

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOSEPH LAGUNA, A/K/A JOEY
LAGUNA,

Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-15-303991-5

Docket No: 78866
Consolidated with 78867

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
JOSEPH LAGUNA # 60578,
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INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
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1 **IND**
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10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-15-303991-5

11 -vs-

DEPT NO: V

12 JORGE MENDOZA, #2586625
13 SUMMER LARSEN, aka,
14 Summer Rice, #1854665
15 DAVID MURPHY, aka,
16 David Mark Murphy #0859628
17 JOSEPH LAGUNA, aka,
18 Joey Laguna #1203205,

SUPERSEDING
INDICTMENT

16 Defendant(s).

18 STATE OF NEVADA)
19 COUNTY OF CLARK) ss.

20 The Defendant(s) above named, JORGE MENDOZA, SUMMER LARSEN, aka,
21 Summer Rice, DAVID MURPHY, aka, David Mark Murphy, JOSEPH LAGUNA, aka, Joey
22 Laguna accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO
23 COMMIT ROBBERY (Category B Felony - NRS 199.480, 200.380 - NOC 50147);
24 BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony -
25 NRS 205.060 - NOC 50426); HOME INVASION WHILE IN POSSESSION OF A DEADLY
26 WEAPON (Category B Felony - NRS 205.067 - NOC 50437); ATTEMPT ROBBERY WITH
27 USE OF A DEADLY WEAPON (Category B Felony - NRS 193.330, 200.380, 193.165 - NOC
28 50145); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS

200.010, 200.030, 193.165 - NOC 50001) and ATTEMPT MURDER WITH USE OF A
DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC
50031), committed at and within the County of Clark, State of Nevada, on or about the 21st
day of September, 2014, as follows:

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COUNT 1 – CONSPIRACY TO COMMIT ROBBERY

did wilfully, unlawfully, and feloniously conspire with each other and/or ROBERT FIGUEROA to commit a robbery.

COUNT 2 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny and/or robbery and/or murder, that certain residence occupied by JOSEPH LARSEN and/or MONTY GIBSON, located at 1661 Broadmere Street, Las Vegas, Clark County, Nevada, said Defendants did possess and/or gain possession of a deadly weapon, to wit: a 9mm rifle and/or a hand gun and/or pellet gun, during the commission of the crime and/or before leaving the structure; the Defendant being responsible under one or more theories of criminal liability, to wit: 1) by directly or indirectly committing the acts constituting the offense and/or 2) by aiding and abetting in the commission of the crime by Defendant DAVID MURPHY, aka, David Mark Murphy driving co-conspirators to scene and/or acting as a lookout and/or by acting as the “get away” driver, SUMMER LARSEN identifying JOSEPH LARSEN’s home as a target and/or meeting with the co-defendants and/or unidentified co-conspirators to plan the robbery of JOSEPH LARSEN and/or MONTY GIBSON, and JORGE MENDOZA and/or ROBERT FIGUEROA and/or JOSEPH LAGUNA going to the residence with weapons to rob JOSEPH LARSEN and/or MONTY GIBSON, thereafter, JOSEPH LARSEN shooting at the JORGE MENDOZA and ROBERT FIGUEROA and/or JOSEPH LAGUNA to prevent the taking of the property, JORGE MENDOZA and/or other conspirators returning fire, striking and killing MONTY GIBSON, the co-conspirators acting in concert throughout and/or 3) a conspiracy to commit this crime.

//

//

1 COUNT 3 – HOME INVASION WHILE IN POSSESSION OF A DEADLY WEAPON

2 did then and there wilfully, unlawfully and feloniously forcibly enter an inhabited
3 dwelling, to-wit: 1661 Broadmere Street, Las Vegas, Clark County, Nevada, without
4 permission of the owner, resident, or lawful occupant, to-wit: JOSEPH LARSEN, and
5 MONTY GIBSON, the said Defendant did possess and/or gain possession of a deadly weapon
6 consisting of a 9mm Firearm and/or a hand gun and/or pellet gun, during the commission of
7 the crime and/or before leaving the structure; the Defendants being responsible under one or
8 more theories of criminal liability, to wit: 1) by directly or indirectly committing the acts
9 constituting the offense and/or 2) by aiding and abetting in the commission of the crime by
10 Defendant DAVID MURPHY, aka, David Mark Murphy driving co-conspirators to scene
11 and/or acting as a lookout and/or by acting as the “get away” driver, SUMMER LARSEN
12 identifying JOSEPH LARSEN’s home as a target and/or meeting with the co-defendants to
13 plan the robbery of JOSEPH LARSEN and/or MONTY GIBSON, and JORGE MENDOZA
14 and/or ROBERT FIGUEROA and/or JOSEPH LAGUNA going to the residence with weapons
15 to rob JOSEPH LARSEN and/or MONTY GIBSON, one of the conspirators breaking open
16 the front door to the residence, thereafter, JOSEPH LARSEN shooting at the JORGE
17 MENDOZA and ROBERT FIGUEROA and/or JOSEPH LAGUNA to prevent the taking of
18 the property, JORGE MENDOZA and/or JOSEPH LAGUNA returning fire, striking and
19 killing MONTY GIBSON, the co-conspirators acting in concert throughout and/or 3) a
20 conspiracy to commit this crime.

21 COUNT 4 – ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

22 did then and there wilfully, unlawfully, and feloniously attempt to take personal
23 property, to-wit: lawful money of the United States and/or marijuana, from the person of
24 JOSEPH LARSEN, or in his presence, by means of force or violence, or fear of injury to, and
25 without the consent and against the will of JOSEPH LARSEN, by entering his home with a
26 weapon to take the property by force, thereafter JOSEPH LARSEN shooting at the defendants
27 to prevent the taking of the property, with use of a deadly weapon, to-wit: a 9mm Firearm
28 and/or a hand gun and/or pellet gun; the Defendants being responsible under one or more

1 theories of criminal liability, to wit: 1) by directly or indirectly committing the acts
2 constituting the offense and/or 2) by aiding and abetting in the commission of the crime by
3 Defendant DAVID MURPHY, aka, David Mark Murphy driving co-conspirators to scene
4 and/or acting as a lookout and/or by acting as the "get away" driver, SUMMER LARSEN
5 identifying JOSEPH LARSEN's home as a target and/or meeting with the co-defendants
6 and/or unidentified co-conspirators to plan the robbery of JOSEPH LARSEN and/or MONTY
7 GIBSON, and JORGE MENDOZA and/or ROBERT FIGUEROA and/or JOSEPH LAGUNA
8 going to the residence with weapons to rob JOSEPH LARSEN and/or MONTY GIBSON, one
9 of the conspirators breaking open the front door to the residence, thereafter, JOSEPH LARSEN
10 shooting at the JORGE MENDOZA and ROBERT FIGUEROA and/or JOSEPH LAGUNA
11 to prevent the taking of the property, JORGE MENDOZA and/or other conspirators returning
12 fire at JOSEPH LARSEN, the co-conspirators acting in concert throughout and/or 3) a
13 conspiracy to commit this crime.

14 COUNT 5 – ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

15 did then and there wilfully, unlawfully, and feloniously attempt to take personal
16 property, to-wit: lawful money of the United States and/or marijuana, from the person of
17 MONTY GIBSON, or in his presence, by means of force or violence, or fear of injury to, and
18 without the consent and against the will of MONTY GIBSON, by entering his home with a
19 weapon to take the property by force, thereafter JOSEPH LARSEN shooting at the defendants
20 to prevent the taking of the property, with use of a deadly weapon, to-wit: a 9mm Firearm
21 and/or a hand gun and/or pellet gun; the Defendants being responsible under one or more
22 theories of criminal liability, to wit: 1) by directly or indirectly committing the acts
23 constituting the offense and/or 2) by aiding and abetting in the commission of the crime by
24 Defendant DAVID MURPHY, aka, David Mark Murphy driving co-conspirators to scene
25 and/or acting as a lookout and/or by acting as the "get away" driver, SUMMER LARSEN
26 identifying JOSEPH LARSEN's home as a target and/or meeting with the co-defendants
27 and/or unidentified co-conspirators to plan the robbery of JOSEPH LARSEN and/or MONTY
28 GIBSON, and JORGE MENDOZA and/or ROBERT FIGUEROA and/or JOSEPH LAGUNA

1 going to the residence with weapons to rob JOSEPH LARSEN and/or MONTY GIBSON, one
2 of the conspirators breaking open the front door to the residence, thereafter, JOSEPH LARSEN
3 shooting at the JORGE MENDOZA and ROBERT FIGUEROA and/or JOSEPH LAGUNA
4 to prevent the taking of the property, JORGE MENDOZA and/or other conspirators returning
5 fire, striking and killing MONTY GIBSON, the co-conspirators acting in concert throughout
6 and/or 3) a conspiracy to commit this crime.

7 COUNT 6 – MURDER WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, feloniously, with premeditation and
9 deliberation, and with malice aforethought, kill MONTY GIBSON, a human being, by
10 shooting at and into the body of the said MONTY GIBSON, with a deadly weapon, to-wit: a
11 firearm, the defendants being responsible under one or more theories of criminal liability,
12 to-wit: 1) by directly or indirectly committing the acts constituting the offense and/or 2) by
13 aiding and abetting in the commission of the crime by Defendant DAVID MURPHY, aka,
14 David Mark Murphy driving co-conspirators to scene and/or acting as a lookout and/or by
15 acting as the “get away” driver, SUMMER LARSEN identifying JOSEPH LARSEN’s home
16 as a target and/or meeting with the co-defendants and/or unidentified co-conspirators to plan
17 the robbery of JOSEPH LARSEN and/or MONTY GIBSON, and JORGE MENDOZA and/or
18 ROBERT FIGUEROA and/or JOSEPH LAGUNA going to the residence with weapons to rob
19 JOSEPH LARSEN and/or MONTY GIBSON, one of the conspirators breaking open the front
20 door to the residence, thereafter, JOSEPH LARSEN shooting at the JORGE MENDOZA and
21 ROBERT FIGUEROA and/or JOSEPH LAGUNA to prevent the taking of the property,
22 JORGE MENDOZA and/or other conspirators returning fire, striking and killing MONTY
23 GIBSON, the co-conspirators acting in concert throughout and/or 3) a conspiracy to commit
24 this crime; the defendants being responsible under one or more of the following principles of
25 criminal liability, to-wit: 1) by having premeditation and deliberation and/or 2) during the
26 perpetration or attempted perpetration of a robbery and/or burglary and/or Home Invasion.

27 //

28 //


1 COUNT 7 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, unlawfully, feloniously and with malice aforethought
3 attempt to kill JOSEPH LARSEN, a human being, by shooting at JOSEPH LARSEN, with use
4 of a deadly weapon, to-wit: a 9mm Firearm and/or a hand gun and/or pellet gun, the defendants
5 being responsible under one or more theories of criminal liability, to-wit: 1) by directly or
6 indirectly committing the acts constituting the offense and/or 2) by aiding and abetting in the
7 commission of the crime by Defendant DAVID MURPHY, aka, David Mark Murphy driving
8 co-conspirators to scene and/or acting as a lookout and/or by acting as the "get away" driver,
9 SUMMER LARSEN identifying JOSEPH LARSEN's home as a target and/or meeting with
10 the co-defendants and/or unidentified co-conspirators to plan the robbery of JOSEPH
11 LARSEN and/or MONTY GIBSON, and JORGE MENDOZA and/or ROBERT FIGUEROA
12 and/or JOSEPH LAGUNA going to the residence with weapons to rob JOSEPH LARSEN
13 and/or MONTY GIBSON, one of the conspirators breaking open the front door to the
14 residence, thereafter, JOSEPH LARSEN shooting at the JORGE MENDOZA and ROBERT
15 FIGUEROA and/or JOSEPH LAGUNA to prevent the taking of the property, JORGE
16 MENDOZA and/or other conspirators returning fire at JOSEPH LARSEN, the co-conspirators
17 acting in concert throughout and/or (3) a conspiracy to commit this crime.

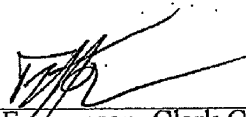
18 DATED this 20th day of February, 2015.

19 STEVEN B. WOLFSON
20 Clark County District Attorney
Nevada Bar #001565

21
22 BY


23 MARC DIGIACO
24 Chief Deputy District Attorney
Nevada Bar #6955

25 ENDORSEMENT: A True Bill

26 
27 Foreperson, Clark County Grand Jury
28

1 Names of witnesses testifying before the Grand Jury:
2 DAY, ROGER, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
3 DUTRA, DR. TIMOTHY, CCME, 1704 PINTO LN., LVN
4 FIGUEROA, ROBERT, UNKNOWN ADDRESS
5 HALL, ASHLEY, 6401 BAMBOO PL., LVN
6 JENSEN, BARRY, LVMPD P#3662
7 LARSEN, JOSEPH, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
8 LARSEN, STEVEN, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
9 WILLIAMS, TOD, LVMPD

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

10
11 Additional witnesses known to the District Attorney at time of filing the Indictment:
12 ESTAVILLO, MICHELLE, 1219 WESTLUND DR., LVN
13 GIBSON, LATONYA, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
14 MENDOZA, AMANDA, 1219 WESTLUND DR., LVN
15 ROWE, TRACY, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
16 SALGADO, RENEE, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
17 WALKER, GENE, c/o CCDA/VWAC, 200 LEWIS AVE., LVN
18
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26 14BGJ019ACDE/14F14997ACDE/dd-GJ
27 LVMPD EV# 140921-3020
28 (TK12)

WARR

Electronically Filed
02/27/2015 12:10:45 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSEPH LAGUNA, #1203205

Defendant.

CASE NO: C-15-30390

DEPT NO: V

Elizabeth A. Brown
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CLERK OF THE COURT

Apr 10 2020 08:50 a.m.

Elizabeth A. Brown

Clerk of Supreme Court

WARRANT FOR ARREST

SUPERSEDING
INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

A Superseding Indictment having been found on the 27th day of February, 2015, in the above entitled Court, charging Defendant JOSEPH LAGUNA, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 199.480, 200.380 - NOC 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426); (1) CT - HOME INVASION WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.067 - NOC 50437); (2) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 193.330, 200.380, 193.165 - NOC 50145); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001) and (1) CT - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031).

YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ NO BAIL.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this 27th day of February, 2015.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY

Marc DiCiacomo
MARC DIACOMO
Chief Deputy District Attorney
Nevada Bar #6955

David Barker
CHIEF JUDGE
DAVID BARKER
BAIL \$ NO BAIL

DA# 14BGJ019ACDE/14F14997ACD/15F02342X-dd-GJ
LVMPD EV#140921-3020
7/21/1977; HMA; SS#: 559-49-9180
(TK12)

Document No. 20-13645

RET

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MARC DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #6955
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JOSEPH LAGUNA, #1203205
Defendant.

CASE NO: C-15-303991-5
DEPT NO: V

SUPERSEDING INDICTMENT WARRANT RETURN

A Superseding Indictment having heretofore been found on the 27th day of February, 2015, in the above entitled Court, charging Defendant JOSEPH LAGUNA, above named, with the crime(s) of: (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 199.480, 200.380 - NOC 50147); (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426); (1) CT - HOME INVASION WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.067 - NOC 50437); (2) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 193.330, 200.380, 193.165 - NOC 50145); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001) and (1) CT - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of _____ 2015.

JOE LOMBARDO,
Clark County, Nevada

BY _____
Deputy

Document No. 20-13645

RET.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MARC DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #6955
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

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2015 MAR Elizabeth A. Brown
Clerk of Supreme Court
CLERK OF THE COURT

THE STATE OF NEVADA,
Plaintiff,

-VS-

JOSEPH LAGUNA, #1203205
Defendant.

CASE NO: C-15-303991-5
DEPT NO: V

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I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of ____ 2015.

C-15-303991-5
IWR
Indictment Warrant Return
4437325



JOE LOMBARDO,
Clark County, Nevada

BY Deputy

James Cotti 8773

CLERK OF THE COURT

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Document No. 20-13645

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

JOSEPH LAGUNA, #1203205

Defendant.

CASE NO: C-15-303991-5
DEPT NO: V

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Apr 10 2020 08:50 a.m.
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Clerk of Supreme Court

WARRANT FOR ARREST

SUPERSEDING
INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

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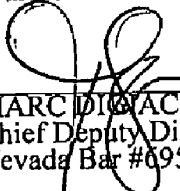
YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ NO BAIL.


I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this 27th day of February, 2015.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY



MARC DIACOMO
Chief Deputy District Attorney
Nevada Bar #0955


CHIEF JUDGE
DAVID BARKER
BAIL \$ NO BAIL

DA# 14BGJ019ACDE/14F14997ACD/15F02342X-dd-GJ
LVMPD EV#140921-3020
7/21/1977; HMA; SS#: 559-49-9180
(TK12)

Document No. 20-13645

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA


Electronically Filed
CLERK OF THE COURT
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 14BGJ019ACDE
) DC No. C303991
JORGE MENDOZA, SUMMER LARSEN, aka)
Summer Rice, DAVID MURPHY, aka)
David Mark Murphy, JOSEPH LAGUNA,)
)
Defendants.)
_____)
_____)

Taken at Las Vegas, Nevada
Thursday, February 26, 2015
8:34 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SUPERSEDING INDICTMENT

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON FEBRUARY 26, 2015

2
3 EDMOND JAMES, Foreperson

4 EDWARD RITCHIE, Deputy Foreperson

5 CELIA ELLIS, Secretary

6 BARBARA BROWN, Assistant Secretary

7 JAMIESON CARPENTER

8 KIM CHEEVER

9 JAMES ELLIOTT

10 KATHLEEN FLORY (Did not deliberate.)

11 JOYCE HAAS

12 BRIGITTE HULL

13 MICHAEL IVY

14 BARBARA LEWIS

15 FELICIA NEWMAN

16 DIANA SHIDAKER

17
18 Also present at the request of the Grand Jury:

19 Marc DiGiacomo, Chief Deputy District Attorney

20 Agnes Lexis, Chief Deputy District Attorney

21

22

23

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INDEX OF WITNESSES

TOD WILLIAMS

BARRY JENSEN

Exhibit C

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Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13

INDEX OF EXHIBITS

Grand Jury Exhibits

1A - SUPERSEDING INDICTMENT	
14 - COPIES OF PAWN TICKETS	20
15 - CELL PHONE RECORDS	21
16 - CELL PHONE RECORDS	23
17 - CELL PHONE RECORDS	24
18 - DEMONSTRATIVE EXHIBIT OF CELL RECORDS	25
19 - DEMONSTRATIVE EXHIBIT OF CELL RECORDS	26
20 - OVERHEAD VIEW OF LAS VEGAS VALLEY	27
21 - PHOTOGRAPH	27
22 - PHOTOGRAPH	27
23 - PHOTOGRAPH	27

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 Apr 10 2020 08:50 a.m.
 Identified
 Elizabeth A. Brown
 Clerk of Supreme Court

1 LAS VEGAS, NEVADA, FEBRUARY 26, 2015

2 * * * * *

3 DANETTE L. ANTONACCI,

4 having been first duly sworn to faithfully
5 and accurately transcribe the following
6 proceedings to the best of her ability.

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7
8 THE FOREPERSON: Let the record reflect
9 that I have canvassed the waiting area and no one has
10 appeared in response to Notice of Intent to Seek
11 Indictment.

12 MR. DIGIACOMO: Good morning ladies and
13 gentlemen. My name is Marc DiGiacomo. I am a deputy
14 district attorney here in Clark County and I'm here to
15 present a matter to you which has been stylized in Grand
16 Jury Exhibit 1A as a superseding Indictment. It's my
17 understanding that all of the grand jurors here with the
18 exception of one was impaneled last time and it's my
19 belief that all of you were present during the two prior
20 presentations. Anyone who wasn't present at the two
21 prior presentations, there has been transcripts created
22 of both of those, they're present here, and I ask you to
23 review those before deliberation.

24 The Indictment is essentially the same as
25 it relates to Jorge Mendoza, Summer Larsen and David

1 Murphy. It adds Joseph Laguna. It subtracts
2 Mr. Figueroa, he's not subject to the superseding
3 Indictment that's going to be conducted here today.

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Clerk of Supreme Court

4 The essential language of the Indictment is
5 basically the same except for the person that was
6 identified as an unknown individual previously, his name
7 has been replaced by Joey Laguna. And at the end of
8 this, while I recognize you've already voted on
9 Mr. Mendoza, Miss Larsen and Mr. Murphy as to the all
10 the counts, because it's a superseding I'm going to
11 request that you vote on all four potential defendants
12 on all of the counts that are contained in the
13 Indictment.

14 It is also my understanding at the first
15 presentation that occurred you were instructed on the
16 elements of the offense. If the Grand Jury needs no
17 additional instructions then I would call my first
18 witness. And if I didn't mention this, which I probably
19 didn't, it's Grand Jury Case Number 14BGJ019ACD&E that
20 we are here on.

21 Seeing no questions I will call my first
22 witness.

23 THE FOREPERSON: Please raise your right
24 hand, sir.

25 You do solemnly swear the testimony you are

1 about to give upon the investigation now pending before
2 this Grand Jury shall be the truth, the whole truth,
3 nothing but the truth, so help you God?

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Apr 10 2020 08:50 a.m.
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Clerk of Supreme Court

4 THE WITNESS: Yes, I do.

5 THE FOREPERSON: Please be seated, sir.

6 You are advised that you are here today to
7 give testimony in the investigation pertaining to the
8 offenses of conspiracy to commit robbery, burglary while
9 in possession of a deadly weapon, home invasion while in
10 possession of a deadly weapon, attempt robbery with use
11 of a deadly weapon, murder with use of a deadly weapon,
12 attempt murder with use of a deadly weapon, involving
13 Jorge Mendoza, Summer Larsen, David Murphy and Joseph
14 Laguna.

