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**APPELLANT'S APPENDIX VOLUME VIII PAGES 1652-1884**

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**LEONARD RAY WOODS**  
**Case No. 78816**

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1           A    I can say with medical probability.

2           Q    So a no -- yes or no answer for that.

3                   MR. ROGAN: I think she answered the question to the  
4 best of her ability.

5                   THE COURT: Well, doctors express opinions to a  
6 reasonable degree of medical probability.

7                   THE DEFENDANT: So that's I don't know?

8                   THE COURT: Well, no. They don't answer things in terms  
9 of --

10                  Am I correct?

11                  THE WITNESS: Correct.

12                  THE COURT: All right.

13                  THE DEFENDANT: Okay.

14                  THE COURT: So they don't answer things in terms of a  
15 percentage. They'll say I can express an opinion to a reasonable  
16 degree of medical probability.

17 BY THE DEFENDANT:

18                  Q    Okay. I've also heard that a lot of people on the scene that  
19 night tried to administer help or tried to help the victim. Could that  
20 activity have contributed further to the damage of the victim, since  
21 they weren't professionals? They didn't really know what they were  
22 doing?

23                  A    I found no evidence of that.

24                  Q    So that's also a medical opinion of yes or no or maybe on  
25 that?

1 THE COURT: Well, you can ask her, Is your opinion to a  
2 reasonable degree of medical probability on that? You know.

3 THE DEFENDANT: I'm fine with that.

4 THE COURT: Okay.

5 THE DEFENDANT: I'm fine with that.

6 BY THE DEFENDANT:

7 Q Okay. Now, you said knife a couple of times. Could  
8 another sharp object have contributed to these injuries besides a  
9 knife?

10 A Yes.

11 Q Okay. Oh, last question. It just -- I caught that somewhere  
12 on there. You put divorced under medical in your autopsy report,  
13 and Ms. Jones was married still.

14 Why did you put divorced on the autopsy report?

15 A I'm not sure I put divorced on the autopsy report. Are you  
16 speaking of the investigator's report?

17 Q No. It's on the autopsy report. I was just wondering. It's  
18 not --

19 THE WITNESS: May I look at my report, sir?

20 THE COURT: Do you want to look -- which report are you  
21 referring to and she can look at it?

22 THE DEFENDANT: It was -- it's in the -- I don't think I  
23 brought the autopsy report with me.

24 THE COURT: Do you have your report?

25 THE WITNESS: I have my copy. Is that okay if I look?

1 THE COURT: Okay. Sure.

2 THE WITNESS: I also have the investigator's report. Is  
3 that okay if I look at that?

4 THE COURT: Sure.

5 THE DEFENDANT: I mean, it's really no biggie. I was just  
6 wondering why it was there. If she can't find it, I don't want to delay  
7 the process.

8 THE COURT: Well, she -- what she said is she authored  
9 the autopsy report -- the internal and external examination of the  
10 body and conclusions. And then investigators in their office author a  
11 second report, which is the Coroner's Investigative Report.

12 THE DEFENDANT: Okay.

13 THE COURT: So she's just looking to make sure that --  
14 where that may have been mentioned.

15 THE WITNESS: I see no mention of a divorce in my report.  
16 It might have been in a different report.

17 THE COURT: Okay.

18 THE DEFENDANT: I mean, if it's -- it's not that serious, like  
19 I said. But if I have it, I want to bring it in. Can I --

20 THE COURT: Well, this is the witness to ask about the  
21 autopsy report, obviously.

22 THE DEFENDANT: Okay. Okay. Well, that's fine. Nothing  
23 further. Thank you.

24 THE WITNESS: Thank you.

25 THE COURT: Mr. Rogan?

1 MR. ROGAN: Nothing, Your Honor.  
2 THE COURT: Anything from our jurors?  
3 Dr. Corneal, thank you very much for your time. I  
4 appreciate it. You are excused.  
5 THE WITNESS: Thank you, sir.  
6 THE COURT: State may call their next witness.  
7 MS. FLECK: Thank you. State calls Mr. Striegel.  
8 May I approach the clerk, Your Honor?  
9 THE COURT: Yes.  
10 TIMOTHY STRIEGEL  
11 [having been called as a witness and being first duly sworn, testified  
12 as follows:]  
13 THE CLERK: Thank you. Please be seated. Please spell  
14 your name, first and last for the record.  
15 THE WITNESS: Timothy Striegel. That's T-I-M-O-T-H-Y,  
16 S-T-R-I-E-G-E-L.  
17 THE COURT: Thank you, sir.  
18 Ms. Fleck?  
19 MS. FLECK: Thank you, Your Honor.  
20 **DIRECT EXAMINATION**  
21 BY MS. FLECK:  
22 Q Good afternoon, sir. How are you currently employed?  
23 A I'm a foreman with the Teamster's Local 631. I work with  
24 Global Exposition Services.  
25 Q Okay. Directing your attention back to July 17th of 2015,

1 how were you employed at that time?

2 A At that time I was a police officer with the Metropolitan  
3 Police Department.

4 Q Okay. So you have had a significant change in careers?

5 A Yes, ma'am.

6 Q All right. Then directing your attention, again, back to  
7 2015, when you were employed as a police officer with Metro, at that  
8 time how long had you been an officer?

9 A At the time of the investigation?

10 Q Yes.

11 A I was still in field training, so it could have been anywhere  
12 between the three-week and six-week mark, as it was my second  
13 field training officer.

14 Q Okay. So you were relatively new?

15 A Yes, ma'am.

16 Q But you were given the task of overseeing an  
17 investigation, along with a number of other patrol officers; is that  
18 correct?

19 A Yes, ma'am. Under the direct supervision of a very  
20 seasoned police officer.

21 Q Okay. And we're going to hear from everyone else, pretty  
22 much, that was there with you.

23 But you were tasked with writing the report and kind of  
24 overseeing the entire investigation; is that correct?

25 A That is correct.

1 Q Okay. And when you first -- well, do you remember some  
2 of the names of the other officers that you were with?

3 A My direct field training officer was Officer Reyes. There  
4 was also Officer Glasgow.

5 Q Okay.

6 A And Officer Fulwiler.

7 Q Great. And when you were working as an officer, how  
8 was it that you would get what's called dispatched out to a scene?

9 A We would get dispatched directly through dispatch.

10 Q What does that mean?

11 A Well, we have a computer system. It's called an MDT.  
12 And we would receive calls for service --

13 Q Okay.

14 A -- through that.

15 Q Did you and other officers receive a call for service at  
16 approximately 4 p.m. on July 17th?

17 A Yes.

18 Q And what was the nature of the dispatch?

19 A The nature of the dispatch was a molestation upon a  
20 juvenile.

21 Q And how old was the juvenile?

22 A 15 at the time.

23 Q Where were you directed to initially?

24 A Initially, we were directed to the victim's friend's house.

25 Q Okay. And do you remember where that was?

1 A Canyon Peak Drive.

2 Q Okay. Were there two different addresses?

3 A There was two different addresses.

4 Q And one was Pinon Peak.

5 A Pinon Peak, yes.

6 Q And then the other was where?

7 A I can't recall.

8 Q Okay. If I showed you a report, might it refresh your

9 memory?

10 A Absolutely.

11 MS. FLECK: May I approach Your Honor? Oh, I'm sorry.

12 THE COURT: No. But JR can.

13 MS. FLECK: Thank you.

14 THE DEFENDANT: Excuse me, Your Honor.

15 Am I allowed to see that before he does?

16 THE COURT: It's his report. Do you have a copy of his

17 report?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And just read that side only to

20 yourself.

21 BY MS. FLECK:

22 Q Just that first page, that may refresh your memory.

23 A Sure. All right. Okay. The address was 3492 Pinon Peak

24 Drive, but that's where Ms. Divina resided.

25 Q Okay.



1           A    The other address, which is the other that we were called  
2 to, was 3420 Hickey Avenue, North Las Vegas.

3           Q    Great. And I'll take that back for you, then.

4                   Thank you. I appreciate it.

5                   So you were first dispatched to -- or I guess the incident  
6 took place at the Pinon Peak, and you were directed to the 3420  
7 Hickey because that's where you learned that the victim was?

8           A    Yes.

9           Q    So which one of those addresses did you first respond to?

10          A    We first responded the Hickey Avenue.

11          Q    And who all was there, if you remember?

12          A    The people that I remember was the mother, Josie Jones;  
13 Divina Leal --

14          Q    Okay.

15          A    -- the victim, and her friend, Devyn. Those are the three  
16 that I specifically remember.

17          Q    Do you have any recollection of Devyn's nana, Dora, being  
18 there?

19          A    I do not recall her name.

20          Q    Okay.

21          A    And I don't believe she was put in the report either.

22          Q    Okay. And I'm showing you now State's Exhibit 3.

23                   MS. FLECK: Permission to publish, Your Honor?

24                   THE COURT: Okay.

25 BY MS. FLECK:

1 Q State's Exhibit 3. Who do we see here?

2 A I recognize Divina.

3 Q Okay. Do you recognize the woman next to her?

4 A No.

5 Q Okay. That's okay. But this was the juvenile that you met  
6 with at the Hickey home?

7 A Yes.

8 Q And what was her demeanor when you saw her at that  
9 house?

10 A A little frightened --

11 Q Okay.

12 A -- about some incidents that she was telling me that had  
13 occurred.

14 Q Okay. Did you get a statement, at least a verbal  
15 statement, from both Divina and her mom at the time?

16 A I did.

17 Q And just generally, what was the nature of Divina's  
18 complaint?

19 A Divina basically stated that she had been molested by  
20 Mr. Leonard Wood.

21 Q Okay.

22 A And that this had -- the way it started was he accused her  
23 of taking photos of herself nude for the purpose of publishing them  
24 on social media accounts, to which she denied. He also stated that  
25 he had been watching her through her window.

1 THE DEFENDANT: Objection, Your Honor.

2 THE COURT: As to?

3 THE DEFENDANT: He said, I stated that I -- he said I stated  
4 that I had been watching. He didn't say that she said.

5 THE COURT: He said that -- he said that -- hold on. What's  
6 your -- what's the objection?

7 THE DEFENDANT: The objection is he said I stated like he  
8 heard me say it.

9 THE COURT: It has to be a legal objection, legal objection.  
10 It can't be your opinion of what he said.

11 THE WITNESS: Continuing?

12 THE COURT: Hold on.

13 MS. FLECK: Actually, I'll move on.

14 THE COURT: Hold on.

15 MS. FLECK: Okay.

16 THE COURT: Just hold on. What's the legal basis of the  
17 objection?

18 THE DEFENDANT: That's what I'm -- oh, okay. So that  
19 would fall under hearsay.

20 THE COURT: All right. I'll sustain the objection --

21 THE DEFENDANT: He's saying that --

22 THE COURT: I'll sustain the objection as hearsay.

23 The question was just about the general nature of the  
24 allegations.

25 MS. FLECK: Okay.

1 THE COURT: So I'll sustain that and you can move on.

2 MS. FLECK: No problem. Thank you.

3 BY MS. FLECK:

4 Q So we won't get into exactly what she said. But generally  
5 she had disclosed that she was -- what she termed as molested by a  
6 person named Leonard Woods; is that correct?

7 A Yes.

8 Q Okay. Did you then have the opportunity to leave Hickey  
9 and go to the original address, which was the Pinon Peak?

10 A Yes. After the preliminary investigation, we did go over  
11 there with Officers Reyes, Blasko, and Fulwiler. Officers Glasgow  
12 and Fulwiler were the officers that made the arrest.

13 Q Okay.

14 A Officer Reyes obtained a warrant at that time --

15 Q Okay.

16 A -- to be able to --

17 Q Search things?

18 A -- search the premise.

19 Q Okay. So showing you now State's Exhibit 7, the area of  
20 Pinon Peak.

21 A Yes.

22 Q Did you, sir, ever go into the Pinon Peak home, yourself?

23 A Yes.

24 Q Showing you State's Exhibit 9. What do you see here?

25 A That looks like the home that we entered.

1 Q Okay. And State's Exhibit 12, inside of the house?

2 A That appears to be the kitchen and living room.

3 Q Okay. Now, when you and other officers arrived at Pinon  
4 Peak, was Leonard Woods there?

5 A When I entered the house, no, he was not there. I believe  
6 that, according to Officers Fulwiler and Officer Glasgow -- and this  
7 was before me and Officer Reyes had arrived, they made the arrest  
8 of Mr. Leonard Wood on that street.

9 Q Okay. So when you arrived then from Hickey, was  
10 Mr. Woods already in custody?

11 A Yes.

12 Q Okay. Where was he then when you arrived? Where was  
13 he physically when you arrived?

14 A Physically, when I arrived?

15 Q Yes.

16 A It's -- honestly, I don't know his exact location at that  
17 moment.

18 Q Okay.

19 A It was likely that he was either on his way or at the  
20 detention center.

21 Q Did you ever personally see Mr. Woods?

22 A No.

23 Q You did not?

24 A Not during that time.

25 Q Okay. Did you see the vehicle that he was in?

1 A No.

2 Q Okay. All right. Okay.

3 How about any evidence that was found in a car? Would  
4 that not have also been -- you wouldn't have even seen that?

5 A No.

6 Q Okay, sir. All right. So you had no physical contact with  
7 Mr. Woods that day, no opportunity to identify him or anything?

8 A Not at that time. I do believe that I saw him as I was  
9 booking him.

10 Q Okay. So you -- you were the person then that actually  
11 booked him?

12 A Yes.

13 Q And did you see him in the courtroom today?

14 A I do.

15 Q Can you please point to him and describe something he's  
16 wearing for the record.

17 A He's wearing a striped tie with a white collared shirt.

18 Q Okay. Now, did you also have an opportunity throughout  
19 the course of your investigation to meet with Devyn Hagerty?

20 A It's -- I don't remember.

21 Q Okay. And I won't ask you -- well, let me ask you if this  
22 refreshes your memory.

23 Did you an opportunity to look through -- without telling us  
24 the content. Did you ever have an opportunity to look at a cellphone  
25 and see text messages between Divina and one of her friends?

1 A Yes, absolutely.

2 Q And who was the friend?

3 A Divina.

4 Q Divina and?

5 A And Devyn.

6 Q Okay. Does that refresh your memory as to whether or  
7 not Devyn was one of the people you saw at the scene?

8 A She was there, yes.

9 Q At which address?

10 A At Hickey Avenue.

11 Q Okay. So when you were at Hickey, it was Devyn -- you  
12 don't remember her grandma's name -- but grandma was there;  
13 Josie was there; and Divina was there is; that correct?

14 A Yes.

15 Q Without -- again, without telling us the content, did you  
16 look at Devyn's phone -- or Divina's phone, I guess?

17 A Yes.

18 Q And did you see text messages that had occurred that  
19 morning between Devyn and Divina?

20 A Yes.

21 Q And did you actually take photographs of those text  
22 messages?

23 A Yes.

24 Q And impounded those into evidence?

25 A Yes.

1 Q Okay.

2 MS. FLECK: Court's indulgence.

3 THE COURT: Okay.

4 MS. FLECK: I have nothing further for this witness.

5 THE COURT: Thank you.

6 Mr. Woods.

7 **CROSS-EXAMINATION**

8 BY THE DEFENDANT:

9 Q Officer -- I mean, not officer anymore; right?

10 A No.

11 Q Okay. Mr. Striegel, what time did you arrive at the scene  
12 that day?

13 A We got the call about 4 p.m., so it would have had to have  
14 been shortly after that point in time.

15 Q Okay. Do you remember Reyes making a search  
16 warrant -- calling in for a search warrant?

17 A He didn't do it at that address. He actually had done it in  
18 front of the Pinon Peak house. Is that correct, Pinon Peak? Is that  
19 the --

20 Q That's the address I was talking about. I don't know the  
21 others ones you mentioned. The Pinon Peak is what I'm speaking of.  
22 So I'm sorry. Let me get that out first.

23 A Yeah. So he -- yeah. So he had called for a telephonic  
24 search warrant on Pinon Peak Drive.

25 Q Did you ever go to the Pinon Peak address?



1 A Yes.

2 Q What time did you arrive at Pinon Peak?

3 A I don't recall.

4 Q Was it day? Was it night?

5 A It was definitely nighttime.

6 Q Definitely nighttime. Okay. But the call was at 4:45, so  
7 that's definitely daytime.

8 A Correct.

9 Q Would you mind if I ask what took you so long, from 4:45  
10 in the daytime -- or a little bit after -- you said a little but after 4:00, to  
11 get to the scene that would have been three, four hours later?

12 A It's just the nature of a preliminary investigation. It takes  
13 time to get details.

14 Q Okay. Could you explain -- I know -- if you don't know,  
15 that's fine.

16 But if you could just explain if a cellphone to cellphone  
17 crime has been called in, so to speak, and you had -- and you're  
18 in a -- how can I say it -- you have access to both cellphones at the  
19 time -- why wasn't both cellphones taken in -- you know, taken in as  
20 evidence?

21 A I couldn't answer that question for you.

22 Q Okay. That's fine.

23 And on my report it says Reyes and Fulwiler made the  
24 arrest. I know for certain Blasko didn't arrest me. Are you certain  
25 that you had that correct?

1           A    All I know is that Blasko and Fulwiler were partners at the  
2 time.

3           Q    Okay.

4           A    They were operating in one vehicle, and myself and Reyes  
5 were operating in another vehicle.

6           Q    So you didn't have anything to do with the search and  
7 seizure of the Pinon Peak address that day or night?

8           A    The search and seizure?

9           Q    Yes.

10          A    Of?

11          Q    Of the Pinon Peak address?

12          A    I was involved in it, yes.

13          Q    Did you -- can you remember the items that were logged  
14 in as what was found at the address?

15               MS. FLECK: Objection. Just --

16               THE COURT: As to?

17               MS. FLECK: Not necessarily an objection. But just, it  
18 opens the door a little bit for some --

19               THE DEFENDANT: You want me to --

20               THE COURT: You can answer the question.

21               THE WITNESS: I recall two firearms.

22 BY THE DEFENDANT:

23          Q    Two firearms. Do you recall any cellphone that was on  
24 that list?

25          A    I did not personally handle the cellphone, nor did I ever

1 see it. You would have to ask Officers Blasko and Fulwiler.

2 Q Okay. Well, that's fine, that's fine. I just wanted to know if  
3 you was aware of it? Or was you aware that it was in there?

4 A I was aware of it only.

5 Q Okay. But you -- to your recollection it was not on the list  
6 of items taken from the search warrant?

7 A Not the house. It was taken from the vehicle.

8 Q No. I'm saying from the house.

9 A Correct.

10 Q That item I said that was taken from the house.

11 A Correct. Yeah. It was not from the house.

12 Q Okay.

13 THE DEFENDANT: Nothing further. Thank you.

14 THE COURT: Ms. Fleck.

15 **REDIRECT EXAMINATION**

16 BY MS. FLECK:

17 Q Did you and other officers impound everything that thank  
18 you deemed to be of evidentiary value that you found either in the  
19 house or in the cars?

20 A Yes.

21 Q Thank you.

22 MS. FLECK: Nothing further.

23 THE COURT: All right.

24 THE DEFENDANT: One more last one. Do I get to go  
25 again?

1 THE COURT: Sure. What would you like to say?

2 **RECROSS-EXAMINATION**

3 BY THE DEFENDANT:

4 Q If -- say if there was a search and seizure that day, and all  
5 the items taken that day -- would they have been logged in any type  
6 of report, if they were seized at the scene?

7 A Yes. They would have to be logged in.

8 Q Okay. All right. Thank you.

9 THE DEFENDANT: Nothing further.

10 THE COURT: Anything else?

11 MS. FLECK: Possibly, Judge.

12 Can we take our break and then keep Officer Striegel here,  
13 please.

14 THE COURT: All right. We will take a short recess, ladies  
15 and gentlemen.

16 During the recess, you are admonished not to talk or  
17 converse among yourselves or with anyone else on any subject  
18 connected with the trial or read, watch, or listen to any report of or  
19 commentary on the trial, by any medium of information, including,  
20 without limitation, the newspaper, television, Internet, radio, or form  
21 or express any opinion on any subject connected with the case until  
22 finally submitted to you. No legal or factual research or  
23 investigation on your own.

24 We will be on break for about 15 minutes. Okay?

25 You can go ahead and step down. Thank you.

1 [Outside the presence of the jury.]

2 THE COURT: All right. Ms. Fleck?

3 MS. FLECK: Yes. Thank you, Your Honor.

4 So, you know, the thing is is I just -- I didn't want to get too  
5 far into the fact that they found the firearms. And I'm not sure where  
6 the defendant is going with what was impounded or not impounded,  
7 or what was reported or not reported. And if he plans on going  
8 further into it, obviously, we would need the chance to kind of  
9 rehabilitate where we're going for this particular jury, because they  
10 weren't to hear anything about the firearms, it was my  
11 understanding.

12 THE COURT: Well, they weren't hearing about the  
13 charges. Right? So hearing about the firearms, in and of itself,  
14 doesn't, you know, create an issue. But I don't know what else might  
15 come along that makes that an issue.

16 MS. FLECK: Okay. Well, I mean, I guess then that I won't  
17 ask any more questions about it and just leave it where it's at. And if  
18 something else comes up, we'll have to recall people.

19 THE COURT: Yeah. I don't think him asking the officer the  
20 question he did -- which the officer answered it perfectly fine -- he  
21 asked him what was on the impound report. That, in and of itself,  
22 doesn't open up the door to bringing in that he's a felon and couldn't  
23 possess those --

24 MS. FLECK: I agree.

25 THE COURT: -- firearms.

1 But I would agree that, yeah -- I mean, depending on what  
2 happens thereafter, does that somehow become relevant?  
3 Potentially.

4 That's why I think she objected to say -- alerting you,  
5 Mr. Woods -- that you're about to elicit something from the officer  
6 that you might not want coming out. But it's your question, so I'm  
7 not going to --

8 THE DEFENDANT: I was -- okay. I was under the  
9 impression that guns weren't supposed to be mentioned or talked  
10 about. But I didn't think I led him to say anything about guns. I was  
11 referring to the cellphone. But was it a problem? If it was a  
12 problem, then I didn't mean to do that.

13 THE COURT: Well, I just -- I mean, I think that's why you  
14 have to be really particular about your questions, because when you  
15 ask him what was impounded, he's going to tell you what was  
16 impounded and what his recollection was was there was two guns.

17 So if you wanted to say, Was a cellphone impounded?  
18 Then you need to be really specific, so you avoid those things.

19 But as I said, even though the guns were brought up, I  
20 don't think it's problematic because it's not illegal to have guns. It's  
21 illegal for you because you were a felon, but the jury doesn't know  
22 that. So --

23 And nothing about the officer mentioning the guns is  
24 giving me pause to let them bring out that you were a felon. Okay?  
25 That's still going to stay out for now. But I just think you need to be

1 careful when you're asking questions that you don't --

2 THE DEFENDANT: So if the officers come later on that's  
3 going to testify, and they mention guns, without me even saying  
4 anything, does that make -- does that expose me also?

5 THE COURT: Well, I mean, it's -- it's out there now that  
6 there was guns in the house. But like I said, it's not illegal to have  
7 guns. So that fact, in and of itself, isn't prejudicial that someone  
8 owned a gun when it's legal to own guns.

9 But I'm sure the State's not going to be asking anybody  
10 else about guns. She's just kind of telling you you need to be careful  
11 because if you ask these open-ended questions, then the officer is  
12 going to answer the question. And if it involves things that people  
13 don't want the officers to go into, then you can't ask an open-ended  
14 question. You have to be careful.

15 THE DEFENDANT: But she opened that whole thing of by  
16 the Pinon Peak address and did you arrive there. It was a -- it was a  
17 whole -- so I'm sure she's not going to think, Let me just leave out  
18 the gun portion.

19 THE COURT: Absolutely she is. I mean, she's entitled to  
20 ask did they go, did they search that residence, and bring out any  
21 items of evidence that are relevant to this part of the trial.

22 She didn't ask anything that dealt with anything related to  
23 guns. But when you asked your question, which was very  
24 open-ended about what was impounded at that address -- that's  
25 where Ms. Fleck said, Objection. You know, this might open

1 something up.

2 And, you know, that's kind of why the officer -- I'm  
3 assuming the officer answered what he could remember about what  
4 was impounded.

5 MS. FLECK: Yeah. And just for the record --

6 THE COURT: So yeah, I'm just saying, moving forward, I  
7 mean, that's one of those things where the words you use in a  
8 question are very important. If you're very specific in a  
9 cross-examination question, then you limit the witness to saying  
10 what it is you're asking them about.

11 If you're open-ended in your question, then you open it up  
12 to the witness to say whatever is responsive to the question --

13 THE DEFENDANT: Okay.

14 THE COURT: -- which might, you know, be trouble  
15 sometimes.

16 MS. FLECK: And that was why I didn't exactly have an  
17 objection. I just didn't want Mr. Woods to continue down a path that  
18 this officer had been squarely instructed not to get into it anything  
19 about the guns --

20 THE COURT: Okay.

21 MS. FLECK: -- as all of the officers have been instructed to  
22 do.

23 THE COURT: Okay.

24 MS. FLECK: So I will not -- I won't ask him anymore  
25 questions.



1 THE COURT: Got it.

2 MS. FLECK: Then we will just have one more witness,  
3 actually, for today.

4 THE COURT: Okay.

5 MS. FLECK: And just for scheduling purposes, I think we'll  
6 get through our witnesses tomorrow.

7 THE COURT: Okay.

8 MS. FLECK: We're going pretty quickly. And so I'm pretty  
9 sure that we'll be able to rest by tomorrow night --

10 THE COURT: Okay.

11 MS. FLECK: -- tomorrow afternoon.

12 THE COURT: Good.

13 MS. FLECK: And then so we'll just have one more today.  
14 She is in custody.

15 THE COURT: Okay. And is she available now?

16 MS. FLECK: She is. And is her attorney with her?

17 THE COURT: I saw Mary coming in and out of court. So  
18 okay. Pardon? Mary's back there? Okay.

19 All right then. We will be in recess and we will start back  
20 up in a few minutes.

21 [Recess taken from 3:50 p.m., until 3:55 p.m.]

22 [Outside the presence of the jury.]

23 THE COURT: Okay. You can go ahead.

24 MS. FLECK: Just, obviously, she's going to be coming  
25 from in custody. I don't believe that she has any current felony

1 convictions that would be admissible.

2 THE COURT: Okay.

3 MS. FLECK: We will not be going into what she is in  
4 custody for.

5 THE COURT: Okay.

6 MS. FLECK: And so I just think that that would be an  
7 inappropriate line of questioning and inadmissible.

8 THE COURT: All right. Mr. Woods?

9 THE DEFENDANT: I don't even know who this is. Is she  
10 on the witness list?

11 MS. FLECK: It's Dorie Henley.

12 THE COURT: Dorie Henley.

13 MS. FLECK: She and her dad were living at -- the ones  
14 that were living at Pinon Peak.

15 THE COURT: They moved in after the other folks moved  
16 out?

17 MS. FLECK: Correct.

18 THE COURT: Okay.

19 THE DEFENDANT: Is she on the witness list?

20 MS. FLECK: She is.

21 THE COURT: She's on the witness list. She's on page 3 of  
22 the witness list that was filed.

23 THE DEFENDANT: I have it. I just didn't want to get to it.  
24 If she's on it, that's fine.

25 THE COURT: Okay. All right. So then, yes, I will rule that

1 if she has no prior felony connections of things that would be  
2 admissible to impeach any kind of credibility, then the reason she's  
3 currently in custody -- why is she currently in custody?

4 MS. FLECK: She's facing murder charges.

5 THE COURT: Pardon?

6 MS. FLECK: Murder charge.

7 THE COURT: Murder charge?

8 MR. ROGAN: Yeah.

9 THE COURT: Okay. Then, yes, I will agree that that's not  
10 admissible.

11 THE DEFENDANT: Is it admissible for me to ask if she's  
12 benefited at all from her presence here?

13 THE COURT: If she's benefited what?

14 THE DEFENDANT: At all from her presence here? To  
15 make -- trying to make -- I mean, she has a murder charge, and all of  
16 a sudden, you're going to be a witness to a murder?

17 THE COURT: Yeah. You can't -- I'm going to rule that you  
18 can't ask her about her case. But you can ask her --

19 THE DEFENDANT: No, not about the case.

20 THE COURT: -- if she has received any kind of benefit for  
21 coming in to testify, certainly.

22 THE DEFENDANT: Okay.

23 THE COURT: You guys ready?

24 MS. FLECK: We are.

25 THE COURT: Why don't you go ahead and get Ms. Henley

1 in. Yeah. Go ahead and bring her up to the stand before we get the  
2 jury.

3 [Pause in the proceedings.]

4 THE COURT: And you can go ahead and get the jury.

5 You all can be seated.

6 We're back on the record. Mr. Woods is present;  
7 Mr. Hauser, with Mr. Woods; State's attorneys; jurors are all present.

8 Your next witness is going to be Ms. Henley; correct?

9 MS. FLECK: Yes, Your Honor.

10 DORIE HENLEY

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

13 THE CLERK: Thank you. Please be seated. And state and  
14 spell your name for the record.

15 THE WITNESS: Dorie Henley, D-O-R-I-E, H-E-N-L-E-Y,  
16 Dorie Henley.

17 THE COURT: All right. Thank you.

18 MS. FLECK: May I proceed?

19 THE COURT: Yes. You may proceed.

20 MS. FLECK: Thank you, Your Honor.

21 **DIRECT EXAMINATION**

22 BY MS. FLECK:

23 Q Good afternoon, Ms. Henley.

24 A Hi. How are you?

25 Q I'm okay. Thanks. As we sit here with you today, we can

1 see you're in jail blues and cuffed; is that correct?

2 A Yes, ma'am.

3 Q Okay. Without getting into what you're currently in  
4 custody for, do you currently have any felony convictions?

5 A No.

6 Q Okay. I'd like to direct your attention, then, back to  
7 July 7th -- I'm sorry -- July of 2015. Where were you living at that  
8 time?

9 A I was living on -- I don't know the address, but on  
10 something Peak.

11 Q Okay. Let me ask you this. At some point in the middle of  
12 July, did you and your dad move into kind of a trailer together?

13 A Yes.

14 Q And is that at the something Peak?

15 A Yes.

16 Q Does Pinon sound familiar?

17 A Yes.

18 THE DEFENDANT: Objection, Your Honor.

19 MS. FLECK: Well, let me show you.

20 THE COURT: Hold on -- pardon?

21 THE DEFENDANT: She's leading the witness. She told her  
22 the address.

23 THE COURT: All right. I will sustain the objection.

24 BY MS. FLECK:

25 Q I'm showing you State's Exhibit 8. Do you recognize

1 what's depicted in this photograph?

