I just wanted to get my cleaning over with. And I
5 asked him what I had to do that day. And he said, That's not why I
6 kept you home. He -- we were standing kind of next to that door in
7 front of --

8 Q You can actually use that mouse and it will open a little
9 arrow and it will kind of make a mark.

10 THE COURT: So you want her to draw or --

11 MS. FLECK: Sure. Yeah, you can draw.

12 THE COURT: Okay. So hold on one second here, ma'am.
13 Let me get this up. Okay. So if you just left click and hold, you can
14 draw.

15 THE WITNESS: Okay. We were standing, like right here,
16 kind of in front of this door. He was facing the cabinets, and I was
17 facing towards, like, where the carpet is and stuff. He told me that's
18 not why he had me stay home that day. He proceeded to tell me that
19 he saw me through my bedroom window looking at myself. And he
20 said that he was going to tell my mom that I was looking at myself,
21 or that I was sending pictures, something along the lines, to my
22 mom and make it sound bad, it was a threat, if I didn't let him see.

23 BY MS. FLECK:

24 Q If he didn't let you see what?

25 A My breasts.

1 Q If you didn't let him see what?

2 A If I didn't let him see my breasts.

3 Q Okay.

4 A And he looked -- he didn't look like himself. He doesn't --
5 he didn't look like how he's looking at me know.

6 Q How were you feeling when he first kind of started to talk
7 to you like this?

8 A I was confused. I laughed, because I didn't -- I didn't
9 understand. You know, I -- it just wasn't making sense in my mind.
10 And I said, like, What do you mean? Like, you know, I was just trying
11 to make sense of it. And he -- that's when he proceeded to grab me.
12 He grabbed me from behind. And I kind of turned like this. I turned
13 away from him like this, and he grabbed both of my breasts with
14 both hands. And that's when I turned away.

15 And I had on a pink shirt. I had just woken up. I didn't
16 have a bra on. And he lifted up my shirt, and he looked at me, and I
17 didn't stop him because I was scared. I was more so in shock. I just
18 stood there. And he said, Those are pretty titties. You have pretty
19 titties. That's what he told me.

20 Q Divina, when he grabbed you, you said it was from
21 behind; is that correct?

22 A Yes.

23 Q And you said that his hands were on what part of your
24 body?

25 A My breasts.

1 Q And was that over your shirt or under your shirt?

2 A Over.

3 Q Okay. And What did he do with his hands when they
4 touched your breasts?

5 A He grabbed them.

6 Q Did he do anything with them? Anything more than just
7 grabbing them?

8 A No.

9 Q Okay. How long do you think that they were on your
10 breasts?

11 A For like three seconds.

12 Q Okay. And then you said that he then lifted up your shirt?

13 A Yes.

14 Q What did you do then, after he said to you, you know,
15 Those are some nice titties?

16 A I just stood there. I didn't want to show him any emotion.
17 I didn't want to cry. I didn't want to let him know that it upset me,
18 because I didn't know what he would do after. So I tried my best to
19 act like it didn't bother me.

20 And that's when he proceeded to try to bribe me into not
21 saying anything. He gave me \$20. And he started telling me how he
22 was going to get my mom to let me start going out and giving me
23 money and going to my friend Devyn's house. And my mom didn't
24 want me hanging out with Devyn at the time because we were
25 young. We had fallen out at the time. And she didn't like what had

1 happened between us.

2 Q Okay.

3 A After that had happened, I went straight back to my room.
4 And I started trying to figure out a way that I could get out of my
5 house without any suspicions. So I called Devyn. And I started
6 telling her, like, asking her if I could come over. I went back -- I left
7 my door open so he could hear me talking so he wouldn't get
8 suspicious, and I made sure that I talked loud so that he could hear
9 me.

10 I went into the hallway, and I asked him if I could go to
11 Devyn's house. And he kind of looked at me. And then I reminded
12 him that he said that I could go to her house, and he then told me
13 yes that I could go.

14 And so she said she was going to ask her nana. But at that
15 time, I didn't tell her exactly what had happened. I was just hoping
16 that she would just come and get me.

17 Q Through that phone call, were you trying to express at all
18 to her that you needed help or that you wanted her to help you?

19 A Not at that moment --

20 Q Okay.

21 A -- because I was expecting her nana to say yes. Her nana
22 didn't say yes. And so that's when I started texting her, and I was
23 telling her to please help me. Leonard just molested me. And she
24 was asking if I was being serious. That's -- we had a pit bull at the
25 time named Deuce. So I took him into the backyard, and that's when

1 I called her. And I was talking casually, asking if she could come get
2 me, and I was making sure that I was speaking loud so that he could
3 hear me. But in between sentences I would whisper for her to help
4 me, that I needed help.

5 Q At some point, did she indicate to you, through a text
6 message, that she and her nana, Dora, would come and get you?

7 A Yes.

8 Q Okay. And you said that he agreed that you could go?

9 A Yes.

10 Q Did he tell you that you had to do anything before he
11 would let you leave?

12 A Yes.

13 Q And what was that?

14 A So after we had established that she was coming to get
15 me, I started to proceed to get ready like normal. I had my hair in
16 two pigtails like I usually had when I went to sleep; so I started acting
17 like I was getting ready so he wouldn't suspect anything. And Devyn
18 let me know that she had arrived. And I just grabbed a quick bag. I
19 honestly don't even remember what I put in it. I was just trying to
20 get out of the house as fast I could.

21 And before I was about to leave, he stopped me and told
22 me I had to send him a picture. And I told him that Devyn was here,
23 I didn't have time. And he said, Well, then, you're not going to leave
24 unless I get the picture.

25 So I went into my room, and I closed my door, because I

1 didn't want him to come in. And I lifted up my shirt, and I took a
2 picture of my breasts, and I sent it to him. And as I was leaving, I let
3 him know that I sent him a picture, and that's when he told me that
4 his phone is off. And then I left. I got into the car, and we started to
5 take off. And he came running outside.

6 Devyn has spent the night at my house plenty of times.
7 She was my best friend at the time. Excuse me. We cheered on the
8 same cheer team. Not once has he ever spoken to her, asked about
9 her, asked to meet her nana, Dora, or anything. And that specific
10 day, he had come running out of the house, after we had already
11 taken off. And we had saw him, so she backed up. And he then
12 started asking her questions, like --

13 THE COURT: When you say, asking her --

14 THE WITNESS: Yes.

15 THE COURT: -- who are you talking about? Dora or --

16 THE WITNESS: Dora.

17 THE COURT: Thank you.

18 THE WITNESS: Leonard was asking her questions about
19 what time I would be home. And she -- he offered to pick me up and
20 she said no. Of course, she was playing it off like she didn't know
21 anything of what was happening. She said that she would drop me
22 off herself.

23 He asked her for her number. And she told him that my
24 mom has her number, which she did. And he went back in the
25 house. He didn't ask any more questions after that.

1 BY MS. FLECK:

2 Q And you all thought -- you, specifically, thought that that
3 interaction was unusual?

4 A Yes. It was very unusual. That's not like him at all.

5 Q Okay. Once he went back into the house, where did you
6 all go?

7 A After that, we went to open up her grandparents' jewelry
8 store.

9 Q Okay. Let me ask you this.

10 A Yes.

11 Q At this point in time, had you had a conversation
12 specifically in the car yet with Devyn and Dora about what had
13 occurred?

14 A Yes. They were trying to persuade me to tell my mom. I
15 wanted to tell my mom. I was just scared to.

16 Q So when you left the house after the defendant went back
17 into Pinon Peak, you and Dora and Devyn left in the car; right?

18 A Yes.

19 Q And when you left, what was your demeanor? How were
20 acting or presenting yourself?

21 A As soon as I got in the car, I cried. I broke down. I let out
22 everything that I was holding in the house, because I didn't want him
23 to see that he had got to me.

24 Q Okay. When he came out to talk with Dora, what did you
25 do?

1 A I was crying when I got in the car, and we had taken off. I
2 had already started crying. And that's when we noticed he had
3 come back out. And I had to hurry up and regroup and get myself
4 together because the car windows weren't tinted, so he could see
5 me.

6 Q Okay. And then once he went back into the house and you
7 were alone with just Dora and Devyn, did you have an opportunity to
8 talk with them about what happened?

9 A Yes. I started telling them what had happened. Dora was
10 trying to console me and calm me down. She was letting me know
11 that she had experienced something similar with her daughter. And
12 I was just expressing to her how nervous I was to tell my mom. For
13 one, I didn't want to tell my mom on the phone because I know the
14 first thing that she would do would contact Joe, and that would put
15 her in harm's way.

16 Q Let me stop you. You mentioned Joe. Who's Joe?

17 A Leonard. Leonard Woods.

18 Q Okay. Okay. So is Joe a nickname that --

19 A Yes.

20 Q -- you guys would sometimes call him?

21 A Yes. I'm sorry.

22 Q So you were saying then you didn't -- you thought your
23 mom would contact him right away.

24 A Yes.

25 Q And you didn't want that to happen?

1 A Yes.

2 Q Okay.

3 A So I wanted her to come so I could tell her in person. After
4 we opened up the jewelry store, that is when we went home -- or to
5 Devyn's house -- her home. And her nana, Dora, called my mom.
6 She tried to just keep it brief with my mom and get her to come to
7 the house. But my mom started panicking, and she wanted to know
8 what had happened there. And she wanted to speak with me
9 immediately.

10 And Dora gave her the phone, and she sounded like she
11 was about to cry. And she had asked me what happened. And I told
12 her what happened. And I begged her not to go home first, to come
13 straight here.

14 Q Why was that?

15 A I didn't want anything to happen to her.

16 Q Why did you think that something would happen to her?

17 A I didn't know if my mom would, you know, address what
18 had happened between Leonard and I. He would get angry that I
19 told somebody when I told him I wouldn't --

20 Q Okay.

21 A -- and hurt her.

22 Q Okay. So ultimately she is at Dora's with you --

23 A Yes.

24 Q -- when this conversation is occurring; right?

25 A Yes.

1 Q What was her demeanor through this whole conversation
2 of you all deciding whether or not you were going to call the police?

3 A My mom's?

4 Q Yes.

5 A She was hysterical. She was just very heartbroken.

6 Q Okay. Did the -- did Dora ultimately kind of persuade her
7 to make that phone call to the police?

8 A Yes.

9 Q And she -- your mom did that?

10 A Yes.

11 Q And your mom is the person that made that report about
12 the touching?

13 A Yes.

14 Q Okay. How were you feeling when your mom called the
15 police?

16 A By that time, I wasn't crying anymore. I was more so
17 shocked and I was in a numb state.

18 Q How did you feel about the idea that the defendant may
19 go to jail based on something that you had said?

20 A I was hurt --

21 Q Okay.

22 A -- because that was my father figure.

23 Q As that phone call was being placed, did you feel any fear?

24 A I did. I was just scared that he would get away before --
25 you know, he would suspect something was up before the police got

1 there.

2 Q When your mom and the defendant would fight in the
3 years that you were living with them, would you hear him threaten
4 her?

5 A Yes.

6 Q And what would he say that he would do to her?

7 A Kill her.

8 Q Was there a set of circumstances under which he said he
9 would kill her, if she did something in particular he would kill her?

10 A If we left -- if she left.

11 Q Okay. And was that something that you heard once or
12 more than once?

13 A It had been something that I'd been hearing for years.

14 Q Did he also threaten in those conversations that he would
15 kill you and your brother?

16 A Yes.

17 Q Is that something that was discussed frequently between
18 you and your mom and your family?

19 A No. We didn't discuss it much.

20 Q Okay.

21 A The abuse had become normal.

22 Q Okay. When you say abuse, that kind of verbal
23 threatening?

24 A Verbal, mental abuse.

25 Q Okay. So your mom ultimately makes that phone call.

1 Was she -- as you observed her, was she scared at that time?

2 A Yes.

3 Q Did you guys finally go from Dora's back to Pinon Peak?

4 A Yes. It took a while for officers to finally show up at Dora's
5 house. When they did, we told them what had happened. We all
6 filled out police statements.

7 And I don't recall what was going on, on the other end, like
8 what was happening at my home, if they had already dispatched and
9 went there. But by the time we had got there, they had already
10 apprehended Leonard.

11 Q Were you and your mom actually at Pinon Peak when you
12 saw Leonard being taken to --

13 A No.

14 Q Okay. Were you -- where were you then, when you -- or I
15 guess when you heard that he was being transported?

16 A We were at Dora's house. We went after.

17 Q Okay. Okay. So by the time you get back to Pinon Peak,
18 he has been transported?

19 A Yes.

20 Q What did you and your mom do once you got home?

21 A Once we got home, we gathered as much as we could of
22 our belongings. And that is when we went to my cousin Dorion's
23 house.

24 Q How long were you at your -- well, let me ask you this.
25 Why did you move out that night? Why did you take all of your

1 belongings? And why did your mom take all of her belongings out
2 that evening?

3 A We didn't want to be there anymore.

4 Q Okay.

5 A My mom didn't want to be there anymore. I didn't want to
6 be there anymore. We just had to go.

7 Q And what about the defendant's belongings? We saw a
8 photograph of a picture with some Raiders gear in there or Raiders
9 pillow cases that you said was his room.

10 What did you all do with his belongings?

11 A We destroyed them.

12 Q You destroyed them?

13 A Yes.

14 Q Okay. Did you leave anything of his there?

15 A Yeah. We left everything there, but we destroyed it.

16 Q Okay. But you destroyed it. And then you left it at the
17 Pinon Peak? You didn't take it with you?

18 A No.

19 Q Okay. Now, you said that you went, then, the evening of
20 the 17th to your cousin's?

21 A Yes.

22 Q And this is a cousin -- what's his name?

23 A Dorion.

24 Q Dorion is related to you how?

25 A He is my dad's cousin; so he would be my second cousin.

1 Q Somebody that you guys were very close with?

2 A Yes.

3 Q Okay. And how long did you and your mom stay at
4 Dorion's?

5 A Well, that specific night, we went back to his place. But I
6 spent the night at Devyn's. So we all went there together. Devyn
7 was with us. And then I ended up spending the night at her house.
8 But after I spent the night at her house, I went back to Dorion's. And
9 we were there, I'd say, maybe a week.

10 Q Okay. And after you left Dorion's, where did you go?

11 A We had -- we got an apartment.

12 Q Do you remember a time between Dorion's and your new
13 apartment that you stayed at Siegel Suites?

14 A Yes.

15 Q How long did you stay there?

16 A I'd say maybe a few days.

17 Q Okay. And then ultimately you and your mom get your
18 own place?

19 A Yes.

20 Q And where was that?

21 A Off of Hacienda and Decatur.

22 Q Okay. Do you know what part of town that was in?

23 A I'm not too familiar with the sides of town.

24 Q Compared to Pinon Peak.

25 A Oh, it was across town. Yeah. It was far.

1 Q Okay. So all the way across town from Pinon Peak?

2 A Yes.

3 Q And you guys got all settled there?

4 A Yes. For the most part. We didn't have furniture or
5 anything, but personal belongings-wise, yes.

6 MS. FLECK: I'm showing defendant what's been marked
7 as State's Proposed -- or defense counsel -- 25 through 32.

8 Any objection?

9 THE DEFENDANT: No.

10 MS. FLECK: Okay. And there's no objection to the
11 admission.

12 THE COURT: Okay. Those will all be admitted.

13 **[PLAINTIFF'S EXHIBIT NO. 25 THROUGH 32 ADMITTED.]**

14 MS. FLECK: And then I'm also showing him -- which I'll
15 use in a moment -- State's Proposed 58 through -- I'm sorry -- 56
16 through 59.

17 Permission to publish these, Your Honor.

18 THE COURT: You may.

19 BY MS. FLECK:

20 Q Okay. Now, you said that you moved across town.

21 Showing you State's Exhibit 25, what do we see here?

22 A That is the living room and then the kitchen.

23 Q So --

24 THE COURT: I'm sorry. I don't know what just happened.
25 I'm sorry.

1 BY MS. FLECK:

2 Q Showing you State's Exhibit 27.

3 A To the left was my mom's room.

4 Q I'm sorry.

5 A Yeah. That's my mom's room.

6 Q That's your mom's room?

7 A Yes.

8 Q Okay. State's Exhibit 27 -- State's Exhibit 28?

9 A It's my closet.

10 Q State's Exhibit 29?

11 A My mom's closet.

12 Q And State's Exhibit 30?

13 A My room.

14 Q Okay. So the two of you had squarely moved across town
15 to this apartment. We don't see a ton of furnishings, but all of your
16 mom's and your possessions that you had at that time had already
17 been moved in?

18 A Yes.

19 Q Do you at some point -- do you and your mom get a
20 phone call from the defendant from CCDC?

21 A My mom received a call. She received the call when we
22 were at my cousin Dorion's house. I wasn't present when she
23 received it, but she did tell me that she had received it.

24 Q Okay. So I tell you -- I won't ask you, then, exactly what
25 was said in it. But at that point in time -- was that the only call that --

1 was there just one phone call?

2 A Yes. That I know of.

3 Q Okay. But they did speak one time?

4 A Yes.

5 Q And at that point in time, was it your mom's position that
6 she was no longer going to have any contact with the defendant?

7 A Yes.

8 Q Okay. Then going on towards the end of July, did you and
9 your mom ever get notification that the defendant had been released
10 from custody?

11 A She received a notification and she told me.

12 Q Okay. Do you remember when that was?

13 A August 3rd, I believe.

14 Q Okay. And by that point in time, were you guys already
15 living in this new apartment?

16 A Yes.

17 Q Now, I want to direct your attention to August 5th of 2015.
18 That evening, at around 6 p.m., where were you?

19 A Cheer practice.

20 Q And where were you going to high school?

21 A Desert Pines High School.

22 Q Where is that?

23 A Around, like, the east side of Las Vegas.

24 Q Okay. Fair to say you were going a far distance now --

25 A Yes.

1 Q -- from your new apartment in order to get to cheer. Is
2 cheerleading something that the defendant had taken you to in the
3 past?

4 A Yes.

5 Q Had he gone to drop you off at practice and pick you up
6 from practice?

7 A Not drop me off. But there's been a time where he has
8 met me at my school --

9 Q Okay.

10 A -- to walk me back home.

11 Q So he --

12 A Yes.

13 Q So he knew when you would be at cheerleading practice?

14 A Yes.

15 Q He knew your schedule?

16 A Yes.

17 Q The evening of the 5th, did your -- you said your mom
18 went to practice with you?

19 A Yes.

20 Q And did she stay at practice with you the entire time?

21 A Yes. She sat in front of me the whole time.

22 Q And what time did you say it ended?

23 A Around 8:00.

24 Q Where did you go after practice?

25 A Walgreens.

1 Q And where was that located?

2 A Off of Flamingo and Decatur, next to the Orleans Hotel.

3 Q What route did you take to get from Desert Pines High

4 School down to the Walgreens?

5 A I don't recall the name of the freeway, but we took a

6 freeway back.

7 Q Okay. And --

8 MS. FLECK: Court's indulgence.

9 BY MS. FLECK:

10 Q Okay. So you said, then, that you -- well, I'm sorry.

11 Where did you say the -- that the Walgreens was?

12 A Flamingo and Decatur.

13 Q Okay. Does Tropicana and Decatur sound about right?

14 A Tropicana. Yeah. Right.

15 Q And it was dark by this point in time. Is that fair to say?

16 A Yes.

17 Q Okay. So who was driving the car?

18 A My mom.

19 Q And when you got to the Walgreens, do you remember

20 where she parked?

21 A Yes.

22 Q Where?

23 A Towards, like, the left of the door.

24 Q Okay. Kind of right up front?

25 A Yes.

1 Q And what happened when you got there?

2 A We went inside. We were only inside for, I'd say, about
3 five minutes. We were getting juice, and I was getting more
4 foundation, more makeup. We checked out and we were exiting.
5 We had kind of split ways because I was going to the passenger's
6 side; she was going to the driver's side. I was a little ways behind
7 her still. And right when she got toward the front of the car, I saw a
8 man run out. And from where I was standing, it looked like he was
9 shaking her. She started screaming.

10 I heard him yelling, I told you I would find you B-I-T-C-H.
11 And he just kept repeating it. At that time, I didn't really understand
12 what was going on. Like I said, I thought somebody was just trying
13 to rob my mom.

14 He kind of turned -- it felt like it was a long time that I was
15 standing there, but it happened very fast. I caught a glimpse of the
16 side of his face. And I remember yelling. I kept screaming, Mom.
17 And I turned around, and I ran back into the Walgreens. And I just
18 started screaming and asking more help.

19 I was saying, Someone's trying to hurt my mom. Please
20 help me. People started gathering around me. And I could still hear
21 my mom screaming from outside.

22 And by that time, nobody -- everybody was just kind of
23 confused, so nobody was really doing anything. And I ran back
24 outside, and now my mom had collapsed on the sidewalk. She was
25 no longer near the car. It looked as if she had tried to get away, but

1 she didn't make it far. Her body was curled up in ball. And it looked
2 like -- it looked like her body was, like, broken -- like, her arms were
3 twisted and she was curled up in ball.

4 She had this -- like, a -- a light purple shirt on, but it was
5 starting to turn dark purple from the blood. I remember I ran in front
6 of her, and I was looking at her. And I just -- I just kept, you know,
7 telling her to look at me, look at me. She wouldn't look at me. I'm
8 sorry.