15 Do you understand this advisement?

16 THE WITNESS: Yes, I do.

17 THE FOREPERSON: Please state your first
18 and last name and spell both for the record.

19 THE WITNESS: Tod, T-O-D, Williams,
20 W-I-L-L-I-A-M-S.

21 THE FOREPERSON: Thank you, sir.

22 TOD WILLIAMS,
23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth,
25 and nothing but the truth, testified as follows:

EXAMINATION

Electronically Filed
Apr 10 2020 08:50 a.m.
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BY MR. DIGIACOMO:

Q. Detective, how are you employed?

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

Q. How long have you been with Metro?

A. Over 25 years.

Q. And how long have you been in homicide?

A. Over 11 years.

Q. I'm going to direct your attention back to
September 21st of 2014. Did you become involved in the
investigation of a home invasion that occurred at 1661
Broadmere here in Clark County, Las Vegas, Nevada?

A. Yes, I did.

Q. And as a result of that home invasion was
an individual found deceased at that scene by the name
of Monty Gibson?

A. Yes, there was.

Q. When homicide responds to a scene, is there
certain assignments that are divvied up between the
various homicide detectives that are there?

A. Yes.

Q. What was your responsibility?

A. I was to interview whatever available

1 witness was located at that time.

2 Q. And during the evening hours of the 22nd do you come
3 into the early morning hours of the 22nd do you come
4 into contact with someone who is identified to you as
5 Jose Mendoza?

6 A. Jorge Mendoza?

7 Q. I'm sorry. Jorge Mendoza, yes.

8 A. Yes.

9 Q. Okay. I apologize. Did I misspeak?

10 A. Yes.

11 Q. Okay. Jorge Mendoza. How is it that you
12 came into contact with Jorge?

13 A. I was advised that there was another
14 individual with gunshot wounds and had been transported
15 to the hospital prior to my arrival and so myself and
16 Detective Fred Merrick, we went to the hospital to
17 interview him to find out what his involvement was, if
18 he was another witness, a victim or a suspect. We
19 weren't sure at that time.

20 Q. Where is it that you physically see
21 Mr. Mendoza?

22 A. He was in a hospital bed in the UMC Trauma
23 area.

24 Q. And when you came into contact with him,
25 were there any physical restraints on him?

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Elizabeth A. Brown
Clerk of Supreme Court

1 A. No.

2 Q. Did you talk to Mr. Mendoza?

3 A. Yes, I did.

4 Q. Did he appear to be coherent and able to

5 respond to questions appropriately?

6 A. Yes, he was.

7 Q. Did you ask him how it is that he wound

8 up -- well, let me ask you this. Did you see an injury

9 to him?

10 A. Yes, he had a gunshot wound to his leg.

11 Q. Did you ask him how it is that he wound up

12 getting that injury to his leg?

13 A. Yes, I did. He said he was the victim of a

14 carjacking.

15 Q. He was a victim of a carjacking?

16 A. Yes. That was one of his stories.

17 Q. This is kind of a big room and I'm way back

18 here and I also have a bit of a cold so my head is a

19 little bit stuffy. So if you could keep your voice up

20 so I can hear what you say and hopefully that will mean

21 all the jurors will be able to hear it as well.

22 You indicated that he was a victim of a

23 carjacking. Did he -- or at least that was one of his

24 stories. Could you elaborate kind of what the sequencing

25 of events he claimed occurred at the carjacking?

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Clerk of Supreme Court

1 A. He gave several versions and several
2 different sequences. It was hard to follow. But
3 basically he had been in that neighborhood and several
4 individuals had taken him out of the car and shot him
5 and taken his car.

6 Q. Did you through the course of the
7 conversation with him, you indicated that he kind of had
8 sort of several different versions of the event, do you
9 kind of confront him with the fact that his stories
10 don't appear to match the evidence that was at your
11 scene?

12 A. Yes. With each version of the story he
13 gave we would confront him with the facts that that
14 couldn't be possible what he was saying and he would
15 come up with another version. We also indicated that
16 there was a blood trail that led back to where the other
17 victim was, the decedent, and that he couldn't have been
18 shot where he claimed he was shot because his own blood
19 trail showed otherwise.

20 Q. During the course of this interview that
21 you conducted with Mr. Mendoza does he provide you what
22 his cell phone number was?

23 A. Yes, he did.

24 Q. And did he provide you (702)666-4948?

25 A. Yes, that's the number he provided.

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1 MR. DIGIACOMO: Thank you very much. That
2 completes my questions for this witness. If the
3 Jury has any questions?

4 THE FOREPERSON: No questions.

5 By law, these proceedings are secret and
6 you are prohibited from disclosing to anyone anything
7 that has transpired before us, including evidence and
8 statements presented to the Grand Jury, any event
9 occurring or statement made in the presence of the Grand
10 Jury, and information obtained by the Grand Jury.

11 Failure to comply with this admonition is a
12 gross misdemeanor punishable by a year in the Clark
13 County Detention Center and a \$2,000 fine. In addition,
14 you may be held in contempt of court punishable by an
15 additional \$500 fine and 25 days in the Clark County
16 Detention Center.

17 Do you understand this admonition?

18 THE WITNESS: Yes, I do.

19 THE FOREPERSON: Thank you, sir. You're
20 excused.

21 Sir, if you would please raise your right
22 hand.

23 You do solemnly swear the testimony you are
24 about to give upon the investigation now pending before
25 this Grand Jury shall be the truth, the whole truth, and

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Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 nothing but the truth, so help you God?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Please be seated.

4 You are advised that you are here to help us

5 give testimony in the investigation pertaining to the

6 offenses of conspiracy to commit robbery, burglary while

7 in possession of a deadly weapon, home invasion while in

8 possession of a deadly weapon, attempt robbery with use

9 of a deadly weapon, murder with use of a deadly weapon,

10 attempt murder with use of a deadly weapon, involving

11 Jorge Mendoza, Summer Larsen, David Murphy and Joseph

12 Laguna.

13 Do you understand this advisement?

14 THE WITNESS: Yes, I do.

15 THE FOREPERSON: Please state your first

16 and last name and spell both for the record.

17 THE WITNESS: My name is Barry Jensen.

18 B-A-R-R-Y, J-E-N-S-E-N.

19 MR. DIGIACOMO: For the record, Agnes

20 Lexis, a fellow deputy district attorney in my office,

21 has joined for the presentation as well.

22 BARRY JENSEN,

23 having been first duly sworn by the Foreperson of the

24 Grand Jury to testify to the truth, the whole truth,

25 and nothing but the truth, testified as follows:

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EXAMINATION

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BY MR. DIGIACOMO:

Q. Detective Jensen, I know you've previously testified in this matter before this Grand Jury so I don't want to go through everything that you testified before. But essentially you're one of the lead detectives into the investigation of the homicide that occurred at 1661 Broadmere Street here in Clark County, Las Vegas, Nevada?

A. Yes, I am.

Q. And the victim of that particular case was Monty Gibson?

A. Yes, it was.

Q. Were you initially at the scene?

A. Yes, I did.

Q. And based upon your investigation initially at the scene, how many suspects were you initially aware of?

A. We were initially aware of two suspects.

Q. Was one of those suspects an individual named Jorge Mendoza who was transported from a house near the scene of the homicide?

A. Yeah. He was actually transported, he was in a car in front of the house but he was transported to

1 UMC.

2 Q. With a gunshot wound to the leg?

3 A. Yes.

4 Q. Were you aware that there was a search for

5 blood trail that led farther than Mr. Mendoza was able

6 to make it?

7 A. Yes, I was.

8 Q. And that individual, ultimately did you

9 learn his name?

10 A. Yes, we did.

11 Q. And what was his name?

12 A. His name was Robert Figueroa.

13 Q. And Mr. Figueroa, ultimately do you learn

14 that he winds up in a backyard or behind a wall in the

15 neighborhood for the better part of nine hours while

16 police are processing the scene and even camera crews

17 are present?

18 A. Yes, we did.

19 Q. Did you also establish that there were

20 other suspects involved in this case?

21 A. Yes, we did.

22 Q. And can you describe for us first of all

23 who's Summer Larsen?

24 A. Summer Larsen, she is also known as Summer

25 Rice, she was in a ten-year relationship with Joey

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1 Larsen who lives at 1661 Broadmere. They call each
2 other husband and wife. I don't know if they're
3 married or if it's a common law marriage.

4 Q. And how is it that she winds up becoming a
5 suspect in this case?

6 A. Summer Larsen and Joey Larsen had a falling
7 out and there's bitterness between them. Summer Larsen
8 ends up joining an old friendship that she had with
9 David Murphy who is known as Dough Boy. Summer, Joey
10 and Dough Boy grew up in the same area and they've known
11 each other.

12 Q. And this Grand Jury has heard from Ashley
13 Hall, but essentially it's Ashley Hall that provides you
14 the information that Summer Larsen is talking about,
15 earlier in the day, either on Saturday or on Sunday,
16 earlier that time period, that there was going to be a
17 robbery at Joey's house sometime in the evening of
18 Sunday night?

19 A. Yes, there was.

20 Q. And I think you testified previously that
21 you were able to establish who Dough Boy was through
22 jail phone calls between Summer Larsen and David Murphy?

23 A. That's correct.

24 Q. Was there a fifth individual that you
25 subsequently learned was part of the conspiracy and

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1 ultimately wound up at the crime scene on the night in
2 question?

3 A. Yes.

4 Q. And who was that?

5 A. That was Joey Laguna. And his, he goes by
6 Maton. M-A-T-O-N.

7 Q. As part of your investigation in order to
8 establish -- ultimately you talked to Robert Figueroa;
9 is that correct?

10 A. That's correct.

11 Q. And Mr. Figueroa gives you a sequencing of
12 events about what happened at this homicide scene?

13 A. Yes.

14 Q. And does the physical evidence seem to
15 corroborate the information that Mr. Figueroa had
16 provided?

17 A. Yes, it does.

18 Q. Did you attempt to establish phone numbers
19 for the four individuals that were at the homicide
20 scene -- David Murphy, aka Dough Boy, Joey Laguna, aka
21 Maton, Robert Figueroa and Jose Mendoza?

22 A. Yes, we did.

23 Q. Now I think the Grand Jury previously heard
24 that Jorge Mendoza's phone number was 666-4948. And
25 Robert Figueroa, did he provide you the cell phone

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1 number that he was using?

2 A. Yes, he did.

3 Q. And did he provide you (702)241-1051?

4 A. Yes.

5 Q. Did you ultimately have a conversation with

6 an individual who identified himself to you as Joey

7 Laguna?

8 A. Yes, I did.

9 Q. During the course of that conversation did
10 he provide you the cell phone number that he utilizes?

11 A. Yes, he did.

12 Q. Was that (702)762-1584?

13 A. Yes.

14 Q. Now Mr. Murphy, were you able to identify a
15 cell phone number that he was using in September of 2011
16 (sic)?

17 A. Yes, we did.

18 Q. Was that number (702)542-1558?

19 A. Yes, it was.

20 Q. Based upon receiving the information as it
21 relates to these cell phones, did you seek either court
22 orders or subpoenas or some other legal process to
23 recover from these various cell phone companies call
24 detail records, subscriber information, as well as cell
25 site information for those four phones?

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1 A. Yes, we did.

2 Q. I'm going to start with how you were able to
3 to identify David Murphy's phone number. How was it
4 that you were able to figure out a phone number for
5 David Murphy in September of 2014?

6 A. In December of 2014 the number that David
7 Murphy had at the time of his arrest we couldn't find
8 anywhere. So through a data bank where we check pawn
9 tickets we found a pawn ticket that David Murphy pawned
10 an item September 11th of 2014 which is just ten days
11 before the home invasion/murder at 1661 Broadmere, and
12 that had the phone number of 1558 on it.

13 Q. So let me have you explain to the Grand
14 Jury. When somebody pawns an item, they are required to
15 provide information in order to either pawn or sell an
16 item at a pawn shop?

17 A. That's correct.

18 Q. And does the Las Vegas Metropolitan Police
19 Department as well as some ordinances and maybe even
20 statutes require that that information be uploaded to a
21 data base that is accessible by the Las Vegas
22 Metropolitan Police Department?

23 A. Yes, it does.

24 Q. What's the name of that data base?

25 Well, maybe I'll do it this way.

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1 Showing you what is marked as Grand Jury

2 Exhibit Number 14. Do you recognize those two
3 documents?

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4 A. Yes, I do.

5 Q. What are they?

6 A. Those are copies of the pawn tickets that
7 David Murphy used in September 11th of 2014 and the data
8 bank is called Leads Online.

9 Q. So when an item is pawned, the person who
10 is receiving the pawn at that time as they're looking at
11 the information, enters information into a computer that
12 Metro ultimately has access to?

13 A. Yes.

14 Q. And those records that Metro has access to
15 are kept in the regular course of the public business of
16 the Las Vegas Metropolitan Police Department?

17 A. That's correct.

18 Q. And then you are able to go in and run
19 Mr. Murphy's name and find identifying information for
20 him and then ultimately download his pawn tickets?

21 A. That's correct.

22 Q. And Exhibit Number, Grand Jury Exhibit
23 Number 14 are two pawn tickets from September 11, 2014
24 which shows Mr. Murphy's address as 6637 Delphinium here
25 in Las Vegas, Clark County, Nevada, and that he has a

1 cell or a phone number anyways of (702)542-1558?

2 A. That's correct.

3 Q. Did you also send a request and receive

4 back for Mr. Laguna's phone -- he was Cricket; is that

5 correct?

6 A. That's correct.

7 Q. Did you receive back certified copies,

8 because they send them back with a declaration of

9 custodian of records, both subscriber information and

10 call details records for Mr. Laguna's phone which is

11 displayed in Grand Jury Exhibit Number 15?

12 A. Yes, these are the records that I received.

13 Q. I'm going to ask you a couple of questions

14 about these records.

15 The first page is the affidavit of

16 custodian of records. The third page shows that while

17 Mr. Laguna provided you that this was his cell phone,

18 the actual person whose customer name is Anthony Flores;

19 is that correct?

20 A. That's correct.

21 Q. But the address, 3668 Lucky Horseshoe

22 Court, Las Vegas, Nevada, is that an address that you

23 recognize?

24 A. Yeah, that's Joey Laguna's address.

25 Q. That's Joey Laguna's address. Okay.

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1 Starting on the fourth page and going on.

2 Is there a spreadsheet of calls and/or text messages
3 coming from Joey or coming from or going to Joey
4 Laguna's phone?

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5 A. Yes, there is.

6 Q. I want to focus in on just one area which
7 is the start time and the end time. There's an
8 indication that those start times and end times are GMT
9 meaning Greenwich Mean Time?

10 A. Greenwich Mean Time.

11 Q. And in September of 2014, Greenwich Mean
12 Time is seven hours ahead of Las Vegas?

13 A. That's correct.

14 Q. Is Grand Jury Exhibit 15 a true, fair and
15 accurate copy of the records that you received back from
16 Cricket?

17 A. Yes, they are.

18 Q. Now I'm going to show you what has been
19 marked as Grand Jury Exhibit Number 16. Once again do
20 you go through the same procedure that you did with
21 Cricket as it related to Jorge Mendoza's phone number,
22 the 666-4948 number?

23 A. Yes, I did.

24 Q. And do you receive subscriber information
25 back as well as call detail records from the phone

1 company T-Mobile?

2 A. Yes, we do.

3 Q. And showing you Grand Jury Exhibit

4 Number 16, does that appear to be a true, fair and
5 accurate copy of the subscriber information as well as
6 the call detail records?

7 A. Yes, they are.

8 Q. Now let me ask you a couple of questions
9 because those aren't certified. In your career have you
10 sent a number of court orders to a variety of phone
11 companies?

12 A. Yes, I have.

13 Q. And they sent you back their information
14 and have you found it to be accurate information of
15 business records of that company?

16 A. Yes, I have.

17 Q. Any reason to not believe that these are
18 the call detail records that would be the same thing had
19 there been an affidavit from the custodian of records?

20 A. None whatsoever, those are the call
21 records.

22 Q. And this actually has Jorge Mendoza as the
23 subscriber to the phone?

24 A. That's correct.

25 Q. And while this is very small print so I'm

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1 not going to ask you to read it, his records are
2 actually in local time from T-Mobile?

3 A. Yes, they are.

4 Q. Did you send a similar request to AT&T for
5 the phone number that was provided to you for
6 Mr. Figueroa, the 241 phone number?

7 A. Yes, I did.

8 Q. And did you get both subscriber information
9 and call detail records back as well?

10 A. I did.

11 Q. And the subscriber information -- well, let
12 me ask you. In Grand Jury Exhibit Number 17, is that a
13 true, fair and accurate copy of the records from AT&T of
14 both the subscriber information as well as the call
15 detail records?

16 A. Yes, they are.

17 Q. And once again, because they haven't been,
18 there is no certification on top of them, once again did
19 you go through the same procedure that you've gone
20 through in hundreds of cases in the past?

21 A. Yes.

22 Q. And have you received these records back?

23 A. Yes, I have.

24 Q. Is there any reason to believe that those
25 records are not business records of AT&T of regularly

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1 reported activity?

2 A. No.

3 Q. Now in addition to those records, is there
4 some demonstrative exhibits that we have here for the
5 Grand Jury to sort of understand some of the information
6 that they are going to be provided by you in analyzing
7 what information we can learn from those phone records?

8 A. Yes.

9 Q. I'm going to start with Grand Jury Exhibit
10 Number 18 and ask you, does that appear to be, well, the
11 first one, two, three, four, five, six, seven, eight,
12 nine -- 12 columns of Joey Mendoza's phone records.

13 A. Yes, they are.

14 Q. And then the only difference is that when
15 one of the other phone numbers that we have records for
16 comes up, was that phone number replaced with the person
17 who we associate that phone with?

18 A. Yes, they were.

19 Q. So for example when Mr. Murphy's phone
20 number, the 542 number shows up, now it shows up on this
21 demonstrative exhibit, which is 18, in red as Murphy;
22 correct?

23 A. That's correct.

24 Q. And when it shows up with Mr. Laguna's
25 phone number, the 762 number, it shows up in yellow?

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1 A. That's correct.

2 Q. And if Mr. Figueroa's phone number is not in
3 it shows the 241 number, it shows up in sort of a
4 burnt-ish orange color?

5 A. Yes.

6 Q. I'm going to put this up on the overview
7 for the Grand Jury and start with Mr.-- well, let me lay
8 the foundation for the next couple of items as well.

9 Grand Jury Exhibit Number 19, similarly is
10 this from the early morning hours of September 21st to
11 the late evening hours of September 21st from Joey
12 Laguna's phone?

13 A. Yes, they are.

14 Q. And once again is this the columns or some
15 of the columns from Mr. Laguna's phone records?

16 A. Right.

17 Q. And did we do the same thing, or is the
18 same thing done on these records where Mr. Figueroa,
19 Mr. Murphy and Mr. Mendoza's phone are now replaced the
20 phone numbers that we have?

21 A. Yes, they are.

22 Q. So their names are replaced.

23 And then because those records that we have
24 were in Greenwich Mean Time, were these records also
25 changed so that they accurately reflect Pacific Daylight

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1 Savings Time?

2 A. Yes, they were.

3 Q. Did you also do, or have you also reviewed

4 aerals of not only locations that are relevant to this

5 case but cell site tower locations?

6 A. Yes, we are.

7 Q. Showing you Grand Jury Exhibit Number 20.

8 Is that an overhead of the basically the Las Vegas

9 valley?

10 A. Yes.

11 Q. And is Mr. Laguna's residence,

12 Mr. Figueroa's residence and the crime scene all

13 identified by yellow tags on that --

14 A. Yes, they are.

15 Q. Grand Jury Exhibit Number 21. Is that a

16 closeup of Mr. Laguna's residence along with a cell

17 tower 369 from Cricket?

18 A. Yes.

19 Q. Grand Jury Exhibit Number 22, is that a

20 closeup of Mr. Figueroa's residence as well as two cell

21 towers, 510 and 424?

22 A. Yes, they are.

23 Q. And then finally Exhibit Number 23, is that

24 a closeup of the crime scene as well as cell phone

25 tower, Cricket tower 456 and AT&T tower 30403?

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1 A. Yes, it is.

2 Q. I forgot one last question before we go
3 through these with the Grand Jury.

4 On the AT&T records, Mr. Figueroa's
5 records, his time on his records are UTC. Is that the
6 same thing as GMT?

7 A. Yes, it is.

8 Q. So on his records you have to subtract
9 seven hours as well in order to find out Pacific
10 Daylight Savings Time?

11 A. That's correct.

12 Q. So let's start then with the records as it
13 relates to Mr. Mendoza and that's Grand Jury Exhibit
14 Number 18. And I'm going to start on page 4 and I'm
15 going to go down to just the bottom section here at
16 about 6 o'clock in the morning. Is there contact
17 between the phone number you associated to Mr. Murphy to
18 Mr. Mendoza's phone, either to or from Mr. Mendoza's
19 phone?

20 A. Yes.

21 Q. And then we go to page 5 of that document.
22 Zoom in in this area.

23 At 8:40 -- let me back up for a second.
24 The first 911 call comes in about 8:20 p.m. or 2011 on
25 September 21st?

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1 A. About 2010, yes.

2 Q. About 2010?

3 A. 8:10, yes.

4 Q. 8:10 at night?

5 A. Yes.

6 Q. So at approximately 8:40 at night there's
7 an incoming text message to Mendoza's phone from a phone
8 that's associated with Mr. Murphy.

9 A. That's correct.

10 Q. And then at 9:24 p.m. there's a voice call
11 incoming to Mendoza's phone from Murphy's phone.

12 A. That's correct.

13 Q. And then at 9/21, on September 21st at 9:42
14 there's an outgoing call to Mr. Figueroa's phone.

15 A. That's correct.

16 Q. So now let's move to Mr. Laguna's phone
17 which is Grand Jury Exhibit Number 19. I want to focus
18 in on this call activity. Starting at about 6:30 in the
19 morning, is there various contact between Mr. Laguna's
20 phone and Mr. Murphy, Mr. Figueroa and Mr. Mendoza?