2 A Yes.

3 Q And how do you recognize it?

4 A Because I used to play right there with my kids.

5 Q Okay. Is this the -- did you ever live in this house?

6 A Yes, I did.

7 Q Okay. So this is -- when you say played, this is the outside  
8 area of the house you lived in?

9 A Yes. The front of it.

10 Q And who did you live here with?

11 A I lived there with three of my sisters, my dad, and two of  
12 my brother-in-laws, and, like, maybe ten kids.

13 Q Okay. And is this the one that you all moved into in the  
14 middle of July?

15 A Yes.

16 Q How was it that your family ended up moving into this  
17 address?

18 A My dad's friend had came over and told him that she was  
19 moving out and she was scared. And that if we wanted to move in,  
20 my dad told her -- offered her, if she wanted to move in with us,  
21 because she had told my dad some things were going on with the  
22 family household. So my dad was, like, well, you could come stay  
23 with us.

24 And she was, like, well, I just feel better because I'm  
25 moving out. And she was, like, Well, you can come stay at my house

1 because I'm not going to no longer live there no more.

2 Q Okay. Had you ever met that woman?

3 A I met her maybe for about a couple times.

4 Q I'm showing you what's been marked as State's Exhibit 3.

5 Do you recognize either of the people in this photograph?

6 A Yes, I do.

7 Q Both or one?

8 A Just one of them. The lady above.

9 Q And who is that?

10 A Josie.

11 Q Okay. And who is Josie?

12 A She was a dog groomer. She was my dad's friend. She  
13 used to come over and take care of my dad's dogs. And they just  
14 had conversations about the dogs and stuff.

15 Q And is she the person that moved out that allowed you  
16 and your family to move in?

17 A Yes.

18 Q At some point, then, while you and your family were living  
19 at that address, did a man come over looking for Josie?

20 A Yes.

21 Q Tell me about the first time that that happened.

22 A The first time he came over, we told him that his stuff was  
23 out front of the house, in a whole bunch of bags. And he just went  
24 through it and then he left.

25 Q When you moved into the house, what, if anything, was in

1 that house?

2 A Mainly just, like, stuff from, like, male and, like, a whole  
3 bunch of just -- items, clothes, and stuff like that, TV and stuff like  
4 that.

5 Q Do you remember anything significant or specific about  
6 the types of things? Anything that was in the male's things?

7 A Raiders -- just a whole bunch of Raider stuff.

8 Q Showing you State's Exhibit 13. That kind of stuff?

9 A Yeah.

10 Q Okay. And where were the male belongings? When you  
11 moved in, were they as we saw them in that bedroom? Or had they  
12 already been put together into something else?

13 A There -- some of it was laying around and stuff like that.  
14 But other stuff was already, like, in a little bit of bags and stuff. So  
15 we just threw it all in one bag and put it out front.

16 Q Okay. So tell us again about the first time that this time  
17 this guy came to the house.

18 A He came and he asked if she was there. My dad had told  
19 us to tell him that the stuff was out front of the house, so there was  
20 no reason why he needed to come through the gate because we  
21 were already, you know, residents there.

22 Q Describe the man.

23 A He was, like, slim. He was black. He had a bald head. I  
24 mean, I'm not even sure if he was bald or not, but --

25 Q Meaning, when you say, I'm not even sure he was bald,



1 meaning if he could grow hair or not grow hair?

2 A He probably -- it was probably was, like, small tiny bit, like,  
3 maybe, like, not even half an inch, but --

4 Q Okay. But short -- cut short?

5 A Yeah.

6 Q Okay. I know that this was a long time ago. But do you  
7 recognize anyone in the courtroom today as the person who was  
8 there?

9 A Yes.

10 Q Can you please point to him and describe something he's  
11 wearing for the record.

12 A White collared shirt, right there by the attorney's desk.

13 Q With a jacket or no jacket?

14 A No jacket.

15 Q Okay. So the first time he came over, did he ask for Josie  
16 by name?

17 A Yes.

18 Q And you said that you kind of told him where the stuff  
19 was. What did he do, if anything, with the stuff?

20 A He just went through it. He didn't take any -- the whole  
21 bag. He just went through it, grabbed whatever, and then walked  
22 back to the car.

23 Q Do you remember anything about the car that he left in?

24 A It had a breast cancer symbol on it.

25 Q Do you know what kind of car? What it looked like? Or

1 anything like that?

2 A I think probably white or gray, maybe.

3 Q And was it a SUV, a car?

4 A It was a car.

5 Q How many doors?

6 A A four-door.

7 Q Four-door car.

8 A Um-hmm.

9 Q White or gray, something like that?

10 A Yes.

11 Q Did you see this man any other times?

12 A No. Besides on the news. But that was it.

13 Q Okay. But at the house, you mentioned he came over the  
14 one time, looking for him. Do you remember -- or her. Do you  
15 remember any other times he came by?

16 A There was another time, like, right -- probably like maybe  
17 a week or a couple days after. And my mom and dad, they weren't  
18 home yet. They weren't home because they worked at the 7-Eleven,  
19 graveyard.

20 Q Okay.

21 A And our dogs stayed in the front of the living room  
22 because there were two living rooms. So we were sleeping. And we  
23 had got up, you know, because we heard some ruckus outside. And  
24 then door barges open. And the dogs ran, like, straight ran up to the  
25 door. And he was right there and he ran out.

1 Q He, meaning the defendant?

2 A Yes.

3 Q Okay.

4 A And he ran out. And then, like, everybody was all scared,  
5 because we didn't know, like, exactly who it was. But then, when I  
6 went outside to go see, it was him running with a black hoodie,  
7 running down the street --

8 Q Okay.

9 A -- into whatever car.

10 Q How about that vehicle? Did you see that vehicle around  
11 the house that you were living in at any other times?

12 A Actually, yes, I did.

13 Q Tell us about that.

14 A A couple times I've seen it, and it was just sitting there.

15 Q Okay.

16 A I'm not sure if there was anyone inside there. But I was  
17 too, like, paranoid to even walk past it or anything like that, because  
18 of what was going on and what Josie had told us.

19 Q Okay. But you specifically, now, remember that you did  
20 see the vehicle a couple more times outside of the house?

21 A Yeah. Around the neighborhood.

22 Q Okay. And I know that this was, like, four years ago. But  
23 do you remember at that time you had told the police that you  
24 actually did see the man in the car when you saw the car?

25 A Yes. He went and walked to the car and got in the car and

1     drove off --

2             Q     Okay.

3             A     -- when he rifled through the stuff.

4             Q     Okay. But then the times that you saw -- after that, the  
5     times that you saw just the car, when he didn't come in, do you  
6     remember telling police at that time that you saw the car but that  
7     this gentleman was also inside the car?

8             A     Yeah. Twice.

9             Q     Okay. All right. Thank you.

10            MS. FLECK: Court's indulgence.

11            THE COURT: Yep.

12            MS. FLECK: And I'm sorry, Your Honor, if I'm missed  
13     saying it when she identified Mr. Woods, if the record could reflect  
14     she did identify Mr. Woods as the --

15            THE COURT: Yes. She described and pointed to the  
16     gentleman.

17            MS. FLECK: Great. Thank you. I have nothing further.

18            THE COURT: Okay. Mr. Woods?

19                               **CROSS-EXAMINATION**

20     BY THE DEFENDANT:

21            Q     You said that your dad and Josie were friends, and they  
22     talked about dogs a lot?

23            A     Yes. Because Josie was a dog groomer.

24            Q     Okay. Was that why Josie was staying there?

25            A     It was actually around the time she was moving out.

1           Q    They -- your dad and Josie weren't friends before? You  
2 said they talked about dogs, only when she was moving out? None  
3 while she was living there?

4           A    Yeah. They talked all the time about dogs before, because  
5 she met my dad at 7-Eleven.

6           Q    Okay. Did the man you described in court today live there  
7 while Josie lived there?

8           A    I really don't know.

9           Q    Okay. What kind of dogs did you have?

10          A    Pit bulls.

11          Q    How many pit bulls did you have?

12          A    About, like, ten.

13          Q    Ten pit bulls. Are these the dogs that were inside the  
14 house when you said the door flew open?

15          A    No.

16          Q    What kind of dogs were inside?

17          A    House-trained dogs, about four of them.

18          Q    Four house-trained dogs?

19          A    Yes, sir.

20          Q    And those house-trained dogs didn't try to attack the  
21 intruder that came into the house?

22          A    Yes. That's why he ran out the door.

23          Q    This intruder outran four dogs and didn't get bit or  
24 nothing?

25          A    There was a chair in front of the door when he barged

1 open, which pretty much saved him from getting attacked --

2 Q You --

3 A -- and he shut the door right away.

4 Q Ms. Henley, you've never seen me before in your life, have  
5 you?

6 A I've seen you one time. And that's when you came over to  
7 my dad's house.

8 Q Okay. Are you receiving any benefits from your testimony  
9 today?

10 A No, I'm not.

11 Q Do you know what the term jailhouse snitch is?

12 MS. FLECK: Objection.

13 THE WITNESS: Of course I do.

14 THE DEFENDANT: Nothing further, Your Honor.

15 THE COURT: Ms. Fleck?

16 MS. FLECK: Nothing further.

17 THE COURT: All right. Anything from our jurors? No?

18 All right. Ms. Henley, you can stay there for just a  
19 moment.

20 Ladies and gentlemen, that's going to conclude our  
21 testimony for the day. So we're going to go ahead and take our  
22 recess.

23 During our recess, you are admonished not to talk or  
24 converse amongst yourselves or with anyone else on any subject  
25 connected with the trial or read, watch, or listen to any report of or

1 commentary on the trial by any medium of information, including,  
2 without limitation, a newspaper, television, Internet, or radio, or  
3 form or express any opinion on any subject connected with the case  
4 until it's finally submitted to you. No legal or factual research or  
5 investigation on your own.

6 We're going to start tomorrow at 10:30.

7 In discussing things with the parties earlier, it looks like  
8 we're moving a lot more rapidly than we anticipated. The State's  
9 hopeful that they can conclude their case in chief tomorrow. So,  
10 hopefully, that's shortening the timeframe a little bit about the two  
11 weeks when I talked originally during jury selection. Okay? But we'll  
12 keep you updated on that as we move along as well.

13 Thank you for your time today. And we'll see you  
14 tomorrow.

15 [Outside the presence of the jury.]

16 THE COURT: Okay. Dorie, can you go ahead and go with  
17 your officer now.

18 THE WITNESS: Thank you.

19 THE COURT: All right. Do you guys have anything else,  
20 outside of the presence?

21 MS. FLECK: Well, I mean, yeah. I have a real problem  
22 with the last question that Mr. Woods just posed to the witness. It  
23 was clearly, in my opinion, a threat to her. It was clearly to put her  
24 on notice that she, being in custody, and he being in custody, that --  
25 you know, that's, in my opinion, a precarious situation for her to be

1 in -- what I feel is what he was telling her.

2 THE COURT: Okay.

3 MS. FLECK: So, you know, I'm not sure what to do at this  
4 point in time to ensure that he has no contact with her, that he's not  
5 put in a position that he, you know, can intimidate her anymore or  
6 bully her, like he's clearly used to doing with most people in his life.

7 THE COURT: Mr. Woods?

8 THE DEFENDANT: I won't even stoop that low to even  
9 defend that. But I'm from San Diego, California. I don't know  
10 anybody here, let alone -- and I'm in the male side, she's in the  
11 female side. That wasn't taken as a threat.

12 My whole thing was -- this, like, I can't even believe they  
13 stoop that low to do something like that. But this lady never seen --

14 THE COURT: Well, what was the purpose of the question?

15 THE DEFENDANT: The purpose of the question was  
16 jailhouse snitches get paid for their testimony. And she knows she's  
17 never seen me before. That's what I was saying -- you're a jailhouse  
18 snitch, so you --

19 THE COURT: Well, that was -- that wasn't the question at  
20 all. The question didn't have anything to do with getting paid or  
21 anything.

22 THE DEFENDANT: No. That was a --

23 THE COURT: Obviously, as everybody knows, the basis of  
24 her testimony -- there was something that existed long before she  
25 ever went into custody. It wasn't -- she's not a jailhouse snitch.



1 She's not somebody coming in and saying I was in jail with  
2 Mr. Woods, and I learned all this information. And he confessed to  
3 me and da, da, da, da, da, da. She's somebody that happens to be in  
4 custody today, testifying about something that happened years ago  
5 when she wasn't in custody.

6 So look, I think the question was inappropriate. I chose  
7 not to make any comment upon it. I know there was an objection.

8 But I will trust that the detention center will do whatever  
9 they need to do to make sure there aren't any issues with  
10 Ms. Henley.

11 MS. FLECK: And just so that Mr. Woods knows, we  
12 reached out to her. We brought her out of custody in order to meet  
13 with her, in order to go through her statement that she had  
14 previously given to the police.

15 She has been given no promises; she's been given no  
16 benefits at all. So she is not a, quote, jailhouse snitch, as  
17 characterized by him just now. And she certainly is not the reason  
18 that he's in custody. And she certainly is not even one-one  
19 hundredth of the evidence against her. So it's unfair to kind of come  
20 off on her in that way.

21 THE COURT: All right.

22 THE DEFENDANT: If she's not one-one hundredth of even  
23 what's against me, she -- I don't even see why she was here. I  
24 wouldn't threaten her in any way, Your Honor. It just seemed  
25 strange to me that somebody that didn't really have nothing to do

1 with anything come up here, and she's not getting any benefit?

2 That's what she says, but --

3 THE COURT: I mean, look, the relevance is that she says  
4 you came back to the residence, i.e., looking for Josie and Divina.

5 THE DEFENDANT: I understand.

6 THE COURT: I mean, that's part -- I'm not saying that's  
7 you. I'm just saying that's the relevance of her testimony in the  
8 grand scheme of things, that you were trying to find these people.  
9 So, in any event, it is what it is at this point.

10 All right. Jury instructions, I need proposed jury  
11 instructions, please --

12 MS. FLECK: Okay.

13 THE COURT: -- because if you rest your case tomorrow,  
14 we're going to be settling those tomorrow.

15 MS. FLECK: Sounds good.

16 THE COURT: So please e-mail those to me. And if you  
17 have any proposed jury instructions, Mr. Woods --

18 THE DEFENDANT: Only -- how do I find out who's all  
19 coming tomorrow? Because if they're going to wrap it up, can I kind  
20 of know who's -- excuse me -- who's coming?

21 THE COURT: Do you guys have any planned --

22 MS. FLECK: We are -- the rest of our witnesses?

23 THE COURT: Yeah.

24 MS. FLECK: Devyn, Dora, Detective Embrey, Detective --

25 THE COURT: Hold on, hold on.

1 MS. FLECK: Sorry.

2 THE COURT: So Devyn Hagerty.

3 MS. FLECK: Devyn and Dora.

4 THE COURT: Dora Del Prado.

5 MS. FLECK: Correct.

6 THE COURT: Detective Embrey.

7 MS. FLECK: Mm-hmm. Detective Darr.

8 THE COURT: Detective Darr.

9 MS. FLECK: Darr.

10 THE COURT: Okay.

11 MS. FLECK: Officer Reyes, Officer Blasko, Officer Fulwiler.

12 THE COURT: Thank you. All right. Okay.

13 MS. FLECK: And then, just in terms of scheduling for next

14 week, Monday, we'll go into the defense case.

15 And then should we prepare for closings, Monday?

16 THE COURT: Well, we'll talk about that when we get

17 through the --

18 MS. FLECK: Tomorrow.

19 THE COURT: -- the end of the testimony tomorrow. But

20 yes, that's my sense.

21 MS. FLECK: Okay. Okay.

22 THE COURT: So what I was saying, Mr. Woods, was if you

23 have any proposed jury instructions, we need to have those

24 available tomorrow as well.

25 THE DEFENDANT: Tomorrow. Should the instructions

1 be -- because I had a format but I'm not sure because I don't want  
2 to --

3 THE COURT: Well, I mean, it's just you -- you write out  
4 what you think an instruction should be. And the State writes out or  
5 types up theirs and provides them as well. And then we go through  
6 and we talk about them, and I decide what the instructions the jury is  
7 going to get.

8 So if you write out an instruction, and I think the purpose  
9 of it is meaningful, then I can reword it in ways or get it typed up.

10 THE DEFENDANT: Okay.

11 THE COURT: But you've got to write out the basis of what  
12 your instruction is. And it can't just be, I think there should be an  
13 instruction on this. It's got to -- you've got to write the text of the  
14 instruction that you want to propose.

15 THE DEFENDANT: Okay.

16 THE COURT: And then we can work with the wording of it.  
17 But I've got to be able to have something to review. Okay?

18 THE DEFENDANT: That's kind of what I was worried  
19 about, just if you would revise it, like you said last time.

20 THE COURT: Okay. All right.

21 THE DEFENDANT: And when the jury instructions come  
22 in, we -- us three --

23 THE COURT: Yeah. I'm going to ask the State to e-mail  
24 their copy over. So we'll give you a copy of that in the morning as  
25 well. And so -- and then you bring whatever you've gotten written

1 tomorrow, and we'll have those. I'll make copies of those.

2 And at the end of the day tomorrow, once we excuse the  
3 jury, we'll talk about the jury instructions, get them all settled. And  
4 then, ultimately, I'll make a packet of them for everybody.

5 THE DEFENDANT: So if their -- if it's a jury instruction on  
6 their side that I'm objecting -- can I object to something?

7 THE COURT: Yeah. Yeah.

8 THE DEFENDANT: Okay.

9 THE COURT: They're proposing instructions. You're  
10 going to propose them, if you have any. And then I'll decide what all  
11 instructions are given to the jury.

12 THE DEFENDANT: Okay.

13 THE COURT: All right.

14 THE DEFENDANT: Do you have -- is it just ours? Or do  
15 you have any instructions yourself that you're going to --

16 THE COURT: The -- I don't really -- I don't start with that. I  
17 just say give me what you guys want to use. I don't have any that I  
18 say, This is what we're all going to use. So there are -- like, we  
19 talked about before, I think -- there are standard instructions, which  
20 is just the basic areas of law -- the credibility of a witness, the  
21 definition of reasonable doubt, the instruction that lists the charges,  
22 et cetera. And then there's the special instructions which are what  
23 applies to a particular case. So the definition of a homicide, malice  
24 aforethought, premeditation, deliberation, deadly weapon -- all that  
25 kind of stuff. So you have standard instructions and special

1 instructions.

2 THE DEFENDANT: Okay. Okay.

3 THE COURT: All right. Anybody else, anything?

4 MS. FLECK: Nothing from the State. Thank you. 10:30.

5 THE COURT: All right. Let me just go ahead and get your  
6 name for the record, since we had talked earlier about the  
7 corrections officer overhearing something about a statement about a  
8 mistrial.

9 MR. BUNCH: Officer Raymond Bunch, P No. 872.

10 THE COURT: Thank you.

11 MR. DILL: I wasn't present, Your Honor.

12 THE COURT: Well, you're here, so just give me your name  
13 for the record.

14 MR. DILL: All right. M. Dill, D-I-L-L, last name.

15 THE COURT: Thank you Thank you very much.

16 MR. DILL: P No. 8597.

17 THE COURT: All right. So there you go, Mr. Woods. We  
18 have their names for the record. Okay?

19 THE DEFENDANT: Okay. Thank you.

20 THE COURT: Uh-huh. All right, gentlemen, I appreciate it.  
21 And I will see everyone tomorrow.

22 [Recess taken from 4:21 p.m., until 4:25 p.m.]

23 THE COURT: Okay. We're back on the record.

24 I just wanted to make a record of the questions during voir  
25 dire. So as the record from last week -- or excuse me -- a couple

1 weeks ago showed when we did the calendar call, I indicated to the  
2 parties that I was going to conduct the voir dire, and they could  
3 provide written questions that they were proposing.

4 Nobody objected to that process, nor did they object at all  
5 when the e-mails were sent to me giving me the proposed  
6 questions; and nobody objected before, during, or after, actually, the  
7 jury selection process as was evidenced by the record of the  
8 selection.

9 But what we did discuss was marking as exhibits the  
10 proposed questions that each side had provided. And so we printed  
11 out clean copies of those, and we have now marked those as court  
12 exhibits. Yes?

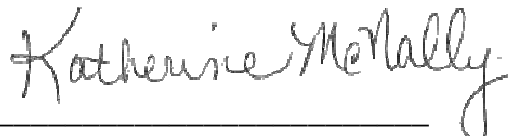
13 THE CLERK: Yes.

14 THE COURT: Okay. Thank you.

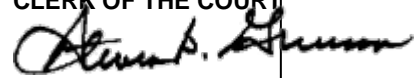
15 [Proceedings adjourned at 4:26 p.m.]

16 \* \* \* \* \*

17  
18 ATTEST: I do hereby certify that I have truly and correctly  
19 transcribed the audio/video proceedings in the above-entitled case to  
20 the best of my ability.

21 

22 \_\_\_\_\_  
23 Katherine McNally  
24 Independent Transcriber CERT\*\*D-323  
25 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  
)  
)  
)  
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13  
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE  
15 FRIDAY, MARCH 22, 2019  
16

17 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***  
18 ***RE: DAY 5***

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>
2	Photo of Josie Jones	177
19	Photo of black Chevrolet	9
20	Photo of rear of black Chevrolet	9
21	Photo of black cellphone	9
22	Close-up photo of black cellphone	9
23	(Not Described)	9
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(Continued)

**E X H I B I T S (Continued)**

**DEFENDANT’S EXHIBITS**

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Admitted</u>
D	Four photographs	28	
E	Consent to Search card		43

1 **LAS VEGAS, NEVADA, FRIDAY, MARCH 22, 2019**

2 [Proceeding commenced at 11:00 a.m.]

3  
4 [Outside the presence of the jury.]

5 THE COURT: Okay. And then on Mr. Woods' matter, he is  
6 present; Mr. Hauser is present; state's attorneys are present.

7 You guys have anything before we get our jurors in?

8 MS. FLECK: Nothing from the State.

9 THE COURT: Anything from the defense?

10 MR. HAUSER: I'm sorry. I'm sorry --

11 THE COURT: That's okay.

12 MR. HAUSER: -- Judge.

13 THE COURT: Don't need to rush.

14 THE DEFENDANT: I apologize.

15 THE COURT: That's okay.

16 MR. HAUSER: What was that?

17 THE COURT: You guys have anything before we get the  
18 jury?

19 MR. HAUSER: You have anything before we get the jury?

20 THE DEFENDANT: Uh-uh. No.

21 MR. HAUSER: No.

22 THE COURT: No? Okay.

23 You can go ahead. Thank you. Thank you.

24 Actually I'm going to grab something here.

25 [Pause in the proceedings.]

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[In the presence of the jury.]

THE COURT: All right. You all can be seated. We'll be back on the record.

We are on the record; right?

THE CLERK: Yeah.

THE COURT: We are working. 309820. Mr. Woods is present with Mr. Hauser, State's attorneys, jurors are all present.

So we will continue on with the State's case in chief. You all can call your next witness.

MR. ROGAN: State calls Officer Joel Blasko.

THE COURT: Raise your right hand please, sir. Thank you.

JOEL BLASKO

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

THE CLERK: Thank you. Please be seated. Will you please state and spell your name for the record.

THE WITNESS: My name is Joel Blasko, J-O-E-L, B-L-A-S-K-O.

THE COURT: All right. Thank you, Officer.  
You can go ahead, Mr. Rogan.

**DIRECT EXAMINATION**

BY MR. ROGAN:

- Q Good morning, Officer Blasko.
- A Good morning.
- Q Where do you work?

1           A    I currently work at Convention Center Area Command with  
2 the Las Vegas Metropolitan Police Department.

3           Q    Are you a police officer?

4           A    Yes, sir.

5           Q    How long have you been a police officer?

6           A    Four years.

7           Q    Back in July 7 -- back on July 17th of 2015, were you  
8 working as a police officer?

9           A    Yes, I was.

10          Q    How long had you been a police officer at that time?

11          A    Approximately six to eight weeks.

12          Q    Were you in field training?

13          A    Yes.

14          Q    Who was your field training officer?

15          A    At the time, it was Cody Fulwiler.

16          Q    And what area command were you working out of?

17          A    Northeast Area Command.

18          Q    And is that -- part of the Northeast Valley was the area you  
19 would patrol?

20          A    Yes, that's correct.

21          Q    Okay. And that afternoon of July 17th of 2015, did you  
22 respond to 3492 Pinon Peak Drive with regard to a molestation  
23 investigation?

24          A    Yes, I did.

25          Q    Were you with your field training officer, Fulwiler?

1 A Yes.

2 Q Were you wearing a uniform?

3 A Yes.

4 Q Were you in a patrol vehicle?

5 A Yes.

6 Q Were you driving?

7 A I was.

8 Q Okay. And was -- actually, Officer Fulwiler was in the  
9 vehicle with you?

10 A Yes. He was in the passenger seat.

11 Q All right. Prior to going to 3492 Pinon Peak Drive, did  
12 either you or Officer Fulwiler have a conversation with Sergeant  
13 Landon Reyes?

14 A Yes, we did.

15 Q And did Sergeant Reyes communicate to you the nature  
16 and details of the molestation investigation, as he knew it at the  
17 time?

18 A Yes, he did.

19 Q And based upon that, what did you and Officer Fulwiler  
20 do?

21 A We set up our vehicle in a manner in which we were able  
22 to see the house of which -- that Pinon Peak address, in case  
23 anybody were to come out of that residence, occupy a vehicle, or  
24 anything like that. So -- and we were also going to wait for them  
25 because they were the primary officers on that call.

1 Q Wait for them meaning wait for Sergeant Reyes and other  
2 officers who were --

3 A Yes.

4 Q -- with the victim?

5 A Correct.

6 Q Okay. Was the purpose to observe the house in case the  
7 alleged offender -- the alleged molester came out of the home?

8 A That's correct.

9 Q Okay. Now, at some point, did you see a person who  
10 matched the description of the alleged person who did the  
11 molesting?

12 A Yes.

13 Q And tell me the circumstances of that.

14 A We -- where we were sitting in our vehicle, and we could  
15 see a male approach a black vehicle, a black Chevrolet Suburban,  
16 occupy that vehicle, and then leave the residence.

17 MR. ROGAN: Court's indulgence.

18 Your Honor, the State is going to move to admit at this  
19 time, without objection from the defendant, proposed 19 through 24.

20 THE COURT: Okay. Correct, Mr. Woods?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Thank you.

23 Exhibits 19 through 24 will be admitted.

24 **[PLAINTIFF'S EXHIBIT NOS. 19 THROUGH 24 ADMITTED.]**

25 MR. ROGAN: Great.



1 BY MR. ROGAN:

2 Q Do you remember the make or model of that vehicle that  
3 you saw the man get into?

4 A I believe, a Chevy Tahoe, Chevrolet Suburban, something  
5 of that nature.

6 Q Okay.

7 A A black SUV.

8 Q All right. And what was the race of the gentleman that got  
9 into that black vehicle?

10 A Black male.

11 Q After you observed the man get into the vehicle, did that  
12 vehicle go anywhere?

13 A Yes. It left the residence. And I believe it went  
14 southbound, after it left the residence from the driveway.

15 Q On -- southbound on Pinon Peak?

16 A Correct.

17 Q Did you ever observe anyone else get into that vehicle at  
18 any time?

19 A No, we did not.

20 Q All right. And once that vehicle was in motion heading  
21 south on Pinon Peak Drive, what did you and Officer Fulwiler do?

22 A We conducted a vehicle stop on that vehicle.

23 Q What's a vehicle stop?

24 A Basically, it's a car stop where an officer will activate their  
25 emergency lights and siren to let the occupants of the vehicle know

1 that we were stopping them.

2 Q And was this for purposes of furthering an investigation of  
3 the alleged molestation?

4 A Yes, it is.

5 Q Okay. Showing you State's Exhibit 19, if you could look to  
6 your left, please, on that monitor.

7 Is this the black Chevrolet that you -- as it comes into focus  
8 -- that you stopped on the side of the road on July 17th of 2015?

9 A Yes, it is.

10 Q That appears to be the front of the vehicle; correct?

11 A Correct.

12 Q All right. And then showing you State's Exhibit 20, this is  
13 the rear of the vehicle?

14 A That is the rear of the vehicle, yes.

15 Q All right. And seeing State's Exhibit 20, do you remember  
16 now that this was a Chevy Suburban?

17 A Yes, I do.

18 Q Okay. Now, at some point, did you and Officer Fulwiler  
19 make contact with the driver of that vehicle?

20 A Yes, we did.

21 Q And did you obtain the identity of that driver?

22 A Yes, we did.

23 Q And who was the driver?

24 A Leonard Ray Woods.

25 Q I'm showing you State's Exhibit 6. Is this the person that

1 was driving the vehicle when you stopped him?

2 A Yes, sir.

3 Q And do you see that person here in court today?

4 A I do.

5 Q Could you please point to him and tell me something that  
6 he is wearing now.

7 A That male right there, with the white shirt, with the black  
8 and polka-dot tie.

9 Q Is he wearing a jacket or no jacket?

10 A No jacket.

11 MR. ROGAN: Could the record reflect the identification of  
12 the defendant, please?

13 THE COURT: Yes. Thank you.

14 BY MR. ROGAN:

15 Q All right. Did you have an opportunity to look inside the  
16 vehicle without going into it?

17 A Yes.

18 Q And when you looked inside the vehicle, what did you  
19 see?

20 A A black cellphone.

21 Q Showing you State's Exhibit 21. Where did you see that  
22 black cellphone?

23 A On top of the center console.

24 Q Could you actually use the mouse to your -- I guess, to  
25 your right and circle where you see that black cellphone in this

1 exhibit, please.

2 THE COURT: Hold on one second, Officer. Let me get you  
3 a mouse. And everything is going haywire today.

4 Can you use your mouse?

5 MR. ROGAN: Let me see.

6 THE COURT: Click on the little red pencil down there.

7 Now, you can use it to draw, just left click and draw.

8 Thank you.

9 THE WITNESS: Yes, sir.

10 BY MR. ROGAN:

11 Q And based upon your knowledge of the investigation thus  
12 far, did you believe that cellphone to be of evidentiary value?

13 A Yes, I did.

14 Q And was that because you were told there may be a  
15 picture on that phone? You were told that by Officer Reyes; correct?

16 A Yes.

17 Q After the car was stopped, did you obtain consent from a  
18 woman named Josie Jones to enter into the vehicle and seize that  
19 cellphone?

20 A Yes, I did.

21 Q And was Josie Jones the registered owner of that vehicle?

22 A Yes, she was.

23 Q Showing you State's Exhibit 22. Is this a close up -- sorry  
24 -- State's Exhibit 22. Is the close up of that same cellphone that you  
25 circled in the prior exhibit?

1 A Yes, it is.

2 Q Did you take this photograph, or did someone else?

3 A I can't recall.

4 Q Okay. But this is how you found that cellphone on July  
5 17th of 2015?

6 A Yes, it is.

7 Q Okay. And after it was -- after you seized it, did -- was  
8 there also a photograph of the back of the cellphone taken?