9 Q It's okay.

10 A She wouldn't look at me. And she started, like, kind of
11 hiccupping, like she was choking and she couldn't breathe. And I --
12 I kept begging her not to leave. I was telling her that she was all I
13 had. She couldn't leave me. I --

14 Everybody had come out of the store, and they were trying
15 to do what they could. I was running around trying to find a phone.
16 I was ask -- I was begging people to help me; I was begging
17 somebody to save her.

18 And I had finally got a phone, and I was trying to call my
19 dad. I called Christina. I was trying to call anybody.

20 Somebody had already called the police. There were
21 people trying to stop the bleeding, and the paramedics came and the
22 police came.

23 Leonard was long gone. He was gone when I came out of
24 the store. He wasn't there anymore.

25 They put her on the stretcher. And that was the last time I

1 saw her.

2 Q You said just now that it was Leonard. Tell us -- describe
3 to us how you know that it was Leonard that was the person who
4 attacked your mom that evening.

5 A I saw his face. He looked at me. He did a little -- a side -- a
6 side glance at me.

7 Q What about his voice? Did you hear his voice?

8 A Yes, I did.

9 Q Okay. And did --

10 THE DEFENDANT: Objection, Your Honor.

11 THE COURT: Overruled.

12 BY MS. FLECK:

13 Q And did it sound like his voice?

14 A Yes.

15 Q As you sit here today, any doubt in your mind that
16 Leonard Woods, the defendant, is person that killed your mom?

17 A Not anymore, no.

18 Q Okay. When you say not anymore, why do you say that?

19 A Because I didn't think he would do anything like that to
20 me, or to the woman hat had provided for him from almost ten
21 years -- to the woman that kept him alive for almost ten years.

22 Q Okay. Now, you said that police officers arrived. Were
23 you able to give a statement to them?

24 A Yes.

25 Q Okay.

1 MS. FLECK: Court's indulgence.

2 BY MS. FLECK:

3 Q Who is Kevin Foster?

4 A The man that my mom is legally married to.

5 Q Do you know Kevin Foster?

6 A Yes, I do.

7 Q How long have you known Kevin Foster?

8 A Since I was 5 years old.

9 Q Did Kevin Foster kill your mom?

10 A No.

11 Q Any -- did you ever see Kevin Foster that evening?

12 A No.

13 Q Okay. 100 percent sure, in your mind, Kevin Foster had
14 absolutely nothing to do with this?

15 A I'm 100 percent sure.

16 MS. FLECK: I'd ask the marshal to -- well, actually, I don't
17 think there's an objection.

18 So it would be State's 56 through 59.

19 THE COURT: Is that correct? No objection?

20 THE DEFENDANT: No.

21 THE COURT: Okay. Those will be admitted.

22 **[PLAINTIFF'S EXHIBIT NO. 56 through 59 ADMITTED.]**

23 THE COURT: Thank you.

24 BY MS. FLECK:

25 Q Now, Divina, tell me about the house that you said that

1 you lived at before Pinion. Where was that?

2 A Montello.

3 Q Okay. I'm going to show you State's Exhibit 57. Do you
4 recognize what's depicted here?

5 A Yes. That is the bathroom, through the window above the
6 shower.

7 Q Okay. So that's kind of looking down?

8 A Yup.

9 Q Showing you State's Exhibit 56. Do you recognize the
10 person depicted in the photo?

11 A That's me.

12 Q And State's Exhibit 59?

13 A That's me.

14 Q And State's Exhibit 58?

15 A That's me.

16 Q Any idea that those photographs were being taken of you?

17 A No.

18 MS. FLECK: Court's indulgence.

19 I'll pass the witness.

20 THE COURT: Mr. Woods.

21 **CROSS-EXAMINATION**

22 BY THE DEFENDANT:

23 Q Okay. Before I start asking you any questions, I know that
24 this is difficult, and I don't want to be accused of badgering the
25 witness. So if at any time it gets too much, just let them know, and

1 I'll stop the questioning.

2 A I will.

3 Q All right. Okay. When did you first come to live with your
4 mom and me?

5 A 2013.

6 Q 2013. And how did you get to -- do you remember the
7 address?

8 A Of what?

9 Q When you first came to live with us, you said it was 2013.
10 Do you remember the address?

11 A No, I do not.

12 THE DEFENDANT: Can I say what the address was, Your
13 Honor?

14 THE COURT: Well, no, it's not your opportunity to testify.

15 THE DEFENDANT: Okay.

16 BY THE DEFENDANT:

17 Q Okay. Have you ever called the police on Joe before?

18 A I haven't, but my mom has.

19 Q Your mom has?

20 A Yes.

21 Q Do you remember the situation or the incident?

22 A I do.

23 Q Would you like to elaborate on that?

24 A You were yelling at my mom, telling her, like, you were
25 going to kill her, like always. Yeah. You snatched her up. Uh-huh.

1 Q And what happened when the police came?

2 A You started acting like Mr. Good Guy. You were so sorry.
3 It wasn't going to happen again. Same thing that happened every
4 time.

5 Q Why didn't you --

6 MS. FLECK: Judge, I'm going to object to this line of
7 questioning.

8 THE COURT: Well, I don't know what the next question is.
9 You can go ahead and ask the next question.

10 BY THE DEFENDANT:

11 Q Why wasn't -- if that's what happened, why wasn't Joe
12 taken to jail that day?

13 THE COURT: Well, I'll -- then I'll sustain the objection. It's
14 not for her to talk about why other people may have done something
15 or didn't do something.

16 THE DEFENDANT: Okay.

17 BY THE DEFENDANT:

18 Q Well, why -- what happened after -- right after that
19 incident, what happened?

20 A What do you mean what happened?

21 Q I mean, since he didn't go to jail, did you stay? Did you
22 leave? Did you -- what happened after that?

23 A Of course I stayed. That was my house.

24 Q You guys didn't leave at all that day of that incident?

25 A Yeah. We left later that day to go get my Internet put on

1 my laptop, like we were trying to do before you interfered.

2 Q So you left. If you called the police and Joe roughed up
3 you and your mom, and he didn't go to jail, what would make you
4 guys stay at that same residence instead of moving like you did out
5 of Pinon Peak?

6 A Because it was normal. It happened all the time.

7 Q Okay. You said that Joe was verbally abusive to you for
8 years?

9 A Yes.

10 Q Okay. Have you ever taken any trips with Joe, by yourself,
11 without your mom?

12 A Yeah.

13 Q Where did you go?

14 A To California.

15 Q Okay. Why would you go somewhere by yourself with
16 someone who you say was -- or threatened to kill you?

17 A Because you never went through with what you did. Me
18 believing that you loved me, and that you were the father that you
19 told me you were, I never thought you would really hurt us or me. I
20 trusted you.

21 Q Even though I was, like you say, verbally abusive?

22 A Yes.

23 Q Okay. How did you get to -- how did you get to Las Vegas
24 from Arizona when you were staying with your dad?

25 A You came and picked me up.

1 Q And why did I come and pick you up?

2 A Because you loved me.

3 Q That, of course. But I'm saying what was the
4 circumstances around you -- did you give me any reason to come
5 down there and get you?

6 A Yes.

7 Q Why would I come down and get you?

8 A I was depressed, and I wanted to live with my mom.

9 Q So why not call your mom? Why call me if I was the
10 abusive guy?

11 A I didn't know you were the abusive guy at that time. I
12 wasn't living with you yet. You were coming to pick me up to live
13 with you.

14 Q Okay. But you said for ten years.

15 A Yes. Coming to stay with you guys on the weekend, I've
16 seen how you treated my mom.

17 Q Okay. Do you have any reason to believe that --

18 THE COURT: Hold on one second.

19 [Pause in the proceedings.]

20 THE COURT: We need to take a quick recess, ladies and
21 gentlemen. During the recess, you are not admonished not to talk or
22 converse among yourselves or with anyone else on any subject
23 connected to the trial, or read, watch, or listen to any report of or
24 commentary on the trial, by any medium of information, including,
25 without limitation, newspaper, television, Internet, and radio, or form

1 or express any opinion on any subject connected with the case until
2 it is submitted to you. No legal or factual research or investigation
3 on your own.

4 You guys can -- whoever needed the break, go ahead.

5 [Outside the presence of the jury.]

6 THE COURT: Sorry. Somebody on the jury needed a
7 break, so they had got the marshal's attention. So we'll get them
8 back in here as quickly as we can and get started back up so we can
9 finish Ms. Leal today, even if we have to stay a little bit.

10 MS. FLECK: Great. Thank you.

11 THE COURT: So I apologize for taking a break. You can
12 go ahead and step down with the attorneys if you want, or you guys
13 can go out there and talk out in the breakroom. Well, no, don't go
14 out there now, because the jurors are down the hall.

15 MS. MURRAY: Your Honor, can be admonished to not talk
16 about her testimony and the content of the case, just because --

17 MS. FLECK: I know the --

18 MS. MURRAY: -- just because I'm sure she's not familiar
19 with the process.

20 MS. FLECK: I know the --

21 MS. MURRAY: I know you do.

22 MS. FLECK: -- rules.

23 MS. MURRAY: But still --

24 THE COURT: Okay.

25 MS. MURRAY: I know you do. I didn't mean --

1 MS. FLECK: I know.

2 THE COURT: That's okay.

3 [Recess taken from 4:36 p.m., until 4:49 p.m.]

4 [In the presence of the jury.]

5 THE COURT: All right. You all can be seated. We'll be
6 back on the record.

7 Mr. Woods, Ms. Murray, Mr. Hauser, State's attorneys,
8 jurors are all present. We're going to continue on with the testimony
9 of Ms. Leal.

10 Ms. Leal, I'll remind you that you're still under oath. Okay?
11 Thank you.

12 Mr. Woods, you can continue.

13 BY THE DEFENDANT:

14 Q Did you know that when you came to live with Joe and
15 your mom that that was Joe's apartment and Joe's name was on the
16 lease and not your mom's?

17 A No.

18 Q Okay. After you moved out of that apartment -- I won't
19 say the name because you don't remember the name -- did you
20 remember where you moved to after that?

21 A Pecos Pointe Apartments.

22 Q Before you came to Pecos Pointe?

23 A No, I do not recall.

24 Q Okay. Did you know that Pecos Pointe apartment was
25 Joe's apartment and in his name when you guys came in to move

1 with him?

2 A Nope.

3 Q Okay. Did you know that the Montello address was Joe's
4 house in Joe's name -- bills in Joe's name, when you came to live
5 there?

6 A No.

7 Q Okay. Okay. After the -- after you left Pinon Peak and you
8 moved to -- I guess you said your cousin Dorian's? Okay. How long
9 did you stay at Dorian's?

10 A I would say about a week, maybe a little less.

11 Q What was the reason why you had to move out of
12 Dorian's?

13 A Because it was a packed house.

14 Q Okay. Is there any reason why Dorian is saying now you
15 never --

16 MS. FLECK: Objection.

17 THE COURT: I'll sustain the objection as to referencing
18 hearsay about what somebody else may or may not have said.

19 THE DEFENDANT: Okay.

20 BY THE DEFENDANT:

21 Q Is there a reason why Dorian is living in Oklahoma and not
22 Las Vegas anymore?

23 A I don't know any of that information.

24 Q Okay. Okay. You said that when Joe approached you in
25 the kitchen -- that morning, you were supposed to do what?

1 A I was supposed to go to work with my mom, and you told
2 her I can't go because I had to clean.

3 Q You heard me tell your mom not to send you to work with
4 her?

5 A No. She told me.

6 Q Okay.

7 A You told her.

8 Q And the job you were supposed to do that day at the
9 house?

10 A Clean.

11 Q Had Joe ever told you to clean before?

12 A Yes.

13 Q And what did you do when Joe told you usually to clean?
14 Where did you clean?

15 A The kitchen, bathroom, occasionally.

16 Q Did you have any animals -- did Joe have any animals or
17 anything?

18 A Yes. I had a dog.

19 Q And no cleaning up the dog poop or none of that?

20 A No. The dog poop was never cleaned.

21 Q Never?

22 A No.

23 Q Okay. Okay. Now, you also said that it was unusual what
24 Joe did at the Pinon Peak address?

25 A Pertaining to what?

1 Q Pertaining to the allegations you made about the touching
2 of the breasts and all of that.

3 Has any of that ever occurred before?

4 A No.

5 Q Has Joe ever made you feel uncomfortable in a sexual
6 way ever before?

7 A Yes.

8 Q Would you care to elaborate on that?

9 A Yeah. You would always make fun of me for being skinny.
10 I didn't have enough meat on my bones. My butt wasn't big enough.

11 Q Did Joe do that in a derogatory, hurtful way? Or was he
12 joking with you when you saying he said that to you?

13 A I don't see that as a joke. I don't know what man jokes
14 about that with his stepdaughter.

15 Q Oh, okay. That's understood. That is understood.

16 Have you ever falsely accused anyone at that point?

17 MS. FLECK: Object.

18 THE WITNESS: No.

19 BY THE DEFENDANT:

20 Q When Joe came --

21 THE COURT: I'll allow the answer to stand.

22 THE DEFENDANT: Say that one more time.

23 THE COURT: I said I'm going to allow the answer to stand.

24 THE DEFENDANT: Okay.

25 BY THE DEFENDANT:

1 Q There was nothing going on with you and your dad that
2 you called Joe to come down there and pick you up from Arizona?

3 MS. FLECK: So, objection.

4 THE COURT: She already answered no.

5 THE DEFENDANT: I hadn't mentioned the dad.

6 THE COURT: You just asked her this question, even
7 though we talked about this before trial that there was nothing ever
8 raised about any of this, you just asked her the very question that I
9 said you cannot ask at trial, but she went ahead and answered no.
10 So her answer is no.

11 THE DEFENDANT: Okay.

12 BY THE DEFENDANT:

13 Q Did you ever see -- well, let's say this.

14 You said that Joe threatened to kill you and your brother,
15 burn the house down. Yet you -- you're now saying that he touched
16 your breasts and you guys called the police.

17 Why didn't you call the police when he threatened to kill
18 you and burn the house down?

19 A Because you've made so many absent threats before, we
20 thought it was just, again, an absent threat. But this time you went
21 through with it, therefore, I had to call the police on you.

22 THE DEFENDANT: Is that -- that's an objection. She's --

23 THE COURT: To what?

24 THE DEFENDANT: She said this time you went through
25 with it.

1 THE COURT: You asked her why she called the police.
2 And she said that you did something to her so the police were called.

3 THE DEFENDANT: Okay. But that wasn't pertaining to
4 incident on -- oh, all right.

5 THE COURT: Well, you can ask her what she meant by
6 went through with it.

7 THE DEFENDANT: Oh, okay.

8 BY THE DEFENDANT:

9 Q Okay.

10 A You actually went through with bodily harm, so I called
11 the police.

12 Q No. What I'm -- I'm saying, like, when you made those
13 statements that I threatened to kill you, your brother, and your mom,
14 and I asked why did you stay.

15 To even go further with that point, why would someone
16 take a trip -- San Diego was, like, 300 and some odd miles, 700-some
17 back and forth. You --

18 MS. FLECK: Objection.

19 THE COURT: Well --

20 MS. FLECK: I'm going to go with asked --

21 THE COURT: -- just ask the question, Mr. Woods.

22 BY THE DEFENDANT:

23 Q Okay. You were comfortable enough to go with him that
24 far by yourself, even though you're saying this man threatened to kill
25 you. Why would you do that?

1 MS. FLECK: Objection. Just -- I don't mean to belabor the
2 point, but some of this is asked and answered. You know, she has
3 testified that she trusted him and that's why she did these things.
4 And then she came not to trust him.

5 THE COURT: I will sustain the objection about asked and
6 answered.

7 THE DEFENDANT: Okay. Okay.

8 BY THE DEFENDANT:

9 Q Did -- were you -- when you were doing not so good in
10 school, did Joe try to help you out?

11 A Yes.

12 Q Okay. Did Joe ever try to teach you how to cook?

13 A Yes. He taught me how to cook.

14 Q Did Joe ever try to teach you how to drive?

15 A Yes. Joe taught me how to drive.

16 Q Even though this is the same guy that was threatening to
17 kill you and burn up the house and kill your mom, you was
18 comfortable with just being in the car alone with someone that
19 would say something like that?

20 A I answered that question already.

21 Q I hadn't brought up the car, but -- so I guess that is no.

22 A I didn't say no. I said yes, I trusted you. You keep asking
23 me the same question, just in different words.

24 Q Okay. I'm trying to just get to the truth. I'm not trying to --

25 A That is the truth.

1 Q Okay. Did you see your mom at any time give Joe any
2 money for anything?

3 A You would take it from her.

4 Q You saw Joe take your mom's money from her?

5 A Yeah. My mom had used to have to hide money from you
6 because you would always take it. I knew where she hid it.

7 Q You -- Joe never gave you money when you were going
8 to, like, school functions or anything like that?

9 A You gave me my mom's money, yes.

10 Q How do you know that that was your mom's money, not
11 Joe's money?

12 A Because you sat on your butt all day watching the cooking
13 channel. You didn't have any source of income. And if you did, it
14 wasn't much.

15 Q You knew what I did for a living 24/7? You knew how Joe
16 generated his money 24/7?

17 A No.

18 Q Okay. What I'm saying is, if I sat on my butt and didn't
19 generate any income, how could I possibly afford the apartments
20 that you lived in? How could I -- my name be on the lease, the water
21 bill, the gas bill?

22 MS. FLECK: Objection. None of these questions go --
23 none of these questions are relevant.

24 THE COURT: I'm going to sustain the objection. But you
25 can't just make long statements. Just ask a question. Okay?

1 THE WITNESS: It was like that because my mom didn't
2 have good credit. So she used your name, but she paid the bills.
3 And you know that.

4 BY THE DEFENDANT:

5 Q But if Joe --

6 THE COURT: All right. I -- please don't tell him what you
7 think he knows, Ms. Leal.

8 THE WITNESS: Okay.

9 THE COURT: Please just answer the question.

10 THE DEFENDANT: Okay. Can I put that one up on the
11 screen? I think she --

12 THE COURT: What do you got?

13 THE DEFENDANT: I got it.

14 [Pause in the proceedings.]

15 MS. FLECK: That -- I don't -- Judge, I don't object.
16 However, this is page 2 of a six-page document, so I'm just going to
17 ask that it all be provided.

18 THE DEFENDANT: Not the words. Just the --

19 MS. FLECK: No. Then I object. Either it all comes in or
20 none of it.

21 THE DEFENDANT: Okay. Fine.

22 MS. FLECK: And I -- that's my objection to it.

23 THE COURT: JR, can you grab a copy of it for me, please.
24 Thank you.

25 MS. MURRAY: He's not sure if he's using it yet.

1 THE COURT: Why don't you -- oh, not using it now?

2 Okay.

3 MS. MURRAY: He's not sure.

4 THE COURT: Okay.

5 THE DEFENDANT: Okay. We'll leave that there.

6 BY THE DEFENDANT:

7 Q Do you -- are you familiar with the term, tohot box,
8 t-o-h-o-t, b-o-x?

9 A Yes.

10 Q What does tohot refer to? What's the term -- or what's the
11 acronym for tohot?

12 A I don't know the acronym for tohot. But it was just a word
13 thrown around in high school. That was Devyn's contact name in
14 my phone.

15 Q Was that a derogatory word towards women?

16 A Yes.

17 Q And you were comfortable using that as your screen
18 name?

19 A It was not my screen name, but yeah.

20 Q Okay. So you never took pictures of yourself and put
21 them on the Internet?

22 A No.

23 Q You never took nude pictures of yourself at all before?

24 A No.

25 Q Okay. You didn't never send any kind of pictures

1 anywhere?

2 A No.

3 Q Okay. Okay. Where does -- how did your mom and your
4 dad get along?

5 MS. FLECK: Objection, relevance.

6 THE WITNESS: They were cordial.

7 THE COURT: Well, she answered the question. I'll allow it
8 to stand.

9 BY THE DEFENDANT:

10 Q They were cordial. Did Joe and your dad ever get into any
11 altercations?

12 A Yes. But I don't know for what.

13 Q You said you don't know for what?

14 A Yes.

15 Q Okay. Did your mom and your dad ever get into any
16 altercations?

17 A Yes.

18 Q Yes. You don't remember or know why?

19 A It was over custody, over us wanting to go there, not
20 wanting to go there.

21 Q So was your dad ever accused of kidnapping the --

22 A Yes.

23 Q Yes. Okay. Did your dad, once he moved to Oklahoma,
24 ever come out to see you while you were in Las Vegas?

25 A No.

1 Q Okay. Did Joe ever discipline you physically? Did he ever
2 put his hands on you, slap you around, push you around, or
3 anything like that?

4 A I tried to leave once and you snatched me up. But other
5 than that, no.

6 Q Okay. Did you ever have a physical altercation with your
7 mom?

8 A No.

9 Q Did you ever fistfight with your mom?

10 MS. FLECK: Objection.

11 THE WITNESS: No.

12 MS. FLECK: None of these questions are relevant.

13 BY THE DEFENDANT:

14 Q Did --

15 THE COURT: Well, I'll sustain the objection.

16 BY THE DEFENDANT:

17 Q Did Joe ever -- did you ever call Joe or ask Joe to interfere
18 with any of the discipline your mom tried to administer to you?

19 A As far as --

20 Q If you didn't like something your mom told you to do or
21 made you do, would you call Joe to make her change her mind or do
22 something different?