21 A. Yes.

22 Q. And did you learn during the course of your
23 investigation in speaking to Mr. Figueroa that there was
24 an earlier plan in the day for there to be a robbery
25 that occurred at another location?

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1 A. Correct.

2 Q. And something about that went wrong, did it not?
3 didn't happen?

4 A. That's correct.

5 Q. But you learned through the course of your
6 investigation or from Mr. Figueroa that in fact on the
7 first occasion anyway that Mr. Laguna drove to
8 Mr. Figueroa's house and picked Mr. Figueroa up
9 somewhere in the 7:00 a.m. range?

10 A. That's correct.

11 Q. I want to focus in later in the evening.
12 Later in the evening, about 6 o'clock at night, is there
13 contact from Mr. Murphy's phone to Mr. Laguna's, then
14 contact with Mr. Figueroa, and then ultimately at 8:10
15 at night, so approximately the same time as the first
16 911 call, is there repeated phone calls from
17 Mr. Figueroa to Mr. Laguna's phone?

18 A. Yes, there is.

19 Q. And that's at 8:10, 8:10 again, 8:11, 8:13,
20 8:14, 8:15 twice, and then once again 8:29, and then
21 finally there's a call back at 8:29 from Mr. Laguna's
22 phone?

23 A. That's correct.

24 Q. Did you take these various records, and I'm
25 going to use just Mr. Laguna's, do you have a copy of

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1 the exhibit from Mr. Laguna which is Grand Jury Exhibit
2 Number 19? The other one.

3 And I want to go through some of the cell
4 site location information as is associated with
5 Mr. Laguna's phone.

6 A. Okay.

7 Q. I'll briefly ask you a couple of questions
8 first which is in your experience as a homicide
9 detective, do cell phones generally connect to the
10 closest tower?

11 A. Yes, they do.

12 Q. And while they're not perfect, generally a
13 phone has to be in the general location of a tower to
14 connect to it?

15 A. Yes.

16 Q. So let's start with, for a general
17 explanation, just the valley map. If you could explain
18 to us what it is that we're looking at in Exhibit
19 Number 20?

20 A. This is an overall map of the Las Vegas
21 Valley area. On the bottom is Robert Figueroa's address
22 and it's marked with a yellow pin. Up here is, that's
23 Joey Laguna's residence, also marked with a yellow pin
24 and that's going to be the Horseshoe, Lucky Horseshoe
25 Court. And then right down here is the crime scene at

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1 1661 Broadmere Street in Las Vegas, Nevada.

2 Q. So let's start with Mr. Laguna's cell phone
3 records. I want to ask you, as it relates to
4 Mr. Laguna's cell phone records, those phone calls from
5 Mr. Murphy and to Mr. Figueroa that happened about 6:30
6 in the morning, up until between 6:30 and 7:24, does
7 Mr. Laguna's phone always hit on a tower identified as
8 369?

9 A. Yes, it does.

10 Q. And do those towers have latitude and
11 longitude locations on these records for the towers?

12 A. Yes, they do.

13 Q. And have you had a chance to review those
14 in association with Grand Jury Exhibit Number 21? Is
15 that the location of tower 369 in relationship to
16 Mr. Laguna's residence?

17 A. Yes, it is.

18 Q. So from these records does it appear that
19 Mr. Laguna's phone between 6:30 on the morning of the
20 21st and 7:24 is in the area of Mr. Laguna's home?

21 A. Yes, it does.

22 Q. I want to fast forward a little bit to
23 Mr. Figueroa's residence which is Grand Jury Exhibit
24 Number 22 and Mr. Figueroa's residence is sort of right
25 on the edge of this screen.

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2 Q. Is this tower 510 and tower 424, are those
3 the two towers that are accurately reflected from the
4 location information provided by the cell phone company?

6 Q. And if we jump to now 7:44 in the morning.
7 Is there a phone call from Mr. Laguna to Mr. Figueroa
8 that hits off of tower 424?

Q. And the very next phone call is at 7:46.
Is there a phone call from Mr. Laguna to Mr. Murphy
that's hitting off tower 510?

14 Q. So at least at that time in the morning,
15 7:46 in the morning, it appears Joey Laguna's phone is
16 in the area of Mr. Figueroa's residence?

18 Q. I want to flip to the time of the crime.
19 Crime scene, Exhibit Number 23 for the Grand Jury. Does
20 Exhibit Number 23 reference the crime scene and two
21 separate cell company towers, one would be Cricket tower
22 456 and the other one would be AT&T tower 30403?

24 Q. So I want to look at Mr. Laguna's records
25 and ask you, the first two times that Mr. Figueroa calls

1 at 8:10, the same time as the 911 call, calls

2 Mr. Laguna's phone, what tower is Mr. Laguna's phone

3 hitting off of?

4 A. 456.

5 Q. So at least at 8:10 when Mr. Figueroa is

6 calling after he has been shot and has run away from the

7 crime scene, Mr. Figueroa's phone is in the area of the

8 crime scene?

9 A. That's correct.

10 Q. And thereafter do the cell towers appear to

11 be further and further away from the crime scene until

12 eventually Mr. Figueroa at 8:43, I'm sorry, Mr. Laguna

13 at 8:43 at night is now hitting off tower 369?

14 A. That's correct.

15 Q. So the last thing I'm going to do is have a

16 nice color coded exhibit, the AT&T ones. I want to show

17 you Mr. Figueroa's phone records which is Grand Jury

18 Exhibit Number 17. And if we have to subtract seven

19 hours, then 8:10 at night would be 3:10 in the morning

20 on September 22nd of 2014; is that correct?

21 A. That's correct.

22 Q. So I'm going to ask you to look at page,

23 I'm going to start at page, one more back, 42 of

24 Exhibit 17. I want you to start at entry number 517.

25 It's 3:10 in the morning on September 22nd which local

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1 time would be September 21st at 8:10 at night.

2 A. That's correct.

3 Q. And that is a six second call from

4 Mr. Figueroa's phone to Mr. Laguna's phone and the tower

5 that he's hitting off of is 30403; is that correct?

6 A. That's correct.

7 Q. I want you to go from 8:10 at night where

8 Mr. Laguna's, I'm sorry, Mr. Figueroa's phone is hitting

9 off the AT&T tower near the crime scene and I want you

10 to just go down to each one of these from 5:17, 5:18,

11 5:19, each one of those entries, so from 8:10 at night

12 until 9/22/14 at 3:15 at night he's, I'm sorry, 3:59,

13 he's still hitting off the tower 30403; correct?

14 A. Yes.

15 Q. And then I want you to keep going now. At

16 9/22/14 at 1309 in the morning, or 1309 in the

17 afternoon, so if we subtract seven hours it's 6:09 in

18 the morning.

19 A. Right.

20 Q. Mr. Figueroa's phone continues to hit off

21 of 30403?

22 A. That's correct.

23 Q. Suggesting that he remained in that

24 neighborhood while police were investigating the crime

25 as he told you he did?

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1 A. Yes, it is. It does.

2 Q. Based upon all of this information, does it

3 appear that Mr. Laguna -- well, let me ask you this.

4 Mr. Laguna told you what about who possesses his phone

5 at any given time?

6 A. He said that at that time only he has his
7 phone, he has access to his phone. He does not lend his
8 phone to friends or anything like that.

9 Q. Based upon the fact that he indicated to
10 you that he's the only one in possession of that phone,
11 does his phone records indicate that he is present at
12 the crime scene when Monty Gibson is killed?

13 A. Yes, they do.

14 MR. DIGIACOMO: Thank you. I have nothing
15 further if the Grand Jury has any questions.

16 BY A JUROR:

17 Q. I forget who you said pawned a ticket. Is
18 that significant in this case?

19 A. Joey Laguna pawned some items at the pawn
20 shop.

21 MR. DIGIACOMO: Sorry. David Murphy?

22 THE WITNESS: I'm sorry. David Murphy.

23 And it is significant because that was the cellular
24 phone number that he used at the time this crime

25 happened. When we subpoenaed his phone records we found

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1 that there's phone calls from that phone number, from
2 David Murphy to the other people, Robert Figueroa,
3 Mendoza and Joey Laguna.

4 BY MR. DIGIACOMO:

5 Q. So let me just clear this up. The fact
6 that Mr. Murphy pawned something on September 11th of
7 2014 is not relevant to your investigation?

8 A. Not one bit.

9 Q. What is relevant to your investigation is
10 that at that time he reported a phone number that you
11 associated to him which is relevant because there's
12 calls between Mr. Murphy's phone and the other
13 co-conspirators in the case?

14 A. That's correct.

15 Q. Thank you.

16 THE FOREPERSON: Any further questions?

17 By law, these proceedings are secret and
18 you are prohibited from disclosing to anyone anything
19 that has transpired before us, including evidence and
20 statements presented to the Grand Jury, any event
21 occurring or statement made in the presence of the Grand
22 Jury, and information obtained by the Grand Jury.

23 Failure to comply with this admonition is a
24 gross misdemeanor punishable by a year in the Clark
25 County Detention Center and a \$2,000 fine. In addition,

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1 you may be held in contempt of court punishable by an
2 additional \$500 fine and 25 days in the Clark County
3 Detention Center.

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4 Do you understand this admonition?

5 THE WITNESS: Yes, sir, I do.

6 THE FOREPERSON: Thank you, sir. You're
7 excused.

8 THE WITNESS: Thank you.

9 MR. DIGIACOMO: Ladies and gentlemen,
10 that's all the additional information that we have to
11 provide you as it relates to your deliberation. I ask
12 you to consider the evidence that was presented at all
13 three times that this case has been presented to the
14 Grand Jury. I'd ask the one juror who was not impaneled
15 at the time that this presentation began however many
16 months ago, I think it was January maybe, it was only a
17 couple months ago, to remain outside during that
18 deliberation. And I ask you to vote on each count as to
19 all four proposed defendants. If there's no questions
20 we will step outside. Thank you.

21 (At this time, all persons, other than
22 voting members of the Grand Jury, exit the room at 9:16
23 a.m. and return at 9:24 a.m.)

24 THE FOREPERSON: Mr. and Madame District
25 Attorney, by a vote of 12 or more grand jurors a true

1 bill has been returned against defendants Jorge Mendoza,
2 Summer Larsen, David Murphy, Joseph Laguna, charged with
3 crimes of conspiracy to commit robbery, burglary while
4 in possession of a deadly weapon, home invasion while in
5 possession of a deadly weapon, attempt robbery with use
6 of a deadly weapon, murder with use of a deadly weapon,
7 attempt murder with use of a deadly weapon, in Grand
8 Jury Case Number 14BGJ019ACD-E. We instruct you to
9 prepare an Indictment in conformance with the proposed
10 Indictment previously submitted to us.

11 MR. DIGIACOMO: Thank you. We will.

12 MS. LEXIS: Thank you.

13 (Proceedings concluded.)

14 --oo0oo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : Ss
COUNTY OF CLARK)

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Clerk of Supreme Court

I, Danette L. Antonacci, C.C.R. 222, do
hereby certify that I took down in Shorthand (Stenotype)
all of the proceedings had in the before-entitled matter
at the time and place indicated and thereafter said
shorthand notes were transcribed at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true, and accurate record
of the proceedings had.

Dated at Las Vegas, Nevada,
March 4, 2015.

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

AFFIRMATION

Pursuant to NRS 239B.030

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 Elizabeth A. Brown
 Clerk of Supreme Court

The undersigned does hereby affirm that the
 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
 14BGJ019ACD&E:

X Does not contain the social security number of any
 person,

-OR-

___ Contains the social security number of a person as
 required by:

A. A specific state or federal law, to-
 wit: NRS 656.250.

-OR-

B. For the administration of a public program
 or for an application for a federal or
 state grant.

/s/ Danette L. Antonacci

Signature

3-4-15

Date

Danette L. Antonacci
 Print Name

Official Court Reporter
 Title

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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA


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Apr 10 2020 08:50 a.m.
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THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 14BGJ019ABCD
) DC No. C303991
JORGE MENDOZA, ROBERT FIGUEROA,)
SUMMER LARSEN, aka Summer Rice,)
DAVID MURPHY, aka David Mark)
Murphy,)
)
Defendants.)
_____)

Taken at Las Vegas, Nevada

Thursday, January 29, 2015

1:06 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON JANUARY 29, 2015

2
3 EDMOND JAMES, Foreperson

4 EDWARD RITCHIE, Deputy Foreperson

5 CELIA ELLIS, Secretary

6 BARBARA BROWN, Assistant Secretary

7 JAMIESON CARPENTER

8 KIM CHEEVER

9 JAMES ELLIOTT

10 JOYCE HAAS

11 BRIGITTE HULL

12 MICHAEL IVY

13 BARBARA LEWIS

14 STEVE MITCHELL

15 FELICIA NEWMAN

16 RAYMOND RAND

17 DIANA SHIDAKER

18
19 Also present at the request of the Grand Jury:

20 Agnes Lexis, Chief Deputy District Attorney

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INDEX OF WITNESSES

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TIMOTHY DUTRA

20

ROGER DAY

ROBERT FIGUEROA

33

JOSEPH LARSEN

67

BARRY JENSEN

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3 - PHOTOGRAPH

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5 - PHOTOGRAPH

6 - PHOTOGRAPH

7 - TRANSCRIPT

8 - PHOTOGRAPH

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1 LAS VEGAS, NEVADA, JANUARY 29, 2015

2 * * * * *

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3
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. LEXIS: Good afternoon ladies and
10 gentlemen of the Grand Jury. My name is Agnes Lexis.
11 I'm a chief deputy district attorney with the Clark
12 County District Attorney's Office. We are here on Case
13 Number 14BGJ019ABCD. This is the State of Nevada versus
14 Jorge Mendoza, Robert Figueroa, Summer Larsen, aka
15 Summer Rice, and David Murphy, aka David Mark Murphy.

16 A copy of the proposed Indictment has been
17 marked as Grand Jury Exhibit Number 1. And also for the
18 record Grand, Jury Exhibit Number 7 are transcripts from
19 the first day of presentation of evidence in this case
20 which took place Thursday, January 8, 2015 beginning at
21 1:28 p.m. when Miss Pam Weckerly called two witnesses.
22 I just wanted that on the record.

23 I know on January 8, 2015 Miss Weckerly
24 instructed you all concerning the law as to the charges.
25 That was read into the record as reflected in the

1 transcripts. However, I have three additional
2 instructions that I would like to read into the record.

3 The first is: Any evidence of a statement
4 made by one alleged conspirator against another, other
5 than at this proceeding, shall not be considered by you
6 as against another alleged co-conspirator unless you
7 shall first determine from other independent evidence
8 that at the time the statement was made a conspiracy to
9 commit a crime existed and unless you shall further
10 determine that the statement was made during the course
11 and in furtherance of the conspiracy.

12 Whenever there is slight evidence that a
13 conspiracy existed and that the defendant was one of the
14 members of the conspiracy, then the statements and the
15 acts by any person likewise a member may be considered
16 by the jury as evidence in the case as to the defendant
17 found to have been a member, even though the statements
18 and acts may have occurred in the absence and without
19 the knowledge of that defendant, provided such
20 statements and acts were knowingly made and done during
21 the continuance of such conspiracy and in furtherance of
22 some object or purpose of the conspiracy.

23 The second instruction is: To corroborate
24 the testimony of an accomplice, there must be evidence
25 of some act or fact related to the offense which, if

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1 believed, by itself and without any aid, interpretation
2 or direction from the testimony of the accomplice. It is not
3 to connect the defendant with the commission of the
4 offense charged. However, it is not necessary that the
5 evidence of the corroboration be sufficient in itself to
6 establish every element of the offense charged or that
7 it corroborate every fact to which the accomplice
8 testifies.

9 In determining whether an accomplice has
10 been corroborated, you must first assume the testimony
11 of the accomplice has been removed from the case. You
12 must then determine whether there is any remaining
13 evidence which tends to connect the defendant with the
14 commission of the offense. If there is not such
15 independent evidence which tends to connect the
16 defendant with the commission of the offense, the
17 testimony of the accomplice does not corroborate it.

18 I read through the Grand Jury transcripts
19 from the first date and provided the testimony as I
20 anticipate today I would also like to review the
21 following instruction.

22 Under Nevada law, evidence that the
23 defendant committed offenses other than the one which
24 are set forth in the Indictment may not be considered by
25 you to prove that he or she is a person of bad character

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1 or to prove that he has a disposition, he or she has a
2 disposition to commit crimes. Such evidence may be
3 considered by you only for the limited purpose of
4 proving the defendant's motive, opportunity, intent,
5 identity, preparation, plan or knowledge.

6 Do any of the Grand Jury members have any
7 questions concerning these instructions?

8 I see no hands.

9 Mr. Foreperson, may I call my first
10 witness?

11 THE FOREPERSON: Yes, ma'am.

12 MS. LEXIS: Thank you, sir. State would
13 call Roger Day.

14 Actually the State would call Dr. Timothy
15 Dutra.

16 THE FOREPERSON: Sir, would you raise your
17 right hand.

18 You do solemnly swear the testimony you are
19 about to give upon the investigation now pending before
20 this Grand Jury shall be the truth, the whole truth, and
21 nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE FOREPERSON: Please be seated.

24 You are advised that you are here today to
25 give testimony in the investigation pertaining to the

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1 offenses of conspiracy to commit robbery, burglary while
2 in possession of a deadly weapon, home invasion with a deadly
3 possession of a deadly weapon, attempt robbery with use
4 of a deadly weapon, murder with use of a deadly weapon,
5 attempt murder with use of a deadly weapon, involving
6 Jorge Mendoza, Robert Figueroa, Summer Larsen and David
7 Murphy.

8 Do you understand this advisement?

9 THE WITNESS: Yes, I do.

10 THE FOREPERSON: Please state your first
11 and last name and spell both for the record.

12 THE WITNESS: Timothy, T-I-M-O-T-H-Y, last
13 name Dutra, D-U-T-R-A.

14 THE FOREPERSON: Thank you.

15 MS. LEXIS: May I Mr. Foreperson?

16 THE FOREPERSON: Yes, ma'am, you may.

17 TIMOTHY DUTRA,
18 having been first duly sworn by the Foreperson of the
19 Grand Jury to testify to the truth, the whole truth,
20 and nothing but the truth, testified as follows:

21
22 EXAMINATION
23

24 BY MS. LEXIS:

25 Q. Good afternoon Dr. Dutra.

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1 A. Good afternoon.

2 Q. Dr. Dutra, how are you employed?

3 A. I'm a medical examiner/forensic pathologist

4 at the Clark County Office of the Coroner.

5 Q. And what is it that you do as a forensic
6 pathologist?

7 A. My primary job is to do death
8 certification, to create death certificates with the
9 cause and manner of death and part of that job is
10 sometimes in some cases to do autopsies and other
11 studies.

12 MS. LEXIS: Can everyone hear Dr. Dutra?

13 A JUROR: Yeah.

14 BY MS. LEXIS:

15 Q. Okay. You mentioned that you do autopsies.
16 But first before I ask you about that, Dr. Dutra, can
17 you please just give the ladies and gentlemen of the
18 Grand Jury a brief synopsis of your educational
19 background and also your experience such that you would
20 be qualified to testify as a forensic pathologist or a
21 medical examiner.

22 A. Okay. I went to USC Medical School and I
23 also have a Ph.D. from UCLA in anatomy and cell biology.
24 I did a general pathology residency at Harbor UCLA
25 Medical Center, became board certified in anatomic and

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1 clinical pathology. I practiced in Los Angeles, the Los
2 Angeles County hospitals. Subsequently I did a blood
3 banking fellowship, University of Wisconsin. I'm
4 boarded in blood banking. After that and after a period
5 of research I went back and did a fellowship in forensic
6 pathology at the St. Louis City Medical Examiner's
7 Office and I'm now board certified in forensic
8 pathology.

9 Q. Thank you. Dr. Dutra, how long have you
10 worked for the Clark County Coroner's Office?

11 A. Five years.

12 Q. And you mentioned that you conduct
13 autopsies typically?

14 A. Yes.

15 Q. Can you briefly tell the ladies and
16 gentlemen of the Grand Jury what an autopsy is?

17 A. Well, an autopsy is the internal
18 examination of, the external and internal examination of
19 a body. So it first begins with an external examination
20 of the body. In a case of injury that involves
21 documenting all of the external injuries that are seen,
22 a review of any postmortem X-rays that were taken, and
23 then an internal examination of the body. The torso is
24 opened with a Y-shaped incision, the rib cage is then
25 opened and the organs of the torso are examined. The

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1 head is opened by peeling the skin back over the, off of
2 the cranial vault and looking for hemorrhages or signs
3 of injury underlying the scalp, looking for skull
4 fractures, then opening the calvarial vault, removing
5 the brain and looking for injury or disease of the
6 brain.

7 Q. Okay. Thank you, Dr. Dutra.

8 During the course of your employment with
9 the Clark County Coroner's Office, were you asked to
10 perform an autopsy on an individual by the name of Monty
11 Gibson on September 23, 2014 at approximately 2 o'clock?

12 A. Yes.

13 Q. I mean 12 o'clock.

14 A. Yes.

15 Q. Did you complete an external examination
16 first, Dr. Dutra?

17 A. Yes, I did.

18 Q. And upon external examination of
19 Mr. Gibson's body what if anything did you find?

20 A. I found a gunshot wound injury of the head
21 and a gunshot wound injury of the chest.

22 Q. I am going to approach you, Dr. Dutra, with
23 what's been marked as Grand Jury Exhibits 8, 9, 10 and
24 11. First of all, how was Mr. Gibson identified as
25 Mr. Gibson?