9 A Yes.

10 Q All right. Showing you State's Exhibit 24, is this the back  
11 of that cellphone?

12 A Yes.

13 Q And what brand of a cellphone is it?

14 A LG.

15 Q Okay. And after these photographs were taken, did you  
16 package and impound that cellphone?

17 A Yes, I did.

18 Q And could you describe that process for me?

19 A We -- our standard procedure for impounding items of  
20 evidentiary value -- we get an LVMPD property report, which we  
21 detail the type of call that we are on. In this case, it would be a  
22 molestation call. We put the date and the time of which we gained  
23 possession of said item.

24 We then put the LVMPD event number on that. We put the  
25 owner's information, address, and other such details as that. And

1 we put a little reason for how we obtained it. And then we itemize it  
2 at the very bottom -- Item 1, Package 1, and then a brief description  
3 of what the item is.

4 Q Okay. And what did you actually do with the phone in  
5 order to impound it?

6 A I took the phone and I put it in an envelope and I sealed it.  
7 And it has a sticker on the front which mirrors the same thing of an  
8 LVMPD property report. And then I take it and I put evidence tape on  
9 it. And the evidence tape is to ensure chain of custody, on which I  
10 put the date and my initials on it, along with my P number.

11 Q And then after it's sealed in that fashion, what do you end  
12 up doing with it?

13 A I -- you place it into the impound collection at each station.  
14 So at this station it was Northeast Area Command.

15 Q Thank you.

16 MR. ROGAN: Court's indulgence.

17 I have no further questions for this witness.

18 THE COURT: All right. Mr. Woods.

19 **CROSS-EXAMINATION**

20 BY THE DEFENDANT:

21 Q Officer Blasko, I'm going to -- what time did you arrive on  
22 the scene that day?

23 A I cannot recall.

24 Q You can't recall when you arrived on the scene?

25 A I don't remember the time we arrived on the scene.

1 Q Do you know what time those pictures were taken?

2 A I do not.

3 Q Were the -- you said that you pulled the defendant out of  
4 the car; right?

5 A Correct.

6 Q And you identified him by his driver's license; right?

7 A Correct.

8 Q Did you make a report of what you did on this day?

9 A I don't understand. What do you mean by report?

10 Q A report. You said you pulled somebody over; you took  
11 them out of the car; you identified them. You -- I guess you  
12 extracted the cellphone, and you put it in a bag. Shouldn't an officer  
13 make a report of what he's done step by step, and turned it into  
14 someone, I guess?

15 A The only report that I was responsible for that day was the  
16 property report.

17 Q Did you write a property report?

18 A I did.

19 Q Did you submit that property report to the defense, the  
20 prosecution?

21 A So what we do at the end of each shift, we turn the  
22 property reports or other arrest paperwork, anything else we have,  
23 to our sergeant. The sergeant is in charge of signing off on it and  
24 making sure everything is correct. From there, it gets --

25 Q What I'm --

1           A    Hold on. From there, it gets scanned into Onbase, which  
2 is a system where it gets scanned. So it's always there, and then  
3 you can see it from there.

4           Q    What I'm saying is we never received a report from you.  
5 And I was wondering why is that, if you actually took the phone and  
6 impounded it?

7           A    I can't speak as to why you did not receive that.

8           Q    Could I get the --

9           THE DEFENDANT: Judge, could you ask the prosecution if  
10 they ever received a report from them?

11          THE COURT: Well, I mean, we can talk about it when we  
12 take a recess. But I don't --

13          THE DEFENDANT: Okay.

14          THE COURT: -- talk about pretrial discovery things with  
15 the witnesses.

16          THE DEFENDANT: Okay.

17 BY THE DEFENDANT:

18          Q    When you arrived at the scene, did you -- were the victims  
19 on the scene when you arrived?

20          A    When I arrived? No.

21          Q    When you pulled the suspect over, were the victims on the  
22 scene when you arrived?

23          A    No.

24          Q    Okay. What time did you get the consent to search card?

25          A    I cannot recall. It would be documented on the consent to



1 search card.

2 Q So you can't recall what -- okay. But the victims weren't  
3 there, and we see that obvious pictures were taken.

4 THE DEFENDANT: Can I put the pictures back up there?

5 THE COURT: Sure. Which one do you want to use?

6 THE DEFENDANT: First, I'm going to go through them.  
7 I'm going to go to 23 first.

8 THE COURT: Okay. That has been admitted; right?

9 THE DEFENDANT: That's the picture.

10 THE COURT: Yeah. It was 19 through 24.

11 THE DEFENDANT: That's phone side --

12 THE COURT: Okay.

13 THE DEFENDANT: -- face up.

14 BY THE DEFENDANT:

15 Q Now, you're saying, when you first got there, that I was  
16 pulled out of the car. And you -- but you still don't know who took  
17 the picture. It had to be you or Fulwiler; right? We were the only  
18 three there?

19 A Correct.

20 Q Okay. Correct. So it was either you or Fulwiler that took  
21 the pictures.

22 Now, if the victims weren't there -- just me, you, and  
23 Officer Fulwiler -- then how come this picture is faced upright --

24 A Yes.

25 Q -- and this picture is face down?

1           A    Correct.

2           Q    If you hadn't got the consent to search car, because you  
3 just said the victims weren't there, why are you touching the phone?  
4 Why are you going inside the vehicle?

5           A    In order to take the photo of the backside of the LG phone,  
6 we would have had consent to search.

7           Q    But the victims weren't there. So you didn't get to convict  
8 --- you got the convict -- you got the consent to search car from the  
9 owner of the vehicle; correct?

10          A    That's correct. When we initiated the vehicle stop, which  
11 we made contact with the driver, the victim was not there.

12          Q    But you got --

13          A    The victim later did arrive, at which we got consent to  
14 search, because in order to get consent to search, the registered  
15 owner of said property must sign that card.

16          Q    Correct. So you went into the vehicle before you got the  
17 consent to search card.

18          A    No, sir. I did not.

19          Q    You just said only me, you, and Fulwiler was at the scene.  
20 The victims weren't there.

21          A    That's correct. When we initiated the vehicle stop in which  
22 we made contact with the driver, it was only myself and Officer  
23 Fulwiler, at the time, along with that driver.

24                Before -- the registered owner of that vehicle, in order to  
25 get consent to go into that vehicle, did arrive on scene, gave consent

1 to search, signed that consent to search card, at which we retrieved  
2 that cellphone from that vehicle.

3 Q Okay. Well, if the victims weren't there, I don't see how  
4 you got a consent to search. But the phone has obviously been  
5 tampered with.

6 THE COURT: I'm going to strike the statement.

7 MR. ROGAN: Thank you, Your Honor.

8 THE COURT: Okay. You can just ask questions.

9 THE DEFENDANT: Okay.

10 BY THE DEFENDANT:

11 Q The warrant search was called in at 9:16. What I was  
12 going to ask, what time did you get the consent to search? But you  
13 said you don't know. You don't know, so -- but it should be on the  
14 report --

15 A Yes.

16 Q -- that I was never given, I guess; is that correct?

17 A I can't recall. I can't speak to why you did not receive a  
18 property report.

19 Q Okay. Did you retrieve the cellphone from the vehicle?

20 A I did.

21 Q What time was it when you retrieved the cellphone?

22 A I cannot recall. It'll be documented on the property report.

23 Q Okay. Did you write a report of any kind on that day  
24 concerning you taking the cellphone from the scene?

25 A Just the LVMPD Property Report.

1 Q So do you know where that report is to this day?

2 A It will have been scanned into a system where law  
3 enforcement and other personnel can retrieve it.

4 Q So if we wanted the report for this case, who would we  
5 have to go to or how would we go about obtaining that report?

6 A I do not know. I don't know how you would go about  
7 obtaining a copy of that.

8 MS. FLECK: Mr. Woods?

9 THE DEFENDANT: Yes.

10 MS. FLECK: Here. You've had it, and all of this together.  
11 There you go.

12 THE DEFENDANT: It's not a written report.

13 MS. FLECK: It's the property report.

14 THE DEFENDANT: This is not a written report. It's a  
15 property report -- this report was never submitted to me.

16 THE COURT: Well, I --

17 MS. FLECK: You can ask --

18 THE COURT: -- I don't want to get into the things that  
19 were provided throughout the pendency of the case. But if that's the  
20 report and you want to ask the gentleman about it, please go ahead.

21 THE DEFENDANT: All right. I'll ask you about that.

22 THE COURT: Okay.

23 THE DEFENDANT: Okay.

24 BY THE DEFENDANT:

25 Q Why was the phone, I guess, not inventoried that day?

1           A    I'm sorry. I don't understand your question.

2           Q    There was never an inventory report. I'm saying, like, if  
3 there was part of -- if it was part of the search, shouldn't that phone  
4 have been inventoried in some kind of way?

5           THE COURT: What do you mean by inventoried?

6           THE DEFENDANT: He said a property report. But I'm  
7 trying to get him to say -- well, I'm trying to ask him if he made a  
8 report saying -- okay, on this day this phone was took, and I took it  
9 where? It's never been a report saying that he ever took the phone.  
10 It's just a report from someone else saying that he took the report.  
11 So I'm saying why did he make --

12          THE COURT: So you're just wanting to ask him why he  
13 didn't, himself, prepare the property report --

14          THE DEFENDANT: Yes.

15          THE COURT: -- as opposed to somebody else?

16          THE DEFENDANT: Yes.

17          THE COURT: Okay.

18          Do you understand that, Officer?

19          THE WITNESS: Yes, I do, Your Honor.

20          THE COURT: Okay.

21          THE WITNESS: I did prepare that property report. That  
22 property report is in my handwriting with my initials on it.

23          THE COURT: Well, let's do this first.

24          Can you show the officer the report so we know what --  
25 what it is that Mr. Blasko and Mr. Woods are talking about?

1 THE WITNESS: Thank you.

2 THE COURT: Do you recognize that, sir?

3 THE WITNESS: I do.

4 THE COURT: Okay. And is that the property report that  
5 you're saying you offered?

6 THE WITNESS: That is correct.

7 THE COURT: Okay. All right.

8 You can go ahead, Mr. Woods.

9 BY THE DEFENDANT:

10 Q Okay. If the property -- that phone was taken on July 17th,  
11 2015, then I'm wondering -- or could you tell me why was the  
12 cellphone never heard of again until Detective Shane's report on  
13 August 24th, 2015, 38 days later?

14 A I cannot answer that question.

15 Q When you took the phone from the car, did you look  
16 through it for evidence?

17 A No.

18 Q So you didn't see any pictures?

19 A I did not.

20 Q Okay. What did you do with the phone after you left the  
21 scene?

22 A Took it back to Northeast Area Command, which it was  
23 impounded.

24 Q Did you report to anyone that's what you were going to do  
25 with it?

1           A    Yes. My field training officer.

2           Q    Okay. And you don't know who took these pictures, but

3   you know it was either you or Fulwiler, so --

4           A    That's --

5           THE DEFENDANT: Should I put them up here?

6           THE WITNESS: That is correct.

7           THE COURT: Which one, for the record, Mr. Woods, is

8   that?

9           THE DEFENDANT: Um --

10          THE COURT: We just need to always refer to --

11          THE DEFENDANT: -- all the --

12          THE COURT: -- their number.

13          THE DEFENDANT: -- all of the one. Okay. That's the one

14   from -- that's Exhibit 7.

15          THE COURT: Okay.

16          THE DEFENDANT: That is Exhibit 20, and this one is 19.

17          THE COURT: Thank you.

18   BY THE DEFENDANT:

19          Q    Okay. Officer Blasko, how would we find out what time it

20   was that you exactly got the consent to search card?

21          A    It would -- the time will be on that card.

22          Q    The time will be on the card?

23          A    Correct. In which it's filled out. It will be on that card.

24          Q    Okay. Are you positive the time will be on that card?

25          A    I am positive.

1 THE DEFENDANT: Okay. I think that's it for us. Thank  
2 you.

3 THE COURT: Okay. Mr. Rogan?

4 THE DEFENDANT: You need these?

5 MR. ROGAN: Yes, please. Thank you, Mr. Woods.

6 THE COURT: Do you need the report?

7 MR. ROGAN: Yes, sir.

8 THE COURT: If you could grab that for me, please. Thank  
9 you.

10 MR. ROGAN: Court's indulgence.

11 THE COURT: Okay.

12 **REDIRECT EXAMINATION**

13 BY MR. ROGAN:

14 Q Officer Blasko, there has been a lot said about different  
15 kinds of reports.

16 A Yes, sir.

17 Q Okay? So do different officers involved in an investigation  
18 have different responsibilities for the various reports that an -- that  
19 have to be written?

20 A Yes, that's correct.

21 Q Okay. So is there something called an Arrest Report?

22 A Yes.

23 Q And the declaration of arrest?

24 A Yes.

25 Q An Incident Crime Report?



1 A Yes.

2 Q Property Reports?

3 A Yes.

4 Q And is it common or -- for the officers involved in an  
5 investigation to divvy up the report-writing responsibilities?

6 A That's correct.

7 Q So other officers did write an incident crime report in this  
8 case?

9 A Yes.

10 Q Another officer did write a declaration of arrest?

11 A Yes.

12 Q And another officer did write an officer's report?

13 A Yes.

14 Q Okay. Your responsibility was solely that property report?

15 A That is correct.

16 Q Okay. And just to be clear, with regards to the cellphone,  
17 does the Las Vegas Metropolitan Police Department have a unit  
18 whose sole purpose is to download the contents of cellphones and  
19 other computer equipment?

20 A That is correct.

21 Q All right. And that's called the Computer Forensic Lab;  
22 correct?

23 A Yes.

24 Q And that's not your responsibility?

25 A No, it's not.

1 Q Okay.

2 MR. ROGAN: Nothing further, Your Honor.

3 THE COURT: Okay.

4 Mr. Woods, anything further?

5 THE DEFENDANT: Yes, I do. Court's indulgence.

6 THE COURT: Okay.

7 THE DEFENDANT: Your Honor, I have a -- the problem I'm

8 having is we have a picture of the consent to search card. I'm

9 wondering how do I need to show --

10 MR. ROGAN: I have it.

11 THE DEFENDANT: There it is.

12 THE COURT: Okay. Do you want to have that marked?

13 THE DEFENDANT: Yes, please.

14 THE COURT: All right. Why don't you go ahead, and you

15 can approach the clerk.

16 THE DEFENDANT: Here.

17 THE COURT: Do you have any objection to that?

18 MS. FLECK: Why don't you look at it?

19 THE COURT: Okay.

20 MR. ROGAN: Okay.

21 THE COURT: Can I give you that and have you hand that

22 back to Mr. Woods?

23 All right. So you don't have any objection?

24 MR. ROGAN: No.

25 THE COURT: No? All right. Mr. Woods, just -- do you

1 want to introduce that?

2 THE DEFENDANT: Yes, please.

3 THE COURT: You sure?

4 MR. HAUSER: Brief indulgence, Your Honor.

5 THE COURT: Okay. If you want to ask the gentleman  
6 questions about it without introducing it, just to get some of the  
7 information from it, you can do that.

8 THE DEFENDANT: Yes. I want to just ask questions for  
9 it --

10 COURT: Okay.

11 THE DEFENDANT: -- and let the officer see it.

12 THE COURT: Okay. So why don't we --

13 Dean, if you could give that to Officer Blasko for me,  
14 please.

15 So that's marked as D, but it's not being admitted at this  
16 time.

17 **[DEFENDANT'S EXHIBIT NO. D MARKED.]**

18 THE COURT: All right. You can go ahead, Mr. Woods.

19 **RECROSS-EXAMINATION**

20 BY THE DEFENDANT:

21 Q Okay. And you have the -- that's your consent to search  
22 card; am I correct?

23 A Correct.

24 Q You said that you were absolutely sure that it had a time  
25 on it. Does that card have a time on it?

1 A You're correct. It does not.

2 Q So then we can't tell if you went and tampered with that  
3 phone before you got the consent to search card; correct?

4 A No. You cannot --

5 Q Okay.

6 A -- because I did not tamper with that phone before I  
7 obtained consent to search that vehicle.

8 Q Well, we don't know what time -- well, you said you didn't  
9 know the time. You said there absolutely would be a time on there;  
10 correct?

11 A That's correct.

12 Q And now we see that there's not a time, so we can't really  
13 tell a hundred percent if you went into that vehicle before you got  
14 the consent to search card; am I correct?

15 A The time is not on here, which you are correct. But there  
16 is also the LVMPD --

17 Q Well, that's --

18 A -- event number.

19 Q That's fine. That's what I wanted you to answer. Thank  
20 you.

21 THE DEFENDANT: Can I get the picture back?

22 THE COURT: All right. Mr. Rogan?

23 **FURTHER REDIRECT EXAMINATION**

24 BY MR. ROGAN:

25 Q So, Officer, just to be clear, the consent to search form is a

1 standard form that's created by the Las Vegas Metropolitan Police  
2 Department; correct?

3 A That's correct.

4 Q And it details the rights of a person that they do not have  
5 to consent, they can consent.

6 A Yes.

7 Q Correct?

8 A Yes.

9 Q Before you can actually lawfully enter that vehicle, you do  
10 have to have the signature of the registered owner of the vehicle to  
11 go inside; correct?

12 A That is correct.

13 Q And is the signature of the registered owner on there?

14 A Yes.

15 Q And do you, yourself, witness the registered owner sign  
16 that card?

17 A I did.

18 Q And after that card was signed, is that when you went in  
19 the vehicle and seized that phone?

20 A That's correct.

21 Q Okay. Thank you.

22 THE COURT: Anything further?

23 THE DEFENDANT: Yes.

24 **FURTHER RECROSS-EXAMINATION**

25 BY THE DEFENDANT:

1           Q   How can you be 100 percent sure -- or how can you make  
2 it known to be 100 percent sure that you went into the vehicle after  
3 you got the consent to search card, if you don't know what time the  
4 report was made? You didn't know what time you got to the scene?  
5 And now you don't --

6           THE COURT: All right. That's a way compound --

7           THE DEFENDANT: Okay.

8           THE COURT: -- argumentative question.

9           THE DEFENDANT: One at time.

10          THE COURT: Just -- if you want to ask him, yet again, if he  
11 went into the vehicle after getting the consent to search car, I'll let  
12 you ask him one more time.

13          THE DEFENDANT: Okay.

14          THE COURT: But it's not -- you're not to argue all what  
15 you believe in your question. You just ask the question. Okay?

16          THE DEFENDANT: All right.

17 BY THE DEFENDANT:

18          Q   So there's no definite proof, other than your word, that  
19 you went into the vehicle after you got the consent to search card;  
20 correct?

21          A   This consent to search card shows that I went into vehicle  
22 after consent.

23          Q   With no time on it at all; correct?

24          A   That's correct. There is no time on it.

25          THE DEFENDANT: Okay. Thank you. That's all.

1 THE COURT: Anything further, Mr. Rogan?

2 MR. ROGAN: No, Your Honor.

3 THE COURT: And I apologize if I -- if it was already stated

4 and I missed it, but you all have been chatting about the registered

5 owner and who signed the card.

6 Who did you understand the registered owner to be?

7 THE WITNESS: Josie Jones.

8 THE COURT: And who is it that -- that signed the card?

9 THE WITNESS: Josie Jones.

10 THE COURT: Okay.

11 MR. ROGAN: Thank you, Your Honor.

12 THE COURT: All right. Any questions from our jurors?

13 Nope.

14 Officer Blasko, thank you very much for your time. I

15 appreciate it, sir.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Could you -- yeah, Dean, can you hand that

18 back? Thanks.

19 All right. State may call their next witness.

20 MR. ROGAN: The State calls Sergeant Cody Fulwiler.

21 CODY FULWILER

22 [having been called as a witness and being first duly sworn, testified

23 as follows:]

24 THE CLERK: Thank you. Please be seated. Please state

25 and spell your name for the record.

1 THE WITNESS: Sergeant Cody Fulwiler, C-O-D-Y,  
2 F-U-L-W-I-L-E-R.

3 THE COURT: Thank you, sir.

4 **DIRECT EXAMINATION**

5 BY MR. ROGAN:

6 Q Sir, how are you employed?

7 A With Las Vegas Metropolitan Police Department.

8 Q What's your rank?

9 A Sergeant.

10 Q How long have you been with the Las Vegas Metropolitan  
11 Police Department?

12 A Thirteen years.

13 Q Prior to being a sergeant, were you a patrol officer?

14 A I was.

15 Q And for how long were you a patrol officer?

16 A Approximately 10 years.

17 Q May I direct your attention back to July 17th of 2015, were  
18 you working as a patrol officer at that time?

19 A Yes, I was.

20 Q And were you a field training officer?

21 A Yes, I was.

22 Q And who was your field trainee on July 17th of 2015?

23 A Officer Blasko.

24 Q The gentleman that just left the courtroom?

25 A Yes, sir.



1 Q On that day, did you respond in the afternoon to 3492  
2 Pinon Peak Drive with regard to a molestation investigation?

3 A Yes, I did.

4 Q And during that investigation, did you make contact with  
5 the person identified as Leonard Woods?

6 A I did.

7 Q At some point -- sorry. Let me back up. Did the -- did your  
8 contact come after a vehicle stop of the vehicle that Mr. Woods was  
9 driving?

10 A Yes, it did.

11 Q I'm showing you State's Exhibit 19. If you could look to  
12 your left there.

13 Is that the vehicle that Mr. Woods was driving?

14 A Yes, sir. It was.

15 Q Okay. I'm showing you State's Exhibit 6. Is this the  
16 individual that was driving that vehicle?

17 A Yes, sir. It was.

18 Q All right. After you stopped that vehicle and made contact  
19 with Mr. Woods, did you place him in custody?

20 A Yes, I did.

21 Q And how did you do that?

22 A Due to the nature of the call, we asked him to exit the -- his  
23 vehicle to the front of our patrol vehicle, at which time then we took  
24 him into custody.

25 Q Did that involve placing handcuffs on him?

1 A Yes, it did.

2 Q Did it involve placing him in the back of your patrol car?

3 A Yes, it did.

4 Q And prior to doing that, had you been in regular  
5 communication with Sergeant Reyes?

6 A Yes, I was.

7 Q And was Sergeant Reyes communicating to you  
8 information that he was learning by interviewing the alleged victim  
9 of the molestation?

10 A Yes.

11 Q And so basic -- did you detain Mr. Woods for the purposes  
12 of furthering that investigation?

13 A Yes, we did.

14 Q All right. After detaining Mr. Woods and placing him in  
15 handcuffs, did you read him what are known as Miranda Rights?

16 A Yes, I did.

17 Q Did you read that from your department-issued card or  
18 from memory?

19 A I read it from my department-issued card.

20 Q When you -- after you did that, did you explain to  
21 Mr. Woods the circumstances of why he was being detained?

22 A Yes, I did.

23 Q Did you mention to him that there was a cellphone  
24 involved in the investigation?

25 A In the course of our conversation, I mentioned that there

1 were pictures that were potentially sent via cellphone.

2 Q After you mentioned that to him, what did he say to you?

3 A He then stated freely that he received a text message with  
4 a multimedia message or video from our victim in this case, but he  
5 hadn't opened it and didn't know what it was.

6 Q Do you remember the name of the victim that he  
7 mentioned?

8 A Divina.

9 MR. ROGAN: Thank you. Nothing further.

10 THE COURT: Mr. Woods, any questions?

11 THE DEFENDANT: Yes.

12 **CROSS-EXAMINATION**

13 BY THE DEFENDANT:

14 Q Officer Fulwiler, when you -- did you stay throughout the  
15 duration of the warrant served --

16 A Yes, I did.

17 Q -- on the scene?

18 A Yes, I did.

19 Q Okay. And the warrant search wasn't called in until  
20 9:15 p.m.; correct?

21 A I don't know if that is the exact time, but it sounds familiar.

22 Q Okay. Where was Mr. Woods all that time, since you're on  
23 the scene from a quarter to 5:00 until 9:16?

24 A I don't recall.

25 Q Didn't you just testify that you put Mr. Woods in the back

1 of your patrol car after you arrested him?

2 A Yes.

3 Q So basically, Mr. Woods stayed in back of your patrol car  
4 for five hours?

5 A I don't recall.

6 Q Is that standard procedure to leave somebody in the back  
7 of your patrol car for five hours?

8 MR. ROGAN: I will object as to relevance.

9 THE COURT: I apologize. I was talking to my clerk. Could  
10 you --

11 THE DEFENDANT: Well, I asked him, before he objected,  
12 was -- since he was on the scene from 4:45 to 9:16 --

13 THE COURT: Okay.

14 THE DEFENDANT: -- he said he stayed throughout the  
15 duration of the warrant search, which if it was called at 9:16, then he  
16 had to stay longer since he stayed throughout the duration.

17 THE COURT: Right.

18 THE DEFENDANT: He said he --

19 THE COURT: Go ahead.

20 THE DEFENDANT: -- arrested me and put me in back of  
21 the patrol car.

22 THE COURT: Okay.

23 THE DEFENDANT: So I asked him, Where was Mr. Woods  
24 at? He said he wasn't sure. And then I said didn't you put him in  
25 back of your patrol car?

1 THE COURT: Okay.

2 THE DEFENDANT: He said yes. So I'm, like, Well, did  
3 Mr. Woods stay in the back of your patrol car from a quarter to 5:00  
4 till, like, what, 10 o'clock at night? I guess --

5 THE COURT: Okay.

6 THE DEFENDANT: -- 9:30 -- we'll say just 9:30. And he  
7 says he didn't know.

8 THE COURT: Okay.

9 THE DEFENDANT: So I asked him then was that standard  
10 operating procedure? Which I got the objection.

11 THE COURT: Okay. Well, if he says he doesn't know if he  
12 was there, then what are you asking him?

13 THE DEFENDANT: No. If he doesn't know if I -- he just  
14 told me he put me in back of the car and [indiscernible] --

15 THE COURT: I understand. But if he said -- if his answer  
16 to your question was, I don't know if you were in the car or not, then  
17 what are you asking him about standard procedure about?

18 THE DEFENDANT: Is it standard procedure to leave a  
19 person in back of the car for five hours?

20 THE COURT: Okay. You can answer that question, Officer.

21 THE WITNESS: No. It is not standard procedure to leave  
22 them --

23 THE DEFENDANT: Okay.

24 THE WITNESS: -- that time.

25 BY THE DEFENDANT:

1 Q When you -- did you at all handle or see the cellphone that  
2 day?

3 A I did see the cellphone. I did not handle it.

4 Q Okay. What -- were you wearing a body camera that day?

5 A No, sir.

6 Q Okay. So what proof do you have that Mr. Woods said he  
7 received a text message? What proof do you have that Mr. Woods  
8 said to you -- stated to you he received a text message?

9 A My statement under oath today.

10 Q Okay. What proof do you have that Mr. Woods said to you  
11 that he got a text message from Divina?

12 MR. ROGAN: Asked and answered.

13 THE COURT: Mr. Woods?

14 THE DEFENDANT: Well, I said the text message, period,  
15 but the Divina part after. Okay.

16 THE COURT: Well, what --

17 THE DEFENDANT: So basically --

18 THE COURT: I'm sorry. You can go ahead and answer  
19 that question.

20 THE WITNESS: Can you re-ask the question completely?

21 BY THE DEFENDANT:

22 Q You stated that I said that I got a text message from Divina  
23 and it was downloading, but I hadn't received it yet.

24 I'm saying, What proof do you have that I said that? Was it  
25 documented anywhere? Or can you show us proof of that statement

1 I made to you?

2 A As far as documentation was within the report, and then  
3 my statement here today under oath.

4 Q So it's not recorded. It's not on any body camera? It's not  
5 no audio/video of me making that statement to you; correct?

6 A That is correct, sir.

7 Q Okay. Now, when you guys -- what time was it when you  
8 pulled Mr. Woods over?

9 A I believe it was around 1640 hours, approximately.

10 Q 1640? That's about --

11 A 4:40 p.m.

12 Q -- 4:40. Okay. Were the victims on the scene when you  
13 pulled Mr. Woods over?

14 A No, sir.

15 Q Okay.

16 THE DEFENDANT: I want to introduce the pictures again.

17 THE COURT: Which picture? You can approach the clerk.  
18 Which picture are you looking for?

19 MR. HAUSER: The pictures --

20 THE DEFENDANT: The pictures of the car. The same one  
21 that I showed to --

22 THE COURT: All right.

23 THE DEFENDANT: -- Blasko.

24 THE COURT: It was 7, and then some of them within 19  
25 through 24.

1 MR. HAUSER: I'm sure they're in here. Which one?

2 THE COURT: Did you guys take any of them back over at  
3 your table yet?

4 MS. FLECK: Sorry. Which one did you want?

5 THE COURT: 7, and then some of the ones within 19  
6 through 24.

7 MR. ROGAN: It's going to be right in front of him.

8 MR. HAUSER: Oh, okay.

9 THE DEFENDANT: This one was covered. My fault.

10 BY THE DEFENDANT:

11 Q Okay. Officer Fulwiler, who -- it was -- after you pulled me  
12 out of the car, it was just me, you, and Officer Blasko on the scene;  
13 correct?

14 A That is correct.

15 Q Okay. I'm going to show you these pictures. This is No.  
16 19 -- Exhibit 19.

17 That's the car you pulled me over in; right?

18 A Yes, sir.

19 Q Okay. And this is Exhibit 21, from a different angle, the  
20 same vehicle. This is from the backside, the same vehicle. Okay.

21 And these are pictures of the cellphone inside the vehicle.  
22 This is 24, and this one is 23.

23 Now, if it was just me, you, and Officer Blasko on the  
24 scene, who took these pictures?

25 A I don't recall. That would be documented in a report.



1           Q    You knew exactly what time you came in there. You knew  
2 pretty much about the time you took me out of there. You knew the  
3 time of the -- the warrant search was called in. But you don't know,  
4 between you and your partner, who took the pictures that day?

5           A    I don't recall. If there is a report, it would refresh my  
6 memory.

7           Q    You know what, there is one more picture. I think this -- it  
8 shows something that would say who took the picture.

9                   State -- Court's indulgence.

10           THE COURT: Okay.

11           MR. HAUSER: Further indulgence, Judge. We're going to  
12 work on this.

13           THE DEFENDANT: Okay. So if they don't have it, can I just  
14 show it to the officer?

15           THE COURT: If you have something that you want to  
16 show to the officer, sure.

17           THE DEFENDANT: All right.

18           THE COURT: Dean, could you -- do you want to have that  
19 marked? Okay.

20           THE DEFENDANT: You gave the detective the picture?

21           MS. FLECK: No. Can I just see which ones they are?

22           THE DEFENDANT: It's just of one them.

23           THE COURT: All right. Do you just want to move all four  
24 of them in?

25           MR. HAUSER: [Indiscernible.]

1 THE COURT: Okay. All right. So that's Proposed E. Any  
2 objection?

3 MS. FLECK: No.

4 THE COURT: All right. So proposed E, which actually has  
5 four photographs on it, will be admitted.

6 **[DEFENDANT'S EXHIBIT NO. E ADMITTED.]**

7 THE COURT: All right. You can go ahead, Mr. Woods.  
8 BY THE DEFENDANT:

9 Q Okay. There is a picture on there. And it's kind of  
10 reflecting back the officer's fingers who actually took the picture.