23 A No. But there has been times where my mom and I have
24 argued, and I've called in your opinion about it.

25 Q Okay. Did you -- when you were going to Desert Pines

1 High School, did you ever call Joe to pick you up from school?

2 A Yes.

3 Q Was -- did he pick you up often?

4 A Towards the end of my sophomore year, yes. That was
5 when we had a car.

6 Q So why didn't you call your mom or catch the bus?

7 A Because my mom was working. And we had a car, so why
8 catch the bus?

9 Q No. I'm just -- well, I'll rephrase it like this. If -- the same
10 thing, if you was fearful of Joe, why would you call Joe to pick you
11 up at school?

12 MS. FLECK: Objection, asked and answered.

13 THE DEFENDANT: School also?

14 THE COURT: I'll sustain the objection. She's answered
15 that on a couple of different occasions.

16 THE DEFENDANT: Okay.

17 BY THE DEFENDANT:

18 Q There was no altercation between you and your mom or
19 Dorian?

20 A No.

21 Q Okay.

22 A Well, when?

23 Q The reason why you left.

24 A Not between Dorian, no.

25 Q Okay. All right. Now, you stated earlier that you

1 thought -- you stated earlier that you caught a glimpse of someone
2 that was shaking your mom. You thought he had tried to rob your
3 mom?

4 A Yes.

5 Q Okay. And you made statements several times, I think it
6 was my stepdad; is that correct?

7 A Yes.

8 Q Okay. Now, you came today and said you are 100 percent
9 sure why -- 100 percent sure now, when you weren't 100 percent
10 sure that night?

11 A Because I didn't want to believe that you would do
12 anything like that to me. I wanted to see the good in your still after
13 what you had did to me, because I still loved you after what you did
14 to me.

15 Q So you actually really didn't see who did that to you mom.

16 A I actually --

17 Q You said --

18 A -- did see who did that to my mom. I didn't want to
19 believe what I saw.

20 Q If you were 100 percent that night, why didn't you say you
21 were 100 percent that night to the police [indiscernible]?

22 A Because I didn't want to believe that you would do
23 anything like that to me or my mother.

24 Q Okay. That's fair enough.

25 I can't really ask some of the questions that are really --

1 feel that are really necessary because I don't want to, you know,
2 come across the wrong way. But I can say you made a mistake that
3 night.

4 THE COURT: Well, I'll strike that statement. You can't
5 make statements or testify. You're just asking questions of the
6 witness. Okay?

7 BY THE DEFENDANT:

8 Q Okay. Did you have any doubt in your mind that I loved
9 your mom?

10 A Yes.

11 Q Why would your mom stay with someone that --

12 MS. FLECK: Objection, speculation.

13 THE COURT: And I'll sustain the objection. You can't ask
14 her to speculate about why another person may have done
15 something.

16 THE DEFENDANT: I could ask her why would you think.

17 THE COURT: Well, what she thinks about that isn't
18 relevant. Why her mom may have done something may be relevant,
19 but she can't tell you why her mom may or may not have done
20 something. I mean, that's asking somebody to speculate about
21 somebody else's motivations, which is improper.

22 BY THE DEFENDANT:

23 Q Okay. Did you know what your mom did for a living
24 before Dirty Dog?

25 A No.

1 Q Did you know that your mom and Joe weren't -- how to
2 say it -- they weren't a monogamous couple, if you know what that
3 word means?

4 MS. FLECK: Objection. I --

5 THE COURT: Mr. Woods, there's no relevance to any kind
6 of relationship you or Ms. Jones had sometime in the distant past.

7 THE DEFENDANT: Court's indulgence.

8 [Pause in proceedings.]

9 THE DEFENDANT: I'm going to show --

10 MS. FLECK: May I approach [indiscernible].

11 [Pause in proceedings.]

12 THE DEFENDANT: Can I ask the question while she's
13 looking?

14 THE COURT: Sure.

15 BY THE DEFENDANT:

16 Q Okay. When you said about the Pinon Peak breast
17 incident, -and you said you were sad that day and you cried that day.

18 A Yes.

19 Q Did you cry all day? Were you sad all day?

20 A No.

21 Q No. Was you -- were you happy after the incident?

22 A No.

23 Q What I'm saying -- I'm not saying right after. But hours
24 afterwards, were you gloomy that day? Or you just wasn't sad about
25 it anymore? You weren't mad or anything?

1 A I was numb because you took a piece of me.
2 Q Okay.
3 THE COURT: Is that admitted yet?
4 MS. MURRAY: It was. The State admitted it.
5 THE DEFENDANT: It was so -- yeah.
6 THE COURT: Got it.
7 THE DEFENDANT: So State's Exhibit 4.
8 THE COURT: Okay.
9 THE DEFENDANT: That's what it says on the back here.
10 THE COURT: You can display it, if you --
11 THE DEFENDANT: Previously been admitted.
12 BY THE DEFENDANT:
13 Q This is you, right after the incident.
14 THE COURT: Now, ask a question.
15 BY THE DEFENDANT:
16 Q Correct?
17 THE COURT: Okay. Do you recall that photo?
18 THE WITNESS: I honestly do not recall that photo, but --
19 THE COURT: Okay.
20 BY THE DEFENDANT:
21 Q This is taken not even a couple hours after the incident.
22 MS. FLECK: Objection.
23 THE COURT: You've got to ask a question.
24 BY THE DEFENDANT:
25 Q It hasn't --

1 THE COURT: Mr. Woods, you can't testify and make
2 statements.

3 THE DEFENDANT: Yeah, yeah.

4 THE COURT: You've got to ask questions.

5 BY THE DEFENDANT:

6 Q This picture was put into evidence at a certain time.

7 THE COURT: The --

8 BY THE DEFENDANT:

9 Q It's --

10 THE COURT: The picture was put into evidence after the
11 young lady identified that as being a picture of herself when she was
12 about 14 or 15 years old.

13 THE DEFENDANT: No. I meant in my discovery, like the
14 time frame of it -- can I bring up the time frame?

15 THE COURT: Right. We're not talking about discovery
16 issues. This is just your opportunity to ask a witness questions at
17 trial, not --

18 BY THE DEFENDANT:

19 Q Okay. If --

20 THE DEFENDANT: Court's indulgence.

21 BY THE DEFENDANT:

22 Q Okay. After that -- after the incident, did the police come
23 out there and question you about the incident?

24 A Yes.

25 Q Okay. And these photos, you said you don't remember it,

1 but do you remember them taking photos of you that day?

2 A I don't recall anybody taking photos of me. I don't even
3 recall who took this picture or why I was smiling or where this was
4 even at in the house.

5 Q This is -- I was just --

6 A Or how anybody even got that picture. I don't remember
7 it at all.

8 Q I was just wondering, this is a --

9 THE DEFENDANT: Can I say what the photo -- photo's for?

10 THE COURT: No. You can ask her questions, Mr. Woods.
11 It's just an opportunity to ask her questions, please.

12 THE DEFENDANT: Oh, okay.

13 BY THE DEFENDANT:

14 Q Just could I ask why you were smiling after such a -- what
15 you stated was a traumatic incident?

16 A I don't recall why I was smiling. I don't even recall -- this
17 might not have even been the same date.

18 Q Okay. I mean the -- okay.

19 THE COURT: You have no more questions?

20 THE DEFENDANT: No more questions, Your Honor.

21 THE COURT: Okay. State, any questions?

22 MS. FLECK: Just briefly.

23 Showing the defendant what's been marked as State's
24 Proposed 5.

25 Just do you object to it or not?

1 THE DEFENDANT: Yes.

2 MS. FLECK: Okay. Can we please approach the -- or give
3 this to -- he objects, so I'll lay a foundation.

4 THE COURT: Okay.

5 MS. FLECK: Showing the witness what's been marked as
6 State's Proposed 5.

7 **REDIRECT EXAMINATION**

8 BY MS. FLECK:

9 Q Divina, do you recognize what's depicted in that
10 photograph?

11 A That was right after he killed my mom.

12 Q The picture was taken on August 5th of 2015. Does that
13 photograph fairly and accurately depict the way that you looked that
14 evening?

15 A Yes.

16 MS. FLECK: Move for --

17 THE WITNESS: That's when we went to cheer practice.

18 MS. FLECK: Move for admission of State's Proposed 5.

19 THE COURT: Any objection?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. And what's the objection?

22 THE DEFENDANT: I don't see the relevancy in that picture
23 after she's already asked her several questions about that incident
24 already.

25 THE COURT: Well, over objection, I'll admit the

1 photograph.

2 What was the number? I'm sorry.

3 MS. FLECK: 5.

4 THE COURT: 5. 5 will be admitted.

5 **[PLAINTIFF'S EXHIBIT NO. 5 ADMITTED.]**

6 MS. FLECK: And permission to publish?

7 THE COURT: Yes.

8 BY MS. FLECK:

9 Q This photograph was taken after you saw your mom
10 stabbed, what, 16 times by the defendant? Not happy in this
11 photograph, would you agree with me?

12 MS. FLECK: Nothing further.

13 THE COURT: The witness nodded yes.

14 Mr. Woods, any further questions based on the redirect?

15 THE DEFENDANT: No, sir.

16 THE COURT: Any questions from our jurors?

17 All right. Ms. Leal, thank you very much for your time. I
18 appreciate you coming to court. You are excused. Okay?

19 And ladies and gentlemen, we're going to go ahead and
20 recess for the day. I appreciate your patience so we could finish
21 Ms. Leal's testimony today.

22 During the recess you are admonished not to talk or
23 converse among yourselves, or with anyone else on any subject
24 connected with the trial, or read, watch, or listen to any report of or
25 commentary on the trial, by any medium of information, including,

1 without limitation, newspaper, television, Internet, radio, or form or
2 express any opinion on any subject connected to the case until it is
3 finally submitted to you. No legal or factual research or
4 investigation or re-creation or testimony on your own.

5 We're going to start tomorrow again at 1 o'clock. So if
6 you guys could be here just a little bit before that, we'll get started as
7 soon as we have everybody. Okay?

8 And again, just leave all your materials in your chairs
9 when you leave for the evening. Thank you for your time today, and
10 I'll see you tomorrow.

11 [Outside the presence of the jury.]

12 THE COURT: Do you guys have anything outside the
13 presence?

14 THE DEFENDANT: No.

15 MR. ROGAN: I have one thing, Your Honor.

16 THE COURT: Okay.

17 MR. ROGAN: Just during Mr. Woods' cross-examination
18 of Ms. Leal, there was a point in time where he directly violated the
19 order of the Court by asking her whether she ever made any prior
20 false allegations.

21 We also believe that one of the lines of questioning, where
22 he was asking about whether he and the victim Josie Jones were
23 monogamous, was heading down that line of accusing her of
24 prostitution. Of course, we didn't get that far because the Court
25 sustained our objection.

1 I would ask the Court to remind the defendant, again,
2 about the pretrial rulings that were made after discussion that he
3 cannot get into these things, but I expect him to again ignore the
4 orders of the Court and do so.

5 THE COURT: So look, Mr. Woods, I mean, you've been
6 very respectful. But on the other hand, you cannot violate the things
7 the Court is telling you to do. Okay?

8 If we get to a point that that continues on, at some point
9 the State's going to ask for a mistrial, and I would likely grant it and
10 then revoke your ability to represent yourself -- because representing
11 yourself carries with it the responsibility that you're going to abide
12 by the Court's orders and be able to follow the rules and procedures
13 that everybody has to follow.

14 So in opening statement, for instance, when you were
15 trying to go into things, and I sustained an objection, and you just
16 kept doing it, over and over -- there were three or four questions in a
17 row, where I finally had to say, no, you can't -- I kept striking things.
18 And I've already ruled that that's not something that's going to come
19 in.

20 And I believe that was of a similar nature when you were
21 starting to go into things about this young lady apparently
22 manipulating situations.

23 Similar, when I made the ruling before trial that nowhere
24 and at no time was there ever any litigation in this case about a prior
25 false allegation and, therefore, it cannot be brought up at trial, and

1 then you wade right into it and ask her that question.

2 Now, I let it stand because she said, plainly, no, that never
3 occurred.

4 But also going into issues relating to -- and I felt the same
5 as Mr. Rogan, that asking those questions you were asking about
6 Josie Jones and the prior history was trying to get into some issue
7 related to this prostitution thing by saying that she wasn't
8 monogamous, et cetera.

9 Even if it wasn't going into prostitution, whatever
10 relationship she had in the past, that you had in the past, whether
11 with each other, whether with five other people, none of that is
12 relevant to what happened and whether you're responsible for killing
13 this lady or not.

14 So you can't violate the Court's orders.

15 And I mean, I tried to be pretty clear when we addressed
16 those issues before trial. But any displeasure you have with them is
17 just -- you can take it up on appeal, if you end up getting convicted.
18 But you can't just wade into them during trial, or it gets to a point
19 where the Court will have no option, if the State makes a motion, to
20 grant a mistrial.

21 THE DEFENDANT: Okay. Two things. One, I was not --
22 well, one, I -- excuse me, Your Honor. No disrespect.

23 THE COURT: That's okay. No worry.

24 THE DEFENDANT: I will, from now on, write myself notes,
25 because that -- I wasn't doing that on purpose. And I'm sorry.

1 THE COURT: Okay.

2 THE DEFENDANT: I will write myself notes to remind
3 myself, stay away from --

4 THE COURT: Right.

5 THE DEFENDANT: -- certain things.

6 The second one was I wasn't leading down the road to
7 past relationships or definitely not the prostitution thing.

8 THE COURT: Okay.

9 THE DEFENDANT: I was kind of saying that we were both
10 in simultaneous relationships with other people -- and this could be
11 other people as suspects involved. But then I just stopped because I
12 didn't want to get myself in trouble.

13 THE COURT: Well, but I mean, it's not -- I mean, you made
14 this statement before we started trial that you think that the jury
15 should just be able to know any and everything. And that's not how
16 a trial works.

17 So whether Josie Jones had a relationship with somebody
18 else years ago when she was out of a relationship with you doesn't
19 automatically mean, oh, that person killed her and therefore that's
20 relevant here.

21 I mean, things have to be tied in to have some relevance
22 to the trial. And it's not enough just to say, like you were arguing,
23 she had a high-risk lifestyle, because apparently she used drugs in
24 the past or dated other people in the past. Those things don't
25 become relevant just because you want them to be. There has to be

1 some material relevance to the case. And there isn't anything that's
2 tied in any of that to the case, and it wasn't litigated in any fashion
3 pretrial, so we can't just wade into those things during trial. Okay?

4 THE DEFENDANT: Okay.

5 THE COURT: And on a similar fashion, I mean, you're --
6 when you're questioning the witnesses, I think you're understanding
7 how difficult this can be now after going through the first two. And
8 again, you're being respectful.

9 THE DEFENDANT: Yes.

10 THE COURT: But you can't make statements. You can't
11 say this photo was taken on such and such time. You ask a witness
12 a question.

13 You can't say you're mistaken. That's improper.

14 You ask the witness questions, and you've got to live with
15 the answers that those witnesses provide. And then you can ask
16 them other questions. But you can't just disagree with them and
17 make statements testifying yourself.

18 THE DEFENDANT: Okay. I was -- on the one picture
19 where she was smiling, she used similar pictures, and she asked her
20 about that night and that situation. She recognized it. But when I
21 put a similar picture, it was no.

22 THE COURT: The only thing that Ms. Fleck asked about
23 that photo was whether she recognized that as being a photo. And
24 she said, I -- yes. And Ms. Fleck said, Was that a photo when you
25 were around 15? And she said, 14 or 15.

1 The previous photo with her mom, she asked her about,
2 Do you recognize that photo? She said, Yeah. I think that was
3 around 13 or 14.

4 THE DEFENDANT: Okay.

5 THE COURT: But there was never any -- and this is why I
6 said what I did, because you said it was introduced at a certain time,
7 as for a certain time. That was never brought out in that photo.
8 There was no testimony about it was taken on such and such date, at
9 such and such time, in relation to the police being called -- anything
10 like that.

11 So you're free to ask the witness questions: Do you know
12 when this photo was taken? How old were you in this photo?

13 THE DEFENDANT: Oh, okay.

14 THE COURT: Where was this photo taken? Do you recall,
15 you know, the circumstances of the photo taken? Who took the
16 photo? All of that kind of stuff. But what you can't do is say, This
17 photo was taken on a certain date.

18 THE DEFENDANT: Okay.

19 THE COURT: That's a statement.

20 THE DEFENDANT: That's how it wasn't properly --

21 THE COURT: Do you remember when this photo was
22 taken? That's a question.

23 THE DEFENDANT: Okay.

24 THE COURT: So that's okay.

25 THE DEFENDANT: All right.

1 THE COURT: And you can ask as many questions as you
2 want, trying to get at somebody's ability to remember something or
3 provide you information about a photo or anything else. But you
4 can't just make your own statements about it. Okay?

5 THE DEFENDANT: One more quick time, you said I can
6 ask -- you framed it twice in two different -- first, you said I -- do you
7 remember when this photo was taken?

8 THE COURT: Here's a for instance.

9 THE DEFENDANT: And --

10 THE COURT: You believe that photo was taken at the
11 Pinon Peak residence?

12 THE DEFENDANT: That's in my discovery. I think that's
13 why I brought it up.

14 THE COURT: All right. So you believe it was taken at that
15 residence and you believe it was taken on July 17th?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. So if you're asking her a question, I'm
18 going to show you a photograph. Is that you in the photograph?
19 Yes.

20 Isn't it true that this photo was taken at the Pinon Peak
21 address on July 17th, 2015, after the police were called? And she'll
22 say, assumedly, what she would have said to that question was what
23 she said, which was, I don't recall when this photo was taken.

24 But you can't just say -- ask a question about the photo.
25 And she says, I don't recall.

1 And then you say, Well, it was taken on such and such
2 date -- because that's you making a statement, which is testimony
3 about evidence, and that you cannot do as the attorney asking
4 questions.

5 THE DEFENDANT: Okay.

6 THE COURT: Does that make sense?

7 THE DEFENDANT: Yes, perfect.

8 THE COURT: Okay. All right.

9 THE DEFENDANT: I'm going to put notes down for myself
10 [indiscernible] question.

11 And then I don't know if you got bent out of shape over
12 there or not, but there was no disrespect. I didn't mean for it to go
13 like that.

14 MR. ROGAN: I'm not [indiscernible]. Don't worry.

15 THE COURT: No, no, no, no. I don't think their -- I mean,
16 they're obviously concerned --

17 THE DEFENDANT: I'm just apologizing to them.

18 THE COURT: -- if you're going into things that are
19 inappropriate.

20 I think they're trying to be, you know, appropriate about
21 not objecting too much for things that are kind of difficult to know
22 how to do as a pro per person. But on the other hand, they've got --
23 they have to protect their case as well. So they have the right to
24 object anytime things are being done inappropriately.

25 THE DEFENDANT: All right.

1 THE COURT: But they also have the right to expect that if
2 it keeps happening, that I will not make them continue to object, but
3 kind of on my own be telling you you can't do those things, which
4 doesn't look good in front of a jury.

5 So like I said, if you have any questions, make sure you're
6 talking to your standby counsel about how to go about those things.
7 But you have to be able to, you know, effectively get through things.

8 And it's -- you know, it's not going to be very good
9 presentation by you for the jurors if it's real stilted and keeps being
10 objected to because it's not going the way that it should be going,
11 which is kind of why you've just got to be able to ask those
12 questions and get the answers and follow up with more questions,
13 but not make your own statements.

14 THE DEFENDANT: Okay.

15 THE COURT: Okay?

16 All right. Do you guys have anything else?

17 MR. ROGAN: Not from the State, Your Honor.

18 THE COURT: No?

19 Anything, Mr. Woods?

20 THE DEFENDANT: No, I think I'm good.

21 Oh, will I be taken -- or is there any way to make sure that
22 I'm taken from the module -- like they did today. They didn't get me
23 up here at 7:00, where I'm sitting in that cell for five to six hours.
24 They came, like, at a reasonable time.

25 THE COURT: Okay.

1 THE DEFENDANT: Will that happen or can I make that
2 happen at closer to 1:00?

3 THE COURT: I don't tell them anything about their
4 transportation. But I'm assuming they're nodding their head in the
5 background, which means if Court's at 1 o'clock, then we're going to
6 get you at a reasonable time before Court. Yeah? Yes? Okay.

7 THE DEFENDANT: Appreciate that.

8 THE COURT: There you go. All right. Guys, I'll see you
9 tomorrow.

10 MR. ROGAN: See you tomorrow.

11 THE COURT: Thank you.

12 MS. FLECK: Thanks.

13 THE DEFENDANT: Oh, can I ask who the next witness is
14 going to be? Or do you know?

15 THE COURT: You guys know who your next witness is
16 going to be?

17 MR. ROGAN: It's probably going to be Officer Lee --

18 THE DEFENDANT: Okay.

19 MR. ROGAN: -- one of the first responders.

20 THE COURT: Okay.

21 THE DEFENDANT: Do you like have a backup? Or do you
22 only, like, present -- have one in mind at a time, like Lee, then --

23 MR. ROGAN: Well, we haven't decided who else is being
24 called tomorrow.

25 THE DEFENDANT: Oh.

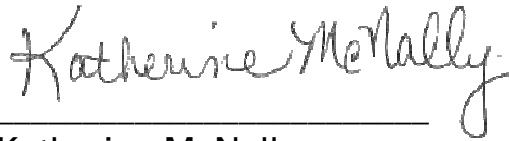
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MR. ROGAN: It depends on availability.