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1 A. I'd have to consult my --

2 Q. If that would refresh your memory. Electronically Filed
3 A. His legal identification was based on Apr 10 2020 08:50 a.m.

4 comparison of his identification photo I assume Elizabeth A. Brown
5 of kin. Clerk of Supreme Court

6 Q. Okay.

7 A. We usually do it this way or by
8 fingerprints.

9 Q. Okay. I am going to show you what's been
10 first marked as Grand Jury Exhibits 9, 10 and 11. Do
11 you recognize what's shown in Grand Jury Exhibits 9, 10
12 and 11, Dr. Dutra?

13 A. Yes.

14 Q. And Dr. Dutra, what are they?

15 A. These are the gunshot entrance wounds that
16 I found on this decedent.

17 Q. Okay. You indicated first that you found a
18 gunshot wound to the head; is that right?

19 A. That's correct.

20 Q. And I'm going to just publish Grand Jury
21 Exhibit Number 11.

22 So Grand Jury Exhibit Number 11 is now on
23 the overhead. Dr. Dutra, could you just please tell the
24 Grand Jury what they're looking at?

25 A. They're looking, the Grand Jury is looking

1 at the gunshot entrance wound, it's on the rim of the
2 bony orbit of the right eye. And I, maybe because of
3 oblique view the image isn't real, the contrast isn't
4 that great but.

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5 Q. How about if I show Grand Jury Exhibit
6 Number 10 which is maybe a close-up version of the same
7 wound, Dr. Dutra.

8 A. Yeah. It's got a central defect, it has
9 marginal abrasion. It's a very typical gunshot entrance
10 wound.

11 Q. I'm going to show you what has been marked
12 as Grand Jury Exhibit Number 9. What is the Grand Jury
13 looking at now?

14 A. This is a gunshot wound of his chest and
15 again you can see it's got a circular, in this case
16 circular or central defect, marginal abrasion, and again
17 this is a typical gunshot entrance wound.

18 Q. Okay. You indicated earlier that
19 comparison was made using the victim's identification
20 with comparing to the actual decedent?

21 A. Right.

22 Q. I'm going to show you Grand Jury Exhibit
23 Number 8. If you could just briefly take a look at
24 that.

25 Dr. Dutra, does the person depicted in

1 Grand Jury Exhibit Number 8 appear to be the individual
2 depicted in Grand Jury Exhibit Number 11?

3 A. Yes, it does appear to be the same person.

4 Q. Thank you.

5 And let me show Grand Jury Exhibit
6 Number 8.

7 For the record this is the driver's
8 license, commercial driver's license of the decedent
9 Monty Charles Gibson and it does have his photo; is that
10 correct?

11 A. Yes.

12 Q. Thank you. Dr. Dutra, did you also conduct
13 an internal examination?

14 A. Yes, I did.

15 Q. Were there any significant findings
16 concerning the internal examination?

17 A. Yes. The gunshot wound of the head had
18 penetrated the bones of the facial skeleton and entered
19 the cranial cavity and had perforated the brain, gone
20 through the brain, and then been stopped by the back
21 wall of the cranial vault.

22 Q. Was this wound, would you consider it
23 fatal?

24 A. Yes, this would be a fatal wound.

25 Q. How about concerning the other gunshot

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1 wound?

2 A. The other gunshot wound passed back and
3 downward, and it sort of grazed the chest, pardon me,
4 grazed the rib cage, broke some ribs, and the broken
5 ribs had caused some injury to the lung there. And
6 there was some collapse of the lung and small amount of
7 blood in the, or some blood in the chest cavity.

8 Q. Dr. Dutra, would the gunshot wound of the
9 chest also be considered fatal?

10 A. It might not have. With medical care he
11 might have survived that one.

12 Q. Okay. Dr. Dutra, pursuant to your
13 examination or the autopsy that you conducted on
14 Mr. Gibson, did you also obtain a blood sample and
15 submit it for a toxicology analysis?

16 A. Yes, I did.

17 Q. And did you receive the results of that
18 toxicology analysis?

19 A. Yes. I'm going to refer to my notes here.
20 Of which I'm referring to the toxicology report from the
21 NMS Laboratory where we send our toxicological studies.

22 He had a blood level of methamphetamine of
23 400 nanograms per milliliter and amphetamine 130
24 nannograms per milliliter, and he had couple of
25 marijuana metabolites as well.

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1 Q. Okay. What is your opinion concerning what
2 if any effect the substances that you just named had
3 his death?

4 A. Well, I am a forensic pathologist and my
5 main concern with drugs like methamphetamine is ranges
6 for attribution of lethality. However, methamphetamine
7 at one time was a legally prescribable controlled
8 substance so there are many reports in the literature of
9 dosage equivalency with blood levels and such as that.
10 This would be considerably higher than the usual
11 therapeutic range for us forensic pathologists. It's in
12 the lower part of the range that we might attribute
13 lethality if there were no other factors involved.
14 However, it's not within our usual reported range for
15 attribution of lethality which typically starts around
16 800 or a thousand.

17 Q. So in laymen's terms, did the presence of
18 the amphetamine, the methamphetamine and the marijuana
19 metabolite, was it a contributing factor to his death?

20 A. It was not a contributing factor to his
21 death, no.

22 Q. Dr. Dutra, upon completion of your
23 examination of the decedent's body, were you able to
24 ascertain a manner of death?

25 A. Yes.

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1 Q. Or, I'm sorry, the cause of death.

2 A. Yes. The cause of death were the gunshot
3 wounds of the head and chest.

4 Q. And were you able to form an opinion as to
5 the manner of death?

6 A. Yes. This was a homicide.

7 MS. LEXIS: Thank you. I have no more
8 questions for Dr. Dutra. Do any of the Grand Jury
9 members have any questions?

10 THE FOREPERSON: No.

11 By law, these proceedings are secret and
12 you are prohibited from disclosing to anyone anything
13 that has transpired before us, including evidence and
14 statements presented to the Grand Jury, any event
15 occurring or statement made in the presence of the Grand
16 Jury, and information obtained by the Grand Jury.

17 Failure to comply with this admonition is a
18 gross misdemeanor punishable by a year in the Clark
19 County Detention Center and a \$2,000 fine. In addition,
20 you may be held in contempt of court punishable by an
21 additional \$500 fine and 25 days in the Clark County
22 Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Yes, I do.

25 THE FOREPERSON: Thank you, sir. You're

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1 excused.

2 THE WITNESS: Thank you.

3 MS. LEXIS: Let me see step outside to see

4 who I can call as my next witness.

5 The State calls Roger Day.

6 THE FOREPERSON: Sir, please raise your

7 right hand.

8 You do solemnly swear the testimony you are
9 about to give upon the investigation now pending before
10 this Grand Jury shall be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 THE WITNESS: Yes, I do.

13 THE FOREPERSON: You are advised that you
14 are here today to give testimony in the investigation
15 pertaining to the offenses of conspiracy to commit
16 robbery, burglary while in possession of a deadly
17 weapon, home invasion while in possession of a deadly
18 weapon, attempt robbery with use of a deadly weapon,
19 murder with use of a deadly weapon, attempt murder with
20 use of a deadly weapon, involving Jorge Mendoza, Robert
21 Figueroa, Summer Larsen and David Murphy.

22 Do you understand this advisement?

23 THE WITNESS: Yes.

24 THE FOREPERSON: Please state your first
25 and last name and spell both for the record.

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1 THE WITNESS: Roger Day. R-O-G-E-R, D-A-Y.

2 THE FOREPERSON: Thank you.

3 MS. LEXIS: May I Mr. Foreperson?

4 THE FOREPERSON: Yes, you may.

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5 ROGER DAY,

6 having been first duly sworn by the Foreperson of the
7 Grand Jury to testify to the truth, the whole truth,
8 and nothing but the truth, testified as follows:

9

10 EXAMINATION

11

12 BY MS. LEXIS:

13 Q. Mr. Day, I want to turn your attention to
14 September 21, 2014. Where were you living at that time,
15 sir?

16 A. 10025 Long Cattle Avenue.

17 Q. Sir, is that here in Las Vegas, Clark
18 County, Nevada?

19 A. Yes.

20 Q. Were you living in a home or is that an
21 apartment?

22 A. It's a home.

23 Q. Is it located in a particular, in a
24 neighborhood?

25 A. Yes.

1 Q. Where does your home rest in terms of Long
2 Cattle?

3 A. Right where Long Cattle begins, right on
4 the edge.

5 Q. And what other street does your home butt
6 up against?

7 A. You're asking me a question now. I don't
8 remember the name of it. I think it's Rockmere or
9 Brockmere.

10 Q. Broadmere?

11 A. Yes.

12 Q. B-R-O-A-D-M-E-R-E. Does that sound right,
13 sir?

14 A. Yes.

15 Q. Who did you live in the home with?

16 A. With my son.

17 Q. Did something happen at or near your home
18 on September 21, 2014 that's causing you to have to
19 testify today?

20 A. Yes.

21 Q. Please tell us what happened.

22 A. There was a home invasion in a house about
23 three or four houses down from mine on the left on that
24 street Broadmere. I heard shots that night. I was
25 sitting in my living room watching TV.

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1 Q. Let me stop you right there, sir.

2 Approximately what time did you hear gunshots?
3 A. I can't give you an approximate time at
4 night.

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5 Q. Okay. So you're watching TV, you hear what
6 you believe to be gunshots. What do you do?

7 A. I walked out to my front door to look and
8 see where the shots were coming from and that's when I
9 saw --

10 Q. What did you see? You go out your front
11 door. What do you see?

12 A. Well, I went to my front door, I didn't go
13 out the door.

14 Q. Okay.

15 A. And I saw a guy in a ski mask pointing a
16 weapon towards those homes and he was shooting and then
17 ran down the street. So at that point in time I grabbed
18 my cell phone and called 911.

19 Q. Okay. We're going to back up a little bit.

20 Concerning -- okay. So let's go forward.

21 You see someone with a ski mask, you
22 believe, shooting in what direction?

23 A. Towards the home that was, that had the
24 home invasion.

25 Q. Did you actually see that particular person

1 shoot out of whatever weapon they had?

2 A. This particular person had a handgun in his hand.
3 had a mask over his face.

4 Q. Do you recall what color mask?

5 A. The first guy, I think it was black with
6 gray. It was a handkerchief over his nose and --

7 Q. A bandanna type?

8 A. Yeah, bandanna.

9 Q. So the person that you saw when you looked
10 outside of your front door after hearing gunshots, was
11 it a male or a female?

12 A. It was a male.

13 Q. And you said this individual had something
14 covering their face?

15 A. Yes.

16 Q. Something like a bandanna?

17 A. Yes.

18 Q. A black bandanna?

19 A. I think it was black or black and grayish.

20 Q. Okay. And you saw this person point a
21 handgun in the direction of the home that you later find
22 out to have been invaded or robbed?

23 A. Yes.

24 Q. So you see that and called 911. What do
25 you do next?

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1 A. Then I went to my closet and grabbed my
2 handgun and I was standing there so I could make
3 that, you know, I witnessed anything that was going
4 down. And that's when I saw the other suspect, the
5 other guy, I'm assuming he had been shot because he was
6 scooting on his rear end down the street.

7 Q. Let's back up. This other suspect that you
8 saw, male or female?

9 A. Male.

10 Q. And was he also, could you see his face or
11 was his face covered?

12 A. I couldn't see his face. He had a bright
13 orange ski mask on.

14 Q. And when you saw this second individual
15 now, a male with a orange ski mask over his face --

16 A. Yes.

17 Q. -- where was he when you first saw him?

18 A. When I first saw him he was sitting almost
19 in front of that house but a little bit down towards my
20 house and he was scooting back towards my house and
21 that's when he scooted down onto Long Cattle and he
22 stopped right in front of my house.

23 Q. When you say scooted when you first saw
24 him, was he in a seated position?

25 A. Yes.

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1 Q. Where was he in a seated position? You
2 said in front of the home that was invaded.

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3 A. Yes.

4 Q. Where? Was it on the street?

5 A. In the middle of the street.

6 Q. Middle of the street. Okay. And when you
7 say he scooted, is that your way of describing moving
8 without the ability to get up and stand and walk away or
9 run away?

10 A. Yeah, he was sitting on his butt and using
11 both of his hands and scooting backwards.

12 Q. What direction was he going?

13 A. He was coming towards Long Cattle.

14 Q. Okay. Which is the street that you live
15 on?

16 A. Yes.

17 Q. While you were observing him in front of
18 that home, what happens with the guy with the black
19 bandanna?

20 A. He took off. As soon as I saw him shoot,
21 he shot two or three times, and then he ran down Long
22 Cattle and I never saw him again.

23 Q. And did you ever see a weapon on the
24 individual who was scooting from the home that was
25 invaded?

1 A. Yes.

2 Q. What type of weapon was that?

3 A. Like an assault rifle.

4 Q. Could you tell or take a guess as to what

5 kind of assault rifle it was?

6 A. No, it was dark. It was black. That's the
7 most I could tell. The weapon was black.

8 Q. And where was this rifle that you saw the
9 suspect with the orange ski mask, where was he holding
10 it or how was he holding it?

11 A. He was holding it in his hand as he was
12 scooting backwards and then when he got in front of my
13 house he stopped and put it across his lap and he pulled
14 his mask off and he was yelling for help or, one of the
15 guys, whoever the guy was with him.

16 Q. At that point could you tell or confirm
17 whether or not he was injured?

18 A. Yes.

19 Q. And did it appear as though he was injured?

20 A. Yes, it appeared his left leg, I think his
21 left leg had been shot or was injured.

22 Q. So sir, I just want to clarify kind of the
23 timing. Okay. My understanding right now, correct me
24 if I'm wrong, is that you're in your home, you're
25 watching TV, you hear gunshots.

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1 A. Yes.

2 Q. You go up to your front door, you look out
3 you see an individual with a black or gray, black and/or
4 gray bandanna over his face.

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5 A. Yes.

6 Q. Where was this person with the black or
7 gray bandanna when you look out your front door?

8 A. He was standing in the intersection of
9 Broadmere and Long Cattle.

10 Q. Approximately how far away were you from
11 him if you were to estimate the distance in feet?

12 A. I'd say 15 yards. I don't know how many
13 feet that is.

14 Q. When you say you heard him shoot, have you
15 heard gunshots before?

16 A. Yes.

17 Q. How did the shots that you heard presumably
18 or assumably from the individual with the black and gray
19 bandanna over his face, how did that compare with
20 gunshots that you had previously heard?

21 A. It sounded weird. Almost like, like an air
22 gun or like maybe he had a silencer or something. It
23 sounded kind of weird.

24 Q. Okay. So once you see that, you go back
25 into your home, you call 911. And then what do you do?

1 A. Like I said I grabbed my weapon then and I
2 was standing at the door and I was on the phone when I saw the second suspect scooting down the street
3 and I was explaining to them what he had on and everything.
4
5

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6 Q. Okay. At any time after you go back into
7 the house prior to seeing the individual with the orange
8 ski mask, do you hear gunshots again?

9 A. No.

10 Q. At any point did you go outside your house?

11 A. Yes.

12 Q. When was that?

13 A. I went outside, once he had made his way
14 down Long Cattle, he scooted down the street, I went out
15 to see where they were shooting. But like I say it was
16 dark. I didn't see anybody else come out of the house
17 at the time.

18 Q. So your testimony is that the individual
19 with the black bandanna on his face went down Long
20 Cattle away from your home; is that right?

21 A. Yes.

22 Q. Is it also your testimony that the
23 individual that you saw scooting with the orange mask,
24 did he also go in the direction of Long Cattle?

25 A. Yes.

1 Q. Same direction as the individual with the
2 black bandanna?

3 A. Yes.

4 Q. You testified that the individual with the
5 orange bandanna or ski mask over his face, that he was
6 injured. Were you able to see whether or not the male
7 in the black bandanna was also injured?

8 A. I couldn't tell. He ran off.

9 Q. He ran off?

10 A. Yes.

11 Q. Okay. Brief indulgence please.

12 At any point did you go upstairs to get a
13 better look at these individuals or what was occurring
14 outside of your home?

15 A. Yes, I did. I was on the phone with 911
16 and they asked me what direction he went in and I went
17 upstairs to look, see if I could get a better look from
18 my bedroom window to see how far he went down the
19 street, but he was out of my range.

20 Q. When you saw the individual with the black
21 and gray bandanna as he was standing and you're looking
22 at him from inside your home, did he act in such a way
23 that would indicate to you that he had been injured?

24 A. No.

25 Q. Okay. So he was standing there, it wasn't

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1 like he was holding any particular part of his body?

2 Did it appear as though he was having trouble running

3 away?

4 A. No.

5 MS. LEXIS: I have no more questions for

6 this particular witness. Do any of the Grand Jury

7 members have any questions?

8 BY A JUROR:

9 Q. What kind of a front door do you have?

10 A. I have a regular front door and then I have
11 a security screen door. And the door, my regular door
12 was open and the security screen door was closed and
13 locked which you could see out of.

14 Q. Do you wear eyeglasses or corrective
15 lenses?

16 A. No.

17 BY A JUROR:

18 Q. How are you employed?

19 A. I'm retired, correctional officer,
20 California.

21 Q. Okay.

22 MS. LEXIS: Any other questions?

23 There being none.

24 THE FOREPERSON: By law, these proceedings
25 are secret and you are prohibited from disclosing to

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1 anyone anything that has transpired before us, including
2 evidence and statements presented to the Grand Jury,
3 event occurring or statement made in the presence of the
4 Grand Jury, and information obtained by the Grand Jury.

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5 Failure to comply with this admonition is a
6 gross misdemeanor punishable by a year in the Clark
7 County Detention Center and a \$2,000 fine. In addition,
8 you may be held in contempt of court punishable by an
9 additional \$500 fine and 25 days in the Clark County
10 Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Thank you, sir. You're
14 excused.

15 THE WITNESS: Thank you.

16 MS. LEXIS: Ladies and gentlemen of the
17 Grand Jury, may I have a brief indulgence? I will be
18 having an in custody witness testify before you and I
19 just need to make sure he's here and has been
20 transported.

21 The State calls Robert Figueroa. Also
22 present will be my investigator Edward Dougherty and
23 another investigator Dawn Barlow.

24 THE FOREPERSON: Please raise your right
25 hand.

1 You do solemnly swear the testimony you are
2 about to give upon the investigation now pending before
3 this Grand Jury shall be the truth, the whole truth, and
4 nothing but the truth, so help you God?

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5 THE WITNESS: Yes, sir.

6 THE FOREPERSON: Please be seated.

7 You are advised that you are here today to
8 give testimony in the investigation pertaining to the
9 offenses of conspiracy to commit robbery, burglary while
10 in possession of a deadly weapon, home invasion while in
11 possession of a deadly weapon, attempt robbery with use
12 of a deadly weapon, murder with use of a deadly weapon,
13 attempt murder with use of a deadly weapon, involving
14 Jorge Mendoza, Robert Figueroa, Summer Larsen and David
15 Murphy.

16 Do you understand this advisement?

17 THE WITNESS: Yes, sir.

18 THE FOREPERSON: Please state your first
19 and last name and spell both for the record.

20 THE WITNESS: Robert Figueroa. My first
21 name R-O-B-E-R-T, my last name Figueroa,
22 F-I-G-U-E-R-O-A.

23 THE FOREPERSON: Thank you.

24 MS. LEXIS: Thank you.

25 ///

1 ROBERT FIGUEROA,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows

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5
6 EXAMINATION

7
8 BY MS. LEXIS:

9 Q. Mr. Figueroa, I'm going to need you to try
10 to speak into the microphone as much as you can. Okay?
11 I realize that that might be a little difficult but you
12 just let me know if you're having difficulty doing that.
13 Okay?

14 A. All right.

15 Q. And please try your best to answer the
16 questions as clearly and you wait until I'm done asking
17 and then you talk. Okay? We have to take turns because
18 there's a court reporter taking down everything that we
19 say.

20 A. Yes, ma'am.

21 Q. Okay. Mr. Figueroa, do you know an
22 individual by the name of Joey Laguna?

23 A. Yes, ma'am.

24 Q. How do you know Joey Laguna?

25 A. Joey Laguna was my cellie in Winnemucca

1 camp for about nine months.

2 Q. Did you know him -- when were you in
3 Winnemucca?

4 A. Back in two thousand -- it spanned from
5 about three years, from about 2009 to about 2011.

6 Q. And how long was he your cellie in
7 Winnemucca when you were serving time in custody?

8 A. About nine months.

9 Q. So prior to that time or after that time
10 did you maintain contact with him?

11 A. Yes, ma'am.

12 Q. Did you develop a friendship with him?

13 A. Yes, ma'am.

14 Q. As cellies often do in custody you become
15 friends; is that right?

16 A. Yes, ma'am.

17 Q. When are you released from custody after
18 serving the nine months in Winnemucca, what year?

19 A. 2012, October.

20 Q. After October 2012 do you maintain contact
21 with Joey Laguna?

22 A. Yes, ma'am.

23 Q. What type of contact would you maintain
24 with him?

25 A. Just basically a phone call every two to

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1 three weeks. He'd call, just see how I, you know, see
2 how I was doing, I'd talk with him and he would tell
3 basically tell me what was going on with other people,
4 himself and --

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5 Q. Okay. Mr. Figueroa, I'm going to show you
6 Grand Jury Exhibit Number 3. Do you recognize that
7 photo?