11 THE COURT: Okay.

12 BY THE DEFENDANT:

13 Q Correct?

14 A Yes.

15 Q Okay. Now, by that picture, can you tell if that's you or  
16 Officer Blasko?

17 THE COURT: Do you wear a wedding ring?

18 THE WITNESS: Yes.

19 THE DEFENDANT: That's what I was going to next, Your  
20 Honor.

21 THE WITNESS: So based off of the angle of the picture, it  
22 appears that I took the photograph.

23 BY THE DEFENDANT:

24 Q Okay. You didn't remember, but the picture jogged your  
25 memory there?

1           A    Yes.

2           Q    Okay. Do you know about -- well, it's sunny outside. So  
3 you still don't know about what time you took those pictures, based  
4 on that -- now it's jarred your memory a little bit there?

5           A    I don't know the exact time. No, sir.

6           Q    But you know that the victims weren't on the scene when  
7 those pictures were taken; right?

8           A    They are not pictured in the pictures.

9           Q    Okay. What I'm saying was -- you don't remember taking  
10 pictures, but now that the pictures jogged your memory a little bit,  
11 where it's still me, you, and Officer Blasko, the only ones on the  
12 scene, when you were taking those photos?

13          A    I don't know if that was the only people that were there at  
14 that time. There may have been other officers. I don't know.

15          Q    Okay. Is there any way we can find out exactly what time  
16 this photo was taken? Wouldn't this be in your report, these exact  
17 photos --

18          A    When the exact --

19          Q    -- since they were taken by you?

20          A    The exact time that they were taken?

21          Q    Yes.

22          A    No, sir.

23          Q    You wouldn't have put the time you take, or any of these  
24 pictures -- the whole group of them wouldn't have been logged in as  
25 I took these pictures at these such and such time of day?

1           A    No, sir. Other than the actual time stamp that would have  
2   been placed on it, once it is impounded in our system -- computer  
3   system.

4           Q    Okay. This is what I'm getting at. So if we find out what  
5   time this -- these pictures was actually taking place, if it was before  
6   the victims got on the scene, that would mean you didn't have a  
7   consent to search card by the time these pictures were taken;  
8   correct?

9           A    I don't know what your question is.

10          Q    My question is, you need a consent to search card to go  
11   inside of a vehicle by the registered owner? I think that was  
12   established earlier; correct?

13                THE COURT: To search the vehicle?

14                THE DEFENDANT: Yes.

15                THE COURT: Okay.

16                THE WITNESS: I don't remember speaking about this  
17   earlier.

18                THE DEFENDANT: Well, it was said --

19   BY THE DEFENDANT:

20          Q    Okay. As a law enforcement officer, what is the rule  
21   before entering a vehicle?

22                MR. ROGAN: Objection. Vague.

23                THE COURT: Well, that -- I'll sustain it as vague. There's a  
24   whole lot --

25                THE DEFENDANT: Okay.

1 THE COURT: -- of legal rules --

2 THE DEFENDANT: What I'm --

3 THE COURT: -- in regards to that.

4 THE DEFENDANT: -- I'm trying to get to the consent to  
5 search card.

6 BY THE DEFENDANT:

7 Q Why would you need to get a consent to search card from  
8 the registered owner?

9 A A consent to search card would be permission to search  
10 the vehicle.

11 Q Okay. And this -- and it would say exactly what you're  
12 searching for; correct?

13 A That's correct.

14 Q So if you had consent from them -- if you had the -- there's  
15 a picture of that consent to search card, with one of you guys  
16 holding it in your hand -- I don't know which one -- but either one of  
17 you guys.

18 So if you didn't get that particular consent to search card  
19 that I'm talking about, would you have had permission to go inside  
20 that car and -- I said tamper with, but I don't want to use that word --  
21 touch it at all, rather --

22 THE COURT: So these issues -- the legality of the search  
23 of the vehicle has been litigated pretrial. Okay?

24 So you're asking him to express a legal opinion on what  
25 he was allowed to do, which I've already expressed the opinion on

1 as the Court. Okay?

2 THE DEFENDANT: No. What I'm saying is -- what I'm  
3 trying to get at if they're -- if they messed with the phone before they  
4 got the consent card --

5 THE COURT: The issue of the legality of the car search  
6 and the phone has been litigated by motion practice before trial, and  
7 I've already ruled on that. So it's not appropriate to ask him about  
8 whether he knew he had legal authority to do that. Those are issues  
9 that the Court decides, which have already been decided.

10 THE DEFENDANT: Okay. If I can find different, does that  
11 make any difference?

12 THE COURT: No. These are issues that we've litigated  
13 before the trial, and I've ruled upon. So you can ask him questions --  
14 factual questions to elicit factual information that you can use to  
15 argue your case later. But you don't get into an argument with him  
16 about the legality of a search when the Court has already ruled on  
17 that.

18 THE DEFENDANT: Okay. I have nothing further.

19 THE COURT: All right. Mr. Rogan, anything further?

20 **REDIRECT EXAMINATION**

21 BY MR. ROGAN:

22 Q Sergeant Fulwiler, the investigation at the Pinon Peak  
23 address took several hours; correct?

24 A That is correct.

25 Q So after Mr. Woods was taken into custody by you, did

1 Sergeant Reyes and other officers come to participate in that  
2 investigation?

3 A Yes, they did.

4 Q And during that investigation, as part of it, the consent to  
5 search was obtained by Officer Blasko; correct?

6 A That is correct.

7 Q And separate and apart from the search of the vehicle, did  
8 Lieutenant Reyes also obtain a search warrant for the residence  
9 itself?

10 A Yes, he did.

11 Q Okay. And there was also questions on cross-examination  
12 about the statement and evidence that the statement was given.

13 I just want to be clear, after the statement was given, did  
14 you tell that -- another officer that Mr. Woods had made that  
15 statement?

16 A Yes. When he made those statements, I advised, then  
17 Officer Reyes, of the statements that he made; correct.

18 Q And did Officer Reyes document those statements in a  
19 report?

20 A Yes. He documented it in his report.

21 Q Okay. And you, yourself, never searched the phone,  
22 meaning went inside, looked for pictures, looked for text messages,  
23 or anything of that nature?

24 A No, I did not.

25 MR. ROGAN: Okay. Nothing further.

1 THE COURT: Anything further, Mr. Woods?

2 THE DEFENDANT: Just one question.

3 **RECROSS-EXAMINATION**

4 BY THE DEFENDANT:

5 Q Did you at all, since you got a report that there was a --  
6 pictures from a cellphone -- from Divina's cellphone to my cellphone  
7 -- did you at any time search Divina's phone?

8 A No.

9 Q Did you ever have Divina's phone in your possession?

10 A No.

11 Q So you never saw any type of pictures from Divina's  
12 phone?

13 A No.

14 THE DEFENDANT: Okay. Thank you. Nothing further.

15 THE COURT: Mr. Rogan, anything?

16 MR. ROGAN: No.

17 THE COURT: Anything from our jurors? No.

18 Sergeant, thank you so much for your time. I appreciate it.  
19 You are excused.

20 THE WITNESS: Thank you.

21 THE COURT: The State may call the next witness.

22 MS. FLECK: Thank you. The State calls Devyn Hagarty.

23 **DEVYN HAGARTY**

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



1 THE CLERK: Thank you. Please be seated. And please  
2 spell and state your name for the record.

3 THE WITNESS: D-E-V-Y-N, H-A-G-A-R-T-Y. It's Devyn  
4 Hagarty.

5 THE COURT: Thank you. Okay. So I've got teenage  
6 daughters, and so I know you answer a lot of things uh-huh; right?  
7 So try and say yes or no, just because it's clearer for our record.  
8 Okay?

9 THE WITNESS: Okay.

10 THE COURT: Thank you.

11 MS. FLECK: Thank you. May I proceed?

12 THE COURT: Yes.

13 MS. FLECK: Thank you.

14 **DIRECT EXAMINATION**

15 BY MS. FLECK:

16 Q Good morning, Miss Hagarty.

17 A Good morning.

18 Q I'd like to direct your attention back to 2015. Were you  
19 friends with a girl named Divina Leal?

20 A Yes.

21 Q And how did you and Divina first meet?

22 A Through school.

23 Q How old were you when you first met Divina?

24 A About 15.

25 Q Okay. And where did you guys meet? You said at school.

1 Which school was it?

2 A Desert Pines High School.

3 Q Just in class? Were you guys in any --

4 A Oh, we seen --

5 Q -- activities?

6 A -- yeah. We seen each other around, and we were also on  
7 the cheer team together.

8 Q Okay. What was Divina's mom's name?

9 A Josie Kate Jones.

10 MS. FLECK: Permission to publish previously admitted  
11 exhibits, Your Honor.

12 THE COURT: You may.

13 BY MS. FLECK:

14 Q Showing you State's Exhibit 3. What do you see here?

15 A Josie and Divina.

16 Q Okay. So once you and Divina met and became friends,  
17 did the two of you spend quite a bit of time together?

18 A Yes.

19 Q Okay. And what grade was it that you first met?

20 A Well, we knew each other since ninth grade, but we really  
21 started talking, like, at the end of ninth grade. So more going into  
22 tenth.

23 Q Who were you living with at the time?

24 A My grandmother.

25 Q And what's her name?

1 A Dora Del Prado.

2 Q Would you at times spend the night and spend time at  
3 Divina's house?

4 A Yes.

5 Q Which house was that? Where was she living at that  
6 time?

7 A She was living near Desert Pines. I want to say on, like,  
8 around Stewart and Marian. Not too sure of the cross streets.

9 Q When you knew her, was it just in one house? Or did you  
10 know her throughout her living at numerous houses?

11 A Yes, throughout numerous houses.

12 Q And you would visit her at both of those houses?

13 A Yes.

14 Q When you would visit her, were there times that her  
15 stepdad was there?

16 A Yes.

17 Q And what's his name?

18 A Joe. Well, I know him as Joe.

19 Q Okay. Do you see him in court today?

20 A Yes.

21 Q Can you please point to him and describe something he's  
22 wearing for the record?

23 A White collar, button up, black tie.

24 Q Jacket or no jacket?

25 A No jacket.

1 Q Okay. Would the defendant -- I'm sorry.

2 MS. FLECK: Let the record reflect the identification of the  
3 defendant.

4 THE COURT: Record will so reflect. Thank you.

5 BY MS. FLECK:

6 Q When you would spend time at Divina's house, would the  
7 defendant be there at times?

8 A Yes.

9 Q Also would Divina spend time at your place?

10 A Yes.

11 Q Did the defendant ever bring her back and forth to your  
12 place?

13 A No.

14 Q And who would bring her back and forth to your place?

15 A Either we would ourselves, because we took the buses, or  
16 her mother.

17 Q Okay. And how about when you were over at Joe's?

18 Did Joe's -- at -- or at Divina's, did Joe spend much time with the two  
19 of you?

20 A No.

21 Q Did you have many interactions with him?

22 A No. He was always there, but I never said anything to  
23 him.

24 Q Okay. I'd like to direct your attention then to July 17th of  
25 2015. Were you and Divina friends at that time?

1           A    Yes.

2           Q    Fair to say, like teenage girls, throughout the course of  
3 your friendship, sometimes you guys would fall out, and then you'd  
4 become friends again?

5           A    Yes.

6           Q    I mean, you fought sometimes?

7           A    Yes.

8           Q    Okay. But in July of 2015, were the two of you on good  
9 terms?

10          A    Yes.

11          Q    Did there come a time on July 17th, in the morning, that  
12 you received a -- just a text -- a string of text messages from Divina?

13          A    Yes.

14          Q    Were the two of you supposed to hang out that day?

15          A    Yes, we were.

16          Q    Tell us about that.

17          A    We were supposed to hang out, but she told me she -- she  
18 texted me the night before, like, saying she's not going to be able to.  
19 She's going to work with her mom. And then she started texting me  
20 to come get her, and I was confused.

21          Q    Okay. So the night before these text messages, she had  
22 told you, actually, she can't hang out because she's going to go to  
23 work with her mom?

24          A    Uh-huh.

25          Q    So then when you got the text message --

1 THE COURT: Is that yes?

2 THE WITNESS: Huh?

3 THE COURT: Was that yes?

4 THE WITNESS: Oh, yes. Sorry.

5 MS. FLECK: Sorry.

6 BY MS. FLECK:

7 Q I'll try to remind you also.

8 A Sorry.

9 Q That's okay. So when then -- then when you started to get  
10 texts from her the next morning, why were you confused?

11 A Because she had told me she couldn't hang out. She was  
12 going to work with her mom.

13 Q Do you remember her also calling you that morning?

14 A Yes.

15 Q Do you remember if she called you first or texted you  
16 first?

17 A I don't know, honestly.

18 Q Okay. When she was calling you, what was the tone of  
19 her voice?

20 A She sounded worried, but I was also asleep, so I wasn't  
21 paying too much attention at first.

22 Q What in her voice made you think that she was worried?

23 A She was talking, like, not how you normally talk on the  
24 phone. Like, Hey, what's up? She was kind of, like, Hey, I need you  
25 to come get me -- like, kind of on the low.

1 Q Okay. So you just felt that there was something different  
2 in the tone of her voice and that you were a little bit confused by it?

3 A Yes.

4 Q So you said that you were sleeping, so you weren't  
5 necessarily tuning in?

6 A Yes.

7 Q Did you then get a string of text messages from her that  
8 were more insistent?

9 A Yes.

10 Q Okay. And based upon those text messages, what did you  
11 do?

12 A I notified my grandmother of what was going on.

13 Q Okay.

14 A And I showed her. And then from there, that's when we  
15 left.

16 Q When you say we, who is the we?

17 A Me and my grandmother.

18 Q And where did the two of you go?

19 A To Divina's house.

20 Q Did your grandma drive?

21 A Yes.

22 Q When you got there, what did you guys do?

23 A We pulled up to the front of her house. And we told her --  
24 well, she came outside. And she met Joe and then --

25 Q Who's she?

1 A My grandmother.

2 Q Okay. So Divina came outside; is that right?

3 A Yes.

4 Q Did she get into the car?

5 A Yes.

6 Q Where in the car did she get in?

7 A The backseat on the driver's side.

8 Q Now, then, you said she met Joe. You said that was your  
9 nana?

10 A Yes.

11 Q So tell us, Divina gets into the car, into the backseat of  
12 your nana's car. And then what did the defendant do?

13 A He insisted on meeting my grandmother, asking for her --  
14 our information, like, where the address Divina will be at and a  
15 phone number to get in contact with my grandmother with.

16 Q What was Divina's demeanor while she was in the  
17 backseat?

18 A She was trying not to cry, to make it look like we knew,  
19 like, what -- like, she was just trying to hold it together.

20 Q Did you think it was unusual that the defendant was  
21 coming out to meet you and your nana?

22 A Yes.

23 Q Why was that?

24 A Because I've been around him numerous times. And, too,  
25 she's been to my house back and forth, and he's never wanted to



1 meet my -- any of my parents or ask about where we live or anything  
2 like that.

3 Q Okay. So you felt his actions were different that day than  
4 normal?

5 A Yes.

6 Q Now, eventually, did the defendant go back inside the  
7 house?

8 A Yes.

9 Q And then where did you and your nana and Divina go?

10 A We drove to my house.

11 Q Okay. Before you got to your house, did Divina talk -- or I  
12 guess while you were on the way, did Divina talk to you guys about  
13 what had happened?

14 A For the most part, yeah. She kind of already explained  
15 everything. So we didn't really make her keep talking about it.

16 Q Once he went into the house, did her demeanor change?

17 A Yes.

18 Q How?

19 A Like that's when she finally broke down.

20 Q And when you say broke down, what was she doing?

21 A Crying, talking very loud, fast. You can tell something  
22 was, like, really, really, really wrong with her.

23 Q Okay. And were you guys driving? Or had you pulled  
24 over or something else?

25 A Well, right when we left the house and pulled off, there

1 was a stop sign. So, obviously, she had to stop at the stop sign, and  
2 she didn't like that. She --

3 Q Who was that?

4 A Divina didn't like that. She wanted to keep going.

5 Q Okay. Is -- like she was --

6 A Like, get -- she wanted to get as far away from that house  
7 as possible before we stopped anywhere.

8 Q Okay. Did your grandma stop at some point to talk?

9 A Just -- she just turned around real quick, like, trying to  
10 comfort her.

11 Q Okay. So as Divina -- you said that she was very upset,  
12 that she was talking quickly and very -- seemed very distraught.  
13 What did she tell you happened that morning?

14 A She told me that she had woke up and went into the  
15 kitchen, and Joe was being really nice to her, like, nicer than normal.  
16 And I know him as being, like, he was always the one to say no.

17 So she told me that he, basically, came on to her and tried  
18 to touch her breasts.

19 Q Okay.

20 A And that he had her send a picture of her breasts to him.

21 Q Okay.

22 A And that he basically told her to keep quiet. And then  
23 that's when she called me --

24 Q Okay.

25 A -- and told me to come get her.

1 Q Okay. Did she ever use the words he molested me?

2 A She used the words, like, he touched me.

3 Q Okay.

4 A He groped me. Like, things like that.

5 Q Okay. So after she told that to you and your nana, you  
6 said that your nana drove to your house?

7 A Uh-huh.

8 Q And once you guys got back to your nana's house, what  
9 did you guys do?

10 A We called her mother; she was at work. We called Josie.  
11 And then from -- we waited for Josie to get to my house, and we  
12 called the police.

13 Q Okay. And when Josie got there, what was her  
14 demeanor?

15 A Oh, she was very upset, crying. She felt -- I don't know.  
16 She was just really upset.

17 Q Okay. What was she -- besides crying -- what was she  
18 saying or doing that made you think she was very upset?

19 A She kept saying, I'm so sorry. Are you okay? Oh, my God.  
20 Oh, my God.

21 Q Okay.

22 A I can't believe this.

23 Q Did she seem hesitant at all to call the police?

24 A She was really scared.

25 Q Why is that?

1 THE COURT: And just for the record, the young lady was  
2 shaking her head yes --

3 MS. FLECK: Yes. Thank you.

4 THE COURT: -- when she said she was really scared.

5 THE WITNESS: She was really scared. She just kept  
6 saying that, like, he's dangerous; he's dangerous. We didn't know  
7 what she meant by that.

8 BY MS. FLECK:

9 Q Did she say that he had made threats to her in the past?

10 A Yes.

11 Q What kind of threats?

12 A Death threats.

13 Q Okay. Ultimately, did your nana talk her into making that  
14 phone call?

15 A Yes.

16 Q And --

17 A At first, she didn't want to call the police. She just wanted  
18 to kind of leave him, like, leave it alone. But my nana got her to call  
19 the police.

20 Q Okay. And did the -- were you there when she called the  
21 police?

22 A Yes, I was.

23 Q Did the police ultimately come to your house?

24 A Yes.

25 Q And were you there for that?

1           A    Yes.

2           Q    At some point, then, did the police take Josie and Divina  
3 back to their house?

4           A    Yes. And I was with them with that as well.

5           Q    So you went back to Pinon Peak with them?

6           A    Yes.

7           Q    When you got back to Pinon Peak, were the police still  
8 there?

9           A    Yes.

10          Q    And did you then help Divina do anything at her house  
11 that night?

12          A    Yes.

13          Q    What was that?

14          A    We got everything that could fit in her truck and put it in  
15 the back and left everything else, and they left that location. They --  
16 after that day, they did not go back.

17          Q    Okay. Why did they want to leave that night?

18          A    They didn't want Joe to know where they were.

19          Q    Did you keep in contact with Divina through the next few  
20 weeks?

21          A    She was with me for most of the next few weeks. We  
22 were together, yes.

23          Q    In fact, that night, did she stay the night with you?

24          A    Yes.

25          Q    And do you know where Josie went?

1 A I don't.

2 Q Okay. At some point did Josie and Divina find a new  
3 place to live?

4 A A new apartment, yes.

5 Q Fair to say they were kind of bouncing around for a few  
6 weeks?

7 A Yes.

8 Q Or a couple of weeks?

9 A Yes.

10 Q At some point they found a new apartment?

11 A Yes.

12 Q And do you remember where that was?

13 A No. I just know it was on, like, the other side of the Strip.

14 Q Okay. Other side of town from Pinon?

15 A Yes.

16 Q And did you ever go to that location?

17 A Yes, I did.

18 Q And did you, in fact, help them move in?

19 A Yes.

20 Q Okay. Then going to August of 2015, do you at some  
21 point talk with Divina and learn that something's happened to her  
22 mom?

23 A Yes.

24 Q And when was that?

25 A The night it happened, she called me from the scene,

1 crying, letting me know what happened.

2 Q What did she tell you?

3 A That Joe had killed Josie.

4 MS. FLECK: Court's indulgence. Nothing further.

5 THE COURT: Mr. Woods?

6 **CROSS-EXAMINATION**

7 BY THE DEFENDANT:

8 Q How you doing, Devyn? I know it's been a while.

9 Unfortunate circumstances.

10 Do you know what time you guys got to the scene? After  
11 the police were called, what time did you come back to the scene or  
12 about when you came back?

13 A The first time at Pinon Peak?

14 Q No. After the police were called -- Josie was at your  
15 house. The police were called and the police brought you back. You  
16 said you came back with them.

17 A Uh-huh.

18 Q Do you know about what time that was?

19 A The sun didn't go down too long after that. So I want to  
20 say it wasn't dark yet, but it was getting there.

21 Q It was getting dark?

22 A Yeah.

23 Q Okay. Thank you. You spent the night on -- the address  
24 was Montello -- refresh your memory -- on Montello Avenue. That  
25 was the one you was referring to between Nellis and Marion.

1 I'm going to say twice that I was there; is that correct?

2 A I want to say it was a couple more times than that, but  
3 yeah.

4 Q But yeah? Okay. When you came over, did I ever say  
5 anything to you to make you uncomfortable any time you were  
6 there?

7 A No. The only thing that made me uncomfortable was the  
8 fact you didn't say too much.

9 Q Okay. Did I ever -- okay. That's fair enough.

10 When you -- when your mom -- or your grandma, I guess --  
11 came over to pick up Divina that day, had your mom -- or grandma  
12 ever came to pick up Divina out of my custody before?

13 A My nana never really picked Divina up because we were  
14 old enough that we can get ourselves to the places we were going as  
15 far as, like, taking the bus and things like that. The only reason my  
16 grandmother did pick her up is because of the situation.

17 Q No. I'm saying -- well, you said it was kind of unusual  
18 because I never wanted to meet your nana before.

19 But what I'm saying is had me or your nana even ever met  
20 before that day?

21 A No.

22 Q So what would be unusual about a guardian passing off --  
23 I don't want to say a child to you. I wouldn't say children -- a  
24 guardian passing off a teenager to another adult? Would that be  
25 unusual for that adult to want to know the information -- where that



1 child was going?

2 A No. That's not --

3 Q Do you see what I'm saying?

4 A That's not unusual. But the fact that we've been around  
5 each other so many times, and we've -- you have seen my grandma  
6 or known I was getting dropped off. The fact that you never asked to  
7 meet her before was what was weird.

8 Q Yeah. Well, she never came to pick her up from my  
9 custody before. That's all I'm -- that's the only reason why I wanted  
10 to meet your nana.

11 THE COURT: All right. I'll strike that statement. You just  
12 have to ask questions.

13 THE DEFENDANT: Oh, okay.

14 THE COURT: Okay?

15 BY THE DEFENDANT:

16 Q Do you -- did I ever go to any -- you said you guys used to  
17 cheer together; right?

18 A Yep.

19 Q Did I go to any basketball or football games or anything  
20 like that? Do you remember?

21 A No, you didn't.

22 Q Okay. Do you remember me ever picking Divina up from  
23 school?

24 A Nope.

25 Q Okay. So you definitely never spent the night on Pinon

1 Peak; is that correct?

2 A No, I did not.

3 Q Okay. You said you spent the night on a couple of other  
4 houses. I only remember Montello.

5 Could you tell me any other houses you thought you spent  
6 -- or you said you spent the night at?

7 A I can't think at the top of my head. It's been so long.

8 Q Okay. Now, that's fine. When she called you and told you  
9 something was going on, did you actually believe that at first?

10 THE COURT: Are you --

11 THE WITNESS: Yes.

12 THE COURT: -- asking -- I'm sorry -- about July 17th or  
13 about August 5th? At which time?

14 THE DEFENDANT: Oh, I'm asking about July -- July 17th.

15 THE COURT: Okay. Thank you.

16 THE WITNESS: Yes, I did.

17 BY THE DEFENDANT:

18 Q Yes, you did?

19 A I did believe her, yes.

20 Q You -- no. I'm not saying, Did you believe her?

21 I'm -- I was mostly saying -- well, I'll leave that alone.

22 Whenever you came, you said I never approached you in  
23 any inappropriate type of way any time you were over at -- that's  
24 when I was there; is that correct?

25 A Uh-huh. Yes.

1 THE DEFENDANT: Nothing further.  
2 THE COURT: Thank you.  
3 THE DEFENDANT: Okay.  
4 THE COURT: All right. Anything further, State?  
5 MS. FLECK: Nothing.  
6 THE COURT: Anything from our jurors?  
7 Miss Hagarty, thank you very much for your time. I  
8 appreciate it. You are excused. Okay.

9 THE WITNESS: Thank you.  
10 THE COURT: The State may call the next witness.  
11 MR. ROGAN: The State calls Dora Del Prado.

12 DORA DEL PRADO  
13 [having been called as a witness and being first duly sworn, testified  
14 as follows:]

15 THE CLERK: Thank you. Please be seated. Please state  
16 and spell your name for the record.

17 THE WITNESS: Dora Del Prado. D-O-R-A, D-E-L, capital  
18 P-R-A-D-O.

19 THE COURT: Thank you, ma'am.  
20 Mr. Rogan.

21 MR. ROGAN: Thank you.

22 **DIRECT EXAMINATION**

23 BY MR. ROGAN:

24 Q Good afternoon, Ms. Del Prado. How are you?

25 A Good. Thank you.

1 Q I want to direct your attention back to July of 2015.  
2 Were you living with your granddaughter, Devyn Hagarty,  
3 at that time?  
4 A Yes.  
5 Q And how long had Devyn been living with you?  
6 A Since fifth grade.  
7 Q And what grade do you remember her being in July?  
8 A I think eighth at that time.  
9 Q Okay. In July of 2015?  
10 A Oh --  
11 Q Was she in high school?  
12 A Yeah. Oh, I'm sorry.  
13 Q Okay.  
14 A Yeah. I'm thinking about -- never mind.  
15 Q That's okay. And do you recall her going to Desert Pines  
16 High School?  
17 A Yes.  
18 Q And did she have a friend at that time by the name of  
19 Divina Leal?  
20 A Yes.  
21 Q And did Divina and Devyn spend a lot of time together  
22 throughout --  
23 A A lot.  
24 Q Okay.  
25 A Best of friends.

1 Q Okay. In July of 2015, on July 17th, specifically, did Devyn  
2 approach you and tell you something that Divina had told her?

3 A Yes.

4 Q And did that involve an allegation of molestation?

5 A Yes.

6 Q Based upon that, did you and -- well, let me ask you this.  
7 What did Devyn ask you to do after she told you about the allegation  
8 of molestation?

9 A She asked me to go pick her up at her house and take --  
10 pick up Divina from her home.

11 Q Did you do that?

12 A Yes.

13 Q Did you drive there yourself?

14 A Yes.

15 Q Who was in the vehicle with you on the way to Divina's  
16 house?

17 A Just my granddaughter, Devyn.

18 Q Okay. What kind of car were you driving?

19 A A Dodge Durango, four-door.

20 Q So SUV?

21 A It had three bench seats in it.

22 Q Okay. So a large SUV?

23 A Yes.

24 Q All right. And when you arrived at Divina's house, did  
25 Divina come to meet you at the car?

1           A    Immediately. She came right out.

2           Q    All right. What was her demeanor at that time?

3           A    Frightened, like, on edge. You could tell -- I could tell she  
4 had been crying, but she had stopped. I mean, she was trying to  
5 maintain. And she immediately got in the backseat of my truck.

6           Q    Did anyone else come out of the house?

7           A    Yes.

8           Q    Who was that?

9           A    Joe. We called him Joe.

10          Q    Do you see Joe here in court today?

11          A    Yes.

12          Q    Could you please point to him and tell me something he is  
13 wearing.

14          A    The gentleman with the white shirt on.

15          Q    Does he have a coat on?

16          A    No.

17               MR. ROGAN: Could the record reflect the defendant's  
18 identification, please?

19               THE COURT: Yes. And I'll note for the record she pointed  
20 at the gentleman as well.

21               MR. ROGAN: Thank you.

22               BY MR. ROGAN:

23           Q    When Joe came out, did he say anything to you?

24           A    Yes. He asked what was going on. And I said -- well, I had  
25 my window down --

1 Q Uh-huh.

2 A -- quite a ways. And then when she -- immediately when  
3 she got in the truck -- Divina got in the truck, she was -- started  
4 crying, and he immediately came out. Joe had came out  
5 immediately after her and walked up to my truck, so I rolled my  
6 window back up because I didn't want him to see her crying, and I  
7 just had my window down maybe about that much.

8 And he says, What's going on?

9 And I says, She's going to -- the girls are going to go  
10 swimming. We're going to barbecue. And she -- they're going to go  
11 swimming.

12 Q Okay. Let me stop you right there.

13 A Okay.

14 Q So you rolled up the window, and you said this much.  
15 You left it open maybe four or five inches?

16 A Yeah. Just so he -- I didn't want her to be seen.

17 Q Okay. So he came up to your driver's side window?

18 A Yes.

19 Q And where was Divina in the truck?

20 A Directly behind me.

21 Q Okay. When he was speaking with you, was he looking at  
22 you or somewhere else?

23 A He was trying to look through my window, like, at Divina.  
24 But my back -- because my back windows -- in the back of my truck  
25 was all dark tinted.

1 Q Okay. So was he looking through your window at Divina?

2 A Trying to.

3 Q Okay. Do you recall him saying anything else to you?

4 A I just told him that we -- the girls were going to go  
5 swimming. We were going to barbecue. And then he asked me,  
6 Well, where do you live?

7 And I said, Well, it's okay. I said, Josie already knows  
8 where I live, and she's been to my house many a times and picked  
9 up Divina.

10 And he says, Well, what's your phone number?

11 And I said, Well, she has that too. I was just trying to cut it  
12 short and, you know, leave.

13 Q Had you ever had any conversation with Joe or the  
14 defendant before you --

15 A No.

16 Q Do you then leave after your conversation with the  
17 defendant?

18 A Yes.

19 Q How -- what is Divina's demeanor after you leave the  
20 residence or the area?

21 A She went hysterical then. And, in fact, I went to stop again  
22 on their street. And she told me, No, no, no. Drive, drive, drive. No,  
23 no. Drive.