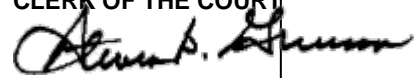
[Proceedings adjourned at 5:29 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

A handwritten signature in cursive script that reads "Katherine McNally". The signature is written in dark ink and is positioned above a horizontal line.

Katherine McNally
Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

10 **vs.**

11 **LEONARD RAY WOODS,**
12 **Defendant.**

)
)
) **CASE NO: C-15-309820-1**
) **DEPT. III**
)
)
)
)

13
14 **BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE**
15 **THURSDAY, MARCH 21, 2019**

16
17 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
18 ***RE: DAY 4***

19 **APPEARANCES:**

20 **For the Plaintiff(s):**

MICHELLE N. FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.

21
22 **For the Defendant:**
23 **Standby Counsel**

PRO SE
ROBSON HAUSER, ESQ.

24
25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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EXHIBITS

STATE'S EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Admitted</u>
1	CD with video	46
6	Photo of crime scene	69
7	Photo of Pinon Peak home	69
8	Photo of Pinon Peak home	69
9	Photo of Pinon Peak home	69
10	(Not Described)	69
11	(Not Described)	69
12	Photo of Pinon Peak home	69
13	Photo of Raiders' items	69
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34	Photo of Walgreens location	28
35	Photo of Walgreens location	69
36	Photo of Escalade parked at Walgreens	27
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(Continued)

EXHIBITS (Continued)

STATE'S EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Admitted</u>
38	Photo of Walgreens location	27
39	Photo of crime scene	69
40	Photo of blood on the sidewalk	69
41	Photo of blood on the sidewalk	69
42	Recording of jail call	69
43	Photo of exhibit cones	69
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45	Photo of Walgreens' shopping bag	69
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47	Photo of crime scene	69
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1 **LAS VEGAS, NEVADA, THURSDAY, MARCH 21, 2019**

2 [Proceeding commenced at 1:02 p.m.]

3
4 [Outside the presence of the jury.]

5 THE COURT: Outside the presence of the jury. Mr. Woods
6 is here with Mr. Hauser; Mr. Rogan is here for the State.

7 So the Court's been provided nine autopsy photos that the
8 State purports to use with Dr. Corneal; correct?

9 MR. ROGAN: Correct.

10 THE COURT: And for the record, we have a photograph
11 that is of the right side of the decedent, about mid chest up, showing
12 a wound below the right ear; and a photo of the back of the head and
13 mid back up area, showing a wound at the base of the back of the
14 head.

15 We have a photograph from the chin down to about mid
16 thigh that shows a number of wounds on the chest and abdomen; a
17 photo on the left side of the decedent, from about right above the
18 pubic area up to the top of the head, although the face is cut off,
19 showing two wounds on the left side up the near the breast and
20 armpit area.

21 We have a photograph showing the decedent lying face
22 down. You can see part of the upper back. And it depicts mainly the
23 right arm -- the wound on the inside forearm of the right arm; a
24 photograph that shows the decedent laying face up, depicting a
25 wound on the right -- upper side of the right forearm; a photograph

1 of the decedent lying face down depicting a wound on the right wrist
2 area and on the right forearm.

3 I think -- is that the same as the earlier one that's labeled
4 10?

5 MR. ROGAN: No.

6 THE COURT: Oh, the arm's turned. I see.

7 MR. ROGAN: Right.

8 THE COURT: Okay. So it's another view of the right arm,
9 turned, so that you can now see a wound on the outer portion of the
10 right forearm, as well as on the inner portion of the wrist; and then a
11 photograph of the decedent lying face down, looking at the left arm,
12 showing two wounds on the inside wrist portion of the left arm; and
13 then a photo of -- close up photo of the right -- or excuse me -- left
14 side of the decedent's face, depicting a wound along the left side of
15 the left eye.

16 Okay. Mr. Woods, do you have any objection to any of
17 those photos?

18 THE DEFENDANT: Yes. I want to object to all of them
19 except the one that was shown yesterday because it was already
20 shown. I think they're graphic and misleading. And I don't see the
21 relevance, if you already have one showing almost the wounds, from
22 yesterday.

23 THE COURT: All right. Which one was the one that was
24 used in the opening?

25 MR. ROGAN: I believe it was the third one in line. It was

1 the chest injuries.

2 THE DEFENDANT: No. It was more to the side. Side
3 and -- and chest because it didn't have the pubic area exposed like
4 that.

5 MR. ROGAN: She might have simply cropped it.

6 THE COURT: Michelle, do you know which photo was
7 used in the opening, of the nine that Jeff's got proposed right now?

8 MS. FLECK: Actually, I don't think -- it's not on -- it's not in
9 one of these, actually.

10 MR. ROGAN: Let me check.

11 MS. FLECK: It's similar to one, but it -- this one doesn't
12 show the neck.

13 THE COURT: Well, my sense is that it was kind of Photo 3
14 in this packet, only it showed the face.

15 MS. FLECK: Yeah.

16 THE COURT: And not all the way down to the pubic area.

17 MS. FLECK: Correct.

18 THE COURT: So if it shows those same wounds, and that
19 one I've already admitted, let's use that one.

20 MR. ROGAN: Okay.

21 MS. FLECK: Yeah. This one is definitely not.

22 THE COURT: Okay.

23 MR. ROGAN: Do we admit this one yet?

24 MS. FLECK: We don't want that one.

25 THE COURT: Okay.

1 MS. FLECK: Sorry.

2 THE COURT: All right. So we'll take 3 out and put in for it
3 the one that was already admitted. And it shows -- because I believe
4 that shows the same wounds that the State wishes to use it for, on
5 the upper chest and abdomen area.

6 MS. FLECK: I don't know if it was admitted or if it was just
7 in my PowerPoint.

8 THE COURT: Well, I had indicated that --

9 MS. FLECK: We could put it in.

10 MR. HAUSER: Okay.

11 THE COURT: -- it would be pre-admitted, understanding
12 that the doctor would come in and establish its foundation, but that
13 you could use it in your opening.

14 MR. ROGAN: All right. I don't think it's here. I will find
15 that one, and I will --

16 MS. FLECK: It has been printed for sure.

17 THE COURT: Okay. So as to the other objections,
18 Mr. Woods, I'm going to overrule those objections. I'll allow the
19 photos in.

20 I mean, the State is entitled to, despite the graphic nature
21 of autopsy photos, be able to depict to the jury the photos that depict
22 the various injuries. And so all of the photos purport to show the
23 various injuries on the sides, top, back, arms, chest, abdomen -- all
24 the various areas where the injuries are. And I will expect that the
25 doctor, when they come in and testify, will testify that those are

1 photos they need, to be able to talk about the various injuries. If the
2 doctor indicates there's photos that she doesn't need, then I'm not
3 going to admit those.

4 MS. FLECK: Okay.

5 THE COURT: But I think these nine are representative of
6 the various injuries and are appropriate for admission.

7 Do you guys have anything else before we get our jurors
8 in?

9 MS. FLECK: Nothing from the State.

10 THE COURT: And are these, Jeff, just a copy for the
11 Court? Or are these the originals here?

12 MR. ROGAN: Those are copies for the Court.

13 THE COURT: Okay. Mr. Woods, did you have anything
14 else before we get started?

15 THE DEFENDANT: No.

16 THE COURT: No?

17 THE DEFENDANT: No, sir.

18 THE COURT: Okay. Are you guys ready as well?

19 MS. FLECK: We are. Thank you. Sorry.

20 THE COURT: Okay. Go ahead.

21 And the doctor's not your first witness, is it?

22 MS. FLECK: No.

23 [In the presence of the jury.]

24 THE COURT: All right. You all can be seated.

25 We will be back on the record, 309820.

1 Mr. Woods is here; Mr. Hauser is here as standby counsel;
2 State's attorneys are present; our jurors are present.

3 Good afternoon, ladies and gentlemen.

4 We are going to continue on with the State's case in chief.

5 So you all can call your next witness.

6 MR. ROGAN: The State calls Officer Don Lee.

7 DONALD LEE

8 [having been called as a witness and being first duly sworn, testified
9 as follows:]

10 THE CLERK: Thank you. Please be seated. State and spell
11 your name for the record.

12 THE WITNESS: My name is Donald Lee, D-O-N-A-L-D, last
13 name Lee, L-E-E.

14 THE COURT: All right. Mr. Rogan?

15 MR. ROGAN: Thank you, Your Honor.

16 **DIRECT EXAMINATION**

17 BY MR. ROGAN:

18 Q Good afternoon, Officer Lee.

19 A Good afternoon.

20 Q How are you employed?

21 A I'm a patrol officer with Las Vegas Metro Police
22 Department.

23 Q And how long have you been with Metro?

24 A About 12 years.

25 Q On -- in August of 2015, what area of town did you work

1 out of?

2 A I worked out of the Enterprise Area Command.

3 Q And did that include the -- what would be the intersection
4 of Trop and Decatur, here in Las Vegas, Clark County, Nevada?

5 A Yes, sir.

6 Q And on August 5th of 2015, at about 8:21 p.m., were you
7 dispatched or assigned to respond to a call about a stabbing that had
8 taken place there?

9 A Yes, sir.

10 Q Were you the first officer on the scene?

11 A I was.

12 Q Do you recall what time you were on?

13 A Not exactly, no.

14 Q Okay. Was it shortly after you were assigned?

15 A It was several minutes after we were assigned. We were
16 real close.

17 Q Okay. At that time did you have body-worn camera?

18 A I did.

19 Q And can you actually turn to the jury and show us your
20 body-worn camera? And he's pointing to his left shoulder to an
21 apparent black in color device positioned there?

22 THE COURT: Yes.

23 BY MR. ROGAN:

24 Q How long have you had that as of August 5th of 2015?

25 A Several months.

1 Q Was the body-worn camera, was that a new program that
2 the Las Vegas Metropolitan Police Department had instituted?

3 A It was very new.

4 Q Did all officers have body-worn camera at that time?

5 A No.

6 Q How did you be -- how was it that you got one of the
7 body-worn cameras?

8 A I volunteered.

9 Q So was it at that time only volunteers received body-worn
10 cameras?

11 A Yes.

12 Q Okay. Does everyone have a body-worn camera now?

13 A They do.

14 Q All right. What about dash cams? Is dash cam a common
15 feature of patrol vehicles in Las Vegas?

16 A Not with the Metropolitan Police Department, it is not.

17 Q Okay. When you arrived at the Walgreens located at Trop
18 and Decatur, what do you recall being the first thing that you noticed
19 upon your arrival?

20 A The first thing I noticed when I arrived was there was a
21 very distraught young lady that was screaming about her mother.

22 Q And what do you recall her saying?

23 A I remember her saying that she had seen -- I remember
24 her screaming she had seen it, she had seen it, and she knows who
25 did it.

1 Q At that time, meaning when you first arrived and noticed
2 this young woman, did you attend to her or did you go somewhere
3 else?

4 A No. I went straight to the victim.

5 Q And where was she?

6 A The victim was lying in front of the Walgreens.

7 Q And was this person injured?

8 A She was.

9 Q Could you tell what the cause of injuries were at that time?

10 A Not exactly. You could tell that she had numerous
11 lacerations on her, but from what, I didn't know.

12 Q All right. Were there anyone else in the immediate vicinity
13 of this woman?

14 A There was.

15 Q Was anyone attempting to provide aid to the woman?

16 A Yeah. There were several people trying to render aid to
17 her.

18 Q Did you try to render aid?

19 A I did.

20 Q At some point did you or another officer call for
21 paramedics to come?

22 A We did.

23 Q When the paramedics came, did they take control of the
24 aid provided to the victim?

25 A Yes, they did.

1 Q And what did you do after that?

2 A After that we tried to set up a crime scene and find out
3 who our witnesses were and interview witnesses and control
4 witnesses.

5 Q At any point did you come in contact that young lady
6 again?

7 A I did.

8 Q And did she identify herself as Divina Leal?

9 A She did.

10 Q And did you ask her -- given what you knew when you first
11 arrived and saw her screaming, did you ask her who it was that
12 committed -- that she thought committed this offense?

13 A We did.

14 Q And what did she say?

15 A She said that it was her stepdad.

16 MR. ROGAN: Thank you. Your Honor, may I approach
17 your clerk?

18 THE COURT: Yes.

19 BY MR. ROGAN:

20 Q Officer, before your testimony today, did you view a short
21 clip of your body cam video from August 5th of 2015?

22 A I did.

23 Q And did it depict your arrival at that Walgreens at Trop
24 and Decatur, up until just after you observed the young lady
25 screaming?

1 A Yes, sir.

2 Q And after you viewed this clip, what did I ask you to do?

3 A You asked me to initial it.

4 Q Great.

5 Your Honor, could I have your marshal please approach
6 the witness?

7 THE COURT: Yep.

8 BY MR. ROGAN:

9 Q Sir, the marshal is approaching the State's Proposed
10 Exhibit No. 60.

11 Is that the CD that you initialed after viewing the short clip
12 of your body cam video today?

13 A Yes, sir. It is.

14 MR. ROGAN: Your Honor, I move to admitted State's
15 Proposed Exhibit 60.

16 THE COURT: Any objection?

17 THE DEFENDANT: No.

18 THE COURT: No? All right. That will be admitted. Thank
19 you.

20 **[PLAINTIFF'S EXHIBIT NO. 60 ADMITTED.]**

21 MR. ROGAN: Permission to publish?

22 THE COURT: You may.

23 THE DEFENDANT: Actually, Your Honor, can I say that I
24 do want to object? I thought of a reason why I would like to object.

25 THE COURT: Okay. What's your -- what would you like to

1 object with?

2 THE DEFENDANT: I don't see what -- this is not -- it's not
3 showing the actual murder. It's not showing the actual what
4 happened. It's just going to show people --

5 THE COURT: It's got to be a legal objection, so there's
6 some legal grounds for the objection. Not your opinion of what it
7 does or doesn't show.

8 Are you trying to say you don't think it's relevant?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. I'll overrule the objection on
11 relevance.

12 THE DEFENDANT: Thank you.

13 [Video recording played.]

14 BY MR. ROGAN:

15 Q And sir, again, what was it that that young woman said
16 that we just saw in the video?

17 A I believe she said, I know who it was and that I saw it.

18 Q Thank you.

19 MR. ROGAN: I have nothing further, Your Honor.

20 THE COURT: Mr. Woods?

21 **CROSS-EXAMINATION**

22 THE DEFENDANT: I don't understand how the jury can
23 make an honest decision without knowing and seeing all the
24 evidence.

25 MR. ROGAN: Objection.

1 THE COURT: Mr. Woods, no statements.

2 Mr. Woods, sir, can I have your attention? We've had this
3 discussion a number of times now. Your obligation as an attorney is
4 to ask questions of the witness. That's it. Elicit answers and then
5 the case can be argued at the end. Please do that.

6 THE DEFENDANT: Why can't I show the jury that I've been
7 forced to defend myself in this court --

8 THE COURT: Because you haven't been forced to defend
9 yourself.

10 THE DEFENDANT: -- when I did not choose to.

11 THE COURT: We're going to take a recess, ladies and
12 gentlemen. I'll ask you to ignore anything that Mr. Woods is saying
13 right now. We will be in recess. Thank you.

14 Please step outside, if you would, with the marshal to the
15 right. Thank you, ladies and gentlemen.

16 [Outside the presence of the jury.]

17 THE COURT: You can go ahead and step down for the
18 moment, if you would please, Officer Lee. Thank you very much.

19 What else do you want to say, Mr. Woods? Any other
20 games you plan on playing or going into or any other court orders
21 you plan on violating or disrespected, please go ahead and tell me
22 now so we can deal with it.

23 THE DEFENDANT: I'm not playing games. I'm asking
24 questions.

25 THE COURT: You weren't asking questions. That wasn't a

1 question.

2 You were trying to make statements in front of the jury, in
3 direct violation of what I've told you you're obligated to do as an
4 attorney. And now, you want to try and tell the jury that you're
5 forced to defend yourself when you made this election after a very,
6 very, very long conversation with me, in which I told you, you have
7 the right to have attorneys represent you. If, at any time you didn't
8 want to represent yourself, those attorneys could take the case back
9 over, so you're not forced to represent yourself. That is patently
10 untrue. And I will tell the jury that when they get back in here.

11 But what else is it that you want to complain about now?
12 So that hopefully we can get these people in here and continue on
13 with the case.

14 THE DEFENDANT: Okay. Well, that is true. You're talking
15 about the only other option was to represent myself or
16 [indiscernible] --

17 THE COURT: Okay.

18 THE DEFENDANT: -- at the same time.

19 After eight motions, and the writing of the Nevada State
20 Bar, and the filing of a civil suit, you still forced her as my counsel,
21 when there was grounds to get rid of her.

22 THE COURT: Okay.

23 THE DEFENDANT: I don't understand that at all.

24 THE COURT: Okay.

25 THE DEFENDANT: So I'm being forced to represent

1 myself. I had that -- this option, or someone who used racial
2 remarks against me in court. That's even grounds for dismissal in
3 itself.

4 THE COURT: Okay. What else?

5 THE DEFENDANT: That's all I have for now.

6 THE COURT: All right. So you have the same option, the
7 same choices that every criminal defendant has that gets appointed
8 counsel. You may not like your attorney. But at some point, you
9 make the decision as to whether to move forward with them or you
10 can choose to represent yourself. You do not get to choose your
11 attorney when you have appointed counsel for you. They only get
12 removed if there is a conflict that the Court feels is appropriate to
13 move them. I never found that there was a conflict appropriate to
14 remove them.

15 Ms. Murray continued to advocate on your behalf,
16 zealously, I might add. You decided you didn't want her to represent
17 you. She's continued to assist you as standby counsel. There was
18 no conflict that justified removing her.

19 But you wanted to go forward by yourself. And now, here
20 we are in trial, and you do not get to stand up in front of the jury and
21 keep making statements like that.

22 THE DEFENDANT: I didn't choose to represent myself.

23 THE COURT: Okay. Well, that isn't going to come up
24 anymore because that issue's been decide. If you want to appeal
25 me, you can appeal me.

1 But in trial, we don't sit there and revisit everything that
2 you don't like that happened before trial.

3 We bring in witnesses. We ask questions. We then get to
4 argue the case at the end. And these people get to go home and go
5 on with their lives.

6 We don't waste their time by you choosing to do things in
7 direct contravention of what I've told you you can do.

8 So if I bring the jury back in, are you going to ask
9 questions of the witnesses?

10 THE DEFENDANT: I'm going to ask questions I feel
11 appropriate.

12 THE COURT: Okay. So questions about I have to
13 represent myself, I'm forced -- that's not a question.

14 THE DEFENDANT: Why can't I show the jury I've been
15 forced to defend myself as a question?

16 THE COURT: Because you're not -- so here's what's going
17 to happen. You're going to keep doing that, and I'm going to keep
18 telling the jury that that is not true. And that's going to make you
19 look really bad, if I have to, in front of the jury, keep telling them that
20 what you're saying is not correct. Is that what you want? You want
21 the jury to keep viewing you in ways that they believe that you're
22 misrepresenting things? Or do you want to represent yourself as an
23 attorney? Do you want to ask questions of witnesses and elicit
24 evidence from them so that you can, then, argue your case?

25 THE DEFENDANT: I'm going to ask the questions I feel is

1 appropriate for me.

2 THE COURT: So you're going to keep directly doing
3 exactly what I tell you you cannot do?

4 THE DEFENDANT: If my questions fall upon what you're
5 saying.

6 THE COURT: Then here's what's going to happen, you're
7 going to keep doing that. I'm going to strike those questions. And at
8 some point, I'm going to tell you that you can no longer question the
9 witness. And then you're going to lose the opportunity to
10 cross-examine the witness. Because your opportunity to
11 cross-examine the witness is premised upon your ability to actually
12 comply with the rules of evidence -- not do whatever you feel like
13 doing because you want to act like a three-year-old child.

14 THE DEFENDANT: So now you're going to belittle me.
15 Nothing I did in here today is worthy for a three-year-old child.

16 THE COURT: Yep. I am going to belittle you, because
17 you're -- you're choosing -- you're choosing to act like a child. And
18 refuse --

19 THE DEFENDANT: Well, I'm not going to disrespect you
20 because you disrespecting me.

21 THE COURT: -- refuse the listen to the Court, refuse to act
22 like an adult, and move forward when the Court's made rulings.
23 You're going to choose to keep ignoring the Court's orders and say, I
24 want to do what I want to do when I want to do it and how I want to
25 do it. And that's not how Court works, Mr. Woods.

1 All right. Go ahead and get the jury back in.

2 Okay. All right. You can go ahead and get them.

3 THE DEFENDANT: I don't want to waste the jury's time or
4 yours, but I'm going to keep --

5 THE COURT: Okay. And I know you've told the COs that
6 you are going to get a mistrial. I know you've made that statement
7 to them. It's not going to happen.

8 THE DEFENDANT: I didn't make that statement to him.
9 You said that --

10 THE COURT: Did he make that statement, gentlemen?

11 THE DEFENDANT: You -- you said --

12 THE COURT: Did you make that statement, gentlemen?

13 THE DEFENDANT: I commented on your statement. I
14 commented --

15 THE COURT: Yes?

16 THE DEFENDANT: -- on your statement.

17 THE COURT: So the CO just confirmed that you told them
18 that you were going to get a mistrial.

19 THE DEFENDANT: I commented on what you said
20 yesterday. If you keep doing this, then I'm going to make -- I'm
21 going to -- you said you were going to make it a mistrial. That's
22 what I commented on. I didn't say me, personally, was going to get
23 a mistrial.