8 A. Yes, that's me.

9 Q. I'm going to show you Grand Jury Exhibit
10 Number 6. Do you recognize the individual in this
11 photo?

12 A. Yes, that's Joey Laguna.

13 Q. Grand Jury Exhibit Number 6. Is this Joey
14 Laguna that we've been speaking about on the screen
15 right there?

16 A. Yes, ma'am.

17 Q. I want to turn your attention to
18 September 21, 2014.

19 A. Yes.

20 Q. Just about a week or so before that did you
21 have contact with Mr. Laguna?

22 A. No, ma'am. Probably about two or three
23 weeks before that.

24 Q. Okay. And so you had maintained at least
25 some kind of contact with him even through 2014?

1 A. Yes, ma'am.

2 Q. But specifically now on September 21,
3 did you hear from Mr. Laguna?

4 A. Yes, ma'am.

5 Q. And what was the nature of your
6 conversation? Was it on the phone or in person?

7 A. At first on the phone and then in person.

8 Q. What if anything did Mr. Laguna tell you on
9 the phone?

10 A. Basically that they, they had something
11 lined up and they wanted me to participate in it and go
12 along with them.

13 Q. When you say they, when Joey Laguna first
14 calls you September 21, 2014, did you know who they
15 were?

16 A. At first he just told me him and the other
17 guy. I don't, I don't even know him by his real name.
18 Dough Boy.

19 Q. I'm going to show you what's been marked as
20 Grand Jury Exhibit Number 5. Do you recognize this
21 person?

22 A. Yes.

23 Q. Who do you recognize this person to be?

24 A. That's Dough Boy.

25 Q. And I'm going to publish Grand Jury Exhibit

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1 Number 5.

2 So he told you it was going to be him
3 this person named Dough Boy?

4 A. Yes, ma'am.

5 Q. Did he tell you anything else during that
6 conversation?

7 A. Yes. He told me that there was going to be
8 another individual but I've never met him at this time.

9 Q. At that time you didn't know who this
10 individual was going to be?

11 A. Yeah.

12 Q. Just that there was going to be another
13 person?

14 A. Another person, yeah.

15 Q. And this phone call with Mr. Laguna, when
16 on September 21, 2014 did it happen?

17 A. The phone call started around probably
18 around 6:00, 6:30, 7:00, early off in the morning.

19 Q. And earlier you said you made phone contact
20 with Mr. Laguna and then after that you saw him at some
21 point; is that right?

22 A. Yes, ma'am.

23 Q. So if the phone call happens between
24 6:00 and 7:00 a.m., when is it that you see him?

25 A. Probably about two hours after that.

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1 Probably 9:00-ish. 8:00, 9:00-ish.

2 Q. Where are you at when you see him?

3 A. I'm at my house. Him and Jose Mendoza,

4 they come pick me up.

5 Q. Now did you know this individual Jose

6 Mendoza before?

7 A. No, ma'am, never seen him.

8 Q. Did you think at that time that Jose
9 Mendoza was the person that Mr. Laguna told you about on
10 the phone that would also be involved?

11 A. No, ma'am.

12 Q. Showing you Grand Jury Exhibit Number 2.

13 Do you recognize this person?

14 A. Yes, ma'am.

15 Q. Who is this?

16 A. Jose Mendoza.

17 Q. At the time that you met him about 9:00,

18 9:00 a.m. September 21, 2014, did you know his name?

19 A. No, ma'am.

20 Q. Okay. What if anything did you know about
21 him?

22 A. I know nothing about him.

23 Q. Okay. Grand Jury Exhibit Number 2. But
24 it's later that you know that his name is Jose Mendoza?

25 A. Yes, ma'am.

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1 Q. So at about 9:00 a.m. who comes to pick you
2 up?

3 A. Joey Laguna and Jose Mendoza.

4 Q. What type of car are they in?

5 A. A older model, like a light brown either
6 Hyundai or like Honda or Toyota, something of that
7 nature.

8 Q. Who's driving?

9 A. Jose Mendoza.

10 Q. And where is Mr. Laguna?

11 A. He's in the passenger seat.

12 Q. And when they pick you up where do you go?
13 Do you get in the car?

14 A. Yes, ma'am.

15 Q. And where do you sit?

16 A. I sit behind the passenger seat.

17 Q. Now the point that you're getting into this
18 car, what was your understanding of what it is that you
19 all were going to do?

20 A. We were going to go rob a house.

21 Q. What is it that you were going to rob this
22 house of?

23 A. Marijuana.

24 Q. So by my count there's three of you in the
25 car?

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1 A. Yes, ma'am.

2 Q. Do you all make your way to this home?

3 you were supposed to rob of marijuana?

4 A. Yes, we do.

5 Q. Can you give us the general area of town
6 that it's at?

7 A. About north, northwest.

8 Q. And by the time you all make your way over
9 there what time is it?

10 A. It's probably around 9:30, 10:00.

11 Q. Do you all eventually make it to that
12 particular home?

13 A. Yes, ma'am.

14 Q. What happens when you make it to that
15 house?

16 A. I know Dough Boy is waiting around the
17 corner with another vehicle.

18 Q. How do you know that?

19 A. Cause we pulled up alongside of him, we
20 talked real quick. He basically pointed out where he
21 was going to be at and -- yeah, he basically pointed out
22 where he was going to be at, he's going to be over here.

23 Q. Where did he say he was going to be at?

24 A. Around the corner from the house.

25 Q. Was that corner that he was going to be at,

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1 was it fairly close to the home that you all had
2 identified to rob?

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3 A. Yes, ma'am.

4 Q. Would it have been running distance

5 A. Yes, ma'am.

6 Q. Was someone else in the car with Dough Boy
7 or was he by himself?

8 A. No, he was by hisself.

9 Q. What type of car was he in?

10 A. He was in basically like a white Ford
11 Ranger. Like a little pickup truck.

12 Q. So Dough Boy says he's going to go off on
13 the corner?

14 A. Yes.

15 Q. And presumably sit there and wait; is that
16 right?

17 A. Yes.

18 Q. What do you and Mr. Laguna and Mr. Mendoza
19 do?

20 A. We go, we drive by a house. We drive by
21 the house, it's in the cul-de-sac. We go to the end of
22 the street and we come, and we leave for a second cause
23 there was a whole bunch of people out there. Then Joey,
24 he's like let's go back there, we're going to do this.
25 So we go back there and we park the car for just a quick

1 second. Then as we were about to get out Jose Mendoza
2 was like no, this ain't right, there's too many people
3 outside. There was like a lawn crew and just a couple
4 other people.

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5 Q. Not an ideal time to rob this particular
6 house?

7 A. Yes, ma'am.

8 Q. So what do you all do?

9 A. We leave and we go back to Joey's house and
10 regroup.

11 Q. When you say we, who are you referring to?
12 Who goes back to Joey Laguna's house to regroup?

13 A. Jose Mendoza and Dough Boy.

14 Q. And of course Mr. Laguna and yourself?

15 A. Yes.

16 Q. If you could estimate for us, Mr. Figueroa,
17 approximately what time do you get back to Mr. Laguna's
18 home?

19 A. Probably around 11:00, 11:30.

20 Q. And what happens after you all regroup?

21 A. Basically Dough Boy, he comes up with
22 another plan saying that he knows about another house
23 that we could rob later on that night.

24 Q. What type of house or what were you
25 supposed to rob this particular house of?

1 A. Some more marijuana.

2 Q. But this particular house is different from
3 the one that you all were at earlier that morning; is
4 that right?

5 A. Yes, ma'am.

6 Q. And at that point did Dough Boy indicate to
7 you at all that, of his knowledge that there would be a
8 significant amount of marijuana at that second house?

9 A. Yes, ma'am.

10 Q. What exactly did he say concerning that?

11 A. He said there could be anywhere from like
12 30 to 40 to 50 pounds because he said he had just
13 re-upped from the guy, from the guy in the first house.

14 Q. So basically the guy in the first house was
15 the supplier of the marijuana to the home, to the second
16 home that you all identified to rob?

17 A. Yes, ma'am.

18 Q. Okay. All right. So you all formulate
19 this plan to commit a robbery later that day,
20 September 21, 2014?

21 A. Yes, ma'am.

22 Q. Do you remember that being a Sunday?

23 A. Yes, ma'am.

24 Q. So do you all meet up again that night?

25 A. They come --

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1 Q. That day.

2 A. Yes, they come again pick me up.

3 Q. So at some point you go back to your
4 apartment?

5 A. Yeah.

6 Q. And then they come back to pick you up
7 again?

8 A. Yes, ma'am.

9 Q. Approximately what time was that,
10 Mr. Figueroa?

11 A. About 7:00.

12 Q. 7:00 p.m.?

13 A. Yeah, 7:00 p.m.

14 Q. When they picked you up are they in a
15 vehicle?

16 A. Yes, ma'am. They're in the same brown
17 Honda type of car.

18 Q. Who all is driving this time?

19 A. Just Jose Mendoza.

20 Q. Who else is in the car?

21 A. It's just me and Jose Mendoza at this time.

22 Q. And what do you and Jose Mendoza do?

23 A. We drive back to Joey Laguna's house and we
24 go and pick up Joey Laguna and Dough Boy.

25 Q. Again there's four of you in this Honda

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1 type car?

2 A. Yes.

3 Q. Once you all are in the same car what do

4 you all do?

5 A. Mendoza gets in the back seat and he's in
6 the back seat with me. He lets Dough Boy drive and
7 basically Dough Boy, he's driving the car and he's also
8 giving us a run down of the house, you know, and what he
9 suspects, you know, what's in there and who should be in
10 there.

11 Q. Okay. And so what does Dough Boy tell you
12 about what should be in that house?

13 A. Just basically marijuana, money, guns.

14 Q. And who did he say was going to be in the
15 home, that you should expect to see in the house?

16 A. I'm not sure what the victim's name is but
17 he said him, probably like his brother, something, maybe
18 another person.

19 Q. Okay. So the victim. Do you know that the
20 victim is male?

21 A. Yes, ma'am.

22 Q. And perhaps the victim's brother?

23 A. Yes.

24 Q. And maybe another male or female?

25 A. Male.

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1 Q. So you're all having this conversation. At
2 some point do you make it to the location of the second
3 house that you're going to rob?

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4 A. Yes, ma'am.

5 Q. Was it located in Summerlin?

6 A. Basically that type of area.

7 Q. Do you recall it being in the area of like
8 Charleston and Hualapai?

9 A. Yes, ma'am.

10 Q. Is there a school, like a private school
11 located across the subdivision?

12 Do you recall that at all? If you don't
13 just please say no.

14 A. No, not really.

15 Q. Approximately what time is it that you all
16 make it to the second house?

17 A. Around 8 o'clock.

18 Q. And what do you do once you get to that
19 house or the area of that house?

20 A. He drives us by the house one time, you
21 know, and lets us know that's the house right there.
22 Then we circle back around and he drops us off and
23 basically he goes and parks up the street basically on
24 another corner.

25 Q. How far away do you see him park or how far

1 away is the corner that he parks at?

2 A. Just the next block up, the next, the street
3 street, street corner.

4 Q. And by he, do you mean Dough Boy?

5 A. Yes, ma'am.

6 Q. Where Dough Boy parks, or the corner that
7 he parks at, is it your understanding that's where he
8 would wait for you all?

9 A. Yes, ma'am.

10 Q. And where is it exactly that Dough Boy
11 drops you off?

12 A. He drops us off in the, basically in the
13 driveway. He pulls up right there, right in front of
14 the driveway and drops us off.

15 Q. And when you say drops us off, who is it
16 that gets dropped off in front of this driveway, the
17 home that you're going to rob?

18 A. Jose Mendoza and Joey Laguna.

19 Q. So you're all at the front of the driveway
20 of this house?

21 A. Yes, ma'am.

22 Q. What do you do?

23 A. We start walking up to the door and they
24 told me that I'd be the one to open up the door.

25 Q. Let me stop you right there.

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1 A. Yes.

2 Q. So there's three of you. Let me ask you
3 this. How are you all dressed? How are you dressed?
4 Let's start with you.

5 A. Me. I had a beanie and a, like a black
6 sleeve covering my face. And I had a black sweater with
7 some dark blue jeans with some black shoes.

8 Q. And how about Jorge Mendoza or Jose
9 Mendoza?

10 A. They were just dressed regular with
11 nothing, like no, nothing to cover theirselves up with.

12 Q. Okay. And Mr. Laguna, how was he dressed?

13 A. With nothing. Like just regular clothes.
14 No type of disguise or nothing.

15 Q. Okay. And so it's determined that you're
16 going to be the person to open the door?

17 A. Yes, ma'am.

18 Q. Mr. Figueroa, of course the door wasn't
19 just wide open at this point, right?

20 A. Yes, ma'am.

21 Q. So how is it that you opened the door?

22 A. I hit it with my shoulder two times and it
23 busted open.

24 Q. And do you walk into the home through that
25 front door?

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1 A. Yes, ma'am.

2 Q. Do you know who was behind you?

3 A. I'm not completely 100 percent sure.

4 Q. Okay. Do you know whether or not the other

5 two people that you were with, whether they also go into
6 the home?

7 A. I believe they did.

8 Q. As you were walking into the home what
9 happens?

10 A. As I get through the front door almost
11 instantly I get shot in my face.

12 Q. Where in your face do you get shot?

13 A. Below my lip.

14 Q. And for the record you pointed to your
15 lower left lip?

16 A. Yes, ma'am.

17 Q. And so once you're shot there, what happens
18 to you?

19 A. It shocked me. I mean it took me off my
20 feet, it dropped me to the floor. And right then and
21 there I knew I was hurt.

22 Q. Did you have a weapon when you entered that
23 home?

24 A. Yes, ma'am.

25 Q. What type of weapon did you have?

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1 A. It was a .40.

2 Q. .40 caliber?

3 A. Yes, ma'am.

4 Q. Do you know what type of gun it was?

5 A. Ruger.

6 Q. Did Mr. Laguna your friend have a weapon

7 with him?

8 A. Yes, ma'am.

9 Q. What type of weapon was it, Mr. Figueroa?

10 A. A .38 snub nose.

11 Q. And Mr. Mendoza, what type of weapon did he

12 have, if any?

13 A. He had a 9-millimeter type of like short

14 rifle type of deal.

15 Q. Did you each have your weapons, the weapons

16 that you just described, when you entered this home that

17 you were going to rob?

18 A. Yes, ma'am.

19 Q. And so you get hit under your left lip?

20 A. Yes, ma'am.

21 Q. You said it shocks you, it brought you to

22 the ground?

23 A. Yes.

24 Q. What happens next?

25 A. I get up and I turn and run.

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1 Q. Out the door, out the front door?

2 A. Well, as I get up and turn I get shot in the
3 left side, on my, like right above my hip in between my
4 rib area.

5 Q. Let me correct the record. When you said
6 you got shot in the lip, was it your right side of your
7 lip or your left side?

8 A. The right side of my lip, ma'am.

9 Q. I have trouble with my lefts and rights
10 sometimes. So it was the bottom of your right lip?

11 A. Yes, ma'am.

12 Q. And for now you just indicated that you
13 were shot on the lower side of your back?

14 A. Yes.

15 Q. Lower left side of your back?

16 A. Yes, lower left side.

17 Q. And once that happens what do you do?

18 A. That dropped me again. That dropped me
19 again. And I continued to try to make it out the door.

20 Q. As you're trying to make it out the door,
21 do you see whether or not Mr. Mendoza or Mr. Laguna are
22 still in the entryway, anything like that?

23 A. I believe that they are still in the
24 entryway. But like at this time everything is happening
25 so fast. I'm just trying to, I'm trying to get away

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1 now.

2 Q. Are you successful in getting away?

3 A. Yes, ma'am.

4 Q. So you actually get out the front door?

5 A. Yes, ma'am.

6 Q. What do you do?

7 A. I run straight down the street, not towards

8 Dough Boy but just in a straight general direction

9 opposite from the house.

10 Q. Could you see who was shooting at you from
11 the house?

12 A. No, ma'am.

13 Q. So you run not towards Dough Boy where he's
14 in a car waiting?

15 A. Yes.

16 Q. But the straightest way you could to get
17 away?

18 A. Yes, ma'am.

19 Q. As you're running away do you continue to
20 hear gunfire?

21 A. Yes, ma'am.

22 Q. Do you look back at all at the house and
23 see anything?

24 A. Yes. Once I got basically halfway down the
25 street I looked back at the house and like as I'm

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1 running I'm hearing gunfire and when I looked back

2 basically I see Joey Laguna, he's basically, he runs

3 to the driveway, I see Dough Boy and Dough Boy comes and

4 picks him up and they take off.

5 Q. In which driveway? The house that you all
6 just tried to rob?

7 A. Yes, ma'am.

8 Q. So Dough Boy picks him up. Did it appear
9 as though Mr. Laguna was injured at all?

10 A. No, ma'am.

11 Q. The way he was running?

12 A. No, ma'am.

13 Q. Did you see what happened to Mr. Mendoza?

14 A. No, ma'am.

15 Q. So you just run away from that scene; is
16 that right?

17 A. Yes, ma'am.

18 Q. How far away do you make it? Do you make
19 it out of the subdivision?

20 A. No, ma'am.

21 Q. What is it that you do?

22 A. I, after I see them leave and basically I
23 keep on running down the street, but I'm injured, I'm
24 hurt, I'm just basically, I looked for a place to hide.
25 Then once I find a place to hide I start calling Joey

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1 Laguna to let him know come get me, I'm hurt.

2 Q. Did Joey Laguna ever come to get you?

3 A. No, ma'am.

4 Q. Did you have contact with Dough Boy?

5 A. He was calling me off of a -- well, he was

6 texting me off of a cell phone for a little while

7 basically asking me where I am, where I'm at. I told

8 him and nothing. Later on he told me that his wife had

9 to go to work.

10 Q. So you received a text message from someone
11 who you believed to be Dough Boy?

12 A. Yes, ma'am.

13 Q. What leads you to believe that it's Dough
14 Boy?

15 A. Just I'm assuming that's him.

16 Q. I mean did he have information about what
17 just happened?

18 A. Yes.

19 Q. Did he talk about picking you up in a car
20 which you knew Dough Boy to have?

21 A. Yes, he was talking about he's going to try
22 to find someone to come get me.

23 Q. Did anyone, did Mr. Mendoza, Mr. Laguna or
24 Dough Boy ever come and get you?

25 A. No, ma'am.

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1 Q. In fact did you find a place to hide?

2 A. Yes, ma'am.

3 Q. Where is it that you hide?

4 A. I hide in a, in someone's backyard on the
5 corner of the street that I ran down. I just hopped the
6 wall and there was a couple tall bushes that I hid in
7 between. I hid in between the wall and the bushes.

8 Q. How long did you remain hiding between the
9 wall and the bushes?

10 A. About eight to nine hours.

11 Q. At this point are you able to assess your
12 injuries?

13 A. Yes, ma'am. Like I knew that, you know, my
14 jaw was broken, I was missing teeth. I knew I got hit
15 in my side.

16 Q. Were you bleeding considerably at this
17 point?

18 A. Yeah.

19 Q. And so did you hear the sirens and the
20 police responding to this particular location?

21 A. Yes, ma'am.

22 Q. Approximately how far away were you in your
23 hiding spot to where you could hear the police
24 responding or to the house that you had just attempted
25 to rob?

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1 A. The police were literally on the other side
2 of the wall searching. And there was a news anchor
3 news lady there, she broadcasted news right there and I
4 was just on the other side of the wall.

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5 Q. Could you hear her broadcasting the news?

6 A. Yes.

7 Q. So far what I gather, Mr. Figueroa, is that
8 Mr. Laguna, who entered the home with you and
9 Mr. Mendoza, he is not injured; is that right?

10 A. Yes.

11 Q. And he's coming out of the home and Dough
12 Boy picks him up from that driveway?

13 A. Yes, ma'am.

14 Q. Meanwhile you're clearly injured.

15 A. Yes, ma'am.

16 Q. Is it your understanding that Dough Boy
17 decided to pick up Mr. Laguna as opposed to you?

18 A. Yes, ma'am.

19 Q. Do you know why that is?

20 A. They've known each other for way longer and
21 they were a lot closer than me and him were.

22 Q. How many times previous to this incident
23 had you known, even been around Dough Boy?

24 A. Two to three times.

25 Q. I'm going to ask you, at some point does

1 someone pick you up?

2 A. Yes, ma'am.

3 Q. Okay. And did you have to hop a couple

4 walls and text an address to this person who picked you
5 up?

6 A. Yes, ma'am.

7 Q. And did you subsequently go to a hospital
8 to be treated?

9 A. Yes, ma'am.

10 Q. Was that hospital here in Las Vegas?

11 A. No, ma'am.

12 Q. Was it in the State of Nevada?

13 A. No, ma'am.

14 Q. In fact it was in California, right?

15 A. Yes, ma'am.

16 Q. And you were treated for a gunshot wound to
17 your face and also to your abdomen?

18 A. Yes, ma'am.

19 Q. After this incident did you find out the
20 identity or who it was that owned the home that you all
21 had attempted to rob?

22 A. I've never -- the man's name, I never found
23 it out until I actually got arrested.

24 Q. Did you find out that that person's name is
25 Joey Larsen?

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1 A. Yes, ma'am.

2 Q. Have you seen what Joey Larsen looks like?
3 A. No, ma'am.

4 Q. So to date you don't know what he looks
5 like?

6 A. No, ma'am.

7 Q. Up until the time of the robbery did you
8 know an individual by the name of Joey Larsen?

9 A. No, ma'am.

10 Q. Now during the time that you are talking
11 with Dough Boy and Mr. Laguna and Mr. Figueroa (sic), do
12 you ever come to find out how it is that Dough Boy would
13 know about Joey Larsen, where he lives and the fact that
14 he may have marijuana, guns and cash in his home?

15 A. Yeah. Basically I had asked him how do you
16 know all this, what is his connection to this, and
17 basically he told me that he was having relationships
18 with Joey Larsen's girlfriend.

19 Q. Had you ever met this girl that Dough Boy
20 was having a relationship with?

21 A. No, ma'am.

22 Q. And by relationship, was it a sexual
23 relationship?

24 A. Yes. Yeah. That's the only type of
25 relationship I believe they had.

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1 Q. So just to be clear. Dough Boy told you
2 that he was having a relationship with the homeowner's
3 girlfriend?