24 And I'm, like, It's okay, Divina. You're in my truck now.  
25 You're safe.



1                   And she's, like, No. Just keep driving. Keep driving. He's  
2 going to see. And so I did. I proceeded to drive down the street. I  
3 made a right-hand turn. And then I pulled over where I was out of  
4 view of the street. And then I stopped and talked to her, and she was  
5 just hysterical.

6           Q    Did you try and comfort her?

7           A    Oh, yeah.

8           Q    Eventually, did you make it to your home?

9           A    Yes.

10          Q    All right.

11          A    We only talked for maybe 10 minutes.

12          Q    Okay. When you made it to your home, did you have a  
13 conversation with Divina about what had taken place?

14          A    Well, we actually talked all the way over in my truck.

15          Q    Okay.

16          A    And so by the time we got home they -- the girls went into  
17 Devyn's room.

18          Q    Did you or Divina, after you got to your house, attempt to  
19 contact Josie Jones?

20          A    Oh, yes.

21          Q    Did you --

22          A    Well, I told her she needed to call her mother. Or did she  
23 want me to do it?

24          Q    Uh-huh.

25          A    Because she was petrified to tell her mother.

1 Q Okay. Did she say why she was petrified?

2 A Yeah. She told me numerous times that if -- Joe always  
3 threatened that if --

4 Q Hold on. So Joe threatened her?

5 A Threatened her mother and her that if he ever went back  
6 to jail for any reason --

7 Q So --

8 THE DEFENDANT: Objection, Your Honor.

9 THE COURT: Well, I'll strike that statement.

10 THE WITNESS: I'm sorry.

11 THE COURT: I want the jury to disregard that.

12 BY MR. ROGAN:

13 Q So when Joe threatened her before --

14 A Right.

15 Q -- that was why she was scared?

16 A Yes.

17 Q Okay. So then at some point did Josie make -- did you  
18 make contact with Josie?

19 A Actually, yes. I --

20 Q Did she come --

21 A -- called --

22 Q -- to the house?

23 A -- Josie first, and then I told her what was going on. And  
24 then Josie started screaming at me on the phone, Let me talk to my  
25 daughter. Let me talk to my daughter. And so I handed Divina the

1 phone.

2 Q Okay. And did Josie come to the house later?

3 A Yes.

4 Q Okay.

5 A Immediately.

6 Q And what was Josie's demeanor at that time?

7 A I think disbelief at first. You know, like any parent would  
8 be, you know, that you're not sure what's going on. And then when  
9 it sunk in, and she saw Divina, they both just went hysterical, and --  
10 and very scared and saying, Well, we've got to get out of here.  
11 We've got to get out.

12 Q All right. Did you encourage Josie to call the police?

13 A Oh, yes.

14 Q Was she reluctant to do so?

15 A Yes.

16 Q And was she reluctant also because she expressed to you  
17 threats that the defendant had made in the past?

18 A Yes.

19 THE DEFENDANT: Objection, Your Honor. Hearsay.

20 THE COURT: As to things Josie said --

21 THE DEFENDANT: No. He --

22 THE COURT: -- or things Divina said?

23 THE DEFENDANT: As to things Josie said.

24 THE COURT: As to things Josie said.

25 And are the -- well, what you're referring to are things that

1 she told you that day when she was at your house? Or are you  
2 talking about conversations from the past?

3 THE WITNESS: No. That day.

4 THE COURT: Okay. I'll overrule the objection.

5 MR. ROGAN: Thank you.

6 BY MR. ROGAN:

7 Q But, eventually, the police were called?

8 A Oh, yes.

9 Q And did they come to your residence?

10 A Yes.

11 Q Okay. Did -- later on, did Devyn go to -- with Josie and  
12 with Divina back to their residence?

13 A Yes.

14 MR. ROGAN: No further questions.

15 THE COURT: All right. Mr. Woods?

16 **CROSS-EXAMINATION**

17 BY THE DEFENDANT:

18 Q Have you ever picked up Divina before while I was -- while  
19 she was just with me alone?

20 A I could -- I wouldn't know that because she always came  
21 outside to the vehicle.

22 Q Okay.

23 A So I don't know who was in the house or who wasn't.

24 Q Okay. When you -- before you took off, do you remember  
25 meeting me? I introduced myself to you and you introduced

1 yourself to me, and we actually shook hands before you took off?

2 A I didn't -- I don't remember shaking hands with you, no.

3 Q Okay. Did you ever hear me threaten Divina or Josie ever  
4 in your presence?

5 A I never spoke to you, really, before.

6 Q Okay. Have you met me ever before since then?

7 A Not, like, cordially. I would pick up -- when Divina lived on  
8 -- off of Stewart, and I picked her up at that house, you had been  
9 outside before. And I would just say hi or wave.

10 Q Okay. And that was --

11 A I don't even know if I ever even actually said hi to you. I  
12 just would kind of wave. That's it.

13 Q Okay. And I'd wave back, and that was it?

14 A I would imagine.

15 Q Do you recall why Josie said for a while there that they  
16 couldn't see each other anymore?

17 A I don't understand your question.

18 Q They had gotten into some kind of altercation or  
19 whatever -- Divina and Devyn?

20 A I don't understand the question. I'm sorry.

21 Q Divina and Devyn, they used to be really good friends.  
22 And for a while there they kind of broke it off because of an  
23 altercation that happened where Josie said she --

24 MR. ROGAN: Objection. Defendant's testifying.

25 THE COURT: As to, Mr. Rogan?

1 MR. ROGAN: As to the defendant getting into -- making a  
2 statement about what he believes had taken place.

3 THE COURT: All right. So you just need to ask questions.  
4 You can't, you know, make a statement about what you believe the  
5 circumstance was.

6 THE DEFENDANT: Well, Devyn just testified that they had  
7 a --

8 THE COURT: Okay. But you're just asking this witness  
9 questions.

10 THE DEFENDANT: Okay.

11 BY THE DEFENDANT:

12 Q Well, do you remember anything like that?

13 A I don't get into -- you know, they were in high school. And  
14 they were always having bickering, or they were -- they were on the  
15 cheer team, so there was always stuff going on. I never got into that.

16 Q Okay. Do -- did Devyn ever -- after she spent the night  
17 with us, did she ever call you or tell you that I did anything to make  
18 her uncomfortable?

19 A Never.

20 Q Okay. That's all. Thank you.

21 A Uh-huh.

22 THE COURT: Mr. Rogan?

23 MR. ROGAN: Nothing further, Your Honor.

24 THE COURT: All right. Anything from our jurors?

25 Ms. Del Prado, thank you very much for your time. I

1 appreciate it.

2 THE WITNESS: Thank you.

3 THE COURT: You are excused.

4 The State may call their next witness.

5 MS. FLECK: Thank you. The State calls Officer Swartz.

6 TRAVIS SWARTZ

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

9 THE CLERK: Thank you. Please be seated. Please state  
10 and spell your name for the record.

11 THE WITNESS: It is Travis Swartz. T-R-A-V-I-S,  
12 S-W-A-R-T-Z.

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

14 MS. FLECK: Thank you, sir.

15 THE COURT: Ms. Fleck.

16 MS. FLECK: Thank you.

17 **DIRECT EXAMINATION**

18 BY MS. FLECK:

19 Q Good afternoon.

20 A Good afternoon.

21 Q Or, I guess, still good morning. Officer, how are you  
22 employed?

23 A I'm a police officer with Las Vegas Metropolitan Police  
24 Department. And I've been employed so for a little over 11 years.

25 Q Okay. Are you a patrol officer?

1 A Yes.

2 Q And directing your attention back to August 5th into the  
3 morning of August 6th of 2015, were you also a patrol officer at that  
4 time?

5 A Yes.

6 Q Okay. The evening of August 5th, were you working?

7 A Yes.

8 Q And what was your shift that night?

9 A That was a swing shift. Bike patrol officer for Downtown  
10 Area Command.

11 Q What time does swing shift start?

12 A That would be -- bike squad is a little different. If I  
13 remember right, it's 1800 to 0400.

14 Q Okay. And you said it was Downtown Area Command?

15 A Yes.

16 Q Were you working alone, or were you with a partner?

17 A I was with a partner.

18 Q And who was that?

19 A Officer Haynes.

20 Q Now, when you guys worked as bike patrol, tell me about  
21 your uniforms.

22 A Bright yellow shirt. It says police on the back. Our Metro  
23 badge is a sewn-on patch in the front. Our Las Vegas Metropolitan  
24 badges are on the -- each sleeve.

25 Q Okay.



1 A And then either black cargo pants or black shorts.

2 Q So that yellow shirt is kind of a bright fluorescent shirt?

3 A Yes.

4 Q Such that if you're on your bikes and it's dark out,  
5 somebody will see you?

6 A Yes.

7 Q Okay. Directing your attention then to just after midnight  
8 on the evening of the 5th -- so I guess the very early morning hours  
9 of the 6th -- where exactly downtown were you?

10 A I was conducting a car stop on Sixth Street, just south of  
11 Ogden.

12 Q At the El -- near the El Cortez?

13 A Yes.

14 Q And were you in your car? Or were you out talking to  
15 somebody else in the vehicle?

16 A I was in the passenger seat, operating my computer.

17 Q So you and Officer Haynes had a car that night, but you  
18 also had your bikes around?

19 A Yes.

20 Q You said you were in your passenger -- in the passenger  
21 seat. So the car was at a stop, and you were just, like, in the  
22 passenger seat doing work?

23 A Yes. With the traffic stop.

24 Q And how about Officer Haynes? Where was he?

25 A He was outside the vehicle.

1 Q At some point did Officer Haynes alert you or ask you to  
2 do something?

3 A Yes.

4 Q And when you looked over, was Officer Haynes by himself  
5 or was he with an individual?

6 A I believe he was with an individual.

7 Q Do you remember what the person looked like or anything  
8 like that?

9 A Just dark clothing, African American male. That's about it.

10 Q Okay. All right. So did you see Officer Haynes speaking  
11 with this gentleman?

12 A Yes.

13 Q And then did Officer Haynes come over to you?

14 A Yes, he did.

15 Q And what did he ask you to do?

16 A He stated that he had warrants and wanted to turn himself  
17 in, wanted me to check.

18 Q Okay. So Officer Haynes asked you to make a -- to do a  
19 run through your system?

20 A A records check, yes.

21 Q A records check. Okay. And did he tell you the name that  
22 he wanted you to run?

23 A He showed me the name and date of birth, and I  
24 conducted a standard records check.

25 Q Okay. And what was the name?

1           A    It was Woods.

2           Q    Okay. And after you did your run, there was nothing in  
3 the system that alerted you that Mr. Woods was wanted for  
4 anything; correct?

5           A    That's correct.

6           Q    Okay. Did he then get more information as to an incident  
7 that the gentleman had said that he was involved in?

8           A    Yes.

9           Q    Based upon that, did you do another search?

10          A    Yes.

11          Q    And what was that for?

12          A    That was an event recall for the area that he mentioned.

13          Q    Okay. And what was that?

14          A    That was -- they were working an active crime scene at  
15 Trop and Decatur.

16          Q    Okay. What was -- what kind of crime scene?

17          A    It was a homicide.

18          Q    Now, when Officer Haynes asked you to run that location,  
19 did you already know that there was something going on there?

20          A    I already knew.

21          Q    How did you know?

22          A    Periodically, through the night, I would conduct an area  
23 check throughout the Valley just to see how busy it is, just being  
24 aware of my surroundings.

25          Q    Okay. So when Mr. Woods had approached

1 Officer Haynes about being involved in an incident at that location,  
2 you knew the nature of the incident?

3 A Yes.

4 Q Based upon that, what did you do with the defendant?

5 A We detained him and --

6 Q What -- I guess, I say the defendant. The person who had  
7 approached you.

8 A We detained him.

9 Q Do you see him in the courtroom today?

10 A Yes.

11 Q Can you please point to him and describe something he's  
12 wearing for the record?

13 A White shirt.

14 Q Okay. Jacket or no jacket?

15 A No jacket.

16 Q Okay. So you detained him by putting him in what?

17 A In handcuffs.

18 Q Was he under arrest at that point in time?

19 A No.

20 Q Why did you detain him, if he was not under arrest?

21 A Due to the nature of the incident -- how violent it was -- for  
22 safety all around, he was placed in handcuffs.

23 Q Now, you said that there was nothing -- no warrant types  
24 -- want for him, I should say, for this particular incident; correct?

25 A That's correct.

1 Q Or any other?

2 A That's correct.

3 Q Okay. So you had no indication, based upon what you  
4 were searching, that this particular individual had anything to do  
5 with this event?

6 A That's correct.

7 Q Based upon what he had told you, though, did you make  
8 contact with the officers and detectives out at the active crime scene,  
9 out at Tropicana and Decatur?

10 A Yes, I did.

11 Q And did someone or multiple people come down to the  
12 El Cortez?

13 A They responded, yes.

14 Q And was that detectives from that scene?

15 A Yes.

16 Q Okay. Do you remember who?

17 A No, I do not.

18 Q At some point, then, do you and/or Officer Haynes  
19 transport the defendant to Metro headquarters?

20 A We both did. We were driving the same vehicle.

21 MS. FLECK: Okay. Court's indulgence.

22 I'll pass the witness, Your Honor.

23 THE COURT: Mr. Woods.

24 **CROSS-EXAMINATION**

25 **BY THE DEFENDANT:**

1 Q Okay. Officer Swartz, were there any other -- any other  
2 type of -- other type of law enforcement officers there, or was it just  
3 you and your partner?

4 A I'm confused with the question.

5 THE COURT: At which point in time? Just be clear on that  
6 point in time you're talking about.

7 BY THE DEFENDANT:

8 Q Oh, when -- at the exact time that Woods made contact  
9 with your partner, Haynes, were there any other law enforcement of  
10 any kind?

11 A In the --

12 Q -- in the close --

13 A -- immediate area?

14 Q In the immediate area or close proximity?

15 A Just my partner and me.

16 Q Okay. You said Haynes said Woods asked for a warrant  
17 search?

18 A That's correct.

19 Q Okay. And when he said he asked for a warrant search, he  
20 came over to you with what type of information from Woods?

21 A The documentation he wrote down on his notepad.

22 Q Oh, so he didn't have his ID or anything like that? He had  
23 a notepad?

24 A He also had his ID, but he writes it on his notepad.

25 Q Okay. So if I wouldn't have mention ID, you probably

1 wouldn't have said he had his ID also; is that correct?

2 A No.

3 Q Okay. All right. Did you see -- when they first came in  
4 contact, what were you actually doing?

5 A I was still dealing with my traffic stop.

6 Q Okay?

7 A And part of that is I conduct a records check for the  
8 registration, the driver, and to validate insurance.

9 Q So you had a car pulled over at the time?

10 A That is correct.

11 Q Okay. Did you see the initial contact between your partner  
12 and Mr. Woods?

13 A No. I was in my car.

14 Q Okay. So you don't know if Woods came up to your  
15 partner or your partner stopped Woods and said, Hey, you know, I  
16 need to search you for warrants or --

17 A No. My partner communicated with me.

18 Q No. I'm saying to you that do you know how they came in  
19 contact? Did Woods come up to Haynes? Or did Haynes stop  
20 Woods?

21 A Well --

22 THE COURT: You're asking him if he saw it? Or --

23 THE DEFENDANT: Yes.

24 THE COURT: -- if Mr. Haynes -- Officer Haynes said  
25 anything?

1 THE DEFENDANT: Did he see it? Did he --

2 THE COURT: Right. He already --

3 THE DEFENDANT: -- actually see it?

4 THE COURT: -- said a moment ago that he didn't see that.

5 THE DEFENDANT: Oh, okay. I was just making sure on  
6 that.

7 BY THE DEFENDANT:

8 Q And you said you already knew there was an incident  
9 already from the -- over the radio; correct?

10 A The computer.

11 Q The computer? Oh, oh. That computer that sits up in the  
12 car? Okay.

13 Did -- did Officer Haynes also note -- from the computer --  
14 you guys ride in the same car. So Officer Haynes also knew that  
15 there was an incident on Tropicana and Decatur?

16 A That I do not know. I didn't tell him.

17 Q Okay.

18 A Throughout the shift.

19 Q But he could have been in the car and saw that  
20 information himself on the computer. Don't you guys share the  
21 computer, or is the computer just yours?

22 A It depends who's operating the vehicle and who's  
23 passenger.

24 Q So can the passenger see the computer?

25 A The passenger operates the computer.



1 Q Oh, so sometime you drive and sometime he drive?

2 A That is correct.

3 Q So if the -- what I'm saying, you were on a traffic stop;  
4 correct?

5 A Yes.

6 Q So at any time Officer Haynes could have sat in the car  
7 and checked the computer for what was going on in the area or what  
8 was going --

9 A Any officer can, yes.

10 Q No. But it was only you two there. That's what I'm  
11 saying. So at any time that you guys was on the stop, he could have  
12 sat in the car and looked on the computer and said something  
13 happened on Tropicana and --

14 A If he's contact officer and I'm doing an investigation, he  
15 would not. If he's doing the investigation and I'm contact officer,  
16 then he would have.

17 Q So but you were doing the investigation at that time?

18 A That's what you called it, yes.

19 Q Okay. So he did -- he could have been in the car checking  
20 the computer since you were out doing the investigation?

21 THE COURT: Was Officer Haynes ever in the car on the  
22 computer while you were there?

23 THE WITNESS: No.

24 THE COURT: Okay.

25 BY THE DEFENDANT:

1 Q So he never saw the computer at any time of that traffic  
2 stop or that -- yeah -- that traffic stop that night?

3 A Yes.

4 Q He did?

5 A Did not.

6 Q So he -- during that traffic stop, you guys pulled up  
7 together on that traffic stop?

8 A Yes. I've established we ride together.

9 Q Okay. What I'm saying is, when you pulled up on that  
10 traffic stop, you're doing the investigation -- so you got out and did  
11 the investigation while he stayed in the car, or did you both get out  
12 together?

13 When you pulled up to the scene -- you were -- I don't  
14 know if you pulled up -- pulled over someone, but you had a car in  
15 front of you that you were investigating; correct?

16 A Yes.

17 Q Okay. Now, since you said you were the investigating  
18 officer, you guys both were in the car when you pulled up; correct?

19 A Yes.

20 Q Now, you got out of the car, so that means he stayed in  
21 the car; right?

22 A No. There's a traffic stop. Both officers come out of the  
23 vehicle, approach the driver. One stays out of the vehicle to  
24 maintain safety as far as watching the driver, watching his  
25 surroundings for our safety, while I conduct the investigation safely

1 in the vehicle.

2 Q Okay. When you put -- when you put handcuffs on an  
3 individual and put them in back of the squad car and transportate  
4 [*sic*] them anywhere, is that an arrest?

5 A You got to be more specific.

6 Q If someone doesn't get in the car just free willingly, if you  
7 detain them, you put handcuffs on someone -- any individual, any  
8 civilian -- you put them in back of your vehicle and transport them  
9 anywhere; is that an arrest?

10 A That's still a lawful detention.

11 Q That's -- what is -- what would have to be the probable  
12 cause for you to put somebody in a -- in the car? Well, to put  
13 handcuffs on them in the first place, they would have to have  
14 committed a crime; right?

15 A Reasonable articulable suspicion is also there.

16 Q Reasonable articular suspicion just have you detain them?  
17 Or that's enough to put them in the car and transport them?

18 A Nevada says I have 16 minutes to detain you for a lawful  
19 investigation. And per this incident, detectives had to do their  
20 investigation as well. And that individual was transported to  
21 headquarters for interview.

22 Q How long were -- was the suspect detained throughout the  
23 whole process? From the time the initial contact -- from the time, I  
24 guess, handcuffs would be the lawful detainment or just stopping a  
25 civilian is a lawful detainment? Where does that start? Where does

1 the lawful detainment actually begin? At the stop or once the  
2 handcuffs come on?

3 A At the stop.

4 Q Okay. Now, how long was that -- from the time of the stop  
5 -- from the time that you known them to be talking or stopped or  
6 made contact until he was finally transported -- because you said  
7 other officers eventually came -- how long would you say that was  
8 about, that whole scenario?

9 A That I cannot recall.

10 Q Okay. But you were -- were you the driver when you were  
11 transporting Woods, and Haynes was a passenger? Or was Haynes  
12 the passenger and you were -- because you both rode together.

13 A I believe I was the driver.

14 Q Oh, okay. That's fair enough. But you never saw the  
15 initial interaction between Haynes and Woods?

16 A Not the initial.

17 Q Okay. Thank you.

18 THE DEFENDANT: I have no questions further.

19 THE COURT: Mr. Rogan or Ms. Fleck? I'm sorry.

20 MS. FLECK: Nothing further. Thank you.

21 THE COURT: Anything from our jurors? No?

22 Officer Swartz, thank you very much for your time. I  
23 appreciate it.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: You are excused.

1 THE WITNESS: Have a good day.

2 THE COURT: You too.

3 Do you guys have any other witnesses for the morning?

4 MS. FLECK: No.

5 THE COURT: No? All right.

6 So, ladies and gentlemen, we're going to go ahead and  
7 take a lunch recess. During the recess, you are admonished not to  
8 talk or converse among yourselves or with anyone else on any  
9 subject connected with the trial, or read, watch, or listen to any  
10 report of or commentary on the trial, by any medium of information,  
11 including, without limitation, newspapers, television, the Internet,  
12 and radio, or form or express any opinion on any subject connected  
13 to the case until it's finally submitted to you.

14 We'll start back at 1:45. All right. Thank you very much.

15 MS. FLECK: And Your Honor?

16 MR. ROGAN: Your Honor, the next witness will be  
17 available at 2:00.

18 THE COURT: At 2:00?

19 MS. FLECK: Our next witness is here for 2:00.

20 THE COURT: Okay. So if you stroll in around 1:45ish,  
21 2:00. We'll get started at 2 o'clock. Thank you.

22 [Outside the presence of the jury.]

23 THE COURT: You guys have anything else outside the  
24 presence?

25 MS. FLECK: No, Your Honor.

1 THE COURT: All right. And so you've got how many?

2 MS. FLECK: Just two witnesses left. We've got

3 Detective Darr, and then we have Detective Embrey.

4 THE COURT: Okay. So you guys can be seated.

5 So, Mr. Woods, obviously the State is going to rest their  
6 case after those couple of witnesses. At which point we would move  
7 to the defense case and any witnesses you want to call. So one of  
8 the things I need to go through with you is rights regarding your  
9 right to testify. Okay?

10 Under the Constitution of the United States and under the  
11 Constitution of the State of Nevada, nobody can compel you to  
12 testify in a case. You understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: That means the State cannot call you as a  
15 witness; nobody from the defense side can force you to be a witness.  
16 Whether you want to testify is a decision that you make based upon  
17 your best opinion of your situation, since you're acting as counsel,  
18 and the advice and counsel that you get from your standby  
19 attorneys. Okay?

20 THE DEFENDANT: Okay.

21 THE COURT: If you want to, you can give up that right to  
22 remain silent and take the witness stand and testify.

23 If you do so, you could have questions prepared that  
24 Mr. Hauser could pose to you as a witness, but you're also subject to  
25 cross-examination by the State's attorneys as well. You understand

1 that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. If you decide you do not want to  
4 testify, then we'll give the jury, if you want me to, a jury instruction  
5 that tells the jury that that is something that they cannot consider at  
6 all.

7 And I believe it's in the packet that I provided to  
8 everybody.

9 The jury instructions states, quote, It is a constitutional  
10 right of the defendant in a criminal trial that he may not be  
11 compelled to testify. Thus, the decision as to whether he should  
12 testify is left to the defendant on the advice and counsel of his  
13 attorney. You must not draw any inference of guilt from the fact that  
14 he does not testify nor should this fact be discussed by you or enter  
15 into your deliberations in any way. Okay?

16 THE DEFENDANT: Okay.

17 THE COURT: Yes? Okay. Additionally, if you decide that  
18 you do want to testify, you have to understand that if you have any  
19 felony convictions, and more than 10 years has not elapsed since the  
20 date of the conviction or the date from your release from  
21 incarceration or the date from your release from any parole or  
22 probation, then if they fall within that time period, it would be  
23 appropriate for the attorneys to ask you questions about whether  
24 you've been convicted of a felony or felonies; what was the date of  
25 the felony or felonies; and what was the felony or felonies? They

1 cannot go into the details of those prior felony convictions unless  
2 that information gets opened up in some fashion.

3 Do you understand that as well?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. All right. So we will be in recess then.  
6 I'll see everybody back at --

7 THE DEFENDANT: And you said I could ask for a witness?

8 THE COURT: Yeah. I mean, if you have -- once they rest  
9 their case in chief, then I'll start the defense case in chief.

10 THE DEFENDANT: Oh, okay.

11 THE COURT: So --

12 THE DEFENDANT: I see what you're saying.

13 THE COURT: -- that's your opportunity to call whatever  
14 witnesses that you have available that you want to call. Okay?

15 THE DEFENDANT: What if it's a -- I thought -- well, I was  
16 under the impression that a couple more officers would come in.

17 THE COURT: They -- look -- I -- they run their case; you run  
18 your case. So if you've got people that you want to call as witnesses  
19 --

20 THE DEFENDANT: Okay.

21 THE COURT: -- that's your obligation to produce your  
22 witnesses. They have the obligation to produce their witnesses.

23 THE DEFENDANT: All right.

24 THE COURT: So is it another officer that you thought you  
25 were going to get to exam that the State was going to call?



1 THE DEFENDANT: Yeah. But I'm wondering if I could call  
2 him myself.

3 THE COURT: Okay. Do you have -- have you subpoenaed  
4 them?

5 THE DEFENDANT: I'm -- I've got to go over there because  
6 I'm not sure if he was one. But he should have been because I  
7 definitely have him lined up here.

8 THE COURT: Okay.

9 MS. FLECK: Who is it?

10 THE COURT: Which --

11 MS. FLECK: Maybe he's one of ours.

12 THE COURT: Which officer --

13 THE DEFENDANT: Detective Shane.

14 THE COURT: -- is it?

15 MS. FLECK: Oh, Detective Shane. No, we're not bringing  
16 him.

17 THE COURT: That's the detective in regard to -- that was  
18 assigned the July 17th event?

19 MS. FLECK: He just did Divina's statement.

20 THE COURT: Okay.

21 MS. FLECK: That was the only thing really that he did on  
22 it.

23 THE COURT: Okay.

24 THE DEFENDANT: No. He also is the one who got the --  
25 he's the one who actually -- how do you say -- applied for the

1 warrant -- the warrant search --

2 THE COURT: Okay.

3 THE DEFENDANT: -- and the warrant done.

4 THE COURT: For the -- the --

5 THE DEFENDANT: For the --

6 THE COURT: -- search warrant --

7 THE DEFENDANT: -- cellphone.

8 THE COURT: -- for the residence?

9 THE DEFENDANT: For the cellphone.

10 THE COURT: Okay. Okay. So you wanted to ask him  
11 questions about that?

12 THE DEFENDANT: Yes.

13 THE COURT: Well, look, yeah. You need to give me an  
14 offer of proof because I've given you a lot of leeway to ask officers a  
15 lot of questions. It's getting into the legality of search warrants, even  
16 though I've already litigated that. And that's not an appropriate  
17 thing for trial to try and argue with the witnesses about whether they  
18 had the legal ability to search things.

19 That's -- we're not talking about questioning whether a  
20 statement was voluntary or not. I mean, issues of whether they --  
21 there was as search warrant, whether a search was proper, whether  
22 the seizure of evidence was proper -- those are things that get  
23 litigated before the trial by motions. And I know you filed several  
24 motions to suppress. So I've already ruled upon those things.

25 So the officers aren't in a position to know any of what

1 we've done in our motion practice. So you just asking them, Hey,  
2 did you have authority to do this, or whatever -- I mean, their answer  
3 is I have a search warrant. So you can't argue with them about  
4 whether that was an appropriate search warrant because it's not for  
5 them to decide that.

6 So if there is something other than your belief that those  
7 warrants were improper that you want to offer that witness for, I'll  
8 ask the State to contact him. But if it's just I want to, you know, kind  
9 of do the same thing I've done with some of these other officers,  
10 then I don't know about the propriety of that.

11 So is there something else you wanted to discuss with the  
12 detective?

13 THE DEFENDANT: Well, would -- should I pass you the  
14 questions and you can say, Well, if it's not --

15 THE COURT: Well, no. I'm just telling you it's not -- the  
16 trial isn't to relitigate discovery issues or a motion practice in the  
17 case. So you may not like that there was a search warrant, or you  
18 may not like that the Court said the search warrant was appropriate  
19 and so we can move forward. But you don't then go to the trial and  
20 say now I want to start questioning the officers about whether they  
21 had the legal ability to search that. I've already decided they had the  
22 legal ability.

23 THE DEFENDANT: No. It wasn't nothing about if the  
24 search warrant was legal or not.

25 THE COURT: Well, that was the great amount of

1 questioning of Officers Blasko and Fulwiler was about when they  
2 had consent? Whether they had consent? What did they do with the  
3 phone? When were the victims there to give consent? Didn't you go  
4 in there without consent?

5 All of the issue of consent to search the car has already  
6 been decided that there was an appropriate search of the vehicle and  
7 an appropriate search of the residence and an appropriate search of  
8 the phone.

9 So if there's something else from that detective, I  
10 understand that. So -- but I just asked for, you know, some kind of  
11 offer as to what it was other than that.

12 I tell you what. I'm going to ask you all to contact the  
13 detective anyway --

14 MR. ROGAN: Okay.

15 THE COURT: -- and ask him if he can be available --

16 MS. FLECK: Okay.

17 THE COURT: -- even though it may not be that he's been  
18 subpoenaed by the defense.

19 So, Mr. Woods, I'll ask them to do that. So to the extent  
20 that you decide there's something that you want to go through with  
21 him, then you'll be allowed to call him.

22 THE DEFENDANT: Okay.

23 THE COURT: Okay?

24 THE DEFENDANT: And I'll leave the legality of the search  
25 and all.

1 THE COURT: Yeah. And I'm not saying you can't ask him  
2 questions about information and stuff. But I'm just saying -- what  
3 I'm trying to impart is that arguing about whether they had the  
4 authority to search is a legal determination for the Court.

5 The officers aren't the ones that get to make that decision.  
6 You don't make it; the State doesn't make it. That's something that  
7 the Court decides, was there a legal search or not. Okay?

8 THE DEFENDANT: You know what, Your Honor, I wasn't  
9 trying to argue the legit -- about the consent to search.

10 THE COURT: Okay.

11 THE DEFENDANT: But it was obvious that they went in  
12 the car before they got the consent to search card. I just didn't know  
13 how to get around to exactly saying that, without saying it like that,  
14 because I know that wasn't legal.