24 THE COURT: And so what are you doing? You're doing
25 exactly what I told you yesterday you can't do, meaning you can't

1 just get up there and make statements; you can't get up there and do
2 whatever you want to do; you have to abide by the rules of evidence.

3 THE DEFENDANT: Well, they're going to be most of the
4 same questions asked.

5 THE COURT: Okay. Then I am going to strike the
6 question, and I will ask you to ask a proper question. And if you
7 eventually decide that you refuse to do that, then as I said, I will find
8 that you've given up the right to cross-examine that witness, and
9 you'll sit down.

10 And then we'll move on to the next witness. I'll give you
11 the same opportunity with every witness, to ask appropriate
12 questions. But if you choose to continue ask inappropriate
13 questions, in direct contravention of the Court's orders, then you will
14 forfeit the right to examine each witness.

15 I can't be any clearer about that, Mr. Woods. I have been
16 very patient with you during the Faretta canvass and explaining
17 everything to you. I know your attorneys have talked to you. I've
18 told you at recesses how this has to be done. And if you are going
19 to refuse to abide by that, you're not going to give me any choice
20 other than to prohibit you from proceeding that way in front of the
21 jury.

22 All right. You can go ahead and get them in.

23 [In the presence of the jury.]

24 THE COURT: You guys can sit down. Thank you.

25 We will be back on the record.

1 Mr. Woods is present representing himself, with
2 Mr. Hauser as standby counsel; State's attorneys are present; our
3 jurors are present.

4 We are going to continue on with the testimony of Officer
5 Lee.

6 Officer Lee, I will remind you that you're still under oath.
7 Okay?

8 THE WITNESS: Yes, sir.

9 THE COURT: Thank you.

10 All right. Mr. Woods, do you have any questions for
11 Mr. Lee -- Officer Lee? Excuse me.

12 THE DEFENDANT: Why can't I show the jury that Divina
13 and Devyn used the same --

14 MR. ROGAN: Objection.

15 THE COURT: That's a statement. That's not a question.

16 THE DEFENDANT: -- nude picture cellphone scheme --

17 THE COURT: Officer Lee has nothing to do --

18 THE DEFENDANT: -- when I have evidence to do so?

19 THE COURT: -- with pretrial proceedings. Do you have a
20 question for Officer Lee about his testimony?

21 THE DEFENDANT: Why can't I show the jury --

22 THE COURT: All right.

23 MR. ROGAN: Objection.

24 THE COURT: Go ahead and sit down if you would,
25 Mr. Woods. I'm going to find that you've forfeited your right to

1 cross-examine the witness because of your persistent refusal to ask
2 questions of the witness.

3 State have anything further?

4 MR. ROGAN: No.

5 THE COURT: Anything from our jurors?

6 All right. You can go ahead and step down, Officer.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: I appreciate you coming to court.

9 And for the record, ladies and gentlemen, every person
10 that lives and breathes in the United States of America has the right
11 to choose to represent themselves, and they go through a colloquy
12 with the court where we question them about that. Mr. Woods made
13 the choice to represent himself in this case.

14 THE DEFENDANT: I have evidence to prove that I did not
15 [indiscernible].

16 THE COURT: Okay. Thank you.

17 Who's your next witness?

18 MS. FLECK: Thank you, Your Honor. The State calls
19 Garland Calhoun.

20 THE COURT: Thank you.

21 GARLAND CALHOUN

22 [having been called as a witness and being first duly sworn, testified
23 as follows:]

24 THE CLERK: Thank you. Please be seated. State and spell
25 your name for the record.

1 THE WITNESS: Garland Calhoun, G-A-R-L-A-N-D,
2 C-A-L-H-O-U-N.

3 THE COURT: Thank you very much, sir.

4 Ms. Fleck.

5 MS. FLECK: Thank you, Your Honor.

6 **DIRECT EXAMINATION**

7 BY MS. FLECK:

8 Q Good afternoon.

9 A Hello.

10 Q Sir, I would like to direct your attention back to August 5th
11 of 2015. That evening, did you and a friend of yours have an
12 opportunity to go to a Walgreens here in the Valley?

13 A Yes, ma'am.

14 Q And who were with you with that evening?

15 A Yesenia Rivas.

16 Q And who is Yesenia to you?

17 A She's my girlfriend now, but not at the time.

18 Q Okay. Back in 2015, did the two of you have a relationship
19 at that time?

20 A No. Just coworkers.

21 Q Yeah. But you had a relationship as friends?

22 A Yes, yeah.

23 Q Friends?

24 A Yes, ma'am.

25 Q Okay. And you were working together at that time?

1 A Yes, ma'am.

2 Q And in the evening hours, around 8 o'clock, were the two
3 of you together?

4 A Yes, ma'am.

5 Q And where were -- you said you were going to the
6 Walgreens?

7 A Yes, ma'am.

8 Q Where were you coming from?

9 A We were heading -- we're heading north along Decatur,
10 heading toward Tropicana. We're coming up on the east side of the
11 Walgreens in question.

12 Q Okay.

13 MS. FLECK: Court's indulgence.

14 BY MS. FLECK:

15 Q Now, you said that you kind of came up the side of the
16 Walgreens.

17 MS. FLECK: Showing Defendant what's been marked as
18 State's Proposed 36 and 38.

19 Do you have an objection to these? No?

20 THE DEFENDANT: [Motions with head.]

21 MS. FLECK: And by way of shaking his head, he's
22 indicated there's no objection.

23 THE COURT: I will note that Mr. Woods shook his head
24 no. Yes. So those will be admitted and you can publish.

25 **[PLAINTIFF'S EXHIBIT NOS. 36 AND 38 ADMITTED.]**

1 MS. FLECK: Thank you.

2 BY MS. FLECK:

3 Q I'm showing you State's Exhibit 38.

4 Now, what do you see here in State's Exhibit 38, sir?

5 A Just the side -- that's the side we were walking on -- or
6 walking up to. We were -- we cut up, like we were coming by the
7 bushes on the right-hand side of that transformer. And then we
8 heard people yelling. We thought they were just joking around, like,
9 because it's kind of a very busy Walgreens and kind of weird
10 characters out there --

11 Q Okay.

12 A -- so we didn't take it seriously.

13 Q Kind of -- I'm going to show you, actually, one more
14 exhibit.

15 MS. FLECK: Showing the defense counsel what's been
16 marked as State's Exhibit 34. Any objections to it?

17 THE DEFENDANT: No.

18 MS. FLECK: And he has no objection.

19 THE COURT: Thank you. That will be admitted.

20 **[PLAINTIFF'S EXHIBIT NO. 34 ADMITTED.]**

21 MS. FLECK: Thank you. Permission to publish?

22 THE COURT: Yes.

23 BY MS. FLECK:

24 Q Mr. Calhoun, I'm showing you now State's Exhibit 34.

25 Does this kind of give you an overview of the direction that you and

1 Ms. Rivas came up to the Walgreens?

2 A Yes, ma'am.

3 Q And actually, what you can do is --

4 MS. FLECK: Your Honor, if he could just draw.

5 THE COURT: So, Mr. Calhoun, if you can use the mouse
6 here that's by you.

7 THE WITNESS: Okay.

8 THE COURT: Let me do something real quick. Okay. You
9 can just use it now, left click, and you can draw with that.

10 BY MS. FLECK:

11 Q So if I could just illuminate for the ladies and gentlemen of
12 the jury the direction that you came?

13 A All right. So we're in the -- we're in the parking lot, on the
14 sidewalk. And we came around here because they had dumpsters.
15 And as we were coming up -- here's where we came on the sidewalk.

16 Q Okay.

17 A And this is -- and they were over here. We heard them --
18 because that's the -- the transformer is right there. We went around
19 it. And we heard them yelling. And as we walked closer, we weren't
20 -- we thought they were just joking around, because they were
21 going -- kind of running around the SUV --

22 Q Okay.

23 A -- but he had her hand -- the older lady's hands. And that's
24 when her daughter went inside to get some more help.

25 Q Okay.

1 A And that's when I realized what, -that it was something
2 bad was happening.

3 Q Okay. So I'm going to go back then to State's Exhibit 38.

4 THE COURT: Well, before you do that, so the gentleman
5 drew on our screen from the parking lot, off to the southern side of
6 the Walgreens, as the photo is situated -- that they came through the
7 parking lot. And on the bottom right corner of the building, where
8 the transformers were, around there, and then back up close to
9 alongside the building as they were walking up.

10 THE WITNESS: Yes, sir. We were directly under the
11 24-hour photo sign.

12 THE COURT: Got it. Thank you.

13 MS. FLECK: Thank you, Your Honor.

14 BY MS. FLECK:

15 Q Now, going back to the State's Exhibit 38. And here we
16 see the front of the Walgreens; is that correct?

17 A Yes.

18 Q That you -- that the two of you came up.

19 Now, you said that the first thing that kind of was unusual
20 was something that you heard?

21 A Yes.

22 Q And what was that?

23 A The first thing I heard was -- well, just I heard the
24 commotion. And then after the daughter -- I heard her daughter
25 yelling and she ran inside. The gentleman that was assaulting the

1 older lady was, like, I told you I'd find you, you bitch; I told you I'd
2 get you.

3 Q Okay.

4 A So that made -- led me to think that they knew -- they had
5 to have known each other. It wasn't just a random thing. But he --
6 yeah. He kept saying that over and over and over again.

7 Q Now, so as you started to come up, you thought that it
8 was just people playing. And then what made you realize that this
9 was something more serious?

10 A Well, I was talking to Yesenia. I looked up and I see the
11 young girl crying and yelling hysterically -- just the look on her
12 face -- and then she takes off.

13 Q Is that the person that you're now referring to as the
14 daughter?

15 A Yes.

16 Q Had you ever seen any of these people before?

17 A Never.

18 Q So now, knowing more about the case, you've come to
19 know that the young girl was the woman's daughter?

20 A Yes, ma'am.

21 Q Okay. But that's not something you knew at the time?

22 A No.

23 Q So you said then that the young girl was crying and she
24 ran back inside the store?

25 A Yes.

1 Q And you said then that there was a woman who was older
2 than the young girl?

3 A Right.

4 Q And a gentleman; right?

5 A Yes.

6 Q And describe what the man looked like, please.

7 A He's there -- he's right there.

8 Q Okay. So you do recognize somebody in the court as the
9 person that was there?

10 A Yes, ma'am. I was about as close as you are -- closer to
11 you right now.

12 Q Can you please point to him and describe something he's
13 wearing for the record?

14 A What he's wearing now?

15 Q Yes.

16 A A white t-shirt -- or wearing a white dress shirt with a
17 striped tie.

18 Q Does he have a jacket or no jacket?

19 A No jacket.

20 Q Okay.

21 MS. FLECK: Let the record reflect identification of the
22 defendant.

23 THE COURT: The record will so reflect.

24 And for the record, you and Mr. Calhoun are
25 approximately 15 feet apart right now.

1 BY MS. FLECK:

2 Q Now, you said that when you came up, the young girl ran
3 inside. The older woman was kind of being --

4 A You see that SUV that's on the other side?

5 Q And I'm going to show you --

6 A It's an Escalade.

7 Q Let me show you, sir, State's Exhibit 36.

8 A Yes, ma'am. Sorry.

9 Yes. They were running around that. He was chasing her
10 around that.

11 Q Okay. Did you see anything in the defendant's hands?

12 A No. I didn't see what he had, but I saw is the motions.
13 Because he had her hand as she was going around. And then I
14 saw -- he got her by the neck. I didn't see the actual weapon itself. I
15 just saw his hand motions.

16 Q Okay.

17 A Like the slashing and stabbing. And then he got her wrist.
18 And then after he saw me, we kind of just froze and locked eyes.
19 And he's just sitting there, kind of didn't expect me to be there. And
20 then I was -- I just kind of froze. I was kind of shocked. I tried to run,
21 then my -- Yesenia stopped me. And we got close. He looked up
22 and noticed me. He let her go. She comes up, right from there onto
23 where that 24-hour sign -- that's where she fell.

24 And he's not -- and, like, I take my shirt off. And then the
25 daughter comes back out with a manager of the -- and tried to stop

1 the blood flow. But I couldn't do it.

2 Q Okay. And what, if anything, did you hear her saying, the
3 woman?

4 A Nothing. She was -- her throat was cut. She couldn't say
5 anything. She was trying to breath but she was choking.

6 Q And again, what did you hear the defendant say?

7 A I'll get you, bitch. I told you I'd find you.

8 Q Okay.

9 A Yeah.

10 Q Did you see the defendant leave, ultimately?

11 A Yeah. He backed away. But as he ran -- I saw him get in
12 the car, but he pulled -- so when he pulled in his car, the -- I think it
13 was a beige Taurus -- a Ford Taurus or Tempo -- older body style.
14 He pulled out.

15 And we were trying to administer to the lady that was on
16 the floor -- on the ground that got stabbed. And he pulled out, back
17 heading south in the parking lot -- but I'm not sure which direction
18 he went on the street.

19 I would imagine he went south on Decatur also, because
20 he'd have to make a U-turn at the stoplight, and it would hinder his
21 escape.

22 Q Okay. You said you took your shirt off. And was that for
23 the purpose of what?

24 A Stopping the blood flow.

25 Q Okay. To assist in -- assist with the victim?

1 THE COURT: Is that a yes?
2 THE WITNESS: Yes -- yes, sir.
3 THE COURT: It's recording. Thank you.
4 THE WITNESS: Yes, sir. My apologies.
5 MS. FLECK: I'll pass the witness.
6 THE COURT: Mr. Woods, do you have any questions of
7 Mr. Calhoun?

8 **CROSS-EXAMINATION**

9 BY THE DEFENDANT:

10 Q Mr. Calhoun --

11 A Yes.

12 Q -- from the last couple of months, weeks, or days, leading
13 up to and including today, has anyone approached you, called you,
14 or talked to you about this case?

15 A Not other than the lady who's just examined me.

16 Q Okay. And he's pointing to?

17 THE COURT: Ms. Fleck.

18 THE DEFENDANT: Okay.

19 THE WITNESS: Actually Ruth Leon also. I'm not sure.
20 She's the first person that got in contact with me. Her name is Ruth
21 Leon.

22 THE COURT: Okay. Just for the record, she's an
23 investigator in your office; correct?

24 MS. FLECK: That's correct, Your Honor.

25 THE COURT: Okay.

1 BY THE DEFENDANT:

2 Q Has anyone asked you what you -- has anyone asked you
3 what you would be saying in court today?

4 A No, no. They -- I did talk to -- we talked to her.

5 THE COURT: The attorney?

6 THE WITNESS: Yes. The attorney, I apologize.

7 THE COURT: Ms. Fleck.

8 THE WITNESS: Ms. Fleck, I apologize.

9 THE COURT: Ms. Fleck. That's okay. You can say the
10 attorney. It's all right.

11 THE WITNESS: Yes, sir. We went there. And we just
12 talked about -- reviewed for statements. She told me to sit down.
13 And I went over the exact same thing I just said to her. That's it.
14 Like, pretty much it.

15 But Yesenia went also. We did separately. Yesenia went
16 first. And I just told them my story. Again, the same thing I told the
17 police officer.

18 BY THE DEFENDANT:

19 Q Okay. Has anyone, Ms. Fleck or anyone else, suggested
20 that you change anything or add anything to what you were going to
21 say today?

22 A Absolutely not.

23 Q Have they helped you with your statement that you were
24 going to say today?

25 A No, sir.

1 Q Okay. Did the officers that night show you a six-pack of
2 pictures? Or did they only show you one?

3 A Pictures? No. There's no pictures. We just sat in the car,
4 and he just took my statement.

5 Q When you sat in his car, there's a -- I want to say computer
6 that pops up that shows you the suspect and all the suspect's
7 information.

8 A No. There was no -- he didn't show me any pictures. He
9 just took a statement.

10 Q Okay. Did the officer ask you, Was I the one who did this?

11 A Was you -- were you the one that -- no.

12 Q He didn't ask you that. Okay. Your interview that night
13 with a Detective Wilson, you said that -- I don't know if you
14 remember -- but this is page 9 of your statement -- that his hair was
15 black. Did it have any gray in it? I didn't notice any -- I didn't notice
16 any gray. It was black.

17 Do you remember that statement?

18 A Yeah. I didn't notice it because you weren't in the -- the
19 suspect wasn't in the light. He was in the shadows beside the SUV.
20 He never stepped in the light.

21 Q Okay. Do you remember saying -- this is page 8 -- you're
22 saying to the same officer, I don't remember what his clothes was.
23 But he had hair, he wasn't bald. He definitely wasn't bald. His hair
24 was longer than mine, maybe an inch or a quarter of an inch?

25 A Yes, I do.

1 Q Do you remember saying that the suspect had a short
2 Afro?

3 A I wouldn't say Afro. Just, like, a college cut, very, like,
4 short.

5 Q Well, that's what your statement is here, a short Afro.

6 A Well, Afro kind of gives it, like, a longer perspective. I
7 mean a longer -- it makes you think the hair's longer. I just wanted
8 to specify the hair was very short. It was close-cropped. College cut,
9 not a fade, that our --

10 THE COURT: I'm old. What is college cut?

11 THE WITNESS: A college cut's just not shaping your hair
12 at all. Just -- it's kind of like an Afro, just really close to your head.

13 THE COURT: Okay. Thank you.

14 THE WITNESS: Yes, sir.

15 BY THE DEFENDANT:

16 Q Okay. And you described -- I want to know how you
17 described the assailant that night to the police officers, if you can
18 remember that.

19 A Yeah. At the time I was working out. I said he was
20 slight -- he's a slighter build than me. The officer asked if he was like
21 muscular. I was, like, kind of a leaner muscle possibly. But I couldn't
22 tell through the clothes. I speculated you were a little bit shorter
23 than myself because I'm right at 5'9, slighter build, African American,
24 short hair -- short brown hair -- short to black hair.

25 Q Okay. That night they asked you, could you -- would you

1 be able to -- would you know who this victim was if you saw him
2 again? And do you remember your answer that night?

3 A The victim or the suspect?

4 Q The suspect.

5 A Yes.

6 Q What was your answer to that?

7 A Yes.

8 Q No. Your answer -- do you remember seeing?

9 A Oh, that I would -- wouldn't specify -- that it was a dark -- it
10 was definitely you, man. I don't know what else to tell you. We
11 were closer than we are now.

12 Q You said that you couldn't -- you wouldn't be able to
13 describe the guy, and you didn't want to pick anybody up by making
14 a mistake.

15 So I'm wondering why three and a half years later you
16 come and now you saying it was definitely me?

17 THE COURT: Okay. So hold on. That's a real -- that's a
18 compound and a lot of things in that question. So break it down, if
19 you would.

20 You started out by referencing the statement. And then
21 said I'm wondering why you're doing something --

22 BY THE DEFENDANT:

23 Q Okay. Your statement is different today than it did that
24 night, at the time, at the scene, during what happened, is totally
25 different from today?

1 A Completely different?

2 Q It's totally different. You said you didn't know -- you
3 wouldn't be able to -- you wouldn't be able to describe the guy and
4 you didn't want to make an attempt because you might pick out the
5 wrong guy.

6 A I mean --

7 Q Do you remember making that statement?

8 A Yeah. I'm looking at your face right now, and I'm telling
9 you --

10 Q So you didn't know that night who it was, but three and a
11 half years later you're saying for definitely you knew who it was?

12 A I'm telling you, that you -- you're the guy that was on the
13 side of that truck.

14 THE DEFENDANT: No -- nothing further.

15 THE WITNESS: Yes, sir.

16 THE COURT: Ms. Fleck?

17 MS. FLECK: Thank you.

18 **REDIRECT EXAMINATION**

19 BY MS. FLECK:

20 Q So you told the police that night that they asked you if you
21 could make an identification; correct? Is that correct?

22 A Yes, ma'am.

23 Q And you told them you wouldn't want to ever be wrong on
24 something like that?

25 A Yes.

1 Q Have I ever shown you a photograph of the defendant?
2 A No, ma'am.
3 Q Has the -- have the police ever shown you a photo of the
4 defendant?
5 A No, ma'am.
6 Q Is today, as you sit here in court, the first time that you
7 have ever seen the defendant since August 5th of 2015?
8 A Yes, ma'am.
9 Q Is today, in court, the first time that you have ever heard
10 the defendant's voice since August 5th of 2015?
11 A Yes, ma'am.
12 Q Any doubt that that's the man that you saw stab the
13 woman at Walgreens?
14 A No, ma'am.
15 MS. FLECK: Nothing further.
16 THE COURT: Mr. Woods, anything further?
17 THE DEFENDANT: Nothing further.
18 THE COURT: Anything from our jurors?
19 Okay. Mr. Calhoun, thank you very much for your time,
20 sir. I appreciate it. You are excused.
21 THE WITNESS: Yes, sir. Thank you, sir.
22 THE COURT: State may call their next witness.
23 MR. ROGAN: The State calls Stephanie Ortega.
24 May I approach your clerk, Your Honor?
25 THE COURT: Yes.

1 THE DEFENDANT: Your Honor, if I may, Stephanie Ortega
2 is not on the witness list, nor has he been presented to me as
3 coming to court to testify about anything.

4 MR. ROGAN: She's the custodian of records from
5 Walgreens.

6 THE COURT: Okay. So I believe it's on page 2 of the
7 witness list, Mr. Woods. It's the custodian of records. There's a
8 variety of entities on there, but one of which is Walgreens.