4 A. Yes, ma'am.

5 Q. Did he subsequently indicate that, or did
6 he tell you that the homeowner's girlfriend told him
7 about what items would be found in Joey Larsen's home?

8 A. Yes, ma'am. Like I'm assuming so because
9 how would he know without, you know, without her.

10 Q. Okay.

11 A. So.

12 Q. And earlier you also indicated that at
13 least Dough Boy knew that Joey Larsen had just re-upped?

14 A. Yes, ma'am.

15 Q. What does re-upped mean?

16 A. He went and just recently bought some more
17 marijuana that day.

18 Q. And when you asked Dough Boy how did he
19 know this information, did it include how did he know
20 that Joey Larsen had just re-upped his marijuana supply?

21 A. Yes.

22 Q. When Dough Boy talked to you about how the
23 girl he was having a relationship with, how she knew
24 about Joey Larsen's house, did you also get information
25 that the girl that Dough Boy was having a relationship

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1 with, that she also knew about the first house that you
2 tried to rob earlier that day?

3 A. Yes.

4 Q. Did that question make sense?

5 A. A little bit.

6 Q. Let me ask it a different way.

7 A. Yeah.

8 Q. Based on conversations with Dough Boy, did
9 you come to believe that he had received information
10 from the girl that he was sleeping with about both
11 houses that you attempted to rob or planned to rob
12 September 21, 2014?

13 A. Yes, ma'am.

14 Q. During your conversation -- first of all,
15 when is it that you asked Dough Boy about how he knows
16 about these houses?

17 A. Right after the first house when we went
18 back to Joey Laguna's to go regroup.

19 Q. Okay. And at some point when you're
20 talking to Dough Boy does he give you an indication that
21 he knows that the girl that he's sleeping with is still
22 maybe in a relationship with the guy who owns the house
23 that you tried to rob the second time?

24 A. Yes.

25 Q. What did he tell you about that that made

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1 you believe --

2 A. That she was telling -- well, he was
3 telling me about their personal relationship, how he'll
4 call her on the phone crying.

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5 Q. How he meaning the homeowner?

6 A. Yes, ma'am.

7 Q. Would call his --

8 A. His girlfriend on the phone crying and
9 just, you know, he was just letting me know personal
10 details about them and that sort of stuff.

11 Q. So Dough Boy was telling you that the girl
12 that he was having a relationship with, a sexual
13 relationship with --

14 A. Yes.

15 Q. -- that she was telling him about what was
16 going on between her and the guy that owned the house
17 that you all tried to rob that night?

18 A. Yes, ma'am.

19 Q. Okay. And that the homeowner was begging
20 for Dough Boy's, the girl that he's having a
21 relationship with, pretty much trying to continue to
22 have a relationship with her?

23 A. Yes, basically. Yes.

24 Q. At any time did Dough Boy tell you that
25 this girl that he was hooking up with or having a sexual

1 relationship with, that she had tried setting up her
2 boyfriend or the homeowner before?

3 A. Yes.

4 Q. You testified that Joey knew Dough Boy, do
5 you know whether they're related or whether they're
6 friends? Do you know the nature of their relationship?

7 A. Friends. Real close friends.

8 Q. So Dough Boy had the information about
9 which houses to hit; is that right?

10 A. Yes, ma'am.

11 Q. And did Dough Boy ever personally call you
12 to tell you let's go do this?

13 A. No, ma'am.

14 Q. Okay. Who is it that Dough Boy would call
15 concerning, you know, the plan that day regarding both
16 houses?

17 A. He was calling Joey Laguna.

18 Q. And you are linked to all of these other
19 people through Joey Laguna?

20 A. Yes, ma'am.

21 Q. And it was Joey Laguna who then conveyed
22 the information to you and who got you in on this whole
23 thing?

24 A. Yes, ma'am.

25 Q. I'm going to show you what's been marked as

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1 Grand Jury Exhibit Number 4. Do you recognize at all
2 the person in this photograph?

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3 A. I've seen her in court.

4 Q. Okay. But prior to or up until
5 September 21, 2014, did you know who this was?

6 A. No, ma'am.

7 Q. Had you ever seen her before?

8 A. No, ma'am.

9 Q. Okay. It's Grand Jury Exhibit Number 4.
10 So you didn't know this person prior to or during the
11 attempted robbery?

12 A. No, ma'am.

13 Q. Just a brief indulgence please.

14 At any time during the regrouping or the
15 times that you were with Mr. Mendoza, Mr. Laguna, Dough
16 Boy, were you able to determine how it is that
17 Mr. Mendoza was recruited in this whole thing?

18 A. I believe he's related to Dough Boy through
19 some sort of way, like down the line somewhere.

20 Q. And you have, you said you're assuming or
21 you think. Is that just based on what you heard or the
22 kind of --

23 A. Yeah, just basically on what I heard. Like
24 I think he's, he was married to like his cousin or
25 something.

1 Q. He meaning Dough Boy was married to?

2 A. No. Jose Mendoza was married to one of
3 like Dough Boy's cousins or, you know, something down
4 the line of that sort.

5 MS. LEXIS: I have no further questions for
6 this witness. Do any of the members of the Grand Jury
7 have any questions?

8 Brief indulgence please.

9 Just so the record is very clear, I
10 indicated before questioning Mr. Figueroa that there
11 were two investigators from my office, the Clark County
12 District Attorney's Office, present. Miss Dawn Barlow
13 and Mr. Ed Dougherty. They remained in the Grand Jury
14 room the entire time that Mr. Figueroa testified.
15 Mr. Figueroa is in custody at the Clark County Detention
16 Center. He is in jail clothing, he was handcuffed, and
17 has agreed to testify here today. Do any of you have
18 any questions absent that?

19 THE FOREPERSON: No.

20 By law, these proceedings are secret and
21 you are prohibited from disclosing to anyone anything
22 that has transpired before us, including evidence and
23 statements presented to the Grand Jury, any event
24 occurring or statement made in the presence of the Grand
25 Jury, and information obtained by the Grand Jury.

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1 Failure to comply with this admonition is a
2 gross misdemeanor punishable by a year in the Clark
3 County Detention Center and a \$2,000 fine. In addition,
4 you may be held in contempt of court punishable by an
5 additional \$500 fine and 25 days in the Clark County
6 Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, sir.

9 THE FOREPERSON: Thank you, sir. You're
10 excused.

11 THE WITNESS: Thank you.

12 MS. LEXIS: Mr. Foreperson, I don't believe
13 I'll be going over the time that I have allotted. I
14 think I have until 4 o'clock. If it's okay with you
15 all, is it okay to take a ten minute break?

16 THE FOREPERSON: Sure.

17 MS. LEXIS: Is that okay?

18 THE FOREPERSON: Yes.

19 MS. LEXIS: Thank you very much.

20 (Recess.)

21 MS. LEXIS: Mr. Foreperson, the State calls
22 Joey Larsen to the stand.

23 Joey, please have a seat right here.

24 THE FOREPERSON: Sir, if you could raise
25 your right hand.

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1 You do solemnly swear the testimony you are
2 about to give upon the investigation now pending before
3 this Grand Jury shall be the truth, the whole truth, and
4 nothing but the truth, so help you God?

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5 THE WITNESS: Yes.

6 THE FOREPERSON: Thank you.

7 You are advised that you are here today to
8 give testimony in the investigation pertaining to the
9 offenses of conspiracy to commit robbery, burglary while
10 in possession of a deadly weapon, home invasion while in
11 possession of a deadly weapon, attempt robbery with use
12 of a deadly weapon, murder with use of a deadly weapon,
13 attempt murder with use of a deadly weapon, involving
14 Jorge Mendoza, Robert Figueroa, Summer Larsen and David
15 Murphy.

16 Do you understand this advisement?

17 THE WITNESS: Yes.

18 THE FOREPERSON: Please state your first
19 and last name and spell both for the record.

20 THE WITNESS: Joseph Larsen. J-O-S-E-P-H,
21 L-A-R-S-E-N.

22 THE FOREPERSON: Thank you.

23 MS. LEXIS: May I Mr. Foreperson?

24 THE FOREPERSON: Yes, ma'am.

25 ///

1 JOSEPH LARSEN,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows

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5
6 EXAMINATION

7
8 BY MS. LEXIS:

9 Q. Mr. Larsen, on September 21, 2014, did you
10 live at an address called 1661 Broadmere Street here in
11 Las Vegas, Clark County, Nevada?

12 A. Ma'am, I refuse to testify.

13 Q. Okay. Mr. Larsen, you are a witness for
14 the State of Nevada so I'm going to need you to please
15 answer my questions. Okay? Joey?

16 A. I refuse to, ma'am.

17 Q. Okay. Why do you refuse to testify before
18 this Grand Jury, Joey?

19 A. I just don't want to.

20 Q. You have to Joey. You're here by order of
21 the District Court and by this Grand Jury. You have to
22 be here today.

23 A. I'm here.

24 Q. Joey, why is it that you do not want to
25 testify before this Grand Jury? Did something happen on

1 September 21, 2014 that you're not wanting to testify
2 about?

3 A. I'm sorry, ma'am, I don't want to answer
4 any questions.

5 Q. Joey, did something happen on September 21,
6 2014 that caused us to subpoena you today?

7 A. I'm sorry, ma'am, I don't want to answer
8 any questions.

9 Q. Joey, I'm going to ask you to leave the
10 room. I need to speak with the Grand Jury.

11 (At this time, witness Joseph Larsen exits
12 the proceedings.)

13 MS. LEXIS: Mr. Foreperson, at this point I
14 will be contacting the chief judge, Judge Barker, and I
15 will be asking to bring Mr. Joey Larsen before Judge
16 Barker to hold a contempt hearing.

17 THE FOREPERSON: Okay.

18 MS. LEXIS: Brief indulgence please.

19 (Off the record.)

20 Okay. The State would like to recall Joey
21 Larsen.

22 Q. Joey, we just took a little bit of a break
23 and myself and Detective Barry Jensen and my
24 investigator Mr. Ed Dougherty, we had a conversation
25 with you in the little vestibule; is that right?

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1 A. Yes, ma'am.

2 Q. And you have now agreed to testify before
3 this Grand Jury about what happened on September 21,
4 2014; is that right?

5 A. Yes, ma'am.

6 Q. Okay. So Joey, September -- is it okay if
7 I call you Joey?

8 A. Yes, ma'am.

9 Q. Joey, September 21, 2014, where were you
10 living?

11 A. 1661 Broadmere Street.

12 Q. Is that here in Las Vegas, Clark County,
13 Nevada?

14 A. Yes, ma'am.

15 Q. Is that near the area of Charleston and
16 Hualapai?

17 A. Yes, ma'am.

18 Q. Who did you live at that house with?

19 A. Monty Gibson.

20 Q. What was your relationship with Monty?

21 A. Friends.

22 Q. How long had you been friends with him?

23 A. Approximately ten years.

24 Q. So he lived in that house with you?

25 A. Yes, ma'am.

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1 Q. He had a room?

2 A. Yes, ma'am.

3 Q. What is this, a two-bedroom house?

4 A. Four bedroom.

5 Q. Four bedroom. Okay. Is it one story or
6 two story?

7 A. Two story.

8 Q. I'm going to show you what's been marked as
9 Grand Jury Exhibit Number 8. Just take a look. Do you
10 recognize what this is?

11 A. Yes, ma'am.

12 Q. What is it?

13 A. ID.

14 Q. Whose ID is it?

15 A. Monty Gibson.

16 Q. Monty your friend the one who lived with
17 you at 1661 Broadmere?

18 A. Yes, ma'am.

19 Q. So Joey, September 21, 2014, did something
20 happen that you're having to testify before the Grand
21 Jury about?

22 A. Yes, ma'am.

23 Q. Joey, just tell us in your own words what
24 happened.

25 A. Me and Monty were at home watching the

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1 game. We heard a boom at the door, we heard another
2 boom. Two men ran in with guns, I fired, they fired
3 back.

4 Q. That's a very short version. We're just
5 going to talk a little bit about that. Okay?

6 So you say that you and Monty are home
7 watching the game. Can you hear me okay?

8 A. Yes, ma'am.

9 Q. Is this nighttime, daytime; what time of
10 day?

11 A. I'm not sure. Approximately like 7 o'clock
12 at night.

13 Q. And where are you and Monty watching the
14 game?

15 A. In the living room.

16 Q. How is the house set up -- you said it's a
17 two-story house?

18 A. Yes, ma'am.

19 Q. So when you walk into the front door of
20 your house, what part of the downstairs are you at?

21 A. As soon as you walk in there's like a
22 dining area and a bathroom right there.

23 Q. And then do you go further down a hallway
24 to get to the kitchen?

25 A. It's not really a hallway. It's like an

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1 open area, but yes, ma'am.

2 Q. And so there's, after you walk past the
3 dining room area, correct me if I'm wrong, you walk into
4 your home, the front door, right? You walk in the front
5 door. To the right is that dining room area that you
6 were talking about; is that right?

7 A. Yes, ma'am.

8 Q. And to the left of that is a bathroom?

9 A. Yes, ma'am.

10 Q. And you continue to walk down this hallway.
11 What do you see next?

12 A. The kitchen on the right hand side and the
13 living room on the left hand side.

14 Q. So when you and Monty are watching the
15 game, you're in the living room?

16 A. We're back and forth. We had a pizza in
17 the kitchen on, there's an island so we had our plates
18 right there eating pizza walking back and forth watching
19 the game.

20 Q. Now Joey, were you or Monty expecting
21 someone to come to your home at that time?

22 A. No, ma'am.

23 Q. Had you received word earlier in the day
24 about some people planning to do some bad things at your
25 house?

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1 A. Yes, ma'am.

2 Q. Tell us about that.

3 A. Just received a phone call saying someone

4 might be trying to rob us.

5 Q. And when was it that you received that
6 phone call earlier that day?

7 A. Like an hour before.

8 Q. And who was it that made that phone call to
9 you?

10 A. My father.

11 Q. Is his name Steve Larsen?

12 A. Yes, ma'am.

13 Q. Your dad rents this house for you; is that
14 right?

15 A. Yes, ma'am.

16 Q. And he knew you had a roommate Monty; is
17 that right?

18 A. Yes, ma'am.

19 Q. So we'll back up the hour. You first
20 talked to your dad and your dad tells you hey, some guys
21 may be coming to rob you. Were you scared?

22 A. No, ma'am.

23 Q. Were you worried?

24 A. Yes, ma'am.

25 Q. So Joey, what do you do once you hear that

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1 from your dad?

2 A. I was on my way home so I continued to
3 When I got home I grabbed my firearm and sat on the
4 couch to watch the game.

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5 Q. Was Monty already home when you got home?

6 A. No, ma'am.

7 Q. What type of firearms did you grab and
8 bring downstairs to watch the game?

9 A. Yes, ma'am.

10 Q. What type of firearms did you bring?

11 A. .40 caliber Glock and a .38 caliber. I
12 don't know the brand.

13 Q. Are these guns registered to you, Joey?

14 A. No, ma'am.

15 Q. Are they registered to your father?

16 A. No, ma'am.

17 Q. So what do you do with the guns?

18 A. I put one on the, I put them on the island
19 in the kitchen like next to the pizza.

20 Q. So the pizza, you already had pizza there?

21 A. Yes, ma'am.

22 Q. At some point does Monty come home?

23 A. Yes, ma'am.

24 Q. And what do you, do you tell Monty?

25 A. Yes, ma'am.

1 Q. You told Monty that there were some people
2 that may be coming to rob your house?

3 A. Yes, ma'am.

4 Q. Did your dad tell you who these people were
5 going to be?

6 A. No, ma'am.

7 Q. Just that he had received word?

8 A. Yes, ma'am.

9 Q. And he was passing that information onto
10 you?

11 A. Yes, ma'am.

12 Q. When does Monty get home?

13 A. Approximately 15 minutes after I did.

14 Q. And so you tell him what you found out from
15 your dad?

16 A. Yes, ma'am.

17 Q. So the two of you just sit there and watch
18 the game?

19 A. And eat pizza.

20 Q. And eat pizza. Okay. Then you said you
21 heard a boom and then another boom; is that right?

22 A. Yes, ma'am.

23 Q. At that time that you heard the two booms
24 could you tell what was causing that sound?

25 A. No, ma'am.

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1 Q. Now that you are looking back at this event
2 do you know what caused those sounds?

3 A. Yes, ma'am.

4 Q. Joey, tell the ladies and gentlemen of the
5 Grand Jury what caused that, the two boom boom sounds.

6 A. I believe a kick at the door, somebody
7 kicking the door.

8 Q. Was the door, had you locked the door?

9 A. Yes, ma'am.

10 Q. Do you believe Monty locked the door after
11 he got home?

12 A. He came through the back door, the sliding
13 glass door, and I locked that.

14 Q. So to your knowledge that front door was
15 locked and you were not expecting anyone?

16 A. Yes, ma'am.

17 Q. So boom boom. You see two people enter?

18 A. Yes, ma'am.

19 Q. Were these individuals male or female?

20 A. They had masks on.

21 Q. Let's talk about each one. Okay? Do you
22 remember what the first one who goes through that door
23 that you see, do you recall what color mask he was
24 wearing?

25 A. An orange ski mask.

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1 Q. The second person that comes through the
2 door, do you remember what kind of mask he was wearing?

3 A. No, ma'am.

4 Q. So really your view was of the male with
5 the orange ski mask?

6 A. Yes, ma'am.

7 Q. Right when you see them, Joey, where are
8 you?

9 A. I'm in the kitchen standing next to the
10 island.

11 Q. Next to the pizza?

12 A. Yes, ma'am.

13 Q. Next to the guns that you brought down?

14 A. Yes, ma'am.

15 Q. You see them come through, what do you do?

16 A. I grab the firearm and shoot.

17 Q. Okay. Which firearm did you grab first, do
18 you remember?

19 A. No, ma'am.

20 Q. Do you remember giving an interview to
21 Detective Jensen who was just outside this Grand Jury
22 room?

23 A. Yes, ma'am.

24 Q. Sometime in December of 2014; do you
25 remember that?

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1 A. Yes, ma'am.

2 Q. Would it surprise you that when you were
3 interviewed at that time you said you grabbed the .38
4 first?

5 A. No, it wouldn't surprise me.

6 Q. Would it surprise you that you said you
7 believed there were only two bullets in the .38?

8 A. No, it wouldn't surprise me.

9 Q. And that you shot those two bullets first,
10 ran out of ammo and grabbed your Glock?

11 A. No, it wouldn't surprise me.

12 Q. Does that sound about right?

13 A. Yes, ma'am.

14 Q. And so you fired. Do you know whether or
15 not you shoot either of the two guys going into your
16 home?

17 A. Yeah, I believe I shoot the first one cause
18 he made like a grunt sound.

19 Q. And as he makes that grunt sound, do you
20 continue shooting?

21 A. No, I moved behind the wall because they're
22 shooting back.

23 Q. Could you tell, Joey, whether both were
24 shooting at you or only one?

25 A. Couldn't tell.

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1 Q. You're just receiving gunfire?

2 A. Yes, ma'am.

3 Q. And you're also returning gunfire?

4 A. Yes, ma'am.

5 Q. So you think you strike one of them. Let
6 me stop right there. Approximately how many shots do
7 you think you get out counting the two from the .38 and
8 then do you empty the Glock?

9 A. No, ma'am.

10 Q. So how many bullets do you think you had in
11 the Glock?

12 A. Fifteen.

13 Q. And did you have any ammo left after
14 looking at your gun after this?

15 A. Yes, ma'am.

16 Q. How much ammo did you have left?

17 A. I don't know.

18 Q. If you were to estimate for me, Joey, about
19 how much of the Glock did you fire, how many bullets?

20 A. I'd say maybe six to eight.

21 Q. Okay. And then two out of the .38?

22 A. I believe so.

23 Q. Maybe. Okay.

24 So you're firing. They're firing. Do you
25 know about how many shots are fired in your direction?

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1 A. No, ma'am.

2 Q. Where is Monty when you are shooting at the intruders and the intruders are shooting at you?

3 A. I'm not sure exactly where he was when the shooting was going on.

4 Q. What happens after -- you saw that you hit one, you go behind the kitchen. Are you still firing from the kitchen?

5 A. Yes, ma'am.

6 Q. What happens next that you can remember?

7 A. Like I said I was firing, they were firing back. After awhile it stopped. I looked, I didn't see nobody. Then Monty, he like came out from behind the other wall. I was kind of in the living room. He said he was going to close the door, I said all Right. I walked behind him, he went to close the door and he didn't, he kind of like looked out there and I just heard one shot and then he fell.

8 Q. You said it stopped after awhile. Do you mean the gunshots?

9 A. Yes, ma'am.

10 Q. And so Monty comes out from behind the wall of the living room which is to the left of where you were and you said Monty decided to close the door, because the door was still open; is that right?

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1 A. Yes, ma'am.

2 Q. When you looked out that kind of hallway
3 that leads into your front door, you didn't see anyone
4 else?

5 A. No, ma'am.

6 Q. About how long after the gun fire stopped
7 did Monty decide to walk up to the door to shut it?

8 A. I'm not sure. Approximately like 30
9 seconds.

10 Q. And you said you walked behind him?

11 A. Yes, ma'am.

12 Q. Is Monty taller than you?

13 A. No, ma'am.

14 Q. Are you taller than him?

15 A. Yes, ma'am.

16 Q. About how far away from you from Monty as
17 he's shutting the door?

18 A. Maybe four feet.

19 Q. Behind him?

20 A. Yes, ma'am.

21 Q. When Monty shuts the door, does he shut it
22 like you normally shut the door, you go up to the front
23 and close it, or is he kind of back against the wall to
24 shut it?