15 THE COURT: Well, I mean, on some occasions you did  
16 just do that, which was fine. Just to say, Did you go in the car before  
17 you had a consent to search? Which I think Officer Blasko said --

18 THE DEFENDANT: He kept saying, I don't know.

19 THE COURT: Well, I think he said at one point, I mean,  
20 what he was saying was, Maybe so, to flip the phone over to  
21 photograph it and flip it back to photograph it. But they didn't seize  
22 anything out of it until they had the consent to search, and it may  
23 have been that -- because he couldn't remember -- they may have  
24 already had the consent to search in his mind.

25 But about whether the phone -- a lot of that seemed to be

1 questions about whether it was proper for them to seize that phone  
2 or not, was where the questions were going. And I was saying that's  
3 an issue that the Court decides, because that's a legal issue, not  
4 really a factual issue for trial.

5 THE DEFENDANT: No. I was mainly getting at if they had  
6 -- they go in the car before they was legally allowed to.

7 THE COURT: Okay.

8 THE DEFENDANT: That's where I was really going with  
9 that.

10 THE COURT: Okay.

11 THE DEFENDANT: Okay. Thank you.

12 THE COURT: All right. So we'll be back at 2:00. The State  
13 can do their witnesses and rest.

14 And then, if that detective is available --

15 MR. ROGAN: We're trying.

16 THE COURT: And look, it's going to depend on their  
17 availability. I'll ask them to call him. But if he hasn't been  
18 subpoenaed by you, and they're not intending on calling him, then I  
19 can't necessarily guarantee that they're going to reach the guy. But  
20 I'll ask them to try.

21 And then, if there's any other witnesses that you have  
22 available to call, we'll do that.

23 And then we'll break for the day and get the jury  
24 instructions settled, because it's my intent that we'll argue the case  
25 on Monday.

1 MR. ROGAN: What time do you think, if you know, we'll  
2 be going -- starting on Monday?

3 THE COURT: 1 o'clock on Monday.

4 MR. ROGAN: Okay.

5 THE COURT: All right. I'll see you after lunch, guys.

6 MS. FLECK: Thank you.

7 [Recess taken from 12:48 p.m., until 12:49 p.m.]

8 THE COURT: All right. So just for the record, when  
9 Mr. Woods raised his objection on hearsay to what Ms. Del Prado  
10 was referring to with Ms. Jones, I generally don't go into a long  
11 record of the legal reasons for that. But because you're representing  
12 yourself, Mr. Woods, I just wanted to explain.

13 When Ms. Del Prado answered my question indicating that  
14 she was referencing statements Ms. Jones was making to her on  
15 that day, I allowed those in because the foundation that had come in  
16 was that she was excited and scared, and I felt like those -- she was  
17 upset -- that I felt, like, those fell under excited utterances as well as  
18 under what we refer to as a then existing state of mind about having  
19 some fear in her plan to leave that residence and whatnot. So I  
20 thought those were admissible.

21 Had you objected at any time to statements she was  
22 making in the past that arguably could have been hearsay. But the  
23 ones that were made in the context of that meeting on that date,  
24 when everybody was upset and crying and described as scared,  
25 *et cetera*, I thought were not objectionable.

1 MS. FLECK: Thank you.  
2 THE COURT: Okay?  
3 THE CLERK: I'm missing Defense Exhibit E.  
4 THE COURT: The one with the 4 [indiscernible]? Okay.  
5 You guys have that back?  
6 MR. HAUSER: We might have it.  
7 THE COURT: Okay.  
8 THE CLERK: And State's Exhibit 22.  
9 THE COURT: Thanks for running off with all my exhibits.  
10 MR. HAUSER: 22 --  
11 THE DEFENDANT: I think, he got 6 -- is that there?  
12 [Recess taken from 12:50 p.m., until 2:03 p.m.]  
13 THE COURT: Do you guys have anything outside the  
14 presence?  
15 MS. FLECK: Not from the State, Your Honor.  
16 THE COURT: Anything from defense?  
17 THE DEFENDANT: Oh, concerning the jury instructions.  
18 THE COURT: Okay.  
19 THE DEFENDANT: Now, to me, these are fine. Do I still  
20 have to present any? Or can I just go with this?  
21 THE COURT: Well, we'll talk about those once we get  
22 done with all the witnesses for the day.  
23 THE DEFENDANT: Okay.  
24 THE COURT: But you don't have to present anything. It's  
25 just if you -- if there's something that you want to present, then



1 that's the time to present it, while we're getting them settled --  
2 meaning, when we're discussing all of that. Okay?

3 THE DEFENDANT: Because I was saying -- because I've --  
4 what I brought -- the ones that I had access of, I left down there. And  
5 I was going to ask to bring them Monday, but I can just settle for  
6 those if we're going to get it all today. That's fine.

7 THE COURT: Okay. All right.

8 MS. FLECK: Oh, I guess there is one little thing.

9 THE COURT: Go ahead.

10 MS. FLECK: The -- it's my understanding -- I just want to  
11 make sure we're -- I'm on the same page.

12 Up until page 18 of the statement is fair game. The only  
13 question that I intend to elicit from Detective Embrey about  
14 detectives -- the defendant's statement is that he met with him and  
15 that he informed him that Josie Jones had died. That's it. So I  
16 wasn't -- I'm not getting into anything else with the statements. So I  
17 just wanted to make sure that that is okay. That is before --

18 THE COURT: I don't have the copy of that motion in front  
19 of me to remember everything about that.

20 MS. FLECK: I think if we can pull up the minutes --

21 THE COURT: Hold on. What date was it?

22 MS. FLECK: The motion to suppress? Oh, man, I do not  
23 know, Your Honor.

24 THE CLERK: October 18 is the Defendant's Motion to  
25 Suppress [indiscernible] search of the cellphone.

1 THE COURT: Yeah. I think that's a different one.

2 MS. FLECK: And I think in the minutes, from what I recall,  
3 it says, Statement to Suppress after page 18.

4 MR. ROGAN: It did.

5 MS. FLECK: And again, I wasn't even going to elicit, really,  
6 that it was in a form of a statement -- just that he did inform the  
7 defendant that she had passed.

8 THE COURT: Well, if that's all you're talking about, then  
9 that's fine.

10 MS. FLECK: Okay.

11 THE COURT: I don't know that I need to find the bulk of  
12 the statement then if you're not going into the other parts. But my  
13 recollection is that, yes, there was a portion in there that I said after a  
14 certain page. I just don't remember page 18, quote, unquote. That's  
15 what I'm trying to find in the minutes.

16 MS. FLECK: Yeah. That's when he references that he  
17 thinks he wants to speak to an attorney. Let me just let  
18 Detective Embrey know and remind him. But then just also so that  
19 Mr. Woods is aware, obviously, he can -- you know, this would be  
20 very easy to open the door too, so to be careful because he does, in  
21 our opinion, squarely confessed after or throughout that statement.

22 THE COURT: Okay.

23 MS. FLECK: But I'll remind Detective Embrey.

24 THE COURT: Okay. Do you understand what she's saying,  
25 Mr. Woods? Is that the only thing they want to ask Detective Embrey

1 about is that he had a conversation with you where he had informed  
2 you that Ms. Woods was -- had passed away -- or excuse me --  
3 Ms. Jones had passed away.

4 They're not going to try and go in to elicit anything else  
5 from that statement.

6 You can question Detective Embrey. You cannot bring out  
7 self-serving parts of the statement, if it's your statement. But you  
8 can question him about things in there.

9 But I think what Ms. Fleck is getting at is you have to be  
10 careful that you don't open the door up to parts of that statement  
11 that had been suppressed all of a sudden becoming relevant and  
12 admissible. Okay?

13 THE DEFENDANT: The only thing I think I was going to  
14 ask him about was page 12. I think it's page 12.

15 THE COURT: May 12?

16 THE DEFENDANT: Page 12.

17 THE COURT: Hold on. No, I'm not talking to you right  
18 now.

19 THE DEFENDANT: Oh.

20 THE COURT: Go ahead.

21 THE CLERK: May 12th of 2016. [Indiscernible] as far as  
22 the statements on page 18.

23 THE COURT: I don't even have minutes going back that  
24 far. That's back when it was in front of Judge Leavitt.

25 MS. FLECK: I believe this was in front of Judge Leavitt.

1 For some reason I do think that now that [indiscernible].

2 THE COURT: Well, does somebody have a copy of the  
3 statement?

4 THE DEFENDANT: Yeah. It was in front of Judge Leavitt.

5 MS. FLECK: I do.

6 THE COURT: Give me a copy of the statement so we can  
7 look at that. I don't really care much about the minutes.

8 MR. HAUSER: I think it's from before there was the  
9 murder track.

10 THE COURT: Okay. What did you say, Mr. Woods, that  
11 you wanted to chat with the gentleman about on page 12?

12 THE DEFENDANT: It's page 12.

13 THE COURT: Okay. And what about that?

14 THE DEFENDANT: I'd been correctly Mirandized, but it  
15 looks like I wasn't Mirandized at all.

16 THE COURT: Okay. But if the judge made a decision that  
17 the first 18 pages of that statement were admissible, that means she  
18 made a legal decision that there wasn't anything improper about any  
19 of the questions.

20 THE DEFENDANT: No. She said that I was insufficiently  
21 Mirandized because of that statement.

22 THE COURT: No, no, no. But what I'm saying is what --  
23 what's the purpose of bringing out that you weren't Mirandized, if  
24 nobody is bringing out trying to bring in the statement? What's the  
25 relevance of that?

1 THE DEFENDANT: I see what you're saying.

2 THE COURT: Because if she has said that the first 18  
3 pages are okay --

4 THE DEFENDANT: No. After 18.

5 THE COURT: Okay. But nobody is going into after 18.

6 So whether that Miranda was proper or not isn't relevant if  
7 nobody is seeking to admit that evidence.

8 THE DEFENDANT: Okay.

9 THE COURT: Do you see what I'm saying? If she decided  
10 that the earlier portions were admissible, therefore, them talking to  
11 the detective about did he talk to you and let you know that  
12 Ms. Jones had passed away? And that occurred in the first 18 pages,  
13 which I believe it did, then that's all they're asking about.

14 So what's the purpose of you saying I want to now ask the  
15 detective about parts of the statement that are not admissible?

16 THE DEFENDANT: No, I'm not -- he wasn't concerning the  
17 statements, *per se*, in the --

18 THE COURT: Okay.

19 THE DEFENDANT: I was just kind of wondering -- well,  
20 maybe you can answer for me. I was wondering if I wasn't  
21 Mirandized --

22 THE COURT: Okay.

23 THE DEFENDANT: -- could anything after that be used?  
24 Or it just applies to the volunteer statement.

25 THE COURT: Judge Leavitt's ruling stated that the motion

1 was granted in part, they --

2 As to the statements, pages 18 through conclusion are  
3 suppressed. It's denied as to the statements on -- the statement, as  
4 to pages 1 through 17.

5 So she said there was no Miranda violation or anything for  
6 pages 1 through 17, meaning, she made a determination -- and I  
7 wasn't there -- made a determination either that there was proper  
8 Miranda or that there was no need for Miranda for that portion of  
9 what occurred until you invoked the right to an attorney. So that all  
10 is open game.

11 So if there's a part that's open game and you want to  
12 bring up to the jury that they gave you improper Miranda, then the  
13 only part that applies to is the part that's already been suppressed.

14 So if you go into parts that are -- there was no Miranda,  
15 then that kind of opens the door to say, Well, let's explain to the jury  
16 what the part is -- it was -- why that's even relevant, which is there's  
17 another part of the statement.

18 THE DEFENDANT: Okay.

19 THE COURT: So yeah. I mean, I think that's what  
20 Ms. Fleck is saying is be careful because there's parts of this that the  
21 Court said are suppressed, but through your questions, you could  
22 potentially open the door to other things. All right?

23 THE DEFENDANT: I got it.

24 THE COURT: All right. You guys have anything else?

25 MR. ROGAN: No.

1 MS. FLECK: Nothing from the State.

2 THE COURT: All right. You can go ahead and get the jury,  
3 Dean. Thank you.

4 [In the presence of the jury.]

5 THE COURT: All right. We're back on the record.

6 Mr. Woods, Mr. Hauser, State's attorney, jurors are all  
7 present.

8 The State may call their next witness.

9 MR. ROGAN: The State calls Detective Jason Darr.

10 Your Honor, also at this time the State moves to admit  
11 Exhibits 52 through 55. I've shown them to Mr. Woods. I believe he  
12 does not object.

13 THE COURT: Is that correct?

14 THE DEFENDANT: That's correct.

15 THE COURT: Okay. Thank you. Those will be admitted.

16 **[PLAINTIFF'S EXHIBIT NOS. 52 THROUGH 55 ADMITTED.]**

17 JASON DARR

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

20 THE CLERK: Thank you. Please be seated. And please  
21 spell and state your name for the record.

22 THE WITNESS: It's Jason Darr, J-A-S-O-N, D-A-R-R.

23 THE COURT: All right. Mr. Rogan.

24 **DIRECT EXAMINATION**

25 BY MR. ROGAN:

1 Q Detective, how are you employed?

2 A I'm a detective with the Las Vegas Metropolitan Police  
3 Department.

4 Q Are you assigned to a particular unit?

5 A The Internet Crimes Against Children Task Force.

6 Q And what do you do as a detective in that task?

7 A I investigate any child sex crimes and also do digital  
8 forensics for that unit.

9 Q What are digital forensics? What's involved in that?

10 A That's any time we need to recover evidence from  
11 anything that contains data, like a computer or cellphone, GPS  
12 device, sometimes a pager.

13 Q How long have you been doing that?

14 A 17 years.

15 Q And prior to starting dealing with digital forensics, did you  
16 have any education or training in that field?

17 A Yeah. I have over 1,000 hours of computer forensic  
18 training since joining that unit 17 years ago.

19 Q And does that include extracting information from a  
20 cellphone that's been seized by officers of the Las Vegas  
21 Metropolitan Police Department?

22 A Yes.

23 Q Have you testified before the 8th Judicial District  
24 regarding information that you have obtained from a cellphone  
25 using whatever technology?



1           A    Yes. I was first deemed an expert witness in 2004 and last  
2 year in trials while -- quite a few times in between that.

3           Q    Thank you. Were you, pursuant to a search warrant,  
4 asked to examine a cellphone seized under Las Vegas Metropolitan  
5 Police Department 150717-2118?

6           A    Yes.

7           Q    And was that a black LG cellphone?

8           A    Yes.

9           Q    Impounded by an Officer Blasko?

10          A    Yes.

11          Q    When -- before you actually looked at the contents of that  
12 cellphone, did you take photographs of it?

13          A    Yes.

14          Q    Did that include taking a photograph of the interior -- the  
15 back interior of the cellphone?

16          A    Yes.

17          Q    Showing you State's Exhibit 52. What do we see here in  
18 this exhibit?

19          A    That is the back of the cellphone under the battery.

20          Q    What's the purpose of taking this photograph?

21          A    Showing the model number and serial number and any  
22 other identifying data on the phone.

23          Q    Thank you. And once you received the phone, is it in an  
24 evidence package?

25          A    Yes.

1 Q And do you have to cut the evidence tape in order to  
2 extract the phone from that package?

3 A No. I cut a different area. You don't want to break the  
4 evidence seals that people have placed on prior, so you create a new  
5 opening to the package.

6 Q Thank you. And once you've done that and obtained the  
7 cellphone itself, what's the first thing that you did?

8 A Take photos and document the evidence. And then I will  
9 hook it up to any form of our forensic software device.

10 Q What's the forensic software that you utilized to assist  
11 your investigation in this case?

12 A It's Lantern.

13 Q Is that the name of the software program?

14 A Yes.

15 Q Do you utilize what's called the Faraday box to preserve  
16 the cellphone, as well, when you're doing this?

17 A Yes. We'll place cellphones in a Faraday box and turn  
18 them on inside the Faraday box to confirm whether or not they've  
19 actually had their SIM cards removed or have been put in airplane  
20 mode. That way we aren't changing any of the data on the phone as  
21 we receive it.

22 Q So what does a Faraday box actually do?

23 A It just puts a metal screen around the device which does  
24 not allow cell signals to get into it.

25 Q And is that so there's no opportunity for any cellphone

1 signals to change the contents of that cellphone?

2 A Correct.

3 Q All right. And you only turn on that cellphone when it is in  
4 that Faraday box?

5 A Yes.

6 Q All right. And you did take -- once you turned it on, did  
7 you take pictures of the screen of the cellphone?

8 A Yes.

9 Q All right. Showing you State's Exhibit 53. Is this the  
10 photograph that you took of this -- I guess the home screen of the  
11 cellphone?

12 A Yes.

13 Q All right. And you also mentioned that the phone is also  
14 put into airplane mode --

15 A Yeah.

16 Q -- in the Faraday box; is that correct?

17 A Correct. Then --

18 Q And using this --

19 A Then I can take -- once it's in airplane mode or the SIM  
20 card is out, and we know that no signals can get to it, that's when we  
21 can remove it and actually do our exam.

22 Q Thank you. Is there any indication on this exhibit that this  
23 phone was in airplane mode?

24 A Yeah. The small airplane icon at the top of the screen.

25 Q Can you actually use the mouse to your right there to

1 circle the airplane. Thanks.

2 I'm going to actually zoom in as well so this is clearer.

3 Did you also turn the Wi-Fi off of the phone while it was in  
4 the Faraday box?

5 A When you put it in airplane mode, it shuts off all  
6 communication.

7 Q Okay. Does this exhibit demonstrate that the Wi-Fi had, in  
8 fact, been turned off or is no longer on?

9 A I'm not sure if that's the Wi-Fi or speaker signal, to be  
10 honest.

11 Q Okay. All right. But in airplane mode, the Wi-Fi would be  
12 off?

13 A Yeah. Every communication.

14 Q Okay. And can you just describe what picture you see  
15 as -- on the back, on the home screen here?

16 A A Raiders symbol.

17 Q The football team?

18 A Yes.

19 Q Pursuant to your investigation -- well, let me back up.

20 Were you told the nature of the investigation by other  
21 detectives and why this cellphone might be important?

22 A Yes. That it was -- belonged to a homicide suspect, and  
23 they wanted evidence that may pertain to the homicide.

24 Q Right. Were you told that there may be a photograph of a  
25 young girl with her breasts exposed on this?

1 A Yes.

2 Q All right. Showing you State's Exhibit 55. Did you find  
3 any evidence that on or about July 17, in the morning hours, that a  
4 multimedia message has been sent and -- to this cellphone?

5 A Yes.

6 Q And using State's Exhibit 55, can you tell us what  
7 evidence you found?

8 A While going through the messages, I found one that  
9 shows it was received, but it had never been opened.

10 Q Okay. What had been received?

11 A That a multimedia message was received.

12 Q What's a multimedia message?

13 A That's usually a text message with an image or video  
14 attached to it.

15 Q Okay. And what was the date that you conducted your  
16 examination of this cellphone?

17 A I do not recall that date.

18 Q Let me ask it in a different way. Was it after July 20th?

19 A Yes.

20 Q Okay. Was it in August of 2015, actually?

21 A Possibly.

22 Q Okay. But it was sometime after the expiration date that's  
23 listed in this exhibit?

24 A Yes.

25 Q All right. So were you able to actually press that button

1 and download whatever image had been sent?

2 A No.

3 Q Okay. And does this multimedia message that was sent,  
4 does it indicate who it was from?

5 A Yeah.

6 Q Okay.

7 A By name and phone number.

8 Q Could you, for the record, tell us the name and phone  
9 number?

10 A Divina, (702) 351-7901.

11 Q Thank you. Showing you State's Exhibit 54, did you also  
12 take a photograph of, I guess, the messaging list inside that phone  
13 as well?

14 A Yes.

15 Q And was that the last message that was -- or should I say  
16 did you find that that message was listed on this message list inside  
17 the phone?

18 A Yes.

19 Q Okay. And the date that that message was sent was again  
20 what?

21 A July 17th.

22 Q When you conducted your examination of the phone  
23 using that Lantern software, were you able to extract information  
24 about contacts that were listed in that phone?

25 A Yes.

1 Q And amongst the contacts was there a contact for a  
2 woman named Jennifer?

3 A Yes.

4 Q And a phone number of (702) 848-8081?

5 A I don't recall if that was the exact number.

6 Q Okay.

7 MR. ROGAN: Court's indulgence. I'll come back to that.  
8 I'm sorry, I misspoke.

9 BY MR. ROGAN:

10 Q Would looking at the -- part of page 6 of your report  
11 refresh your memory as to the telephone number for Jennifer?

12 A Yes.

13 Q In your report, does it list the telephone number for  
14 Jennifer?

15 A Yes.

16 Q And what was the telephone number for Jennifer?

17 A (619) 779-2463.

18 Q I'm sorry. I misspoke.

19 When, after you extracted data from this cellphone, did  
20 you -- were you able to extract any images from the phone?

21 A Yes.

22 Q And did you find any images that you marked for further  
23 review by detectives?

24 A Yes.

25 Q Showing you State's Exhibit 59, did you find this image on

1 the cellphone?

2 A Yes.

3 Q And is there an associated date and time that was -- that  
4 accompanied the discovery of this image?

5 A Yes.

6 Q And what is that -- where does that date and time come  
7 from? What does it tell us?

8 A It comes from the operating system on the phone. And in  
9 this case, it's not an original image. It is a thumbnail image that was  
10 created by the phone. So that date and time would tell me when  
11 that image was viewed on the cellphone.

12 Q Okay. Do you recall the date and time of this image?

13 THE DEFENDANT: Objection, Your Honor. Aren't we  
14 supposed to go by the evidence that was presented?

15 THE COURT: Well, that -- they're presenting evidence.  
16 What do you mean?

17 THE DEFENDANT: No, I mean, the pictures. All we have is  
18 the pictures. It doesn't say date and time and all of that.

19 THE COURT: Well, that's what he's describing as part of  
20 his investigation.

21 THE DEFENDANT: Okay.

22 THE COURT: So I'll overrule the objection. You can go  
23 ahead.

24 THE WITNESS: There was a date and time associated with  
25 it in my report.



1 BY MR. ROGAN:

2 Q Okay. And would --

3 A And I believe all three images had different dates and  
4 times, so I don't recall which one was assigned to which.

5 Q Okay.

6 A I would have to review my report.

7 Q But it's in your report?

8 A Yes.

9 Q Okay. Thank you. Can I borrow your pen?

10 THE COURT: Do you have an extra copy of the report?  
11 Did you bring a copy of the report?

12 THE WITNESS: I did not, Your Honor.

13 BY MR. ROGAN:

14 Q Actually, I'm going to ask you to bring up these four  
15 pages.

16 A Four.

17 Q And just hang onto them up there. We'll go through each  
18 one. All right?

19 A Okay.

20 Q So this particular image depicted in State's Exhibit 59,  
21 looking at your report, is there a date and time that this image was  
22 viewed on that cellphone?

23 A Yes. It's March 9, 2015, at 2059 hours, Pacific Daylight  
24 Time, which would be 8:59 p.m.

25 Q Thank you. Showing you State's Exhibit 57, was this also

1 a photograph extracted from that cellphone?

2 A Yes.

3 Q And if looking at your report helps you remember or you  
4 documented it in your report, was there a date and time when this  
5 image was viewed on that cellphone?

6 A Yes. March 10th, 2015, at 2100 hours Pacific Daylight  
7 Time, which is 9 p.m.

8 Q Thank you. Showing you State's Exhibit 58, was this also  
9 an image that was extracted from that cellphone?

10 A Yes. The date in the report says March 23rd, 2015, at  
11 1857 hours Pacific Daylight Time, which is 6:57 p.m.

12 Q Thank you. And finally State's Exhibit 56, is this also an  
13 image extracted from that cellphone?

14 A Yes.

15 Q And what was the date and time associated with the  
16 viewing of that image?

17 A April 21st, 2015, at 2114 hours Pacific Daylight Time,  
18 which is 9:14 p.m.

19 Q Thank you. And let's go back to Image 59. If you could  
20 just describe for the record what we see in that image?

21 A It appears to be a girl standing in the bathroom without a  
22 shirt on and looking at herself in the mirror.

23 Q Thank you. Let's skip to Exhibit 58. Could you describe  
24 what we see in that image?

25 A A girl standing in the bathroom with her pants -- I can't tell

1 if it's off or down because it's dark at the bottom of the image, but  
2 her back is to the camera.

3 Q All right. Does it -- does it appear to you that her buttocks  
4 are exposed?

5 A Yes.

6 Q Does it appear also to be the same bathroom as in the  
7 prior exhibit?

8 A Yes.

9 Q And then finally in Exhibit 56, can you describe for us  
10 what you see there?

11 A A girl standing with her back to the camera.

12 Q And can we tell in this exhibit what the girl is doing?

13 A I can't. It looks like she might be adjusting her shirt or bra  
14 or something. I can't tell.

15 Q Thank you. Sir, pursuant to your investigation of that  
16 cellphone, do you ever find other -- any evidence that any other  
17 multimedia messages were sent to that phone, other than the one  
18 sent by Divina on July 17th?

19 A No.

20 Q Were there any e-mails on that phone that you found?

21 A No.

22 MR. ROGAN: Nothing further, Your Honor.

23 THE COURT: Mr. Woods.

24 **CROSS-EXAMINATION**

25 BY THE DEFENDANT:

1 Q Okay. Mr. Darr, in your report it says three pictures  
2 appear to be taken through the window. But today you said four.  
3 Do you remember that in the report?

4 A I believe it's three pictures of the girl.

5 Q Okay. Well, it said three pictures. Can I show him?

6 THE COURT: Sure. Which one are we looking at?

7 THE DEFENDANT: This is the bottom of the exhibit.

8 THE COURT: Oh, page of the report? Okay.

9 THE DEFENDANT: It's the bottom of the report that was  
10 sent to him. I want this side.

11 MR. ROGAN: I'm sorry.

12 MS. FLECK: Do you want to just refresh his memory with  
13 that?

14 THE DEFENDANT: Yeah.

15 MS. FLECK: Okay.

16 BY THE DEFENDANT:

17 Q That's from Detective Embrey. And then it is saying three  
18 pictures, but it doesn't have a March 10th picture on there. Now, I  
19 was wondering why --

20 THE COURT: Okay. You're -- hold. First off, can you take  
21 a look at that just to yourself?

22 THE WITNESS: Yes.

23 THE COURT: Okay. And for the record, is this part of his  
24 report or somebody else's report?

25 THE DEFENDANT: This is a part of -- well, this is

1 Detective Embrey saying it's his report.

2 THE COURT: Okay. Well, the paper that you showed him,  
3 is that part of this detective's report or part of --

4 THE DEFENDANT: It's part of Embrey's.

5 THE COURT: Okay. So you're looking at a page from  
6 Detective Embrey's report. Thank you.

7 THE WITNESS: Okay.

8 THE COURT: All right. You can go ahead and ask your  
9 question.

10 THE WITNESS: Okay.

11 BY THE DEFENDANT:

12 Q All right. I was just wondering why -- is there a reason for  
13 the March 10th charge, when it's only a March 9th, March 23rd,  
14 April 21st allegations on the -- either report?

15 A I don't know why.

16 Q Okay. Can you say for certain that once the initial officer  
17 seized the phone on July 17th that it was in no way -- in no way  
18 altered or contaminated?

19 A Which part of the phone? Or what --

20 Q In any part of the phone.

21 A No.

22 Q Okay. Could you tell by these pictures that you  
23 submitted -- the pictures that we were just shown -- what tells us that  
24 these pictures were taken by the phone or sent to the phone just on  
25 the evidence that you explained?

1           A    I cannot tell because there's exit date on thumbnails.

2           Q    Okay. Is there any proof that the defendant took these  
3 pictures?

4           A    No.

5           Q    Is there any proof that the defendant ever saw these  
6 pictures at all?

7           THE COURT: Are you asking him about whether any  
8 particular --

9 BY THE DEFENDANT:

10          Q    Well, can it be seen? From your report or your pictures,  
11 can it be -- can you say for a fact that --

12          THE DEFENDANT: Can I say it like that?

13          THE COURT: Well --

14 BY THE DEFENDANT:

15          Q    Can you say for a fact that the defendant ever saw these  
16 pictures?

17          THE COURT: You're asking him to speculate about  
18 whether some person ever viewed any of this?

19          THE DEFENDANT: Okay. I can say it like that.

20          THE COURT: Or whether the phone shows that some  
21 person ever viewed that?

22 BY THE DEFENDANT:

23          Q    Well, the pictures were found in the hard drive, not in the  
24 photo section; correct?

25          A    With -- yeah. There is no hard drive. I understand what

1 you're saying. No. The -- it was not in the photo folder. This is  
2 found within the operating system of the phone. I can say  
3 somebody viewed these images on the phone. I cannot say exactly  
4 who.

5 Q Okay. That's what I was asking you. Thank you. Thank  
6 you.

7 A You're welcome.

8 Q When did the cellphone come into your hands?

9 A I don't recall what date.

10 Q You don't recall what -- and I heard you say earlier -- that  
11 was one of my questions -- you wasn't sure the day that you actually  
12 did the forensic dump?

13 A Correct. I would have to review my report to see that.

14 Q Okay. That's fine.

15 You also stated that you recovered a topless picture of  
16 Divina, but the picture was never downloaded.

17 So in other words -- I don't want you to speculate -- but  
18 you can also say that picture was never seen by anyone until you  
19 opened it; correct?

20 A No. I'm not saying it was a topless picture. I'm saying  
21 there was a picture, but it was never opened.

22 Q Oh, okay.

23 A And I don't know what it was.

24 Q Oh, okay. Well, it said topless in the -- again, in the report.  
25 That was right? I don't know if you read the bottom line. That's why

1 I said that.

2 A I did not read Detective Embrey's report.

3 Q Okay. So you --

4 A I've never seen his report until that one page --

5 Q But you're --

6 A -- was just brought to me.

7 Q Okay. I didn't mean to cut you off. But you're saying as  
8 the man who did the forensic dump, you never saw that? The  
9 picture never downloaded itself, period?

10 A Correct.

11 Q Okay.

12 THE DEFENDANT: Court's indulgence for a minute.

13 THE COURT: Okay.

14 BY THE DEFENDANT:

15 Q I want to ask you if you recognize Court Exhibit C. I don't  
16 want to put it up on the screen yet because I'm going to use it for  
17 later.

18 But I wanted to just ask, is this one of the text message  
19 images -- well, I know you downloaded or printed out quite a few of  
20 them.

21 A Yes.

22 Q I just want to know if this one is recognizable to you --

23 A That's --

24 Q -- as one of the ones that you actually did from your report  
25 or from your dump.



1 A Oh, okay.

2 Q If you can remember it at all.

3 A Okay. Thank you. This does appear to be a page from my  
4 forensic report. I don't know what text you're talking specifically  
5 about.