9 STEPHANIE ORTEGA

10 [having been called as a witness and being first duly sworn, testified
11 as follows:]

12 THE CLERK: Please be seated. And state and spell your
13 name for the record.

14 THE WITNESS: Stephanie Ortega, S-T-E-P-H-A-N-I-E,
15 Ortega, O-R-T-E-G-A.

16 THE COURT: Thank you, ma'am.

17 Mr. Rogan.

18 MR. ROGAN: Thank you, Your Honor.

19 **DIRECT EXAMINATION**

20 BY MR. ROGAN:

21 Q Good afternoon, ma'am. How are you?

22 A Hello. Good afternoon.

23 Q Everything we're saying here in court today is recorded,
24 so if you could do your best just to speak up and use that
25 microphone as best as possible. All right?

1 A Okay.

2 Q Where do you work?

3 A I work at Walgreens, at 4905 West Tropicana.

4 Q And that's here in Las Vegas, Clark County, Nevada?

5 A Correct.

6 Q Is that the Walgreens located at the intersection of
7 Tropicana and Decatur?

8 A Correct.

9 Q And what's your position there?

10 A My position is assistant store manager.

11 Q As part of your responsibilities as assistant store manager,
12 do you provide video from a video surveillance system to the agents
13 of the Las Vegas Metropolitan Police Department?

14 A Yes.

15 Q And are you familiar with the location of the cameras
16 within the Walgreens located at Trop and Decatur?

17 A Yes.

18 Q I'm showing you what's been admitted as State's
19 Exhibit 38. If you could look to your left there, do you see a
20 photograph depicted on that monitor?

21 A Yes.

22 Q And what is depicted in that photograph?

23 A That is the exterior side of the Walgreens, when you come
24 up the ramp.

25 Q All right. And that's the Walgreens that you work at, at

1 Tropicana and Decatur?

2 A Yes. Mm-hmm.

3 Q All right. And in the upper left-hand corner of the
4 building, do you see something?

5 A The camera.

6 Q Is that a camera that records video through the video
7 surveillance system at the Walgreens?

8 A Yes.

9 Q And prior to your testimony today, did you have the
10 opportunity to view a portion of the video from August 5th of 2015,
11 from that camera?

12 A Correct.

13 Q And did the Walgreens provide that video to agents of the
14 Las Vegas Metropolitan Police Department on or about August 5 of
15 2015?

16 A Yes.

17 Q And the portion that you watched, is that a fair and
18 accurate depiction of the video from that evening?

19 A Yes.

20 MR. ROGAN: Your Honor, may I ask your marshal to
21 please approach?

22 THE COURT: Yes.

23 BY MR. ROGAN:

24 Q Ma'am, I'm going to show you what's been marked as
25 State's Proposed Exhibit No. 1. That is not the video that you

1 observed; correct?

2 I did not ask you to initial that CD?

3 A Oh, no.

4 Q Okay. All right. However, we did watch a CD together
5 earlier today; correct?

6 A Correct.

7 Q And at that time, did I inform you that the entire CD would
8 not be shown to the jury. In fact, it would only be a short clip;
9 correct?

10 A Correct.

11 Q All right. If I could have that CD back, please?

12 I'm going to show you a short clip -- very short clip.

13 If you could look to your left and identify whether this is a
14 clip from the entirety of the video that was shown to you earlier
15 today. All right?

16 Okay, ma'am. I've stopped the video at what is indicated
17 in the actual date and time stamp of August 5th, 2015, at 20 hours,
18 13 minutes, and 33 seconds.

19 Do you recognize what is depicted at this very moment on
20 the video?

21 A Yes.

22 Q And what is that?

23 A It's the other side -- or the right side of Walgreens.

24 Q Okay. Is it the view from that camera that you previously
25 identified as State's Exhibit 38?

1 A Yes.

2 Q All right. And is this a portion of the video that you
3 viewed earlier today and identified as having been provided by
4 Walgreens to the Las Vegas Metropolitan Police Department?

5 Sorry. Tough question.

6 Is this a clip from the video -- the entirety of the video that
7 was provided to Metro?

8 A Yes.

9 Q Okay.

10 MR. ROGAN: Your Honor, I would move to admitted
11 State's Exhibit Number 1.

12 THE COURT: Any objection?

13 THE DEFENDANT: No.

14 THE COURT: Okay. That will be admitted. Thank you.

15 **[PLAINTIFF'S EXHIBIT NO. 1 ADMITTED.]**

16 MR. ROGAN: Thank you very much. I have no further
17 questions.

18 THE COURT: Okay. All right. Mr. Woods?

19 THE DEFENDANT: No.

20 THE COURT: Nothing?

21 Anything from our jurors?

22 Ms. Ortega, I appreciate your time. Thank you. You're
23 excused.

24 THE WITNESS: Okay.

25 THE COURT: State may call their next witness.

1 MR. ROGAN: Your Honor, the State calls Yesenia Rivas.

2 YESENIA RIVAS

3 [having been called as a witness and being first duly sworn, testified
4 as follows:]

5 THE CLERK: Thank you. Please be seated. And state and
6 spell your name for the record.

7 THE WITNESS: Yesenia Michelle Rivas. Y-E-S-E-N-I-A;
8 Michelle, M-I -- sorry, I'm a little nervous.

9 MR. ROGAN: That's okay.

10 THE WITNESS: M-I-C-H-E-L-L-E, Rivas, R-I-V-A-S.

11 THE COURT: All right. Don't be nervous. It's okay. Take
12 your time.

13 All right. Mr. Rogan.

14 MR. ROGAN: Thank you, Your Honor.

15 **DIRECT EXAMINATION**

16 BY MR. ROGAN:

17 Q Good afternoon, Ms. Rivas. How are you?

18 A Good.

19 Q I want to talk to you about some events you observed on
20 August 15th of 2015, at the Walgreens located at Tropicana and
21 Decatur. Okay?

22 A Yes.

23 Q You're going to have to speak up a little bit so the jury can
24 hear you.

25 A Yes. Sorry.

1 Q Okay. At about a quarter past 8:00 or thereabouts, were
2 you and a person that you know as Garland Calhoun located at the
3 Walgreens there?

4 A Yes. We were walking there.

5 Q From where?

6 A From Decatur area.

7 Q Okay. Do you live in the vicinity of that Walgreens?

8 A Around that area, yes.

9 Q I'm sorry. I should have asked -- at that time, did you live
10 there?

11 A Yes.

12 Q Okay. And what was the reason for going to Walgreens?

13 A We were going to meet up with some friends, and we
14 were just picking up some stuff from the store.

15 Q Okay. And as you approached the Walgreens, did
16 something catch your attention?

17 A We heard some screaming. It sounded like -- we couldn't
18 tell if they were just joking around or just screaming. And then all of
19 a sudden, we have a lady -- the lady comes into the light. And we
20 see her screaming, Somebody help me, he's trying to kill me.

21 Q So do you remember, specifically, where you were when
22 you started to hear that screaming?

23 A We were on the sidewalk of Walgreens.

24 Q I'm showing you State's Exhibit Number 38, if you look at
25 the monitor to your left.

1 A Mm-hmm.

2 Q Do you see -- could -- do you see in this photograph kind
3 of where you were at evening?

4 A Yeah. We were right underneath the 1-hour photo sign.

5 Q Okay. Could you actually use that little mouse that's right
6 there in front of you?

7 THE COURT: And you have the mouse. And then you just
8 left click and draw.

9 THE WITNESS: So we were right here. Sorry.

10 MR. ROGAN: Okay.

11 THE COURT: Draw a little bigger than that.

12 THE WITNESS: We were right there.

13 THE COURT: Thank you.

14 MR. ROGAN: Thanks.

15 THE COURT: So she's indicated right in an area kind of
16 near where the windows are?

17 THE WITNESS: Yes.

18 THE COURT: Below the --

19 THE WITNESS: On that sidewalk.

20 THE COURT: -- kind of near the red neon 1-hour photo
21 sign on the sidewalk right next to the building.

22 THE WITNESS: Um-hmm. Yes.

23 BY MR. ROGAN:

24 Q Thank you, Ms. Rivas. Is that when you first heard the
25 screaming?

1 A Yes.

2 Q All right. And at first did you think that something was
3 wrong?

4 A No. It just -- we thought maybe someone's joking around,
5 play fighting. Didn't think much of it till she came into the light.

6 Q And that's at that time that you heard her say, Help me;
7 he's trying to kill me?

8 A Yes.

9 Q Okay. What happened next, if you remember?

10 A He comes into the light, starts stabbing her, repeatedly.
11 And he said, Bitch, I told you I'll find you. I told you I'd kill you.

12 Q Is that what he said?

13 A Yes.

14 Q How many times did -- can you estimate how many times
15 the person stabbed her?

16 A It's quite a few times. Maybe -- from what I saw, maybe,
17 like, five or seven times.

18 Q Did you ever see -- let me back up.

19 What was the race of the woman that was being stabbed?

20 A She was a tiny petite white lady.

21 Q All right. And this white lady, did she ever attempt to
22 defend herself?

23 A It looked like she just had no energy. I don't know if she
24 maybe was hurt before that.

25 Q Okay. Did she ever put her arms up or anything of that

1 nature?

2 A Yes.

3 Q She did?

4 A Uh-huh.

5 Q Okay. After you observed the stabbing and heard the man
6 say -- what was it?

7 A Bitch, I told you I'll find you; I told you I'd kill you.

8 Q Okay. What happened after that?

9 A He just kept stabbing her. He stabbed her on the wrist and
10 stabbed her on the neck.

11 Q And after that, what happened?

12 A He saw us, me and Garland. He looked right at us, and
13 then just got in his car and drove off.

14 Q Okay. And I see you're wearing glasses today?

15 A Yeah, I know.

16 Q Were you wearing glasses that evening?

17 A No.

18 Q Okay. So did you see the kind of car that this man drove
19 off in?

20 A Yes, because the car was right by us. It was like a beige
21 color, like, it looked kind of, maybe a Taurus. It did have Nevada
22 plates. I just couldn't see the number.

23 Q Is that because you weren't wearing your glasses?

24 A Yes, um-hmm.

25 Q All right. Could you tell what race the man was that was

1 stabbing this petite white woman?

2 A African American.

3 Q Okay. Could you recall whether he had any hair or not?

4 A Very little. It was very little hair.

5 Q What about his build?

6 A Just medium. It didn't really look like he worked out very
7 much, but he wasn't fat.

8 Q Okay.

9 A Just very medium.

10 Q Now, you mentioned that you weren't wearing your
11 glasses. Because of that do you think you would be able to pick out
12 that man again?

13 A Yes. He was very close to us.

14 Q Okay.

15 A He was probably this far away from us when he saw us.

16 THE COURT: I'm sorry. I was looking down when you
17 said he was there far away. How far?

18 THE WITNESS: Yeah. He was, like, very close to us so just
19 maybe about that far away from us.

20 THE COURT: From your -- with your arm out? So --

21 THE WITNESS: Yes. Just that far.

22 THE COURT: So three feet?

23 THE WITNESS: Mm-hmm.

24 THE COURT: Three to four feet?

25 THE WITNESS: Yes.

1 THE COURT: Okay. Thank you.

2 And the witness stood up and kind of indicated with her
3 arm out in front of her. Thank you.

4 BY MR. ROGAN:

5 Q Okay. So do you think you could pick out that person?

6 A Yes.

7 Q And do you see that person here in court today?

8 A I do.

9 Q Could you please point to him?

10 A Right there.

11 Q All right. Could you tell me something he's wearing
12 today?

13 A He's wearing a white shirt.

14 Q What kind of tie?

15 A It's mixed color -- blue, tan, white.

16 Q Jacket or no jacket?

17 A No jacket.

18 MR. ROGAN: Let the record --

19 THE COURT: The record will reflect the identification of
20 defendant. Thank you.

21 BY MR. ROGAN:

22 Q Did you remain on the scene after the stabbing took
23 place?

24 A Yes.

25 Q Did you have the opportunity to hear a young woman

1 screaming?

2 A Yes. The daughter ran into the Walgreens saying, My
3 stepfather is trying to kill my mom. Somebody help me.

4 Q Thank you.

5 MR. ROGAN: Nothing further, Your Honor.

6 THE COURT: Mr. Woods?

7 **CROSS-EXAMINATION**

8 BY THE DEFENDANT:

9 Q Before you came here to -- I wish somebody would have
10 gotten me a belt.

11 Before you came and made your testimony today, did
12 anybody approach you or talk to you about what you were going to
13 say here today?

14 A I talked to my attorneys. All they gave me was my
15 statement that I gave to the cops.

16 Q Okay. And you and Garland Calhoun have been going
17 over this for some time now; correct?

18 A Just our statement.

19 Q With each other. Not with somebody else, between each
20 other?

21 A Just us.

22 Q Okay. Now, that night you said he was about 15 feet
23 away. But today you said he was closer than that. What made you
24 change the feet that he was from?

25 A At that moment I was terrified of the situation. I've never

1 seen somebody kill anybody before.

2 Q Did you -- you said you weren't wearing your glasses that
3 night. And when the officer asked you are you just a little bit far
4 sighted, you said, Yes, a lot actually.

5 Do you remember making that statement?

6 A Nearsighted. I meant to say nearsighted. I always forget
7 the difference. I can see close; I just can't see far.

8 Q But you said farsighted?

9 A Yes.

10 Q Okay. That night you also said that the lady that night
11 said, I think it was my stepfather. Now you're saying she said, I -- it
12 was my stepfather.

13 What's making you change your statement?

14 A Like I said, that day, I was terrified.

15 Q So you were so terrified you could have made mistakes in
16 what you saw and what you're saying today?

17 A But when I go home and think about exactly what
18 happened, I remember exactly what happened that day.

19 Q But when you come here -- and what you're saying you
20 could have made mistakes from what you said that night and today?

21 A But I'm not making a mistake right now.

22 Q Was that a yes or a no?

23 A I'm not making a -- about what -- that night. I probably,
24 yes, may have made mistakes that night.

25 Q Okay. Okay. Now, you said -- you guys said, both, that

1 the defendant was 5'8". Now, he said 5'8" because --

2 MR. ROGAN: I'm sorry.

3 THE COURT: Well, we don't talk to witnesses about what
4 other witnesses have testified to. Okay?

5 THE DEFENDANT: Okay.

6 BY THE DEFENDANT:

7 Q You said --

8 THE COURT: You can ask her questions about her
9 statements and what she remembers and what she said.

10 BY THE DEFENDANT:

11 Q Okay. And you said he was 5 -- you thought he was 5'8"
12 because he was a little taller than Garland Calhoun; correct?

13 A At that moment, yes.

14 Q Okay. Now, you also said that the lady ran from the side,
15 the passenger side of the Ford Taurus. Do you remember making
16 that statement?

17 A Yes. Into the sidewalk, yes.

18 Q Okay. And you also said that the daughter, I guess -- you
19 didn't say the daughter -- you said the little girl, but we're going --
20 we're talking about the daughter -- picked up the purse from the side
21 of the Ford Taurus?

22 A No.

23 Q Do you remember --

24 A No. I said by her -- by the black car, SUV.

25 Q Well, your statement was that night, She grabbed Mom's

1 purse? Yeah. From next to where the tan car was? Yeah.

2 Mm-hmm.

3 A Okay. I could have said that that night, yes.

4 Q Correct? Okay. So how can you be absolutely sure what
5 happened three and a half years later, when you weren't sure about
6 everything that happened night?

7 A Because I was questioned right away after seeing you kill
8 her. And like I said, I was traumatized.

9 Q Traumatized --

10 A And so as soon as me and Garland went home, we were
11 able to process the whole situation.

12 Q Traumatized enough that you probably made some
13 mistakes that night in your statements?

14 MR. ROGAN: Asked and answered.

15 THE COURT: Overruled.

16 THE DEFENDANT: Okay.

17 THE COURT: You can answer the question.

18 THE WITNESS: That night maybe I couldn't -- didn't
19 identify you exactly, but I know exactly what happened.

20 THE DEFENDANT: Okay. Nothing further, Your Honor.

21 THE COURT: Mr. Rogan.

22 MR. ROGAN: Yes, sir. Thank you.

23 **REDIRECT EXAMINATION**

24 BY MR. ROGAN:

25 Q So, Ms. Rivas, I'm just trying to -- there's a couple points I

1 want to pick up on.

2 A Okay.

3 Q Do you remember writing out a written statement for
4 police on August 5th at about 8:47 p.m. that evening?

5 A Yes.

6 Q All right. And at that time, did you, as best you could,
7 accurately describe what you saw and what you heard?

8 A Yes.

9 Q And do you recall writing the daughter of the wounded
10 was yelling that it was her stepfather that stabbed her?

11 A Yes.

12 Q Okay. And since that time, have you had an opportunity
13 to view any photographs of any suspects in this case?

14 A No.

15 Q Has Ms. Fleck or I ever showed you any photographs of
16 any suspects?

17 A No, no.

18 Q Have the police?

19 A No.

20 Q Is the first time that you've seen the defendant,
21 Mr. Woods --

22 A Correct.

23 Q -- since that night, is here in court today?

24 A Yes.

25 THE DEFENDANT: One last question.

1 THE COURT: Hold on, I'm sorry. Are you done?

2 MR. ROGAN: Yes. Thank you, Your Honor.

3 THE COURT: Okay. All right. Mr. Woods, you can go
4 ahead. I'm sorry.

5 **RECROSS-EXAMINATION**

6 BY THE DEFENDANT:

7 Q Okay. That night you -- well, the next day or next couple
8 days, you never read in the paper the incident that happened?

9 A No. I didn't want to look into it.

10 Q So you guys never seen the paper at all?

11 A No.

12 Q The photographs and --

13 A We heard people talk about a stabbing near our place.

14 And we never even said -- mentioned that we were there. We didn't
15 want to relive that moment.

16 Q Okay.

17 THE DEFENDANT: Nothing further, Your Honor.

18 THE COURT: Anything further?

19 MR. ROGAN: No, Your Honor.

20 THE COURT: Anything from our jurors?

21 Okay. Ms. Rivas, thank you very much for your time. I
22 appreciate it. You are excused.

23 All right. State may call their next witness.

24 MS. FLECK: Judge, first of all --

25 THE COURT: Okay. All right. We're going to take recess,

1 ladies and gentlemen.

2 During the recess, you are admonished not talk or
3 converse among yourselves or with anyone else on any subject
4 connected with the trial, or read, watch, or listen to any report of or
5 commentary on the trial, by any medium of information, including,
6 without limitation, newspaper, television, Internet, or radio. Do not
7 form or express any opinion on any subject connected with the case
8 until it is finally submitted to you. No legal or factual research or
9 investigation or social media communication on your own. Okay?
10 Thank you.

11 [Outside the presence of the jury.]

12 THE COURT: You guys have anything outside the
13 presence?

14 MS. FLECK: Nothing from the State, Your Honor. We just
15 --

16 THE DEFENDANT: Yes.

17 MS. FLECK: -- have gone a lot quicker than we had
18 anticipated with those five witnesses. So our next witness isn't until
19 2:30. And we actually are going so quick that we need to line up
20 some more people for this afternoon.

21 THE COURT: Okay. Yeah. Good.

22 THE DEFENDANT: I have one statement. But is it going to
23 be on the record? I want it on the record.

24 THE COURT: It is on the record.

25 THE DEFENDANT: Okay. The same officer that said I was

1 trying to get a mistrial told me, going down the elevator, that he --
2 you had said that to him -- that's what he would do.

3 He also made several other suggestions that I do in my
4 case. Why? I don't know. He's not paralegal. He's not a lawyer.
5 But he continued to talk to me all during the dress-out, suggesting
6 what I should do in my case.

7 THE COURT: Okay. Thank you. We will be at recess.

8 MS. FLECK: Thank you.

9 [Recess taken from 2:07 p.m., until 2:28 p.m.]

10 [Outside the presence of the jury.]

11 MS. FLECK: The one thing is --

12 THE COURT: Well, hold on. Is Robson outside?

13 Okay. All right. We're outside the presence. We'll be
14 back on the record.

15 Ms. Fleck?

16 MS. FLECK: We will just need to wait for Mary Brown,
17 also, to come over for one of our witnesses.

18 THE COURT: Okay. Well, we can go Dr. Corneal and then
19 the other folks before we get to Ms. Henley?

20 MS. FLECK: Yeah. I think we're going to -- in order to get
21 that picture over here from court exhibits from Ms. -- Dr. Corneal --
22 we're going to start with Ms. Fletcher, CSA Fletcher, and then we'll
23 go to Corneal.

24 THE COURT: Got it. Okay. All right.

25 THE DEFENDANT: Can I make a statement before we go

1 on the record?

2 THE COURT: Yes. Go ahead.

3 THE DEFENDANT: Could you get the officer's name and
4 when he said, we spoke -- you heard me make the statement about
5 the mistrial?

6 THE COURT: Okay. I will. We'll do that at the end of the
7 day. I want to go ahead and get all the jurors first. And then I'll get
8 all that for you.

9 Yeah. Go ahead and get the jury.

10 MR. ROGAN: May I approach your clerk while we're
11 waiting, Your Honor?

12 THE COURT: Yes.

13 [Pause in the proceedings.]

14 THE COURT: All right. You all can be seated. Thank you.

15 We will be back on the record. Mr. Woods is here;
16 Mr. Hauser is here as standby counsel; State's attorneys are present;
17 jurors are present.