25 A. He didn't never shut it. He put his hand

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1 on it like he was going to push it forward and he, as he
2 was pushing it forward he looked outside.

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3 Q. He looked outside?

4 A. Yes, ma'am.

5 Q. And then you heard the gunshot and you saw
6 him drop?

7 A. Yes, ma'am.

8 Q. So after you see Monty drop to the ground,
9 or to the floor, where is it that he drops to the floor?

10 A. In the doorway.

11 Q. After you see this, Joey, what do you do?

12 A. I look out the door but I can't see nobody.

13 Q. What does your front door look out into?

14 A. There's a street and then a brick wall.

15 Q. And is that brick wall a wall that kind of
16 encloses the houses, other houses?

17 A. Yes, ma'am.

18 Q. And so the street that's directly in front
19 of your front door, is that Broadmere?

20 A. Yes, ma'am.

21 Q. And you have neighbors on each side of you;
22 is that right?

23 A. Yes, ma'am.

24 Q. And if I am facing your front door the way
25 I am now, is it fair to say that you go right a few

1 houses on Broadmere and then there's a street that runs
2 kind of perpendicular to it called Cattle. Do you know
3 what that street is?

4 A. I'm not sure of the name of that street,
5 ma'am.

6 Q. But there is a street that runs kind of
7 perpendicular to part of Broadmere?

8 A. Yes, ma'am.

9 Q. All right. So what happens next?

10 A. I look out the front door, I don't see
11 nobody. I look at Monty and you could just tell he was
12 dead so. I look at him, I back up like towards where I
13 was at towards the wall and I'm kind of just like
14 sitting there, I'm trying to talk to him like telling
15 him say something, but he doesn't say nothing.

16 Q. Do you call the police?

17 A. No. I'm just sitting there like for
18 awhile, like I didn't call the police for awhile. I
19 thought they were already on the way, I heard police
20 sirens.

21 Q. Do you call anyone?

22 A. I called my father.

23 Q. That's Steve Larsen?

24 A. Yes, ma'am.

25 Q. When you call him what do you tell him?

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1 A. I tell him to come over. He said he was
2 already on the way.

3 Q. Does your dad get there?

4 A. Yes, ma'am.

5 Q. To your house? Okay. Who gets there
6 first, your dad or the police?

7 A. My father.

8 Q. When your father gets there what do you
9 tell him? Do you tell him what happened?

10 A. I'm not sure.

11 Q. Fair to say that you were pretty shocked
12 and stressed out at that time?

13 A. Yes, ma'am.

14 Q. Both when you called your father and also
15 when you saw him when he showed up to your house before
16 the police even got there?

17 A. Yes, ma'am.

18 Q. Did you at any point, Joey, get a look such
19 that you could identify the people who went into your
20 house that day?

21 A. No, ma'am.

22 Q. Could you tell, I know you didn't take a
23 look at them because they had masks, or least the first
24 one that you saw had an orange ski mask, could you tell
25 what kind of weapon it was that they were using, one or

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1 both were using to fire at you?

2 A. I just seen one weapon. It was like some
3 kind of rifle.

4 Q. And that's the one that you remember?

5 A. Yes, ma'am.

6 Q. After your dad gets there do the police get
7 there?

8 A. Yes, ma'am.

9 Q. As a matter of fact do you ever call the
10 police?

11 A. Yes, ma'am.

12 Q. And at some point does your dad take over
13 the police call?

14 A. Yes, ma'am.

15 Q. Joey, do you know someone by the name of
16 Summer Rice?

17 A. Yes, ma'am.

18 Q. Or Summer Larsen?

19 A. Yes, ma'am.

20 Q. Who is that?

21 A. My ex-wife. Or my wife.

22 Q. Is she still your wife?

23 A. Yes, ma'am.

24 Q. I'm going to show you Grand Jury Exhibit
25 Number 4. Do you recognize that?

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1 A. Yes, ma'am.

2 Q. Who is it?

3 A. Summer.

4 Q. Summer your wife?

5 A. Yes, ma'am.

6 Q. Publish Grand Jury Exhibit Number 4.

7 I'm going to show you a picture. Grand
8 Jury Exhibit Number 5. Do you know who is this, Joey?

9 A. I don't know him. I've seen him before.

10 Q. Do you know his name?

11 A. Just a nickname.

12 Q. What's his nickname?

13 A. Dough Boy.

14 Q. Dough Boy. Okay. Grand Jury Exhibit
15 Number 5. Okay. So you say you don't know Dough Boy
16 but you've seen him around. Where is it that you've
17 seen him?

18 A. The neighborhood where my mother and father
19 live.

20 Q. The neighborhood where your mother and
21 father live?

22 A. Yeah.

23 Q. Is that fairly close to your house?

24 A. No.

25 Q. I'm going to show you Grand Jury Exhibit

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1 Number 2 and 6. I want you to take a look at Grand Jury
2 Exhibit Number 2. Do you know this person?

3 A. No, ma'am.

4 Q. I'm going to show you Grand Jury Exhibit

5 Number 6. Do you know this person?

6 A. No, ma'am.

7 Q. Just so the grand jurors are aware, Grand
8 Jury Exhibit Number 2 the witness indicated he did not
9 know. I've just published for you all.

10 And Grand Jury Exhibit Number 6, also asked
11 the witness if he knew this person, he said no.

12 Joey, how long have you been with Summer?

13 A. Approximately nine years.

14 Q. How long have you both been married?

15 A. Like 2012.

16 Q. Since 2012?

17 A. Yes, ma'am.

18 Q. If you were still married to Summer why
19 wasn't she living at 1661 Broadmere with you?

20 A. We were just like going through a difficult
21 time I guess.

22 Q. Some marital problems, is that fair to say?

23 A. Yes, ma'am.

24 Q. When you say marital problems, what are you
25 talking about?

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1 A. Just arguing.

2 Q. So at some point she moves out?

3 A. Yes, ma'am.

4 Q. Did she ever live with you at 1661

5 Broadmere?

6 A. Yes, ma'am.

7 Q. Do you know whether or not Summer knows the
8 person that you identified as Dough Boy?

9 A. I don't know.

10 Q. Do you know whether or not Summer may have
11 had a relationship with him?

12 A. I don't know, ma'am.

13 Q. Do you remember that same interview that
14 you gave with Detective Jensen, the one that was
15 outside, dated December 10, 2014, do you remember
16 telling Detective Jensen that you believed Summer and
17 Dough Boy knew each other?

18 A. I don't remember saying that, ma'am.

19 Q. Okay. I'm going to show you page 10 of the
20 voluntary statement. It's a transcript, okay, from the
21 interview that you did with Detective Jensen. I'm going
22 to show you the bottom part. Okay?

23 Actually start reading for me from the
24 middle of the page down and you let me know when you're
25 done.

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1 A. You want me to read it?

2 Q. Oh no, not out loud. Just read it starting from here. Okay?

3
4 A. Okay.

5 Q. Did that refresh your memory, Joey, about
6 what you said about whether or not Summer and Dough Boy
7 knew each other?

8 A. Yeah.

9 Q. When you were interviewed by Detective
10 Jensen December 10, 2014, did you tell him that "Yeah,
11 they knew each other I think"?

12 A. It's a possibility.

13 Q. Do you have any reason to believe that you
14 may not have said that?

15 A. No.

16 Q. And then Detective Jensen asks you "Did
17 they grow up together?" You said "I'm not really," and
18 Detective Jensen asks, "Are they fucking?" And you say
19 "Shit, I don't know."

20 A. Yes, ma'am.

21 Q. "I don't really know him. I don't think,
22 aw shit, I don't know on that one. I don't know. Like
23 I hear she's been with a whole bunch of dudes."

24 Do you remember, does that kind of refresh
25 your memory?

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1 A. Yes, ma'am.

2 Q. Do you have reason to believe that
3 didn't say that?

4 A. No, ma'am.

5 Q. Joey, do you ever have an occasion or --
6 first of all, do you, did you ever sell marijuana out of
7 your house?

8 A. Yes, ma'am.

9 Q. 1661 Broadmere?

10 A. Yes, ma'am.

11 Q. Is that right? Okay.

12 And did you have marijuana in your home
13 that day, September 21, 2014, when these two men with
14 guns and masks, or a mask, came to your house?

15 A. Just marijuana that we were smoking.

16 Q. But you had sold marijuana out of your
17 house before; is that right?

18 A. Yes, ma'am.

19 Q. Okay. Had you ever sold marijuana out of
20 your house when Summer was there?

21 A. Uhm, probably.

22 Q. I mean let me just ask you straight up.
23 Did Summer know that you were sometimes selling
24 marijuana out of your house?

25 A. Probably.

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1 Q. How long had you lived at that house before
2 this September 21, 2014 day?

3 A. Approximately a year.

4 Q. Okay. And when did Summer move out of that
5 house?

6 A. I'm not sure of a date.

7 Q. Okay. Two months before, one month before,
8 two weeks? Just guess.

9 A. Six months.

10 Q. Six months. Okay. So you think she knew
11 that you were selling marijuana out of there.

12 A. It's a possibility.

13 Q. And at some point, Joey, do you get
14 marijuana from someone else so that you can sell it out
15 of your house?

16 A. Yes.

17 Q. Do you know what the term re-up means?

18 A. Yes, ma'am.

19 Q. Would you re-up your marijuana supply every
20 once in awhile?

21 A. Yes, ma'am.

22 Q. Do you know whether or not Summer would
23 know when it was that you would re-up your marijuana
24 supply?

25 A. No, she didn't know.

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1 Q. She didn't know. Okay. Did Summer know
2 who it was that you re-upped your marijuana supply
3 through, like who you would get the marijuana from?

4 A. She didn't know from me. She might have
5 known on the streets. I don't know. But we didn't talk
6 at that time.

7 Q. Would your answer be the same, she didn't
8 know from you but she may have heard on the street that
9 you were selling marijuana out of that house?

10 A. Yes, ma'am.

11 Q. Okay. Would you re-up your marijuana
12 supply pretty regularly?

13 A. No, ma'am.

14 Q. So there wasn't like a set day?

15 A. No, ma'am.

16 Q. So during this time frame you and Summer
17 were not talking?

18 A. No, ma'am.

19 Q. Brief indulgence. You're almost done,
20 Joey.

21 The guns that you had, that you used to
22 shoot back at the intruders to your house, what happened
23 with those guns?

24 A. Police took them.

25 Q. But before the police took them did your

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1 dad take them away from you?

2 A. Yeah, he put them in the trunk of his car.

3 Q. Okay. Okay. Before the police got there?

4 A. Yes, ma'am.

5 Q. Did he tell you that was because he didn't
6 want the police to come up on you while you had guns?

7 A. I don't know what he said.

8 Q. But when your dad got there you had it in
9 your hand?

10 A. Yes, ma'am.

11 Q. And he took them and put them in the trunk
12 of his car?

13 A. I believe.

14 Q. How soon after Monty was shot did you call
15 the police?

16 A. I'm not sure.

17 Q. When you walked up to Monty to see if he
18 was okay when he was in that doorway, do you remember
19 how many shots he had or what kind of injuries you saw
20 on his body or on his head?

21 A. No, ma'am.

22 Q. But you said that you could tell that he
23 was dead almost immediately?

24 A. Yes, ma'am. His eyes was rolled in the
25 back of his head.

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1 Q. Has Summer ever tried to set up something
2 like this with you before?

3 A. Something like what?

4 Q. Something like people come into your house
5 to rob you?

6 A. I'm not sure, ma'am.

7 Q. That you know of?

8 A. Not that I know of.

9 Q. Do you know someone named Tracy?

10 A. Yes, ma'am.

11 Q. Do you know someone named Ashley Hall?

12 A. Yes, ma'am.

13 Q. How do you know Ashley Hall?

14 A. Just from the neighborhood growing up.

15 Q. Is she about the same age as you?

16 A. Probably four or five years older than me.

17 Q. And the Tracy that I was asking about, do
18 you know someone named Tracy Rowe?

19 A. Yes, ma'am.

20 Q. How do you know Tracy Rowe?

21 A. Went to middle school with her.

22 Q. Joey, earlier you expressed concern about
23 testifying before the Grand Jury. Is that because you
24 fear for your safety?

25 A. No, ma'am.

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1 MS. LEXIS: Okay. I have no more questions
2 for this witness. Do any of the Grand Jury members have
3 any questions?

4 BY A JUROR:

5 Q. Joey, have you ever been robbed before?

6 A. No, ma'am.

7 Q. That's all I have.

8 THE FOREPERSON: No more questions.

9 By law, these proceedings are secret and
10 you are prohibited from disclosing to anyone anything
11 that has transpired before us, including evidence and
12 statements presented to the Grand Jury, any event
13 occurring or statement made in the presence of the Grand
14 Jury, and information obtained by the Grand Jury.

15 Failure to comply with this admonition is a
16 gross misdemeanor punishable by a year in the Clark
17 County Detention Center and a \$2,000 fine. In addition,
18 you may be held in contempt of court punishable by an
19 additional \$500 fine and 25 days in the Clark County
20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes, sir.

23 THE FOREPERSON: Thank you, sir. You're
24 excused.

25 MS. LEXIS: Mr. Foreperson, if it's okay

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1 with the ladies and gentlemen of the Grand Jury may I
2 have a ten minute break?

3 THE FOREPERSON: Yes, ma'am.

4 MS. LEXIS: Thank you.

5 (Recess.)

6 MS. LEXIS: The State would now call Barry
7 Jensen.

8 THE FOREPERSON: If you would, sir, please
9 raise your right hand.

10 You do solemnly swear the testimony you are
11 about to give upon the investigation now pending before
12 this Grand Jury shall be the truth, the whole truth, and
13 nothing but the truth, so help you God?

14 THE WITNESS: Yes, I do.

15 THE FOREPERSON: Please be seated, sir.

16 THE WITNESS: Thank you.

17 THE FOREPERSON: You are advised that you
18 are here today to give testimony in the investigation
19 pertaining to the offenses of conspiracy to commit
20 robbery, burglary while in possession of a deadly
21 weapon, home invasion while in possession of a deadly
22 weapon, attempt robbery with use of a deadly weapon,
23 murder with use of a deadly weapon, and attempt murder
24 with use of a deadly weapon, involving Jorge Mendoza,
25 Robert Figueroa, Summer Larsen, David Murphy.

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1 Do you understand this advisement?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Please state your first

4 and last name and spell both for the record.

5 THE WITNESS: My name is Barry Jensen.

6 It's B-A-R-R-Y, J-E-N-S-E-N.

7 THE FOREPERSON: Thank you.

8 MS. LEXIS: May I Mr. Foreperson?

9 THE FOREPERSON: Yes, ma'am, you may.

10 MS. LEXIS: Thank you.

11 BARRY JENSEN,

12 having been first duly sworn by the Foreperson of the

13 Grand Jury to testify to the truth, the whole truth,

14 and nothing but the truth, testified as follows:

15

16 EXAMINATION

17

18 BY MS. LEXIS:

19 Q. Detective, how are you employed?

20 Mr. Jensen, how are you employed?

21 A. I'm employed with the Las Vegas

22 Metropolitan Police Department.

23 Q. What do you do with the Las Vegas

24 Metropolitan Police Department?

25 A. I'm currently assigned to the homicide

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1 detail.

2 Q. So you're a detective?

3 A. Yes.

4 Q. As my first question alluded to.

5 How long have you been a detective?

6 A. I've been a detective for approximately,
7 oh, 19 years.

8 Q. And how long have you been a homicide
9 detective?

10 A. Fourteen years.

11 Q. Do you work with a partner?

12 A. I do.

13 Q. What's your partner's name?

14 A. My partner currently is Tod Williams.

15 Q. Were you working as a homicide detective
16 back on September 21, 2014?

17 A. Yes, I was.

18 Q. Were you and your partner and also your
19 squad assigned to investigate a murder and attempted
20 robbery involving individuals named Joseph Larsen and
21 also Monty Gibson?

22 A. Yes, we were.

23 Q. And just to be clear, it's the murder of
24 Monty Gibson and also the attempt robbery of the home
25 that Mr. Gibson and Mr. Larsen lived at; is that right?

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1 A. That's correct.

2 Q. Detective, was that home located at 600
3 Broadmere here in Las Vegas, Clark County, Nevada?

4 A. Yes, it was.

5 Q. At some point, Detective, you respond to
6 the scene; is that right?

7 A. That's correct.

8 Q. And at some point do you determine whether
9 or not the suspects, either one or more, were injured
10 during the course of the incident?

11 A. Yes, we did.

12 Q. Okay. Can you just please explain that?

13 A. When we get called as a homicide team we
14 respond to the scene, we get a briefing by the first
15 responders who were there and they generally tell us
16 where our victim is, if we have any known witnesses or
17 any known suspects and if we do where they're at. After
18 the briefing we go to the scene to try to get a general
19 idea of what we're going to deal with. In this case we
20 couldn't go in the house because we didn't have a search
21 warrant yet. I believe we had a consent to search. But
22 we didn't have to go in because outside the home there
23 was a large blood trail and we followed the blood trail,
24 and we also learned some of this in our briefing, we
25 followed the blood trail around the corner and that's

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1 where Joe, Jorge Mendoza was taken into custody. The
2 first responding officers arrived, they also followed
3 the blood trail, they found some evidence and then they
4 located Jorge Mendoza hiding in a car that belonged to
5 the home he was hiding in front of.

6 Q. Let me just show you what's already been
7 marked as Grand Jury Exhibit Number 2. Do you recognize
8 this individual?

9 A. I do.

10 Q. Who do you recognize this to be?

11 A. That's Jorge Mendoza.

12 Q. And is he the individual found at the
13 scene?

14 A. Yes, he is.

15 Q. Did Mr. Mendoza have injuries that you
16 became aware of?

17 A. Yes. He was shot in the, I believe the
18 left leg. In the thigh. It had actually broken the
19 femur.

20 Q. And where was he found?

21 A. He was found approximately 150 yards away
22 from the house. I don't know the name of the street
23 offhand. Cattleman's or Cattleman's Drive or something.

24 Q. Long Cattle Avenue?

25 A. Yes, Long Cattle Avenue.

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1 Q. So he was found at the scene with an
2 injury?

3 A. Yes.

4 Q. Was there any indication that another
5 suspect had also been injured?

6 A. Yes.

7 Q. And how do you come to that conclusion?

8 A. When we went to the spot where Jorge
9 Mendoza was taken into custody, there was another blood
10 trail that continued to go east down Long Cattle and
11 through another little street, I believe it was called
12 Walrus, and down another street which again I don't
13 know, I can't remember the name of, and then yet again
14 south. It was a long blood trail, probably I want to
15 say it was almost three tenths of a mile long from 1661
16 Broadmere. So seeing this blood trail we realized that
17 that's not made by Jorge Mendoza because he stopped up
18 here. That blood trail abruptly ended. And at the
19 beginning of the investigation we believed that somebody
20 in a car had picked up the person who was injured and
21 drove them out of the scene.

22 Q. The second individual, the second suspect
23 who was injured, was he subsequently identified?

24 A. Yes, he was.

25 Q. And also taken into custody?

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1 A. Yes.

2 Q. Please tell the ladies and gentlemen
3 Grand Jury how that came about.

4 A. We, through the investigation we developed
5 Robert Figueroa as the other person who was injured and
6 we had heard that he had been shot in the face and the
7 left side. Through our computer banks through our Scope
8 system we were able to determine that Robert Figueroa
9 lived on the east side of town near Tropicana and Pecos
10 I believe and that he had warrants for his arrest. So
11 we utilized the criminal apprehension team because
12 they're better equipped to do surveillances, they're
13 younger, most of them are younger than us, they train
14 for this stuff, we haven't trained for this in years, so
15 they did the initial surveillance. They identified
16 Robert Figueroa coming out of his apartment and they
17 took him into custody. My partner and I contacted him.
18 He had a healing gunshot wound to the mouth and a
19 healing gunshot wound to the left side. We started
20 talking to him there and ended up arresting him for the
21 charges.

22 Q. I'm going to show you what has been
23 admitted as Grand Jury Exhibit Number 3.

24 A. Uh-huh.

25 Q. Do you recognize the individual in this

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1 photograph?

2 A. I do.

3 Q. Who is that?

4 A. That is Robert Figueroa.

5 Q. Was he the individual that you saw come in

6 and out of this room after he testified this afternoon?

7 Did you see him come out of this room?

8 A. I did not but I did see him sitting in the
9 back hallway.

10 Q. All right, Detective. At some point do you
11 have an occasion to speak with Jorge Mendoza?

12 A. I did not speak with him. I spoke with the
13 detectives who interviewed him. And if I can elaborate
14 a little bit.

15 Q. Yes, absolutely.

16 A. When we're working these scenes, my partner
17 and I were the detectives in charge and we, one time I
18 will work the crime scene with the crime scene analyst
19 and he will do the interviews and then the next time
20 that we have a homicide I will do the interviews and
21 he'll work the crime scene with the crime scene analyst.
22 He was responsible for doing the interviews with other
23 detectives to help him. So my partner Tod Williams and
24 other detectives that night had spoken to Jorge Mendoza
25 down at the hospital. And then through the course of

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1 our investigation we'll get together and kind of brief
2 each other on what we have found. You know, I electronically Filed
3 to them certain aspects of what I'm seeing inside the Apr 10 2020 08:50 a.m.
4 crime scene and they'll tell me what they're picking up Elizabeth A. Brown
5 from witnesses and, you know, a lot of times you go wow, Clerk of Supreme Court
6 that really matches what we're seeing. Sometimes you
7 scratch your head and go I've got no idea what that is.
8 But on this particular occasion what Mendoza had told
9 them at the hospital wasn't fitting what we were finding
10 with the evidence.

11 Q. Did you have an occasion to look at the
12 transcripts of the interview conducted by other
13 detectives with Mr. Mendoza?