6 Q Oh, no. I was just wondering. Was that -- did it look like a  
7 page from --

8 A Yeah.

9 Q I would have brought the whole stack but it was too big,  
10 so I thought I would bring one up.

11 A Okay. Yes. This does appear to be from my report.

12 Q Okay. Thank you. That sounds fine.

13 That appears to be it. So you're saying -- basically, if I  
14 could just go over it one more time --

15 THE COURT: Well, no. We don't repeat everything. So --

16 THE DEFENDANT: No. Just that nobody -- it wasn't --  
17 depends whether or not --

18 THE COURT: I'm just saying if you've already asked him  
19 stuff, I don't want you to say I'm going to go over all this again.

20 So if there's other questions, that's fine.

21 THE DEFENDANT: Okay.

22 THE COURT: But I don't want you to repeat everything.

23 THE DEFENDANT: Okay. But that's it. Thank you so  
24 much.

25 THE COURT: Okay. Mr. Rogan.

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**REDIRECT EXAMINATION**

BY MR. ROGAN:

Q Just to be clear, Detective Darr, of those photographs that are admitted into evidence, did you find any text message, e-mail, or multimedia message that sent those to that phone?

A No.

MR. ROGAN: Nothing further.

THE DEFENDANT: One more.

**RECROSS-EXAMINATION**

BY THE DEFENDANT:

Q The same question, but in a different way. Did you find any evidence that said that cellphone did not send those pictures to that cellphone?

A None.

THE DEFENDANT: Thank you.

THE COURT: Anything further?

MS. FLECK: No.

THE COURT: Anything from our jurors?

Okay. Detective, thank you very much for your time. I appreciate it.

MS. FLECK: Oh, there's one question.

THE COURT: Yeah. Oh, I'm sorry.

You've got to write it down.

A JUROR: On a piece of paper?

THE COURT: Write it down and write your juror number

1 on there. Okay?

2 A JUROR: Okay.

3 THE COURT: You guys can sit down. You guys can sit  
4 down.

5 All right. I got a couple of questions for you, Detective.

6 THE WITNESS: Okay.

7 THE COURT: Do you know, was Divina Leal's phone ever  
8 searched in relation to this incident?

9 THE WITNESS: I did not. So I don't know.

10 THE COURT: Okay. And is it your testimony that the  
11 pictures of Divina were taken from the cellphone that you searched?

12 THE WITNESS: No, it is not. Only that -- the only evidence  
13 is that it was viewed on that cellphone.

14 THE COURT: Okay. Mr. Rogan, any questions based on  
15 mine?

16 MR. ROGAN: No.

17 THE COURT: Mr. Woods, any questions based on mine?

18 THE DEFENDANT: No.

19 THE COURT: Okay. All right. Detective, thank you very  
20 much for your time. I appreciate it. You're excused.

21 The State may call their next witness.

22 MS. FLECK: Thank you. State calls Detective Buddy  
23 Embrey.

24 THE COURT: Okay. You guys -- I just need to figure out  
25 who asked which ones, since you didn't write your juror number on

1 there. Who wrote, Was Divina's phone? That -- Mr. [Indiscernible].  
2 Thank you.

3 THE DEFENDANT: A little question, Your Honor. What  
4 was that other question again?

5 THE COURT: Well, you want to know what the question  
6 was?

7 THE DEFENDANT: Yeah. The second question. I know  
8 the first one was, Was Divina's phone ever searched? The second  
9 question is --

10 THE COURT: The second question will be -- well, we'll talk  
11 about it when we take a recess. Okay?

12 THE DEFENDANT: Okay.

13 THE COURT: Thank you.

14 BUDDY EMBREY

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

17 THE CLERK: Thank you. Please be seated and please  
18 state and spell your name for the record.

19 THE WITNESS: Yes. It's Buddy, B-U-D-D-Y, Embrey,  
20 E-M-B-R-E-Y.

21 THE COURT: All right. Detective, thank you.

22 Ms. Fleck.

23 MS. FLECK: Thank you.

24 **DIRECT EXAMINATION**

25 BY MS. FLECK:

1 Q Good afternoon, Detective. How are you employed?

2 A I'm a detective with the Las Vegas Metropolitan Police  
3 Department.

4 Q And how long have you been at Metro?

5 A I have been with Las Vegas Metro for 14 years.

6 Q Out of those 14 years, how many years have you been  
7 with homicide?

8 A Eight years.

9 Q As a detective on homicide, do you work with a partner?

10 A I do.

11 Q And within that partnership, do you also work on a larger  
12 squad?

13 A We do.

14 Q I'd like to direct your attention back to August 5th of 2015.  
15 Were you and your partner what's called, Up?

16 A Yes, we were.

17 Q And explain to the ladies and gentlemen of the jury what  
18 that means.

19 A Our section consists of four different squads. Each is  
20 supervised by a sergeant. We work in a rotation, much like baseball.  
21 You have a team that's up; you have a team that's on deck. We were  
22 the team that's up. So when the next homicide comes out, we  
23 respond to that homicide.

24 Q Okay. And who was your partner back in August of 2015?

25 A Detective Terri Miller.

1 Q At some point on the evening of the 5th, did you and  
2 Detective Miller get called out to a potential homicide?

3 A We did.

4 Q And where was the scene?

5 A That was at 4905 West Tropicana. It's at the intersection  
6 of Tropicana and Decatur. It's the Walgreens store.

7 Q Fair that there are numerous ways that you'll get alerted  
8 that you should respond?

9 A Yes.

10 Q And was this by way of 911 calls through dispatch?

11 A Patrol was dispatched via 911, yes.

12 Q Okay. And then did you and Detective Miller respond?

13 A Yes.

14 Q Along with the rest of your squad?

15 A Yes.

16 Q Who else was on your squad at the time?

17 A Detective Robert Wilson, Detective Dan Long, Detective  
18 Sam Smith. And our supervisor at the time was Sergeant Matt  
19 Sandberg [phonetic].

20 Q Now, when you and your squad arrive, is it customary that  
21 you'll be split up into different responsibilities, such that some  
22 person -- someone will take a scene and someone will take  
23 witnesses?

24 A Yes.

25 Q And how was -- how were those responsibilities divvied

1 that night?

2 A Before we actually divide up our responsibilities, we have  
3 a briefing from either the patrol officers on scene that originally  
4 responded or patrol detectives that responded shortly after patrol  
5 officers.

6 Once we receive the briefing -- it's basically the generic  
7 information about who the victim is, any witnesses, any video. Once  
8 that's done, then we divide up our responsibilities. The case being  
9 mine -- my primary, I was responsible for the crime scene  
10 investigation, along with the crime scene analyst.

11 Q Okay. And then Sam Smith -- Detective Sam Smith was  
12 sent to UMC; is that correct?

13 A That's correct.

14 Q And then Detectives Miller, Long, and Wilson were given  
15 witnesses?

16 A That's correct.

17 Q And would their responsibility be to kind of find -- maybe  
18 canvass the area, find potential witnesses, and then take statements  
19 from those people?

20 A Yes.

21 Q Okay. Showing you --

22 MS. FLECK: Your Honor, may I have permission to publish  
23 throughout?

24 THE COURT: Yes.

25 MS. FLECK: And actually this one I don't think has been

1 admitted.

2 Showing defense counsel what's been marked as State's  
3 Proposed 33. No objection?

4 THE DEFENDANT: No.

5 MS. FLECK: No objection to State's Exhibit 33.

6 THE COURT: Correct, Mr. Woods?

7 THE DEFENDANT: Yes.

8 THE COURT: Yes. All right. Thank you.

9 **[PLAINTIFF'S EXHIBIT NO. 33 ADMITTED.]**

10 MS. FLECK: Permission to publish?

11 THE COURT: Yes.

12 BY MS. FLECK:

13 Q Showing you State's Exhibit 33. The writing is a little bit  
14 light. But up here, do we see -- or down here do we see the  
15 Walgreens at West Tropicana?

16 A Yes. The Walgreens would be in the lower left-hand  
17 corner.

18 Q For the record, this is a map of the Valley; is that correct?

19 A Yes.

20 Q Okay. And kind of coming through the city, we see the  
21 I-15; is that correct?

22 A Yes.

23 Q Okay. Now, showing you State's Exhibit 34. Is this an  
24 overhead, then, of the actual crime scene of the Walgreens located at  
25 Tropicana and Decatur?



1           A    It is.

2           Q    So when you arrived at the Walgreens, tell us generally  
3 what the scene looked like.

4           A    The main scene was the east portion of Walgreens,  
5 basically, the parking lot/sidewalk area. It would have been right --

6           THE COURT: You've got to --

7           THE WITNESS: This one doesn't have --

8           THE COURT: Come on, Deputy. We don't have the  
9 touchscreens anymore. Trying to make --

10          THE WITNESS: Right in this area.

11          THE COURT: So if you want to click the little red pen  
12 down there at the bottom, and then you can just left click and draw.

13          THE WITNESS: Oh, we're upgrading.

14          THE COURT: Yeah. I don't know.

15          THE WITNESS: Right in that area.

16 BY MS. FLECK:

17          Q    Okay.

18          A    Approximately.

19          Q    Okay.

20          A    That's where the main scene is.

21          Q    When you arrived, was the body of Josie Jones still there?

22          A    No.

23          Q    Okay. Did you see blood indicating where she had fallen?

24          A    There was, yes.

25          Q    When you arrived, were any witnesses -- potential

1 witnesses there that were of interest to you?

2 A Yes. The witnesses were secluded from the crime scene,  
3 so they were kept outside of the scene.

4 Q Okay. Showing you State's Exhibit 5. What do we see  
5 here? I'm sorry?

6 THE COURT: It's that.

7 BY MS. FLECK:

8 Q Who do we see here?

9 A That's going to be Josie Jones' daughter, Divina Leal.

10 Q And was she there when you arrived?

11 A Yes.

12 Q Describe her demeanor, please, when you arrived.

13 A Very sad, traumatized, very, very distraught.

14 Q Okay. Did you and other detectives take measures to  
15 comfort her the best that you could while you were there?

16 A We -- basically, Terri Miller -- Detective Terri Miller, being  
17 mom-like, was assigned to interview her and maintained contact  
18 with her.

19 Q Okay. And did she conduct a taped interview with her?

20 A She did.

21 Q Where was Divina taken after she was interviewed?

22 A I'm not sure actually.

23 Q Okay. Did you have any contact with her in the next few  
24 days?

25 A Mostly Detective Miller did.

1 Q Okay. Were you aware of her ever having to go to Child  
2 Haven?

3 A I believe ultimately, yes, that's where she did go.

4 Q Okay. So Detective Miller interviewed Divina. Did other  
5 detectives interview the other witnesses that were there?

6 A Yes. Detective Robert Wilson and Detective Dan Long.

7 Q And who were two of the main witnesses that were at the  
8 scene that had witnessed what had occurred?

9 A Mr. Calhoun and -- I can't recall the female that was with  
10 him -- her name.

11 Q Were the two of them together?

12 A Yes.

13 Q Ms. Rivas, does that sound familiar?

14 A That sounds familiar, yes.

15 Q Okay. Now, you said, then, that you also had  
16 responsibility of the scene. So what exactly do you do to ensure that  
17 you have found and preserved anything, along with the crime scene  
18 analysts, of evidentiary value?

19 A We do a -- or I do a walkthrough with the crime scene  
20 analysts. We determine what we believe would be evidentiary  
21 value -- any items left at the location of where the attack occurred.  
22 We know, via video surveillance, that there was -- Mr. Woods was  
23 near the parking lot --

24 THE DEFENDANT: Objection, Your Honor.

25 THE WITNESS: -- of some vehicles.

1 THE COURT: As to --

2 THE DEFENDANT: He said the assailant, or he said  
3 Mr. Woods.

4 THE COURT: Ms. Fleck?

5 MS. FLECK: I'm sorry, Your Honor. What was the  
6 objection?

7 THE COURT: The objection was the reference to  
8 Mr. Woods when he was describing the surveillance video.

9 MS. FLECK: Okay. Let's actually hold off on that. We'll go  
10 through the surveillance video momentarily.

11 THE COURT: Well, I'll sustain the objection --

12 THE WITNESS: Okay.

13 THE COURT: -- and strike his -- the reference right now to  
14 the name.

15 MS. FLECK: Okay.

16 BY MS. FLECK:

17 Q So let me show, by way of photographs, showing you  
18 State's Exhibit 36. What do we see here?

19 A That is a west-facing picture of --

20 THE CLERK: I'm sorry.

21 MS. FLECK: That's fine.

22 THE CLERK: There you go. Sorry.

23 MS. FLECK: That's okay.

24 THE WITNESS: -- of Josie Jones' SUV that she was  
25 driving that night, and one of the patrons that was visiting the

1 Walgreens when this incident occurred.

2 BY MS. FLECK:

3 Q State's Exhibit 35.

4 A It's just a different angle showing once again the SUV and  
5 the sedan.

6 Q State's Exhibit 39.

7 A That would be farther to the south of the scene.

8 Q Okay. Oh, I'm sorry. That's out -- right outside of the  
9 scene?

10 A Yes.

11 Q Sorry. State's Exhibit 41?

12 A That would be where Ms. Jones was found lying and a  
13 picture of her SUV.

14 Q Okay. And then State's Exhibit 44?

15 A It's just a close-up version, also showing items that were  
16 dropped by her.

17 Q Okay. Now, you kind of started to describe what  
18 Mr. Woods did when he arrived.

19 How did you come to find out or to see what Mr. Woods  
20 did --

21 THE DEFENDANT: Objection, Your Honor.

22 BY MS. FLECK:

23 Q -- and what time he arrived?

24 THE COURT: I'll sustain the objection. He hasn't identified  
25 anybody as being the person that was there.

1 MS. FLECK: Okay. Good point. Thank you.

2 BY MS. FLECK:

3 Q Did you -- is it customary to attempt to get video  
4 surveillance?

5 A Yes.

6 Q And did you do that in this case?

7 A We did.

8 Q Okay. Tell me about who you met with in order to get that  
9 surveillance.

10 A It would have been the store manager, and I don't recall  
11 that person's name.

12 Q Did you have an opportunity to view that video  
13 surveillance that evening?

14 A I did.

15 Q Okay. Before we go through that video surveillance, did  
16 you have an opportunity to speak with Divina regarding who it was  
17 that she saw at the scene?

18 A She spoke to Detective Miller.

19 Q Okay. Based upon what she told Detective Miller, did you  
20 have a potential suspect for this murder?

21 A We did.

22 Q And who was that?

23 A Mr. Leonard Woods.

24 Q Do you see Mr. Woods in the courtroom today?

25 A I do.

1 Q Can you please point to him and describe something he's  
2 wearing for the record?

3 A He's at the defendant's table wearing a white T-shirt -- or a  
4 white, long-sleeve shirt.

5 MS. FLECK: Let the record reflect identification of the  
6 defendant.

7 THE COURT: Jacket or no jacket?

8 THE WITNESS: No jacket, sir.

9 THE COURT: Thank you. Yes, the record will reflect that.

10 MS. FLECK: Thank you.

11 BY MS. FLECK:

12 Q Now, you said you had an opportunity to view that video  
13 from Walgreens; is that correct?

14 A That is correct.

15 Q Okay.

16 MS. FLECK: And Judge, we'd like to publish that now.

17 THE COURT: Okay. And for the record, it's exhibit --

18 MS. FLECK: For the record, that's Exhibit 1.

19 THE COURT: Thank you.

20 BY MS. FLECK:

21 Q Detective, is this the video that you pulled from Walgreens  
22 that evening?

23 A It is.

24 Q Now, right now at 8:13 and 36 seconds, we see a black  
25 SUV pulling into the Walgreens. Did you identify that as Josie

1 Jones' vehicle?

2 A Yes.

3 Q Now, at 8:14 and 04, do we see a door kind of open on  
4 Josie Jones' driver's side and then a blur of somebody going inside  
5 that turns out to be Divina?

6 A Yes.

7 Q And now at 8:14 and 20 seconds, does the driver who is  
8 Josie Jones, appear to go inside also?

9 A Yes.

10 Q Now, at 8:14 and 45 seconds is -- does another car pull in  
11 two cars away from Josie Jones' vehicle?

12 A It's one car over, yes.

13 Q So -- okay. Being the second car. So one -- one car in  
14 between the two?

15 A That's correct.

16 Q Did you come to believe that this is the car that the  
17 defendant arrived in?

18 A Yes.

19 Q Did you make efforts to find this vehicle?

20 A We did.

21 Q Did you get information from people at the scene as to the  
22 make and model that they guessed this was?

23 A Yes, we did.

24 Q And you were never able to find a vehicle that you could  
25 link to the defendant; is that fair?



1           A    That is correct.

2           Q    Okay. Now, did you ever see anyone get out of the  
3 driver's side of this car?

4           A    No, I did not.

5           Q    Would you agree with me, sir, that the defendant's car is  
6 approximately a quarter of a car length to a half car length behind  
7 the car next to it?

8           A    Yes, it is.

9           Q    And until 8 o'clock p.m. and 19 minutes and roughly  
10 29 seconds, is the defendant hiding in the -- in between the cars?

11          A    It's hard to make out exactly what time he started hiding,  
12 but it's approximately that time, yes.

13          Q    Okay. Fair. So you don't see him come out, so you don't  
14 know what time he's actually behind the cars?

15          A    That's correct.

16          Q    You would agree with me, though, throughout the entire  
17 view that you view, you never see the defendant get out of any of  
18 the doors, go into any of the doors, or appear at all until 8 minutes  
19 and 19 seconds?

20          A    Yes.

21          Q    I'm sorry. 8 o'clock -- 8:19 p.m.?

22          A    Yes.

23          Q    Okay. Did you also learn, throughout your investigation,  
24 that Divina and Josie were inside Walgreens throughout the entire  
25 time that the defendant was outside waiting for them?

1           A    Yes, we did.

2           Q    Now, at 8:19 and 18 seconds, do you see people starting  
3 to come out of the store in front of Josie's SUV?

4           A    Yes.

5           Q    And now do you see someone running to them in a white  
6 T-shirt along the side of that SUV?

7           A    Yes.

8           Q    Does it appear that that man is now running around the  
9 car?

10          A    Yes.

11          Q    And that the defendant has now come up the driver's side  
12 and is continuing to attack Josie?

13          A    Yes.

14          Q    Do you now see the defendant at 8:19 and 43 seconds  
15 getting back into his car?

16          A    Yes.

17          Q    In front of Josie's SUV, do you now see also two people  
18 standing, watching the scene?

19          A    That is correct, yes.

20          Q    And now at 8:20, do you see the defendant leaving?

21          A    Yes.

22          Q    Okay. The two people that were standing in front of the  
23 scene, did you confirm that that was Garland Calhoun and Yesenia  
24 Rivas?

25          A    Yes, we did.

1 Q Now, throughout the time that you're investigating at the  
2 scene, did crime scene analysts come out?

3 A They did.

4 Q And was that crime scene analyst Shawn Fletcher?

5 A Yes.

6 Q The ladies and gentlemen of the jury have heard from her  
7 and seen her processing of the scene. So I'll just go through a few  
8 things and show you State's Exhibit 49.

9 What do we see here?

10 A That is a purse that belonged to Josie Jones.

11 Q State's Exhibit 50?

12 A A driver's license under the name of Josie Jones.

13 Q And State's Exhibit 51?

14 A And that's a business card to Detective Shane.

15 Q Now, did you have an opportunity to see this business  
16 card that evening?

17 A I did.

18 Q Did there -- was there anything that struck you about this  
19 business card?

20 A There was a recent event, and a return to Detective Shane  
21 with sexual assault.

22 Q Okay. That number, 150717-2118, is an event number?

23 A Yes. That's from July 17th, 2015.

24 Q Okay. Explain to the ladies and gentlemen of the jury how  
25 an event number works. Like, what do those numbers mean to you

1 as a detective with Metro?

2 A The first two digits is the year. In this case it's 2015. The  
3 next digit is the month. So in this case 007 would be July. The  
4 following digits are what day in July that this occurred. That would  
5 have been July 17th. The dash and subsequential numbers,  
6 basically that was the 2,118th call of that day on July 17th.

7 Q Okay.

8 A It just makes it easier to follow all the events that occur  
9 that day.

10 Q Now, later that evening, within about four hours -- well, let  
11 me ask you this. You continue processing the scene for a number of  
12 hours; is that right?

13 A Yes, that's correct.

14 Q When you are investigating a homicide, you can be on  
15 scene for literally hours?

16 A Yes.

17 Q All the tape is put up. It's partitioned off. And you guys  
18 are doing everything that you can to scour and secure the scene and  
19 then gather all of the potential evidence?

20 A Yes.

21 Q While you were still out there, did you get notified that  
22 someone had surrendered?

23 A Yes, I did.

24 Q Tell us about that.

25 A We had received information from downtown patrol

1 officers that Mr. Leonard Woods had contacted them and wanted to,  
2 in essence, surrender himself because he was involved in the  
3 incident at Walgreens at Tropicana and Decatur.

4 Q At that point had you put anything into the system by way  
5 of dispatch, or by way of any of the computers that were -- that you  
6 had access to at the scene? Had you put any information into your  
7 database alerting anyone to look for Leonard Woods?

8 A No. There was no attempt to locate sent out to our  
9 surrounding area at that point.

10 Q Okay. So at that point you're still deeply engrossed in the  
11 investigation and the preliminary aspects of that investigation.  
12 You've done nothing to attempt to locate a suspect?

13 A We had checked residences, patrol officers had, for the  
14 vehicle. But other than that, no.

15 Q Okay. So what did you do when you got notified that  
16 Leonard Woods was downtown?

17 A I had continued to process the scene with the crime scene  
18 analyst. And asked that Detective Smith and Detective Wilson  
19 respond to that location and make contact with Mr. Woods.

20 Q And then from the Tropicana scene, where did you go?

21 A I went back to our Las Vegas Metro headquarters.

22 Q When you got down to headquarters, was the defendant  
23 there yet?

24 A Yes.

25 Q Okay. And did you have an opportunity to see him?

1           A    I did.

2           Q    Did you have an opportunity also to notify him that Josie  
3 Jones had died?

4           A    I did.

5           Q    I'd like to direct your attention, then, to the next day,  
6 August 6th of 2015 at 7:25 a.m. Did you attend the autopsy of  
7 Ms. Jones?

8           A    I did.

9           Q    Tell us about that.

10          A    The common practice to -- for autopsy is the very first  
11 thing that they do is they remove the clothing if it hasn't been  
12 removed. We swab hands -- or crime scene analysts swab hands,  
13 take buckles, take fingernails. We process the body for any evidence  
14 that we can recover.

15                   Following that, the body is cleaned so we can document  
16 the injuries and help the doctor document the injuries that are  
17 observed. Then following that, the actual autopsy occurs.

18          Q    Okay. And you're there, present with crime scene  
19 analysts, while the entire autopsy is concluded; right?

20          A    That's correct, yes.

21          Q    Did you also, that morning, work with Detective Miller to  
22 do a stolen vehicle search or any kind of search for this car that you  
23 suspected the defendant was in?

24          A    Yes.

25          Q    And that --

1 A During --

2 Q Sorry. Just you were not able to locate --

3 A No.

4 Q -- any vehicle associated with him?

5 A No.

6 Q Okay. Did -- and you are not even able to find that  
7 particular car that you see in there and the descriptors of it anywhere  
8 in the Valley?

9 A That's correct.

10 Q Okay. Did you then, that day, begin to research that event  
11 number that was on the card at the scene?

12 A I did.

13 Q And what did you learn?

14 A I learned that that actual event number was an incident  
15 that involved Divina Leal where she was a victim of an open and  
16 gross lewdness.

17 Q Okay. And did you, of course, then fully investigate all of  
18 the details, many of which the jury has already heard about, but the  
19 details of that incident and the allegations in that incident?

20 A Yes, I did.

21 Q Did you also on -- well, let's go then to August 7th.

22 Did you have an opportunity to meet with the victim, Josie  
23 Jones' sister, Carree Anderson?

24 A Yes, I did.

25 Q And did you also do follow up with regard to actually

1 retrieving a hard copy of that video that you'd seen from Walgreens  
2 and contacting Downtown Area Command to see if there was video,  
3 things like that?

4 A Yes, I did.

5 Q Okay. I'd like to direct your attention then to August 13th.  
6 Did you have an opportunity to meet with a Dorie and Philip Henley  
7 at Pinon Peak and get some statements from them?

8 A Yes.

9 Q Okay. And then on August 15th, did you have an  
10 opportunity to interview Devyn Hagarty and Dora Del Prado?

11 A Yes, I did.

12 Q And then going into August, did you submit --

13 THE COURT: Well, you're already in August.

14 MS. FLECK: Sorry.

15 THE COURT: So do you want to do August?

16 MS. FLECK: Sorry. Sorry. You're right.

17 BY MS. FLECK:

18 Q August 24th, did you submit -- or I guess did you get  
19 back -- well, let me go back.

20 At some point when you were investigating the open and  
21 gross lewdness, did you learn that a phone had been impounded in  
22 that case that could have been important to you?

23 A Yes, I did.

24 Q And what did you do with that phone?

25 A I asked that -- I actually reached out to Detective Shane



1 and asked that he complete a search warrant to have that phone  
2 examined.

3 Q Okay. When did you get results from that?

4 A I don't recall. I'd have to look at my notes. It was for the  
5 latter part of August.

6 Q Okay. Were there pieces of potential evidence in that  
7 phone that corroborated Divina?

8 A Yes.

9 Q Were there three photographs in that phone that you were  
10 not expecting necessarily to find?

11 A Yes, there were.

12 Q Okay. And did you learn through the investigation of the  
13 open and gross case that the defendant had told Divina that he'd  
14 been watching her through a bathroom window?

15 THE DEFENDANT: Objection, Your Honor. That's hearsay.

16 THE COURT: Thank you.

17 Ms. Fleck?

18 MS. FLECK: Well, first of all, it's the defendant's  
19 statement. And second of all, it goes to the investigation and the --  
20 what the effect of the investigation was on the detective -- what it he  
21 did next.

22 THE COURT: Well, I'm going to sustain the objection. It's  
23 referencing the defendant's statement, but through Divina. So I do  
24 think it's hearsay.

25 MS. FLECK: Okay.

1 BY MS. FLECK:

2 Q Then when you -- regardless, then you -- you had the  
3 analysis of the phone and you found that there were three other  
4 pictures that were in that phone that became part of the evidence of  
5 this case?

6 A Yes.

7 Q Going back then to the day after the crime that was  
8 August 6th of 2015. Do you, as a detective, have access to jail calls  
9 that are placed from the Clark County Detention Center?

10 A I do.

11 Q Tell me how you are able to access phone calls that are  
12 made from the detention center.

13 A It's web-based. We have log-ons and passwords that  
14 we're able to access all the phone calls, with the exception of  
15 privileged communication -- which would be basically between a  
16 defendant and their attorney. We are able to log on from our desk.  
17 We'll typically either research or search by a name or an ID number,  
18 and it'll pop up all the phone calls that that inmate has made.

19 Q Okay. So from the Clark County Detention Center, when  
20 an inmate makes a phone call, what's the process that they have to  
21 go through in order to make that call?

22 A There's a setup program when they're initially housed or  
23 booked into Clark County Detention Center. I'm not sure at what  
24 point that occurs. But they are provided access to a phone where  
25 they set up their own account with their own personal identification

1 number.

2           They basically have to give a voice sample -- such you'll  
3 hear phone calls and it'll say, You're receiving a phone call from a  
4 certain inmate, and it'll be that inmate's voice. And then they're  
5 placed -- then the phone call goes through.

6           Q    Okay. And when you researched phone calls made on  
7 August 6th, did you find that one was made from the defendant to a  
8 619 number?

9           A    That is correct. Yes, ma'am.

10          Q    And do you know that number that was called?

11           THE COURT: Do you know who it is or the specific  
12 number?

13 BY MS. FLECK:

14          Q    The specific phone number?

15          A    It's (619) 779-2463 is what I believe it is.

16          Q    And when you research on the program -- when it shows  
17 the phone number that's being called, can you also kind of hover  
18 over the phone number and will it tell you the name of the person  
19 associated with that number?

20          A    It does.

21          Q    And who was this call placed to?

22          A    Jennifer Woodson.

23           MS. FLECK: Court's indulgence?

24           And, Judge, at this time I would move to admit the phone  
25 call as State's Exhibit 71.

1 THE COURT: Okay. All right. Mr. Woods?

2 THE DEFENDANT: I would object on --

3 THE COURT: Other than any objections that have already  
4 been stated?

5 THE DEFENDANT: One more time?

6 THE COURT: I said other than the objections that were  
7 already stated, do you have anything further?

8 THE DEFENDANT: No. I was just going to object to we  
9 already heard the phone call, but --

10 THE COURT: Well, I mean they're -- I'll overrule that  
11 objection. They're entitled to go ahead and admit it. So it'll be  
12 admitted as Exhibit 71.

13 **[PLAINTIFF'S EXHIBIT NO. 71 ADMITTED.]**

14 MS. FLECK: Thank you.

15 BY MS. FLECK:

16 Q And, sir, you had the -- by the time you listened to this,  
17 you had heard the defendant's voice. Is that fair?

18 A Yes.

19 Q And when you listened to it, did it sound to you like the  
20 voice that you had heard from the defendant?

21 A Yes.

22 MS. FLECK: Permission to publish?

23 THE COURT: You may.

24 [Jail recording played.]

25 BY MS. FLECK:

1 Q Detective, when that call was made, was there anyone  
2 else booked into the Clark County Detention Center for the murder of  
3 Josie Jones?

4 A No.

5 Q Did you have an opportunity to review the forensic report  
6 that was generated by Detective Darr?

7 A Yes.

8 Q And was there, in fact, a woman by the name of Jennifer  
9 with the cellphone number (619) 779-2463 listed in the defendant's  
10 phone?

11 A Yes.

12 Q Along with a large amount of text messages between the  
13 defendant and the same number of -- that was placed on that call?

14 A Yes.

15 Q Well, let me -- one last thing. Ever find the murder  
16 weapon in this case?

17 A No, I did not.

18 Q Okay. You saw video of the defendant -- or I guess what  
19 the defendant was wearing at the scene, meaning a white T-shirt,  
20 that was illuminated in that video; correct?

21 A Yes.

22 Q When you saw him at headquarters, you would agree with  
23 me that he was wearing a black shirt by then?

24 A Yes.

25 Q No blood on him or anything?

1 A No.

2 Q Did it appear clear to you that he had changed clothes?

3 A It appeared to me, yes, he had changed clothes.

4 Q Okay. Additionally, he didn't have a weapon on him?

5 A No.

6 MS. FLECK: Nothing further. Thank you.

7 THE COURT: Mr. Woods.

8 **CROSS-EXAMINATION**

9 BY THE DEFENDANT:

10 Q Mr. Embrey, have you ever been to booking?

11 A Yes, I have.

12 Q CCBT? Okay. When you're in booking, and they put you  
13 through the process, how many people are in there?

14 A It can -- it's a wide range. It could be --

15 Q Okay. A range from --

16 A -- a few to actually probably several dozen.

17 Q Several dozen. Okay. Now, you said sounds like. Can  
18 you be 100 percent certain that's someone in particular's voice?