18 We're going to continue on with the State's case in chief.

19 Mr. Rogan? Ms. Fleck?

20 MR. ROGAN: Thank you, Your Honor.

21 The State will call crime scene analyst Shawn Fletcher.

22 SHAWN FLETCHER

23 [having been called as a witness and being first duly sworn, testified
24 as follows:]

25 THE CLERK: Thank you. Please be seated. And state and

1 spell your name for the record.

2 THE WITNESS: Shawn Fletcher, S-H-A-W-N,
3 F-L-E-T-C-H-E-R.

4 THE COURT: All right. Thank you, Ms. Fletcher.
5 Mr. Rogan.

6 **DIRECT EXAMINATION**

7 BY MR. ROGAN:

8 Q Good afternoon, ma'am.

9 A Hi.

10 Q What is your employment?

11 A I work for Las Vegas Metropolitan Police Department as a
12 Senior Crime Scene Analyst.

13 Q What is a crime scene analyst?

14 A A crime scene analyst responds to the crime scenes at the
15 request of either patrol or detectives that are out on the scene. And
16 our main focus is to process the crime scene and to document the
17 crime scene. So we'll usually do that through photography, any sort
18 of evidence collection, any fingerprint processing, and, in some
19 cases, we complete a crime scene diagram.

20 Q What's your education?

21 A I have a bachelor's degree in health fitness and health
22 promotion, and I have an associate's degree in criminal justice.

23 Q Do you have any specialized training that allows you to --
24 or that trained you to document crime scenes in the manner you
25 described?

1 A Yes. When we get hired, we go through a crime scene
2 analyst academy. We're civilian, so it's different from the PO
3 academy. We'll do our own academy. And it's -- I believe when I did
4 it it was about three or four weeks long. And then we train with a
5 senior crime scene analyst, which is what I am now. And we do that
6 for about 13 weeks. And then we -- we're continually doing training
7 in-house.

8 We also go to a lot of conferences and a lot of outside
9 training. We do a lot of crime scene investigation's training,
10 photography, fingerprint processing, homicide schools, death
11 investigations.

12 Q How long have you been a crime scene analyst?

13 A 22 and a half years.

14 Q The entire time with the Las Vegas Metropolitan Police
15 Department?

16 A Yes.

17 Q In that 22 and a half years, do you know how many
18 homicide scenes that you have been requested to document?

19 A Probably about 300.

20 Q Were you working on the night of the August 5th, 2015, as
21 a senior crime scene analyst?

22 A Yes, I was.

23 Q And were you requested to go to 4905 West Tropicana,
24 here in Las Vegas, Clark County, Nevada, reference a homicide?

25 A Yes.

1 Q And were you there to perform your duties to document
2 and collect any evidence?

3 A I was.

4 Q What is the business that's located at that address?

5 A It's a Walgreens.

6 Q And it's at the intersection of Tropicana and Decatur?

7 A I believe so, yes.

8 Q Were other crime scene analysts also requested to go to
9 that location?

10 A Yes. I was with Brad Grover, who is also a crime scene
11 analyst, and my boss at the time was Jeff Smink.

12 Q Is that common?

13 A Yes.

14 Q And what is the reason why you have multiple crime
15 scene analysts arrive at one scene?

16 A Well, on a case like this, we usually divide up our duties.
17 So in this particular case, I was in charge of the photography and the
18 report writing. Brad Grover collected the evidence and completed
19 the crime scene diagram.

20 Q Are there other crime scene analysts that also respond to
21 different locations for other aspects of the investigation?

22 A Yes.

23 Q For example, if there's a victim, do -- does another crime
24 scene analyst go to the hospital?

25 A Yes. I believe Amanda Wright went to the hospital in this

1 particular case.

2 Q Okay. You mentioned also that there was a crime scene
3 diagram that was created. Did you do that or did another crime
4 scene analyst?

5 A Brad Grover did the diagram.

6 Q Okay. Does a crime scene analyst normally also attend
7 the autopsy?

8 A Yes.

9 Q And did you attend the autopsy?

10 A I did not.

11 Q Was that another crime scene analyst?

12 A Yes. I don't know who that was.

13 Q Okay. When you arrived on the scene to perform your
14 duties, has the scene been secured, meaning is there crime scene
15 tape up and other officers posted around the perimeter of the crime
16 scene?

17 A Yes.

18 Q And at that time, is there any danger to yourself that
19 would -- or would there be any danger to yourself at that time that
20 would interfere with your ability to perform your duties?

21 A Not usually.

22 Q Okay. When you arrived, was -- and you knew that this
23 was a homicide; correct?

24 A I believe so.

25 Q Okay. When you arrived, did you speak with any

1 detectives or officers who were already on scene conducting an
2 investigation?

3 A I would have talked to whoever was there. I know later --
4 or either before I got there or after I got there -- homicide detectives
5 showed up. Buddy Embrey was the main homicide detective in this
6 particular case. And I also talked to Terri Miller.

7 Q Okay. When you arrive and you speak to those officers,
8 are you apprised of the extent of the investigation so far?

9 A Yes.

10 Q And what is the reason for that?

11 A Yes. They update us.

12 Q And what is the reason for that?

13 A They'll usually update us with any information that they've
14 gotten at the time. If they have any information from witnesses or
15 any video or anything like that, they'll usually update us. That way
16 we can make sure that we're getting all of the photographer -- all of
17 the photography done that needs to be done. If there's any sort of,
18 like, witness views or cameras or anything like that, we'll try to
19 photograph those so we have a whole, complete picture of the
20 scene.

21 Q Thank you. When you arrived, the alleged victim, was that
22 person still present at the scene or had that person already
23 departed?

24 A No. They had already been transported.

25 Q Okay. You mentioned that you took photographs --

1 A Correct.

2 Q -- that evening; correct?

3 A Yes.

4 Q I would like to show you a series of photographs, if I
5 could.

6 MR. ROGAN: Court's indulgence, please. Your Honor,
7 may I ask your marshal to please approach?

8 THE COURT: Yep.

9 BY MR. ROGAN:

10 Q Ma'am, the marshal's approaching with State's Proposed
11 Exhibits 6 and 35 through 51. Could you look at each of those, and
12 then I'll ask you some further questions.

13 A Okay.

14 Q Have you had an opportunity, ma'am, to review State's
15 Proposed Exhibits 6 and 35 through 51?

16 A Yes.

17 Q And are those photographs that you took at the crime
18 scene located at the intersection of Trop and Decatur on August 5th
19 of 2015?

20 A Yes. And some of them were also at headquarters.

21 Q I see. All right. Did all of those photographs fairly and
22 accurately depict the scene, as well as whatever photographs taken
23 at headquarters as you found it that evening?

24 A Yes.

25 MR. ROGAN: Your Honor, I would move to admit

1 Exhibits 6 and 35 through 51.

2 THE COURT: Did Mr. Woods have a chance to see those?

3 MR. ROGAN: Oh, I'm sorry. I did not.

4 THE COURT: Thank you.

5 THE DEFENDANT: Your Honor, no objection.

6 THE COURT: All right. Thank you. 6 and 35 through 51
7 will be admitted.

8 **[PLAINTIFF'S EXHIBIT NOS. 6 AND 35 THROUGH 51 ADMITTED.]**

9 THE COURT: You can publish those.

10 BY MR. ROGAN:

11 Q I'm sorry, ma'am. I forgot to have you approached with
12 State's -- or to look at State's Proposed 61.

13 Could you look at that and identify it for me?

14 THE COURT: I'm sorry, Jeff. What was that number?

15 MR. ROGAN: 61.

16 THE COURT: Thank you.

17 THE WITNESS: This is going to be a copy of the diagram
18 that Brad Grover completed.

19 BY MR. ROGAN:

20 Q And are you familiar with that diagram that he completed?

21 A I am.

22 MR. ROGAN: Your Honor, I move to admit 61 as well.

23 THE COURT: Any objection to the diagram, Mr. Woods?

24 THE DEFENDANT: One more time.

25 THE COURT: 61, the diagram -- do you have any objection

1 to that?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. Thank you.

4 All right. That will be admitted as well.

5 **[PLAINTIFF'S EXHIBIT NO. 61 ADMITTED.]**

6 MR. ROGAN: Thank you, Your Honor.

7 BY MR. ROGAN:

8 Q All right. Showing you State's Exhibit 61, if you could look
9 to the screen on your left, you previously -- or a moment ago -- just
10 identified this as the diagram completed by crime scene analyst
11 Bradley Grover.

12 Can you explain where we're positioned in this diagram,
13 please? And you can use that mouse there that's to your right.

14 A This is going to be the front entrance of the store right
15 here -- of the Walgreens.

16 THE COURT: You can left click and draw if you want.

17 THE WITNESS: Oh, okay. This is the front entrance to the
18 store. We had a Suburban parked here and a Nissan parked here.
19 And the scene is in this general area here.

20 MR. ROGAN: Okay.

21 THE COURT: So for the record you, you've circled part of
22 the sidewalk, the two parking spots with the vehicle you described,
23 as well as part of the parking stalls adjacent on each side?

24 THE WITNESS: Yes. That's correct.

25 THE COURT: Thank you.

1 MR. ROGAN: Thank you, ma'am.

2 THE WITNESS: I forget how to erase.

3 MR. ROGAN: That's okay. I'll do my best for you.

4 THE WITNESS: Okay. Thank you.

5 BY MR. ROGAN:

6 Q Okay. Great. Thank you.

7 And on this diagram, were there -- are the locations of
8 potential evidence located on the diagram itself?

9 A Yes. The numbers that you see -- the one, two, and
10 three -- correspond with the descriptions over here -- a gray shirt, a
11 blue shirt, and shopping bags.

12 Q Okay.

13 A And then we also had cones out in the photos. But there's
14 also apparent blood in this area that goes all the way through here
15 and in between the two cars.

16 Q Okay. So when you were saying apparent blood in the
17 area, you were using the mouse to indicate an area below a
18 rectangle, in the vicinity of the numbers one and two, as well as
19 three; correct?

20 A That's correct. And these square areas here are pillars.
21 They're just cement support pillars.

22 Q Okay. Thank you very much. What does RP stand for
23 there?

24 A RP is just the reference point that we use to measure the
25 evidence from.

1 Q Okay.

2 A So everything that we recovered got measured in, so that
3 we could create an accurate diagram. And that's the point that we
4 used to measure.

5 Q Thank you very much.

6 Now, I'm going to show you State's Exhibit 36. Is this the
7 Walgreens that you reported to on August 5th of 2015?

8 A Yes.

9 Q And do you see, depicted in this exhibit, the pillars that
10 you were discussing a moment ago?

11 A Yes. This is going to be one of the pillars here and this
12 is -- it's hard to see -- but right where the shopping cart is, this is
13 another pillar here.

14 Q Thank you. Showing you State's Exhibit 35, what is
15 depicted in State's Exhibit 35?

16 A This is just going to be another view a little bit further to
17 the north. This is going to be the Suburban here and the Nissan next
18 to it here.

19 Q Okay. Are -- is the entrance of the Walgreens depicted in
20 this exhibit?

21 A Yes. It's right here.

22 Q To the right of the photograph?

23 A Yes. It's in the -- it's going to be the northeast corner of
24 the store.

25 Q Thank you. State's Exhibit 37, what is the view of this --

1 the vantage point of this photograph?

2 A This is going to be a view just coming out of the front door
3 so that the door would be right here. And that's just going to be
4 looking southeast towards the scene.

5 Q Okay. Thank you. State's Exhibit 39, what do we see in
6 this photograph?

7 A This is just a photograph of a few more vehicles that were
8 a little bit further south in the parking lot along the side of the store.

9 Q Is there any reason why you took this photograph?

10 A Just for identification purposes to place the vehicles that
11 were there when we got there.

12 Q Okay. And State's Exhibit 40, you previously -- or a
13 moment ago you testified that there was apparent blood located on
14 the sidewalk at the Walgreens; correct?

15 A Correct.

16 Q What is apparent blood?

17 A This is just going to be this area here. And it's -- what we
18 believe to be blood. We did not test it at the scene, but it seemed to
19 be obvious that it was blood.

20 Q All right. Can you actually use the pointer to please circle
21 the area of apparent blood?

22 A It's right here. And then there were random drops that
23 came in through here, as well.

24 Q Right. So for the record, you circled the lower right-hand
25 corner of the photograph where there is a reddish stain; correct?

1 A Yes.

2 Q All right. And then you also drew a line between two
3 vehicles towards the center of the photograph as well?

4 A Correct.

5 Q All right. Now, what are the items that are in the vicinity
6 of this reddish stain that you call apparent blood?

7 A In this area -- can that darken up at all? Or -- it's --

8 MR. ROGAN: No.

9 THE WITNESS: No. I mean the other way.

10 MR ROGAN: Sorry.

11 THE COURT: If you go back to the way it was.

12 MR. ROGAN: I think it froze.

13 THE WITNESS: Oh, sorry.

14 MR. ROGAN: I'll try to zoom in.

15 THE COURT: I imagine you can zoom in and then maybe
16 move the picture a little bit.

17 THE WITNESS: Oh, there we go. Okay.

18 This is going to be the bloody area. We had some medical
19 debris. This is some wrappings and some gauze and some medical
20 debris here. And then there were two shirts that were also right
21 here. This and this are both shirts.

22 BY MR. ROGAN:

23 Q Are those the two shirts that were referenced on Bradley
24 Grover's crime scene diagram?

25 A Yes, they are.

1 Q I'm showing you State's Exhibit 41, zoom after this one.

2 MR. ROGAN: Thank you, Your Honor.

3 BY MR. ROGAN:

4 Q Is this that same scene from a different vantage point?

5 A Yes, it is. This is the same area that we just talked about
6 right here.

7 Q Thank you. You mentioned previously, also, that you
8 placed cones. What was the reason for placing cones?

9 A We place cones to just show the -- what we believe to be
10 the blood trail.

11 Q I'm showing you State's Exhibit 43. Do you see the cones
12 in this exhibit that you're discussing?

13 A Yes. These are the small orange cones here and here, just
14 depicting blood drops on the ground.

15 Q Thank you. State's Exhibit 44, again, are there more cones
16 that you placed in that same vicinity between the two vehicles?

17 A Yes. These are -- you can see three more here, going out
18 towards the vehicles towards the parking lot.

19 Q Thank you. State's Exhibit 45. I'm going to direct your
20 attention to the center of that photograph. What is between the two
21 vehicles on the left and right?

22 A This was a shopping bag, a plastic shopping bag that had
23 some items from the Walgreens in it.

24 Q Now, showing you State's Exhibit 46. Is this a close-up
25 view of that shopping bag?

1 A Yes. And then the receipt. There's a receipt right here. I
2 believe this is a receipt too.

3 Q Thank you. And for the record you circled what looks to
4 be a piece of paper just below the white shopping bag?

5 A Correct.

6 Q Did you also take a picture of a purse that evening?

7 A A purse?

8 Q Yes.

9 A Yes.

10 Q And did you know where this purse had been located at
11 that crime scene?

12 A I had not. Detective Embrey had the purse.

13 Q Do you know where Detective Embrey or how Detective
14 Embrey had come into possession of that purse?

15 A I don't.

16 Q Did you take photographs of a couple of items that there
17 were found within that purse?

18 A Yes.

19 Q Showing you State's Exhibit 50. What is depicted in
20 State's Exhibit 50?

21 A This is a Nevada driver's license in the name of Josie Kate
22 Jones.

23 Q And was that -- was that license discovered within that
24 purse?

25 A Yes.

1 Q Now, showing you State's Exhibit 51. What is that?

2 A This is going to be a Las Vegas Metropolitan Police
3 Department business card in the name of Detective Shane. And then
4 there's an event number or a case number on it as well.

5 Q What is an event number?

6 A All of our cases get assigned case numbers. We refer to
7 them as event numbers, but it's basically a case number for that
8 particular case. So this one has, obviously, a different event number
9 than what we're here today on. But this is going to be dated
10 July 17th of 2015.

11 Q And so the first six numbers would indicate the date?

12 A Correct. And then it would have been the 2,018th call for
13 the day.

14 Q Okay. In addition to taking photographs of the scene that
15 evening, did you also attempt to recover any fingerprints anywhere?

16 A Yes, we did. On both of the vehicles, on the exterior sides.

17 Q Why did you do that?

18 A We process the vehicles just in case somebody had
19 touched the vehicles. And since we had a crime scene between the
20 two of them, it would make sense that there could have been hands
21 placed on either one of the vehicles, so the vehicles were processed
22 all the way around on both of them.

23 Q So let me understand this. Did you have any information
24 that the suspect actually touched any of the vehicles?

25 A No, not at the time.

1 Q So the reason you did this was an abundance of caution?

2 A We had some video. And I don't know -- I don't recall
3 what exactly the video showed, but we knew that we were in the
4 right area with the crime scene. And because the vehicles were
5 there, that's just kind of a common practice that we would process
6 the vehicles.

7 Q Okay. How did you look for this fingerprint?

8 A With fingerprint processing we use, in this particular case,
9 a black powder. And it's applied to the item that you're processing --
10 again, in this case, both vehicles, the outsides of them -- and the
11 black powder is kind of like, talcum powder. And it will adhere to the
12 moisture that's left behind from the fingerprint or from the hand
13 touching the car or whatever the item may be. And it will adhere to
14 the moisture. And then we go ahead and place a piece of tape,
15 which is essentially scotch tape -- it looks just like scotch tape -- over
16 that print, and then we lift it off of the item. And it gets placed on a
17 white fingerprint card for later comparison.

18 Q Now, do you just cover the entirety of the vehicle in this
19 black powder? Or do you look in specific locations?

20 A Normally, we will look in any areas of dust disturbance.
21 But when it's something that's very fresh, we pretty much just kind
22 of do the whole car.

23 Q Did you find any fingerprints?

24 A I did. We got a fingerprint on the left-rear door of the
25 Nissan.

1 Q Okay. So there -- you previously mentioned that there
2 were two cars. There was the black SUV?

3 A Yes.

4 Q Correct? And then the other car was a Nissan sedan?

5 A Correct.

6 Q And it was -- where exactly did you find that fingerprint?

7 A I believe it was on the left-rear door.

8 Q Okay.

9 A Or window.

10 Q Okay.

11 MR. ROGAN: Court's indulgence.

12 BY MR. ROGAN:

13 Q So showing you State's Exhibit 36 -- I'll zoom in for you.
14 Do you see here depicted where exactly you recovered that
15 fingerprint?

16 A It's hard to tell from this, but I --

17 Q I know. It's a difficult photograph. I'm sorry.

18 A I think it's going to be right here.

19 Q All right. So you're circling --

20 A On the left-rear window.

21 Q The left-rear window?

22 A Yeah.

23 Q Okay. Thank you. Now, all those items that you
24 mentioned -- the shirts, the Walgreen's bag, the contents of the
25 Walgreen's bag, the receipt -- were all those impounded by yourself

1 or another crime scene analyst?

2 A Yes. Brad Grover.

3 Q And can you generally describe how evidence is collected
4 and impounded?

5 A Once the evidence is photographed at the crime scene, a
6 lot of times with items like this, we will later bring them back to our
7 office, and we will rephotograph them where we can lay them out
8 and spread them out for better photography.

9 And then each item gets packaged individually in an inner
10 package. And that will get marked with the event number or the
11 case number that we talked about earlier. Whoever is impounding
12 the property will put their initials and their personnel number on that
13 bag as well, and then what item number it corresponds to. In this
14 case, we had the shirt -- the shirts were one and two, I believe.

15 And all that -- that number will stay the same throughout,
16 as I showed you on the diagram with them numbered. So those
17 items keep those same numbers.

18 And then that inner bag gets put into another bag, and
19 there's a label that's put on the outside of the bag that has the case
20 number, the location, a very detailed description of what is inside the
21 bag with the corresponding event numbers.

22 And then those bags get stapled and sealed with red
23 LVMPD evidence seal tape. And then it gets submitted to the
24 evidence vault.

25 Q And is the evidence vault the place where all of those

1 items that are collected are kept under lock and key?

2 A Yes.

3 Q What is the purpose for that entire process?

4 A The whole process just determines chain of custody.

5 So in other words, there's never a time where the evidence
6 not accounted for -- where it is, where it's stored. And then anybody
7 that opens it, if it gets examined by the forensic lab or a detective at
8 a later date, you never cut through that original seal. They will make
9 another cut in the bag, remove it, and then they reseal that cut in the
10 bag, and they'll sign the chain of custody. So that just keeps it so
11 that it's noted where it is at all times.

12 Q Thank you. How long do you think you spent at that
13 Walgreens on Trop and Decatur?

14 A I believe we were there for about three hours.

15 Q Now, after that, were you or other crime scene analysts
16 dispatched to headquarters to take a photograph of an individual?

17 A Yes. Myself and Brad Grover went to headquarters.

18 Q I'm showing you State's Exhibit 6. Were you asked by
19 detectives to take a photograph of this individual depicted in State's
20 Exhibit 6?

21 A Yes.

22 Q And that was at headquarters that evening?

23 A It was.

24 Q And finally, did you also take a photograph of a young
25 teenage girl at the location of the Walgreens on Trop and Decatur or

1 anything?

2 A Yes, I did.

3 Q I'm showing you State's Exhibit 5. Is this the young
4 woman that you took the photograph of?

5 A It is.

6 MR. ROGAN: I'll pass the witness.

7 THE COURT: Mr. Woods?

8 THE DEFENDANT: I just have one question, I believe.

9 **CROSS-EXAMINATION**

10 BY THE DEFENDANT:

11 Q Officer Fletcher, the fingerprint -- I was heard -- it was told
12 a fingerprint, slash, palm print. That print that you retrieved that
13 night, was it ever identified as belonging to anyone?