19 A That's you on the phone, yes.

20 Q Can you be 100 percent certain that someone's particular  
21 voice?

22 A That's you on the phone.

23 Q Fine. You don't want to answer yes or no, so we'll move  
24 on.

25 THE COURT: I'll strike the statement. Just ask questions.

1 BY THE DEFENDANT:

2 Q Have you ever talked to someone over the phone -- have  
3 you ever talked to someone over the phone or answered the phone  
4 and thought it was someone else?

5 A Yes.

6 Q Okay. Was anything in the autopsy of Josie Jones related  
7 to Woods as far as evidence?

8 A I'm not sure I understand that question, sir.

9 Q When they did all the -- whatever they was going to do in  
10 the autopsy to find evidence off a person, was anything related to  
11 Mr. Woods found from that body or anything that had to do with that  
12 body?

13 A No.

14 Q Can you tell for certain who was in that video?

15 A No.

16 Q Well, why do you keep referring to him as Woods?

17 A Because you're the defendant I arrested.

18 Q Did you arrest me at the scene of that crime?

19 A No.

20 Q Well, why -- okay. That's fine. That's fine right there.

21 Did you know of my cellphone being taken and searched?

22 A I'm sorry?

23 Q Did you know of my cellphone being taken and searched?

24 A Yes, I did.

25 Q Okay. Sir, taken by the officers and set -- and searched by

1 Darr -- I don't know his first name -- for nude pictures?

2 A There was a serve -- a search warrant served on your  
3 phone, yes.

4 Q Okay. Is there any evidence of the defendant related ever  
5 to a Ford Taurus before or after this incident?

6 A Not that I've located, no.

7 Q Okay. T. Miller interviewed Divina Leal; correct?

8 A Yes.

9 Q And in that interview -- I have the section I want to talk  
10 about if you want to refresh your memory. It's page 12. That's the  
11 one --

12 THE COURT: Well, first, you just ask him questions. If he  
13 doesn't remember something --

14 BY THE DEFENDANT:

15 Q Oh, do you remember that interview?

16 A I was not involved in that interview. I was not present.

17 Q Did you know of T. Miller interviewing Divina Leal?

18 A Oh, I do. Yes.

19 THE DEFENDANT: I don't. Can I refer to --

20 THE COURT: Well, you need to ask a question first. If  
21 there's a question, then --

22 THE DEFENDANT:

23 Q Oh, okay. Did you know of any --

24 THE COURT: Mr. Woods. Mr. Woods, hold on. If there's a  
25 question that you want to ask him that's somehow something he can



1 answer, and then he can't remember, then you can refresh his  
2 recollection. But he's already said he wasn't present for that  
3 interview.

4 THE DEFENDANT: Okay.

5 BY THE DEFENDANT:

6 Q Did you know of him ever talking about her mom's  
7 cellphone?

8 A I don't recall that. But like I said, I wasn't present for that  
9 interview.

10 Q Okay. Did you ever know of her mom's cellphone ever  
11 being recovered from the scene?

12 A I believe we recovered that phone and released it back to  
13 Divina.

14 Q Okay. Now, my phone was taken. When they didn't see  
15 original pictures in the photo -- the photo section -- they did a  
16 forensic dump on that phone; correct?

17 A Eventually, yes.

18 Q Okay. So as a leading detective, you didn't -- let me  
19 rephrase that.

20 The cellphone found at the scene of a dying woman was  
21 not important enough to do a forensic dump on, but the cellphone of  
22 an accusation of nude photos was more important?

23 A I'm not sure I understand that question.

24 Q I'm saying why wasn't there -- why wasn't there a search  
25 of the dying woman's cellphone? But there was of an accusation,

1 which is a crime much lesser than the crime of that -- wouldn't you  
2 have found more evidence you were supposed to be looking for in  
3 that cellphone?

4 THE COURT: So you've got to break these things down.  
5 Are you just asking him why wasn't Ms. Jones' phone searched?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay.

8 THE WITNESS: My understanding is that Detective Miller  
9 went through the phone with Divina and that they didn't locate  
10 anything that we usually recover.

11 BY THE DEFENDANT:

12 Q It wasn't worth a forensic dump to find more evidence?

13 A No.

14 Q Couldn't that cellphone have provided an abundance of  
15 evidence, including who her assailant was, if a forensic dump had  
16 been done?

17 A And that's where Detective Miller and Divina went through  
18 the phone.

19 Q I don't think -- well, Detective Miller and Divina couldn't  
20 have done a forensic dump on the phone.

21 A No. That's right.

22 Q He's a specialist. Like, Darr has to do that. So why wasn't  
23 that performed on Josie Jones' phone?

24 THE COURT: He already answered that question,  
25 Mr. Woods.

1 THE DEFENDANT: Okay.

2 BY THE DEFENDANT:

3 Q Why is that phone not here today as a part of evidence?

4 A That phone was released back to Divina.

5 Q You didn't think it was important enough to bag and tag  
6 and do further investigation on it?

7 A No.

8 Q Could I ask why?

9 THE COURT: Mr. Woods, that's the question you just  
10 asked him a moment ago, and then repeated a moment ago about  
11 why didn't they search that phone.

12 THE DEFENDANT: No. I'm saying --

13 THE COURT: And he answered -- he answered the  
14 question about what Detective Miller did with Divina, and then they  
15 made the decision to return that phone back.

16 THE DEFENDANT: I was asking him why didn't he think it  
17 was important enough to do a forensic dump on.

18 THE COURT: He's already answered that. They said they  
19 went through the phone. They answered your question. I don't  
20 want to repeat all the answers, but they answered that question.

21 BY THE DEFENDANT:

22 Q Okay. You said that there was nothing over the radio that  
23 night before I came in contact with Officer Swartz and Haynes; is that  
24 correct?

25 A Not an area broadcast, no.

1 Q Okay. Because he testified earlier that there was a report.  
2 So was he referring to the computer report maybe?

3 A I don't know. You would have to ask him.

4 Q Oh, we did. He testified earlier.

5 MS. FLECK: Well, first of all, objection as to what he --

6 THE COURT: I'll strike the statement.

7 MS. FLECK: -- and he didn't testify to.

8 THE COURT: Okay.

9 BY THE DEFENDANT:

10 Q Officers -- okay. Okay. In looking at all your reports and  
11 then the lead detective responsible for all prosecutive evidence and  
12 activity in this case, you have had an adequate opportunity review --  
13 to review all notes and materials that you and your department and,  
14 if any, other allied departments who help you with the information --  
15 all of those notes and materials amassed, you have a -- you have had  
16 a chance to review all of them, haven't you?

17 A That's kind of a vague statement about --

18 Q Well, all the evidence pertaining to this case, you have a  
19 chance to review; correct?

20 A Pertaining to the murder? Yes.

21 Q Yes. Do you have now or know of one piece of physical  
22 evidence that connects Leonard Woods to this crime at all?

23 A Other than witness statements?

24 Q Physical evidence.

25 A Physical evidence? No.

1 THE DEFENDANT: Nothing further, Your Honor.

2 THE COURT: All right. Ms. Fleck.

3 **REDIRECT EXAMINATION**

4 BY MS. FLECK:

5 Q Mr. Woods talked to you about a Ford Taurus and said,  
6 Was there any connection to a Ford Taurus? And that there was  
7 nothing connecting him to a Ford Taurus.

8 Not one person, except for Mr. Woods, has specifically  
9 said that that car is a Ford Taurus. Would you agree with me?

10 A I agree.

11 Q He seems to be the only person who has that knowledge.  
12 Would you agree with me?

13 A Yes.

14 Q Now, you did have an opportunity to get a statement from  
15 Dorie Henley?

16 A Yes.

17 Q And Ms. Henley told you that the defendant had driven by  
18 the house numerous times and that he was in a light-colored,  
19 four-door vehicle; correct?

20 A Yes.

21 Q She never said a Ford Taurus?

22 A That's correct.

23 Q However, she did say that it was a four-door, light-colored  
24 car; correct?

25 A Yes.

1 Q Okay. With regard to the victim's phone, numerous  
2 photographs were actually taken of the victim's phone; correct?

3 A Yes.

4 Q In fact, Facebook messages that Josie Jones had put out  
5 about the defendant were taken on that phone?

6 A Yes.

7 Q About what the defendant did to her daughter?

8 A Yes.

9 Q Different areas of Josie Jones' phone that may not be  
10 admissible in court, but that Terri Miller thought were relevant, were  
11 photographed and were preserved. Fair to say?

12 A That's correct.

13 Q Okay. You would never do a forensic dump on a victim's  
14 cellphone unless you maybe were still looking for the suspect, there  
15 was something within that phone that you thought would be of  
16 evidentiary value --

17 THE DEFENDANT: Objection, Your Honor. She's -

18 THE COURT: As to what?

19 THE DEFENDANT: She's leading.

20 THE COURT: All right. I'll sustain the objection as leading.

21 But you can ask him, Michelle, about why they would do  
22 the dump.

23 MS. FLECK: Okay.

24 BY MS. FLECK:

25 Q I mean, what would cause you to do a forensic dump of a

1 victim's phone?

2 A Typically, if we didn't have access and we required some  
3 specialized unit to break into the phone, that's when we would  
4 probably do a forensic dump on that phone.

5 Q Okay. Throughout the course of your investigation, did  
6 you ever, searching high and low, have any other suspect for this?

7 A No.

8 Q Did you have anyone come to you and tell you that they  
9 saw anyone other than this man commit this crime?

10 A No.

11 Q Did you find anyone, throughout your entire investigation,  
12 with a motivate to kill this woman besides Leonard Woods?

13 A No.

14 Q With regard to that jail call, was there anyone else booked  
15 into the Clark County Detention Center on August 6th of 2015 for the  
16 murder of Josie Jones?

17 A No.

18 Q You told the defendant, within hours of that call being  
19 placed, that she had died; is that correct?

20 A That's correct.

21 Q Had you told anyone else that was booked into the Clark  
22 County Detention Center on August 6th of 2015 that Josie Jones had  
23 died?

24 A No.

25 MS. FLECK: Nothing further.

1 THE COURT: Mr. Woods.

2 **RECROSS-EXAMINATION**

3 BY THE DEFENDANT:

4 Q Could you say that -- or have you heard, rather, of  
5 different inmates stealing or using other inmates' PIN numbers?

6 A Yes. They do share PIN numbers. Yes.

7 Q And on occasion, have you heard that they inappropriately  
8 called their loved ones or wives or something and get into  
9 altercations behind stuff like that?

10 A I'm not sure I understand that question, sir.

11 Q The purpose behind stealing a PIN number -- have you  
12 ever heard of inmates getting into fights behind another inmate  
13 calling someone's loved one, girlfriend, wife, or whatever, from  
14 stealing their PIN number?

15 A No.

16 Q Okay. Do you recall in Garland Calhoun's testimony when  
17 they asked him what kind of car it was, he said a Ford Taurus?

18 A I was not present for his testimony. I'm sorry, sir.

19 THE DEFENDANT: Okay. Nothing further.

20 THE COURT: Ms. Fleck, anything further?

21 **FURTHER REDIRECT EXAMINATION**

22 BY MS. FLECK:

23 Q He said a Ford, possibly a Taurus, and went through every  
24 other type of Ford?

25 A In his statement?



1 Q Yes.

2 A Yes.

3 Q He never specifically said it was a Taurus?

4 A That's correct.

5 Q Have you ever, sir, heard of an inmate stealing the PIN  
6 number of another inmate in order to confess to a murder that they  
7 did not commit?

8 A No.

9 MS. FLECK: Nothing further.

10 THE COURT: Anything from our jurors? Okay.

11 Detective Embrey, thank you very much for your time.  
12 You are excused, sir. I appreciate it.

13 THE WITNESS: Thank you, sir.

14 THE COURT: All right. Ladies and gentlemen, we're going  
15 to take a quick recess before we continue on for the day. During  
16 the --

17 Well, the State doesn't have any further witnesses in their  
18 case in chief; correct?

19 MS. FLECK: We are finished, actually, submitting  
20 evidence, Your Honor. And --

21 THE COURT: Yeah. I'm going to give you --

22 MS. FLECK: Okay.

23 THE COURT: -- a chance to make sure all the exhibits  
24 are --

25 MS. FLECK: Okay.

1 THE COURT: -- are in.

2 MS. FLECK: Okay. Thank you.

3 THE COURT: With that, you don't have any other  
4 witnesses to call?

5 MS. FLECK: We do not.

6 THE COURT: Okay. So we'll take a quick recess, ladies  
7 and gentlemen.

8 During the recess you are admonished not to talk or  
9 converse among yourselves or with anyone else on any subject  
10 connected to the trial, or read, watch, or listen to any report of or  
11 commentary on the trial, by any medium of information, including,  
12 without limitation, newspapers, television, Internet, radio, or form or  
13 express any opinion on any subject connected to case until it is  
14 finally submitted to you. Do not do any legal or factual research or  
15 recreation of any testimony on your own.

16 We'll be in recess here for about 15 to 20 minutes. Thank  
17 you.

18 [Outside the presence of the jury.]

19 THE COURT: You guys have anything else outside the  
20 presence?

21 MS. FLECK: Judge, we would just like for you to ask the  
22 jury to take judicial notice of the fact that Jennifer Woodson is a  
23 named witness on the defendant's witness list.

24 MR. ROGAN: And, furthermore, if I could add that the  
25 address that she gives in that jail phone call is the same address

1 listed on the witness list.

2 THE COURT: Well, I'm not inclined to do that. I mean, just  
3 because people file a witness list doesn't mean that I need to take  
4 judicial notice of -- and that's not something I would normally take  
5 judicial notice of unless it somehow came up in testimony in some  
6 fashion.

7 And here it's just that that name and number is found in  
8 his phone, and that happens to be the name and number of a person  
9 that they called.

10 MS. FLECK: Well, yeah. It's on -- I mean, the way that  
11 it's -- maybe judicial notice isn't the correct way to put it into  
12 evidence, but I do think it's relevant that he's disputing that that was  
13 him making that call, yet the call was made to a person who he lists  
14 in parenthesis as, quote, friend, on his witness list.

15 THE COURT: Well, that might become relevant if he  
16 testifies, but I don't think it's appropriate for judicial notice.

17 MS. FLECK: Okay. All right. Thank you.

18 THE COURT: All right. So Mr. Woods, do you have any  
19 witnesses that you wish to call in your case?

20 THE DEFENDANT: No.

21 THE COURT: Okay. Do you wish to testify in your case?

22 THE DEFENDANT: No, sir.

23 THE COURT: Okay. Then what we'll do is I'll --

24 MR. HAUSER: Brief indulgence, Judge.

25 THE COURT: Okay.

1 MS. FLECK: We did -- and, for the record, we did call  
2 Detective Shane. I gave him my cellphone number. I have not heard  
3 anything back from him.

4 MR. HAUSER: Okay. I just figured I would check.

5 THE COURT: Okay.

6 MR. HAUSER: Yeah. That's fine.

7 THE DEFENDANT: The one question I asked -- there were  
8 two questions for the jury. You gave me one. You told me to wait  
9 until after to give me the other question. That was it.

10 THE COURT: Oh, yeah. I mean, you just wanted to know  
11 what the question was; right?

12 THE DEFENDANT: Yes. Just the question.

13 THE COURT: So the question that was asked of  
14 Detective Darr, one of the questions was, Was Divina's phone ever  
15 searched in relation to this incident?

16 And the second question asked was, Are you saying that  
17 the pictures of Divina were taken from that cellphone?

18 Those were the two jurors' questions.

19 THE DEFENDANT: Was that question answered? That  
20 second question?

21 THE COURT: Yeah. They were both answered.

22 THE DEFENDANT: Oh, yeah, yeah, yeah. To him. I  
23 thought he was --

24 THE COURT: I think the -- he answered that he did not  
25 know whether Divina's phone was ever searched. He didn't do it.

1 And.

2 Then on the second question he said, No, that's not what  
3 he said.

4 THE DEFENDANT: I went a little slow. Are you saying  
5 that --

6 THE COURT: That's okay.

7 THE DEFENDANT: -- what again?

8 THE COURT: I think what he said was he was not saying  
9 that those photos were taken from the phone --

10 THE DEFENDANT: No, no, no.

11 THE COURT: -- just that they were viewed on the phone.

12 THE DEFENDANT: The second question. I was writing a  
13 little slow.

14 THE COURT: Okay.

15 THE DEFENDANT: The second question said what again?  
16 Are you saying that --

17 THE COURT: The context of the question?

18 THE DEFENDANT: Yeah, the second question.

19 THE COURT: Okay. Were these pictures of Divina? So  
20 those pictures of Divina were taken from that cellphone? That was  
21 the question. And I think I phrased it as, Are you saying that these  
22 pictures of Divina were taken from that cellphone?

23 All right. So I'm going to get the jury back in. And I will  
24 release them and let them know that we will be arguing Monday at 1  
25 o'clock.

1           And then we'll take a break. Again, I'll give you some time  
2 for everybody to use the restroom and whatnot, and then we'll come  
3 back in and talk about the jury instructions. Okay?

4           MS. FLECK: Sounds good.

5           THE COURT: All right. So just so you know, Mr. Woods,  
6 when we get the jury back in, since the State has rested, what I'll do  
7 is say, Does defense wish to call any witnesses in their case in chief?

8           And then assumedly you'll say, No. We rest. Okay?

9           THE DEFENDANT: Okay.

10          THE COURT: So just so you know that when I'm trying to  
11 say something to you, that's what I'm saying. Okay?

12          DEFENDANT THE: Okay.

13                   [Pause in the proceedings.]

14                   [In the presence of the jury.]

15          THE COURT: All right. You all can be seated. We're back  
16 on the record. 309820.

17          Mr. Woods, Mr. Hauser, State's attorneys, jurors are all  
18 present.

19          So the State has rested their case in chief; correct?

20          MS. FLECK: Yes, Your Honor. Thank you.

21          THE COURT: All right. Mr. Woods, on behalf of the  
22 defense?

23          THE DEFENDANT: The defense rest.

24          THE COURT: All right. So ladies and gentlemen, that  
25 concludes the presentation of witnesses and evidence.

1           The rest of the afternoon we need to spend getting all the  
2 jury instructions settled -- that takes a little bit of time. And it would  
3 take us long enough that I wouldn't have closing arguments into the  
4 evening tonight.

5           So we're going to come back Monday at 1 o'clock and go  
6 into closing arguments, after which you all begin your deliberations.  
7 Okay?

8           So we're going to let you go for the weekend at this time  
9 with the same admonishment I just gave you five minutes ago. And  
10 I will see you back here Monday afternoon. Okay. Enjoy your  
11 weekend. Thank you.

12                           [Outside the presence of the jury.]

13           THE COURT: Okay. We'll be in recess for a few minutes,  
14 guys. Then we'll get back in here and talk about the jury  
15 instructions. Okay?

16           MS. FLECK: Okay.

17                           [Pause in the proceedings.]

18           THE COURT: Did you guys have a chance to make sure all  
19 the exhibits were introduced?

20           MS. FLECK: Yes. I think that just one, but Mr. Woods  
21 doesn't have an objection to it.

22           THE COURT: Okay.

23           MS. FLECK: So it was just --

24           THE COURT: Which one was that?

25           MS. FLECK: Number 2.

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THE COURT: Number 2?

MS. FLECK: Yeah.

THE COURT: Okay. And was that one a picture or what?

MS. FLECK: This is a picture of Josie.

THE COURT: Okay. Mr. Woods, is that correct, that you did not have an objection to Exhibit No. 2?

THE DEFENDANT: No, no objection.

**[PLAINTIFF'S EXHIBIT NO. 2 ADMITTED.]**

THE COURT: Yes? Okay. And did you have a chance to check and see if all your exhibits were admitted as well? Defense A and E have been admitted? Okay.

THE DEFENDANT: Your Honor, would you object if I -- because I said I would -- I didn't bring mine. I do not object to nothing on here, but it's just -- I mean, if it's [indiscernible] the ones I do have, bring it up, and if you want to accept them, and then if not, no.

THE COURT: I'm sorry. You lost me there. What are you saying?

THE DEFENDANT: I'm saying, these are fine jury instructions.

THE COURT: All right.

THE DEFENDANT: They're fine.

THE COURT: Okay.

THE DEFENDANT: I accept any of -- any and all of these.

THE COURT: Okay.



1 THE DEFENDANT: The ones I have down there, can I bring  
2 Monday? And you know, if you can? But if no, that's fine, sir.

3 THE COURT: Yes. I mean, what do you have? Or what  
4 are the issues?

5 THE DEFENDANT: Right now honestly, so much has went  
6 through today that I can't pinpoint it for a fact. But I know I have,  
7 like -- and it's not a lot. It's only like four or five of them.

8 THE COURT: Okay. Yeah. We'll --

9 Officers, why don't you make sure that you have  
10 Mr. Woods over at 12:30 on Monday instead of 1:00? And then if  
11 there's any further instructions, we'll take a look at those before  
12 we formally make all the copies.

13 THE DEFENDANT: Okay. Thank you.

14 THE COURT: Okay. But just for the record, you're not  
15 objecting to any of the State's?

16 THE DEFENDANT: Any of them, no.

17 THE COURT: Okay.

18 MS. FLECK: And if we could just -- I don't have an  
19 objection to that, but if we could at least know if he is trying to  
20 present a new theory, if there's something of self-defense. Is there  
21 a theory that he is intending to attempt to admit?

22 THE DEFENDANT: You know what, I'll go this far. I'll give  
23 them to you. And if you don't agree with them, then they won't be --  
24 I won't even try to --

25 THE COURT: Well, I mean --

1 MS. FLECK: Well, yeah. No. That's a --  
2 THE COURT: -- no. It's not really about their agreement.  
3 THE DEFENDANT: Okay.  
4 MS. FLECK: Yeah.  
5 THE COURT: I mean, you're entitled to instructions --  
6 MS. FLECK: Totally.  
7 THE COURT: -- whether they agree or not. I think what  
8 they're just asking is what are we talking about so we don't get here  
9 Monday and nobody knows what we are expecting to talk about.  
10 So is it a -- you know, is it something about self-defense?  
11 Is it something about intoxication? Is it something about -- I mean,  
12 what is it that the issues are?  
13 THE DEFENDANT: You know, basically, pertaining to the  
14 elements -- the elements of the crime.  
15 THE COURT: Of which crime?  
16 THE DEFENDANT: The murder.  
17 THE COURT: The murder?  
18 THE DEFENDANT: Yes.  
19 THE COURT: So --  
20 THE DEFENDANT: Not the -- none of the other, just to  
21 murder.  
22 THE COURT: So you have instructions that you want to  
23 propose that are different than their instructions on what the  
24 elements of the crime of murder are?  
25 THE DEFENDANT: You know what, I didn't -- because I'm

1 down there at lunch. They don't let us go through all of these.

2 THE COURT: Okay.

3 THE DEFENDANT: So I just want to go through the rest of  
4 them.

5 THE COURT: Well, that's -- that's why I just said. I mean,  
6 we -- I don't want you agreeing on the record to their instructions  
7 without going through them.

8 So let's take a recess and you and Mr. Hauser will have an  
9 opportunity to read through these things.

10 I will tell you my sense is that their instructions that define  
11 the charge of murder are the appropriate instructions that are  
12 Nevada law that I give.

13 THE DEFENDANT: Yeah.

14 THE COURT: And I want you to look at them first before  
15 you say anything.

16 So we'll be off the record for a little bit, and then we'll  
17 come back on and have a further conversation.

18 [Recess taken from 3:43 p.m., until 4:05 p.m.]

19 THE COURT: Okay. All right. Did you all have a chance to  
20 go through the packet now?

21 THE DEFENDANT: Yes.

22 THE COURT: Yeah? All right. So what, if any, objections  
23 do you have to any of the ones that the State is proposing?

24 THE DEFENDANT: I have no objections.

25 THE COURT: All right. And then as to what you were

1 referring to, Mr. Woods, where you were saying you had some  
2 instructions on the elements of murder, is it -- are what you are  
3 contemplating, are they contained in here? Or is there something  
4 different that you're going to want to propose?

5 THE DEFENDANT: No. I was -- I think I'm going to kind of  
6 stand down on those and just go with these.

7 THE COURT: Okay. So the one thing that -- that I noticed  
8 in going through them, that isn't defined at all -- so I had prepared an  
9 instruction on -- is what a private area is.

10 MS. FLECK: Okay.

11 THE COURT: Because the instruction just says private  
12 area, but it doesn't define what a private area is.

13 Hey, Dean, can I give you -- yeah. Thank you. Would you  
14 give one to each side.

15 So the definition that I compiled from trying to look at  
16 legal definitions is, quote, Private parts are places on the human  
17 body which are customarily kept covered by clothing in public  
18 venues. These areas include, for both genders, the buttocks and  
19 anal areas, and for females the breasts and genital areas, and for  
20 males the penis.

21 So I would intend on giving that as part of the instructions  
22 since the instruction on capturing an image, I believe, is the one  
23 that -- yeah. It says, Capturing an image of a private area of another  
24 person. So I think it's important that we define what private area is.

25 MS. FLECK: Okay. Thank you.

1 THE COURT: All right.

2 MS. FLECK: And then the other thing is, is that based  
3 upon how the evidence came out, I think that we're going to  
4 withdraw the peeping or spying. And you know, I do -- as we put the  
5 instructions together last night, it's clear that this case kind of falls  
6 into a strange factual scenario because of you can't really -- I guess,  
7 like a burglary, you can't peep in your own house.

8 So I think that the evidence is that they were living there  
9 together -- Josie and Divina and the defendant were all living at that  
10 address together.

11 THE COURT: Okay.

12 MS. FLECK: So I don't think that it would be ethical for us  
13 to proceed on the peeping counts.

14 THE COURT: Okay. So you're moving to dismiss counts  
15 2, 4, 5, and 7?

16 MS. FLECK: Correct.

17 THE COURT: Okay. I'm assuming you have no objection  
18 to that, gentlemen?

19 THE DEFENDANT: No objection.

20 THE COURT: Okay. All right. So we'll dismiss those.

21 We'll remove -- so you'll need to redo the information  
22 instruction and redo the verdict form. And then we'll pull that  
23 instruction out of the packet as well.

24 MR. ROGAN: Do you need us to file an amended  
25 information?

1 THE COURT: Yes, yeah. Please do.

2 Okay. So then here's the way we'll number the  
3 instructions.

4 The Instruction No. 1 will be the instructions to the jury.  
5 Instruction No. 2, if in these instructions.

6 Number 3, an information is but a formal method.

7 And when you redo that instruction, the very last  
8 paragraph that says, Each charge and the evidence pertaining to it --  
9 you can just take out "other defendant" because there is no other  
10 defendants in this case. So it should -- the last sentence should just  
11 read, Not control your verdict as to any other offense charged.

12 MS. FLECK: Okay.

13 THE COURT: Okay. And then No. 4 will be, In this case  
14 the defendant is accused.

15 Number 5, Murder is the unlawful killing.

16 Number 6, Malice aforethought.

17 Number 7, Express malice is.

18 Number 8, Murder of the first-degree is.

19 Number 9, The law does not undertake.

20 Number 10, Murder which is immediately proceeded by.

21 And then I think I reordered a couple of your instructions  
22 here.

23 Number 11 is going to be, Although your verdict must be  
24 unanimous -- because that only applies to first-degree murder.

25 Number 12, All murder which is not murder in the

1 first-degree murder.

2 Number 13, You are instructed that if you find.

3 Number 14, You are instructed that if you find.

4 13 is about first- and second-degree murder.

5 14 is about weapons.

6 15, Deadly weapon means.

7 16, The State is not required to have recovered.

8 17, A person who knowingly -- or, no, that's the one to be

9 taken out. So 17 will be, A person who knowingly and intentionally

10 captures.

11 18 will be, Private parts are places.

12 MS. FLECK: And that's your addition?

13 THE COURT: Yeah.

14 MS. FLECK: Okay.

15 THE COURT: 19, Open and gross lewdness.

16 20, You are instructed that the word open.

17 21, To constitute the crime charged.

18 22, The defendant is presumed innocent.

19 23, The defendant is not required.

20 24, The evidence which you are to consider.

21 25, The credibility or believability.

22 26, A witness who has special knowledge.

23 27, It is a constitutional right.

24 28, Although you are to consider.

25 Can you send that over with the number off of it?

1 MS. FLECK: I'm sorry. Which one is it?

2 THE COURT: Although, you are to consider only the  
3 evidence. It has No. 47 up there, for whatever reason.

4 MS. FLECK: Okay.

5 THE COURT: I just need you to take that off.  
6 So that's 28.

7 Actually, if you just make your changes and e-mail it back,  
8 I'll put all the numbers in and then print them out.

9 MS. FLECK: Okay. So the only thing is that since I don't  
10 know what changes to the order you made --

11 THE COURT: Okay.

12 MS. FLECK: -- so if I just send them back with the  
13 changes, will you -- okay.

14 And then what was the change to 11 you wanted?

15 THE COURT: On 11?

16 MS. FLECK: And which one was 11?

17 THE COURT: There was a change on 11?

18 MS. FLECK: You said something about the verdict has  
19 been to be unanimous.

20 THE COURT: Oh, no. I just reordered those.

21 MS. FLECK: Okay, okay, okay.

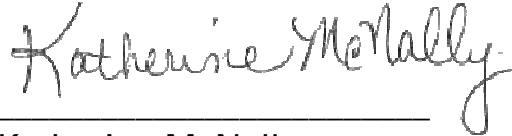
22 THE COURT: The unit -- the unanimity of the theory of  
23 liability only applies to first-degree murder. So I pulled it into the  
24 first-degree murder area.

25 MS. FLECK: Okay.



1 THE COURT: It was behind the second-degree murder.  
2 MS. FLECK: Okay. Got it.  
3 THE COURT: So it wasn't a change.  
4 MS. FLECK: Okay.  
5 THE COURT: Okay. So 29, In your deliberation.  
6 30, During the course of this trial.  
7 31, When you retire to consider.  
8 32, If, during your deliberation.  
9 33, Now you'll listen to the arguments of counsel.  
10 Okay. And then you guys will make the change to the  
11 verdict form, as well.  
12 MS. FLECK: Correct. And I'll send that to you now.  
13 THE COURT: Okay.  
14 MS. FLECK: I'll sit and do it right now.  
15 THE COURT: Okay. All right. Then I will see everybody a  
16 little before 1 o'clock on Monday.  
17 MS. FLECK: Thank you, Your Honor.  
18 THE DEFENDANT: Thank you, Your Honor.  
19 THE COURT: All right. Thank you all.  
20 [Proceedings adjourned at 4:13 p.m.]  
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1 ATTEST: I do hereby certify that I have truly and correctly  
2 transcribed the audio/video proceedings in the above-entitled case to  
3 the best of my ability.

4   
5

6 Katherine McNally  
7 Independent Transcriber CERT\*\*D-323  
8 AZ-Accurate Transcription Service, LLC  
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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:

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BY /s/ Rachel Howard  
Employee, Clark County Public Defender's Office