14 MR. ROGAN: Objection. Foundation.

15 THE WITNESS: I don't know.

16 THE COURT: Well, I -- well --

17 MR. ROGAN: I'll withdraw the objection, Your Honor.

18 THE COURT: Why don't you explain the process of
19 recovering and who identifies.

20 THE WITNESS: Okay. Normally what we do with -- when I
21 recover a fingerprint at a scene, it gets submitted in another different
22 type of an evidence package. It's a latent print package that it gets
23 sealed. And then our forensic lab, the light and print section, would
24 do that examination that you're referring to.

25 BY THE DEFENDANT:

1 Q Okay.

2 A So I don't know if it ever got identified to somebody or
3 not.

4 Q Okay.

5 THE DEFENDANT: Thank you. I have nothing further.

6 THE COURT: Mr. Rogan, anything?

7 **REDIRECT EXAMINATION**

8 BY MR. ROGAN:

9 Q Just to be clear, that Nissan that you did the fingerprinting
10 on, you had no information whatsoever that that had any
11 relationship to the victim or the defendant in this case; correct?

12 A That's correct. It was just proximity to the crime scene.

13 Q Thank you.

14 MR. ROGAN: Nothing further.

15 THE COURT: Anything from our jurors?

16 All right. Ms. Fletcher, thank you very much for your time.
17 I appreciate it. You are excused.

18 State may call their next witness.

19 MR. ROGAN: State calls Dr. Jennifer Corneal.

20 May I approach your clerk, Your Honor?

21 THE COURT: Yes.

22 **JENNIFER CORNEAL**

23 [having been called as a witness and being first duly sworn, testified
24 as follows:]

25 THE CLERK: Thank you. Please be seated. And state and

1 spell your name for the record.

2 THE WITNESS: Jennifer Corneal, J-E-N-N-I-F-E-R,
3 C-O-R-N-E-A-L.

4 THE COURT: All right, Doctor. Thank you.

5 Mr. Rogan?

6 **DIRECT EXAMINATION**

7 BY MR. ROGAN:

8 Q Good afternoon, Dr. Corneal. What do you do?

9 A I'm a medical examiner.

10 Q What is a medical examiner?

11 A I'm a doctor that specializes in forensic pathology. I
12 complete external examinations and autopsies on deceased
13 individuals to determine cause and render death.

14 Q What's your educational background?

15 A I am a doctor. I completed four years of medical school. I
16 then completed four years of a pathology residency program, and
17 I'm a board-certified anatomic pathologist. I then completed a
18 subspecialty training year in forensic pathology, and I'm a board-
19 certified forensic pathologist.

20 Q As a pathologist, are you a member of any professional
21 organizations?

22 A I am.

23 Q Which ones?

24 A The National Association of Medical Examiners, the
25 American Association of Forensic Sciences, the College of American

1 Pathologists, the American Society of Clinical Pathologists.

2 Q Thank you. And do you undergo any continuing
3 education to keep you abreast of anything within -- related to your
4 field?

5 A I do. It's required for my board certification.

6 Q And how often do you do that?

7 A Yearly.

8 Q Okay. How long have you been a medical examiner?

9 A Almost five years.

10 Q And are you with the Clark County Medical Examiner's
11 Office?

12 A Yes.

13 Q Okay. How many times have you testified regarding your
14 opinions about the cause and manner of death in a homicide case?

15 A Around 60.

16 Q Thank you. Could you tell us what a cause of death is?

17 A The cause of death is the underlying disease process or
18 injury that results in death.

19 Q How -- what is a manner of death?

20 A Manner of death is a categorization related to the
21 circumstances surrounding the cause of death.

22 Q So can you give us an example of a cause of death?

23 A A cause of death -- myocardial infarction --

24 Q Okay.

25 A -- which just means heart attack.

1 Q Okay. And what about a manner of death?

2 A Manner of death, there are five classifications: Natural,
3 which would be from a natural disease; suicide, when one takes their
4 own life; accident, a motor vehicle accident type death; homicide,
5 when the death is a result of -- at the hands of another person; and
6 undetermined, when the information is not enough to categorize it
7 into any of the other four.

8 Q On August 6th of 2015, did you perform an autopsy of a
9 woman identified to you as Josie Jones to determine the cause and
10 manner of her death?

11 A I did.

12 Q And during that examination, were other people present
13 in the exam room?

14 A Yes.

15 Q And did that include another employee of the Clark County
16 Medical Examiner's Office who took photographs at your direction?

17 A Yes.

18 MR. ROGAN: Your Honor, may your marshal please
19 approach.

20 THE COURT: Yes. JR, would you grab those please?

21 MR. ROGAN: Oh, before I forget.

22 Mr. Woods, do you have any objection?

23 MR. ROGAN: Thank you.

24 BY MR. ROGAN:

25 Q Ma'am, the marshal's approaching with State's Proposed

1 Exhibits 62 through 70. Could you please look at each of those
2 photographs?

3 Did you have an opportunity to look at each photograph?

4 A Yes.

5 Q And are these photographs that were taken by you, or at
6 your direction, during your autopsy of Josie Jones?

7 A Yes.

8 Q Do they fairly and accurately depict the condition of Josie
9 Jones' body on August 6th, 2015, as you found it?

10 A Yes.

11 MR. ROGAN: Your Honor, I move for the admission of
12 State's Proposed 62 through 70.

13 THE COURT: I will admit those, pursuant to the earlier
14 discussions.

15 **[PLAINTIFF'S EXHIBIT NOS. 62 THROUGH 70 ADMITTED.]**

16 MR. ROGAN: Thank you, Your Honor.

17 BY MR. ROGAN:

18 Q When you first began your examination of the body of
19 Josie Jones, did you find any indicia of medical intervention?

20 A Yes.

21 Q What does that mean exactly?

22 A Ms. Jones was taken to the hospital and had been
23 intubated -- had an IV line placed.

24 Q Showing you State's Exhibit 67, do you see here any
25 indicia or evidence of medical intervention?

1 A Yes.

2 Q And could you please use that mouse to write and circle it
3 for us?

4 A So this is an intervascular catheter or an IV in her left arm.

5 Q And that's something that would have been provided to
6 her during the hospital or at the hospital?

7 A At the hospital or on the way to the hospital, yes.

8 Q Okay. Thank you. Did you -- also, in addition to taking
9 photographs, did you document your findings and observations in a
10 report?

11 A Yes.

12 Q And during your review of -- I'm sorry.

13 And at the time that you conducted the autopsy, did you
14 document in your report the height and weight of Ms. Josie Jones?

15 A I did.

16 Q And do you recall how tall Ms. Jones was?

17 A Four foot, eleven inches.

18 Q And what about her weight?

19 A 95 pounds.

20 Q Did you also document any injuries on her body that you
21 found?

22 A Yes.

23 Q And what kind of injuries did you observe or discover on
24 her body?

25 A Mostly injuries on her body were sharp force injuries --

1 stab wounds and incise wounds.

2 Q Can you describe in more detail what a sharp force injury
3 is for the jury, please?

4 A Sure. Sharp force injury is an injury caused by a weapon
5 that has a sharp edge, like a knife. Stab wounds are wounds which
6 are penetrating and cause deeper wounds usually. Incise wounds
7 are cutting wounds, so just a cut. And then, there are some chop
8 wounds that can go into sharp force versus blunt force injury -- and
9 those are caused by axes, but we don't have that here.

10 Q Okay. On the body of Josie Jones, however, the only
11 sharp force injuries that you found were incise wounds as well as
12 stab wounds?

13 A Yes.

14 Q All right. I want to go through each of the injuries that you
15 found. All right?

16 A Um-hmm.

17 Q All right. In your report, did you document the injuries
18 with a particular number?

19 A Yes.

20 Q All right. How many injuries did you actually discover on
21 her body?

22 A Sharp force injuries?

23 Q Sharp force injuries.

24 A 18, with 16 being stab and incise wounds; and two of the
25 stab wounds actually exiting, so they each had two wounds.

1 Q Okay. So two of the wounds that were caused by a sharp
2 force instrument, actually went through her body?

3 A Yes. And caused two wounds.

4 Q Okay. So a total of four from two actual injuries.

5 A Yes.

6 Q Correct?

7 All right. I'd like to show you State's Exhibit 70. Do you
8 see any sharp force injuries depicted in this exhibit?

9 A Yes.

10 Q And could you use that mouse again to circle it and
11 describe it for the jury, please.

12 A This is a stab wound on the right side of her neck that
13 involves her right ear lobe.

14 Q And were you able to determine whether this injury
15 actually penetrated through her body?

16 A It did.

17 Q And where did it exit?

18 A The back of the neck.

19 Q Showing you State's Exhibit 69. Does this photograph
20 depict the exit injury of the prior exhibit?

21 A Yes.

22 Q Could you please circle it with that mouse? Thank you.

23 MR. ROGAN: And for the record, it looks as though the
24 witness circled an injury within the hairline of the decedent Josie
25 Jones, towards the neck.

1 THE COURT: It looks like you all actually shaved part of
2 the hairline to be able to see the wound.

3 THE WITNESS: We did, in order to photograph it.

4 THE COURT: Okay.

5 MR. ROGAN: Thank you.

6 BY MR. ROGAN:

7 Q I want to refer back, ma'am, to State's Exhibit 70, and
8 zoom in.

9 Now, is there a way that you can discern or describe a
10 sharp force stabbing injury, such as blunt edge, sharp edge,
11 something of that nature?

12 A Yes.

13 Q And why do you do that?

14 A With sharp force injuries, looking at whether there are two
15 pointed or sharp edges versus one pointed and one blunt helps
16 determine if a weapon might be a single-edge blade versus a
17 double-edge blade.

18 Q Using State's Exhibit 70, can you, if you can, point out
19 what would be a pointed edge of that injury?

20 A This one's not the best one to look at --

21 Q Okay.

22 A -- with it gaping.

23 Q Let me try to find a better one for you, then.

24 A In these cases we do re-approximate the wound -- in other
25 words, put it back together -- the skin back together so we can see

1 the blunt and sharp edges easier, which is why I'm saying this is a
2 bad wound to look at.

3 Q I see. I'll showing you State's Exhibit 68, and zoom out a
4 bit.

5 Is there an injury depicted on State's Exhibit 68 that is of
6 sharp force, that would allow you to describe a pointed edge of an
7 injury?

8 A Yes. It's very blurry.

9 THE COURT: You're going to have to zoom. We're getting
10 that kind of blurry on the photo.

11 MR. ROGAN: Sure, sir.

12 THE WITNESS: So this wound has a sharp point here and
13 a more blunted point here. And then this one sharp and blunted.

14 THE COURT: So for the record, you were indicating on a
15 wound that's below the left breast area on the side of her body and
16 then one that's below the breast area more on the torso of the body;
17 correct?

18 THE WITNESS: Yes.

19 THE COURT: Thank you.

20 MR. ROGAN: I believe it's the right breast, however;
21 correct?

22 THE COURT: Oh, I'm sorry.

23 THE WITNESS: Right breast? Yes.

24 MR. ROGAN: Okay. Thank you.

25 BY MR. ROGAN:

1 Q So again, what does that indicate to you?

2 A That a single-edge blade was used.

3 Q Thank you. Going back to State's Exhibit 68. I'd like to
4 continue with your documentation of the sharp force injuries
5 to Ms. Josie Jones.

6 Did you also find a stab wound to the mid chest area?

7 A Yes.

8 Q And using this exhibit, could you please circle the stab
9 wound that you found?

10 A It's right in the middle of the chest there.

11 Q And for the record, you circled a -- what appears to be an
12 injury right in the middle of the chest of Ms. Josie Jones, a few
13 inches below the neck; correct?

14 A Yes.

15 Q All right. And did -- are you able, during your
16 examination, to estimate the depth of a penetrating stab wound like
17 that?

18 A Yes.

19 Q And for the record, how accurate are your estimations of
20 those kinds of injuries?

21 A I usually say the estimations are within an inch, plus or
22 minus. The problem is when you're being stabbed or stabbing
23 somebody, the chest can collapse in further so the depth can actually
24 be further in than the knife blade or it can be shorter. So your body's
25 moving. The person stabbing is moving. There's a little bit of

1 inaccuracy in the estimation, but usually within an inch.

2 Q Do you recall how deep you estimated this stab wound to
3 be?

4 A Four and a half inches.

5 Q And at that depth, did it cause any injury to any internal
6 organ to Ms. Josie Jones' body?

7 A Yes.

8 Q And what organ did it injure?

9 A It hit the right side of the heart.

10 Q And having done so, did it cause anything within
11 Ms. Josie Jones to occur because of that?

12 A Yes.

13 Q What happened?

14 A She bled into her right chest cavity, approximately
15 350 milliliters of blood.

16 Q So do you actually collect and measure the volume of
17 blood that's found within there?

18 A Yes.

19 Q And because that blood was expelled from the heart into
20 the chest cavity, did it cause any injury to any other organ?

21 A It can cause collapse of the lung.

22 Q Did you notice whether Ms. Jones' lung had collapsed at
23 the time?

24 A I described it as atelectatic, which, yes, means collapsed.

25 Q Let's move on to another injury. Did you notice in this

1 exhibit -- if you could document it for us, or show the jury, rather --
2 did you find a stab wound to the right breast?

3 A Yes. It's this wound here, right above the nipple area of
4 the right breast.

5 Q Thank you. And was that also a pointed and -- would you
6 describe that also as pointed and blunted?

7 A Yes.

8 Q All right. And were all of the stab wounds pointed and
9 blunted that you found?

10 A Yes.

11 Q Okay. How deep was the particular stab wound?

12 A Approximately one and a half inches.

13 Q Did you also find a stab wound to the mid upper
14 abdomen?

15 A Yes.

16 Q Could you circle that for me, please.

17 A Not an artist.

18 Q Sorry. That's all right. And you've drawn a circle around
19 a wound that's close to the center of her body, the midline of her
20 body, about halfway down; is that correct?

21 A Yes.

22 Q And how deep did this stab wound penetrate?

23 A Approximately one inch.

24 Q And just below that, in this photograph, is there another
25 stab wound?

1 A Yes.

2 Q All right. And that -- could you circle it for us please. And
3 that stab wound, how deep was that one?

4 A Approximately one and a half inches.

5 Q All right. Did you also find a stab wound in the right,
6 lower abdomen?

7 A Yes.

8 Q And if you could find it and circle for us, please.

9 A In this photo, it's underneath the --

10 THE COURT: Ruler?

11 THE WITNESS: The ruler. Thank you.

12 BY MR. ROGAN:

13 Q What is that ruler?

14 A That ruler is just a ruler we use to measure wounds in
15 photographs. We put it around just to document the size.

16 Q Okay.

17 A We usually take one with a ruler and one without.

18 Q Thank you.

19 A I'm not sure why it's just lying there, though.

20 Q That's all right. Now, how deep was this stab wound?

21 A Approximately one and a half inches. Yeah.

22 Q I'm showing you now, State's Exhibit 67. Can you
23 describe, generally, what we're looking at in this exhibit, ma'am?

24 A This is the left side of Ms. Jones' body showing mainly
25 two stab wounds.

1 Q Okay. Is there a stab wound to the lower, left breast?
2 A Yes.
3 Q Could you please circle that for us.
4 A [Witness complies.]
5 Q Did you estimate on this particular stab wound how deep
6 it was?
7 A Approximately three and a half inches.
8 Q Did this stab wound injure any organs of Ms. Jones?
9 A Yes.
10 Q And what organ did it injure?
11 A The left lung.
12 Q Was that lung also collapsed?
13 A It was.
14 Q That second injury that we see on the left, lateral breast,
15 could you please -- as soon as I clear the screen for you -- could you
16 please circle that for the jury?
17 How deep was that stab wound?
18 A Approximately five inches.
19 Q Did that stab wound injure any part of her -- or any organ
20 within Ms. Josie Jones?
21 A Yes.
22 Q Which organ?
23 A This hit the left side of her heart.
24 Q So the -- one of the earlier injuries hit the right side of the
25 heart and this one hit the left side of the heart?

1 A Yes.

2 Q And did it cause her -- her heart to expel any blood?

3 A Yes. There was 300 milliliters of blood on the left side.

4 Q All right. So just to be very clear, her heart was injured
5 twice, and on both sides of her chest, blood collected within?

6 A Yes.

7 Q All right. Causing the collapse of both lungs?

8 A Yes.

9 Q Okay. I'm going to turn now to Ms. Jones' arms, if I could.
10 Showing State's Exhibit 66, what are we looking at here?

11 A That is the right arm.

12 Q And is it the top or bottom of the right arm?

13 A It's the front of the right arm, if you're talking about
14 anatomic position.

15 Q Well, how would you describe it?

16 THE COURT: Top/bottom meaning shoulder to hand? Or
17 inside/outside?

18 BY MR. ROGAN:

19 Q Well, Let me rephrase it.

20 Do you see injury depicted in this exhibit?

21 A Yes.

22 Q And what kind of injury is that?

23 A There's a stab wound of the forearm.

24 Q All right. And where is that stab wound located?

25 A On the front of the right forearm.

1 Q Thank you. And how deep is that stab wound, if you
2 remember?

3 A I don't remember.

4 Q Okay. Was there another -- or is there another injury or
5 sharp force injury depicted in this photograph?

6 A You can see a portion of an incised wound on the --

7 Q Could you circle it for us?

8 THE COURT: I know. We got rid of the touch monitors.
9 You've got to use the mouse.

10 THE WITNESS: Here on the side of the arm. It's actually
11 more visible on the back of the forearm.

12 BY MR. ROGAN:

13 Q Thank you. Showing you State's Exhibit 65.

14 MR. ROGAN: Thank you, Your Honor.

15 BY MR. ROGAN:

16 Q Could you describe what we're looking at in State's
17 Exhibit 65, please.

18 A This is another incised wound of her right forearm.

19 Q And do you know how long that one is?

20 A Approximately two inches. I mean, I can look at my
21 report, if you like.

22 Q That's fine. Thank you.

23 Did you notice any injuries also to the left arm?

24 A Yes.

25 Q Showing you State's Exhibit 63, what injuries do you see

1 depicted in the left arm?

2 A There is a stab wound on the side of the wrist/hand area of
3 the left hand.

4 And then this is actually an exit wound -- if you wish to call
5 it that -- from a stab wound. That's on the other side of the arm that
6 we need another photo for us to see. That goes through the forearm
7 and out the front of the wrist.

8 Q So is this the second injury, as you described earlier, that
9 went through and through the body of Ms. Jones?

10 A Yes.

11 Q All right. And we just don't see the entrance wound;
12 correct?

13 A Yeah.

14 Q All right. Did you document any injuries to the face of
15 Ms. Josie Jones?

16 A I did.

17 Q Showing you State's Exhibit 62. What injuries did you
18 document on her face?

19 A There's an abrasion, which is, basically, a scrape, where
20 the top layer of skin comes off, just on the side of her left eye.

21 Q Were any of these injuries, that you've described for the
22 jury, fatal?

23 A Yes. Three of them.

24 Q Which ones were those?

25 A The stab wound of the mid chest that hit the right side of

1 the heart, the stab wound of the lower left breast that hit the lung,
2 and the stab wound of the lateral left breast that hit the other side of
3 the heart.

4 Q Other than these injuries, did you notice any other natural
5 disease within the body of Ms. Josie Jones?

6 A No.

7 Q And after your autopsy was concluded, did you come to
8 an opinion as to the cause and manner of death?

9 A I did.

10 Q And what was the cause of death of Ms. Josie Jones?

11 A Multiple sharp force injuries.

12 Q And the manner of death?

13 A Homicide.

14 MR. ROGAN: Nothing further, Your Honor.

15 THE COURT: Mr. Woods?

16 **CROSS-EXAMINATION**

17 BY THE DEFENDANT:

18 Q Just a couple questions for you. First off, are there ever
19 mistakes made in an autopsy report?

20 A Yes.

21 Q Yes. Okay. Did you ride in back of the ambulance that
22 night when they picked up Ms. Jones?

23 A No.

24 Q So -- excuse me -- so can you say for sure, a hundred
25 percent, something that may or may not have been done by

1 paramedics or something or in that ambulance could have
2 contributed to the death of Josie Jones?

3 A Could you repeat that?

4 Q I'm saying if -- you didn't ride in the back of the
5 ambulance, so you didn't know -- you didn't see -- or you don't know
6 whatsoever took place in the back of that -- whether they did their
7 job right, whether they dispensed -- whether they administrated
8 medicine the correct way, or any kind of medical malpractice -- since
9 you wasn't there, can you say for one hundred percent that
10 something happened in there that may have contributed?

11 A No. But she would not have been in the back of the
12 ambulance had she not been stabbed.

13 Q No. I just wanted a yes or no answer, if any -- if you
14 thought or could you say for a hundred percent --

15 THE COURT: Are you asking if something else contributed
16 to her death, other than the stab wounds?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Like some type of medical -- improper
19 medical intervention?

20 THE DEFENDANT: Yes. Could she say for sure?

21 THE COURT: Do you understand that?

22 THE WITNESS: Okay. I found no evidence of that.

23 BY THE DEFENDANT:

24 Q But can you say for a hundred percent for sure since you
25 didn't ride in the back?

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LEONARD RAY WOODS,) No. 78816
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13 day of February, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

LEONARD RAY WOODS, #1216972
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BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office