14 A. Yes, I did.

15 Q. Do you have any reason to believe that
16 anything about the transcripts that you reviewed were
17 not a fair and accurate representation of the interview
18 that occurred between other homicide detectives and
19 Mr. Mendoza?

20 A. I do not.

21 Q. Could you just briefly tell the ladies and
22 gentlemen of the Grand Jury what it is that Mr. Mendoza
23 told you happened September 21, 2014 which caused him to
24 sustain the gunshot wound to his leg?

25 A. Okay. When he was talking to my partner

1 and the other detective, he said that he had parked his
2 car somewhere in the neighborhood of Broadmere and
3 another street and just got out, decided to walk, when
4 he got approached by two guys, they had a gun, they
5 robbed him of his car keys and shot him in the leg and
6 got in his car and drove away. And he crawled into this
7 car that was unlocked in the parking lot of the house
8 that we found him in front of and even though he saw
9 police all around him he didn't immediately jump up and
10 say, you know, I've been robbed. He said he was scared,
11 he didn't know who to trust because he felt that the
12 people who had robbed him and took his car and shot him
13 in the leg were now driving around the neighborhood
14 looking for him and I think he said that he thought they
15 might have been the police officers that were there.

16 Q. And before I ask this question, you
17 indicated that his version of events just did not match
18 up with the other evidence that you were able to obtain
19 and review.

20 A. That's correct.

21 Q. As a homicide detective do you have access
22 to jail calls made out of the Clark County Detention
23 Center?

24 A. Yes, I do.

25 Q. And as far as those jail calls, Detective,

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1 are they made in the regular course of activity at the
2 Clark County Detention Center?

3 A. Yes, they are.

4 Q. And are they timed and is it logged when
5 near the time that the jail calls are made?

6 A. Yes. What happens is the inmate has an ID
7 number and when they're in custody they can use the
8 phone, they have to enter their ID number and say their
9 name and then they will, I think they're allowed to dial
10 the number they're dialing. And it's all, it tells them
11 that it's all being recorded and it can be listened to
12 at any time and it tells the person who's answering the
13 phone on the other side, it gives them an option, you
14 know, you're going to get a call from an inmate in the
15 Clark County Detention Center, if you don't want to
16 accept it, you know, press this button, and the people
17 have an option of not to accept it, because the calls
18 are quite expensive after awhile. So they would have to
19 use their ID number, say their name, and then dial the
20 phone number and the phone number they dial is all
21 recorded, the date and time that they dial the number is
22 all recorded.

23 Q. Okay. So records are certainly kept?

24 A. Yes.

25 Q. And as a detective you have access to these

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1 calls?

2 A. I do.

3 Q. How is it that you have access to them?

4 A. It's through the computer.

5 Q. Computer program?

6 A. Computer program. And I believe it's
7 called Jail Link. I think that's what it's called is
8 Jail Link. And I can pull it up on my desk and sit all
9 day and listen to phone calls. They're limited to ten
10 minutes. Some people call a lot of people all day long.

11 Q. And so to pull it up, can you look it up by
12 defendant name and ID number or phone number that they
13 may have called?

14 A. I can look it up by any of those means. I
15 can run the ID number of the inmate, I can run the
16 inmate's name. I can run, if there's a certain phone
17 number I'm looking for I can enter that phone number and
18 it will tell me how many inmates have called it or other
19 things about that number that's been called.

20 Q. Okay. At some point during the course of
21 your investigation do you become aware of an individual
22 by the name of Summer Larsen being taken into custody
23 concerning this case?

24 A. Yes, I do.

25 Q. And at some point do you begin to listen to

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1 her calls?

2 A. I do.

3 Q. Calls that she makes from the Clark County
4 Detention Center?

5 A. Yes.

6 Q. And in particular did you pull two calls
7 made by Summer on December 3rd, 2014 both to an
8 individual that's also related to this case?

9 A. Yes, I did.

10 Q. The individual that's related to this case,
11 who was that?

12 A. His name is David Murphy. He was not in
13 custody at the time that Summer Larsen telephoned him.

14 Q. Does David Murphy go by a nickname?

15 A. Yes, his nickname on the streets is Dough
16 Boy.

17 Q. Did he confirm that nickname with you?

18 A. Yes, he did.

19 Q. And based on your overall knowledge of the
20 case and also the jail call that you listened to, do you
21 know Summer to call him by his nickname of Dough Boy?

22 A. Yes, I do.

23 Q. When you heard these two conversations that
24 Summer, or phone calls that Summer made to Dough Boy
25 both on December 3rd, 2014, did you pull the calls,

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1 meaning record them to a CD or to your computer?

2 A. Yes, I downloaded them directly to my
3 computer and then I had them transcribed.

4 Q. And did you subsequently provide the
5 transcriptions to the Clark County District Attorney's
6 Office?

7 A. Yes, I did.

8 Q. And if you'll just give me one moment.

9 Detective, I'm going to approach you with
10 what's been previously marked as State's Exhibits 12 and
11 13. First 12. If you could please look through that.

12 A. Uh-huh.

13 Q. Okay. And do you recognize what's shown in
14 State's Grand Jury Exhibit Number 12?

15 A. Yes, I do.

16 Q. And what do you recognize it to be?

17 A. This is a transcription of the phone call
18 between Summer Rice and David Murphy.

19 Q. Okay.

20 A. Dough Boy.

21 Q. Was a phone call made on December 3rd, 2014
22 at 2227 hours?

23 A. Yes, it was.

24 Q. And when you listened -- you actually
25 listened to the call; is that right, Detective?

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1 A. That's correct.

2 Q. Did you recognize Summer Larsen's voice?

3 A. I did.

4 Q. How do you recognize it?

5 A. I interviewed her prior to arresting her
6 and taking her to county jail.

7 Q. So you became aware of her voice at that
8 time?

9 A. Yes.

10 Q. And did you also recognize Mr. Murphy's
11 voice?

12 A. Not at first. I don't believe he was in
13 custody at this time.

14 Q. Okay.

15 A. But I recognized her calling him Dough or
16 Dough Boy. And the other way I knew this was Summer
17 Larsen is it was her ID number and on the recording she
18 states her name as Summer Larsen.

19 Q. But after Dough Boy was taken into custody
20 or immediately before, did you have an opportunity to
21 interview him?

22 A. Yes, I did.

23 Q. And at that time did you become familiar
24 with his voice?

25 A. Yes, I did. As a matter of fact I went

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1 back and re-listened to the calls.

2 Q. Okay.

3 A. And it was absolutely David Murphy's voice
4 that she was speaking to.

5 Q. And if you could just briefly tell the
6 ladies and gentlemen of the Grand Jury the significance
7 or relevance of this particular call.

8 A. On this particular call Summer Rice was
9 speaking to David Murphy and through the phone
10 conversation she was crying a little bit, upset, and she
11 was telling him that she's done with Joe, Joey, meaning
12 Joey Larsen, she was going to get a divorce and that
13 kind of thing.

14 Q. So at least with this jail call Miss Larsen
15 acknowledges a relationship with the victim of the home
16 invasion/murder/attempt robbery, Mr. Joseph Larsen?

17 A. That's correct.

18 Q. She acknowledged having a relationship with
19 him?

20 A. Yes, she did.

21 Q. Did she acknowledge, not necessarily in
22 this call, but through conversations with you or other
23 calls, what her relationship was to Mr. Joey Larsen?

24 A. I believe they're, they call each other
25 husband and wife, they're married. But it's a common

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1 law marriage. I don't think they ever went and
2 physically got the license and got married.

3 Q. But her last name is also Larsen.

4 A. Yes, it is. And they've lived together
5 been together for ten or eleven years.

6 Q. And at least in this particular call she's
7 speaking to an individual that she refers to as Dough?

8 A. Right.

9 Q. Who you understood to be Dough Boy?

10 A. Yes.

11 Q. Whose voice you recognized to be Dough Boy?

12 A. Yes.

13 Q. I'm going to show you what has been marked
14 as Grand Jury Exhibit Number 13. Could you please take
15 a look at that?

16 A. Yes. This is also a transcript of a jail
17 call between Summer Larsen/Summer Rice and David Murphy.
18 And again David Murphy is not in custody at this time.

19 Q. Okay. And was this made December 3rd, 2014
20 at 2341 hours?

21 A. Yes, it was.

22 Q. Could you please tell the ladies and
23 gentlemen of the Grand Jury what the significance or
24 relevance of this particular call, why it flagged you?

25 A. During this call -- we didn't really know

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1 who Dough Boy was at the time, we had a pretty good
2 idea. And while she, while Summer was speaking
3 she asked him for his house numbers. She knew the
4 street name, she just didn't know the numbers on his
5 house. And he replied, I'm going off of memory, I think
6 he said 6637. Which is, he lives at 6637 Delphinium.
7 So that confirmed to me who Dough Boy was.

8 Q. Dough Boy. Or David Murphy, aka Dough Boy?

9 A. That's correct.

10 Q. And you've confirmed that?

11 A. Yes.

12 Q. And you've also confirmed that this
13 conversation took place between Summer and Dough Boy
14 because again you recognized their voices?

15 A. Yes.

16 Q. I'm going to show you what has been marked
17 as Grand Jury Exhibit Number 5. Do you recognize this
18 individual?

19 A. I do.

20 Q. Who is it?

21 A. That is David Murphy, aka Dough Boy.

22 Q. I'm going to publish for the jury.

23 I'm going to show you what has been marked
24 as Grand Jury Exhibit Number 6. Do you recognize this
25 individual?

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1 A. Yes, I do.

2 Q. Who is this?

3 A. That is Joey Laguna, aka Maton, M-A-T-O-N.

4 Q. I'm going to publish Grand Jury Exhibit

5 Number 6.

6 I'm going to show you Grand Jury Exhibit

7 Number 4. Do you recognize this person?

8 A. Yes, I do.

9 Q. Who do you recognize this to be?

10 A. That is Summer Larsen.

11 Q. Grand Jury Exhibit Number 4 being

12 published.

13 Grand Jury Exhibit Number 2. Do you

14 recognize who this is?

15 A. That's Jorge Mendoza again.

16 Q. So you have these jail calls between Dough

17 Boy and Summer?

18 A. Yes.

19 Q. Detective, during the course of your

20 investigation, we have five individuals.

21 A. Yes.

22 Q. That we have been talking about here.

23 A. Yes.

24 Q. That you have determined to be involved

25 somehow. Could you please tell the ladies and gentlemen

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1 of the Grand Jury how it is that these individuals are
2 linked together?

3 A. Okay. I don't know if you want to put
4 their pictures up.

5 Q. I will. So as you tap it I'll put it up.
6 So you tell me.

7 A. We'll start with Dough Boy. David Larsen.

8 A JUROR: Murphy.

9 THE WITNESS: David Larsen is probably --
10 BY MS. LEXIS:

11 Q. David Murphy.

12 A. I'm sorry. David Murphy. Is probably the
13 person who kind of planned the whole thing. He lived in
14 the same trailer park as Summer Rice and her husband
15 Joey Larsen.

16 Q. So I'm going to put Grand Jury Exhibit
17 Number 4.

18 A. Joey knew him from the neighborhood.
19 Summer knew him from the neighborhood. They became
20 friends. When Joey Larsen and Summer Larsen split up,
21 it was rumored that Summer Larsen and Dough Boy were
22 having an affair. Dough Boy is married to -- I'm sorry.
23 Do you want to put him up?

24 Q. Sure. Grand Jury Exhibit Number 2 already
25 identified to you as Jorge Mendoza.

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1 A. Jorge Mendoza is married to David Murphy's
2 cousin Amanda. So, you know, we would believe the
3 David Murphy gets Jorge Mendoza to help them go in and
4 do this home invasion/robbery.

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5 Q. And when you spoke with Dough Boy or David
6 Murphy, did he confirm to you this relationship with
7 Jorge Mendoza's cousin?

8 A. Yes, he did.

9 Q. Okay.

10 A. The next person will be Joey Laguna.

11 Q. That would be Grand Jury Exhibit Number 6.
12 How is he brought into this mix?

13 A. Joey is not charged yet, but Joey is very
14 good friends with David Murphy. And Joey Laguna did
15 prison time with Robert Figueroa and they were cell
16 mates. Cellies is what they refer to each other as.
17 And when you're a cellie in prison you become very
18 close, like family, you watch each other's backs.

19 Q. And sometimes maintain contact?

20 A. Yes. And that relationship will continue
21 even on the outside. Meaning while you're not in prison
22 you'll remain in contact with each other and things like
23 that. And we believe that Joey Laguna contacted Robert
24 Figueroa and said this is what we've got and I want you
25 to be part of it.

1 Q. Okay. But for the moment Mr. Laguna is not
2 yet included in the Indictment?

3 A. That's correct.

4 Q. Before this Grand Jury.

5 And during that particular part of your
6 testimony I did place Grand Jury Exhibit Number 2
7 showing Mr. Figueroa's picture up on the Elmo.

8 Brief indulgence.

9 I have no more questions for Detective
10 Jensen. Do any of the Grand Jury members have any
11 questions?

12 BY A JUROR:

13 Q. Mr. Jensen, you interviewed Jorge Mendoza
14 when he's bleeding in somebody's else car with a broken
15 leg from a gunshot wound.

16 A. No, he was interviewed at the hospital.

17 Q. But you found him in somebody's else car
18 with a broken leg from a gunshot wound?

19 A. Yes.

20 Q. Mr. Robert Figueroa came in here and
21 testified saying that he was there, but he told us some
22 things, and I don't know if we should believe him or
23 not, that he got shot and went to California to get
24 fixed. And you guys arrested him at his apartment.

25 A. Yes.

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1 Q. Is that right?

2 A. Yes. Yes.

3 Q. How do you go to California to get fixed
4 and not go to jail?

5 A. Can I elaborate on that?

6 MS. LEXIS: Yes, absolutely.

7 THE WITNESS: When we first contacted
8 Robert Figueroa he didn't want to say anything. Later
9 he met with his attorney and we contacted him and his
10 attorney at the jail. Robert Figueroa told us that when
11 he went into the house, he was the first guy that went
12 through the door and he got shot first. He got shot in
13 the mouth and the side and he turned and ran and he kept
14 running. As a matter of fact he was not picked up by
15 another car. We found out through him he was hunkered
16 down under some bushes in a backyard bleeding until 5:00
17 or 6:00 in the morning until he felt it was safe to make
18 a better get away. When he went to California he was
19 driven down there by his, I believe his roommate and
20 someone else. He only seeked medical treatment for the
21 wound in his mouth. He never reported the gunshot wound
22 to his left side. So my opinion was he was in a lot of
23 pain, but you've got to be pretty tough to do that. And
24 after he got his medical treatment he returned to Las
25 Vegas. And as a matter of fact when the criminal

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1 apprehension team was surveilling him and they saw him
2 walk out of the apartment they said on the radio that
3 this guy doesn't look like he'd just been shot a month
4 ago. And we thought oh, I hope we got the right guy.
5 And when they took him into custody and I saw the
6 gunshot wound on his mouth and the one on the side then
7 I was absolutely positive we had the right guy.

8 MS. LEXIS: Any other questions?

9 THE WITNESS: Yes, ma'am.

10 BY A JUROR:

11 Q. Are hospitals required to report gunshots?

12 A. Yes, they are.

13 Q. Gunshot wounds?

14 A. Yes, they are.

15 Q. And they don't -- okay. So I assume he
16 went to California to wherever he went.

17 A. Right.

18 Q. And it was reported to the authorities in
19 California and they didn't sync it up with anything
20 else?

21 A. No. They reported it to the, I believe the
22 San Bernardino County Sheriff's Office and they had a
23 deputy respond to the hospital in California. I believe
24 it was the Loma Linda Hospital. And he told them that
25 him and his friends were shooting guns in the desert and

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1 a bullet ricocheted and hit him in the mouth. The
2 officer documented that with a report and didn't do
3 any further.

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4 MS. LEXIS: And these statements are
5 admissible at least as to Mr. Figueroa because he's a
6 named defendant in this particular case. It's not
7 hearsay because it's being offered by the State against
8 him. It's an admission by a party at the moment is
9 basically what it is.

10 Any other questions?

11 THE FOREPERSON: All right. By law, these
12 proceedings are secret and you are prohibited from
13 disclosing to anyone anything that has transpired before
14 us, including evidence and statements presented to the
15 Grand Jury, any event occurring or statement made in the
16 presence of the Grand Jury, and information obtained by
17 the Grand Jury.

18 Failure to comply with this admonition is a
19 gross misdemeanor punishable by a year in the Clark
20 County Detention Center and a \$2,000 fine. In addition,
21 you may be held in contempt of court punishable by an
22 additional \$500 fine and 25 days in the Clark County
23 Detention Center.

24 Do you understand this admonition?

25 THE WITNESS: Yes, I do.

1 THE FOREPERSON: Thank you, sir. You're
2 excused.

3 THE WITNESS: Thank you.

4 MS. LEXIS: Ladies and gentlemen of the
5 Grand Jury, at this point I would submit the case to you
6 for deliberation. Just make sure I have all the
7 exhibits.

8 I am going to step out. Thank you so much.
9 And these are the calls I was looking for. I'm sorry.

10 (At this time, all persons, other than
11 members of the Grand Jury, exit the room at 3:56 p.m.
12 and return at 4:04 p.m.)

13 THE FOREPERSON: Madame District Attorney,
14 by a vote of 12 or more grand jurors a true bill has
15 been returned against defendants Jorge Mendoza, Robert
16 Figueroa, Summer Larsen and David Murphy charging the
17 crimes of conspiracy to commit robbery, burglary while
18 in possession of a deadly weapon, home invasion while in
19 possession of a deadly weapon, attempt robbery with use
20 of a deadly weapon, murder with use of a deadly weapon,
21 and attempt robbery with use of a deadly weapon, in
22 Grand Jury Case Number 14BGJ019ABC-D. We instruct you
23 to prepare an Indictment in conformance with the
24 proposed Indictment previously submitted to us.

25 MS. LEXIS: I will do so. Thank you.

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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THE FOREPERSON: Thank you.

(Proceedings concluded.)

--oo0oo--

Electronically Filed
Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : Ss
COUNTY OF CLARK)

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Apr 10 2020 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

I, Danette L. Antonacci, C.C.R. 222, do
hereby certify that I took down in Shorthand (Stenotype)
all of the proceedings had in the before-entitled matter
at the time and place indicated and thereafter said
shorthand notes were transcribed at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true, and accurate record
of the proceedings had.

Dated at Las Vegas, Nevada,
February 16, 2015.

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

AFFIRMATION

Pursuant to NRS 239B.030

Electronically Filed
 Apr 10 2020 08:50 a.m.
 Elizabeth A. Brown
 Clerk of Supreme Court

The undersigned does hereby affirm that the
 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
 14BGJ019A-D:

X Does not contain the social security number of any
 person,

-OR-

___ Contains the social security number of a person as
 required by:

A. A specific state or federal law, to-
 wit: NRS 656.250.

-OR-

B. For the administration of a public program
 or for an application for a federal or
 state grant.

/s/ Danette L. Antonacci

Signature

2-16-15

Date

Danette L. Antonacci
 Print Name

Official Court Reporter
 Title

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THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 14BGJ019ABCD
) DC No. C303991
JORGE MENDOZA, ROBERT FIGUEROA,)
SUMMER LARSEN, aka Summer Rice,)
DAVID MURPHY, aka David Mark)
Murphy,)
)
Defendants.)
_____)

Taken at Las Vegas, Nevada

Thursday, January 8, 2015

1:28 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON JANUARY 8, 2015

2

3 EDMOND JAMES, Foreperson

4 EDWARD RITCHIE, Deputy Foreperson

5 CELIA ELLIS, Secretary

6 BARBARA BROWN, Assistant Secretary

7 JAMIESON CARPENTER

8 KIM CHEEVER

9 WENDY CHISHOLM

10 JAMES ELLIOTT

11 JOYCE HAAS

12 BRIGITTE HULL

13 MICHAEL IVY

14 BARBARA LEWIS

15 STEVE MITCHELL

16 FELICIA NEWMAN

17 RAYMOND RAND

18 DIANA SHIDAKER

19

20

21 Also present at the request of the Grand Jury:

22 Pamela Weckerly, Chief Deputy District Attorney

23

24

25

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INDEX OF WITNESSES

ASHLEY HALL
STEVEN LARSEN

Exhibit

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INDEX OF EXHIBITS

Grand Jury Exhibits

1 - PROPOSED INDICTMENT

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1 LAS VEGAS, NEVADA, JANUARY 8, 2015

2 * * * * *

3 DANETTE L. ANTONACCI,

4 having been first duly sworn to faithfully
5 and accurately transcribe the following
6 proceedings to the best of her ability.

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7
8 MS. WECKERLY: Good afternoon. My name is
9 Pam Weckerly. I'm a chief deputy district attorney and
10 I've been assigned to present to you today the State of
11 Nevada versus Jorge Mendoza, Robert Figueroa, Summer
12 Larsen and David Murphy.

13 I believe you all have a copy of the
14 proposed Indictment which will be Grand Jury Exhibit 1
15 and this is Case Number 14BGJ019A-D. When you look at
16 the proposed Indictment you'll see that the alleged
17 charges are conspiracy to commit robbery, burglary while
18 in possession of a deadly weapon, home invasion while in
19 possession of a deadly weapon, attempt robbery with use
20 of a deadly weapon, murder with use of a deadly weapon,
21 and attempt murder with use of a deadly weapon. I am
22 sure this Grand Jury has already been instructed on the
23 elements of these offenses. If you will just allow me a
24 little patience I'd like to read some instructions into
25 the record and if you have any questions about the

1 elements of the offenses I'll answer them after that.

2 Part of the charges in this case are conspiracy. A conspiracy is an agreement or mutual
3 understanding between two or more persons to commit a
4 crime. To be liable for conspiracy, a defendant must
5 intend to commit, or aid in the commission of, the
6 specific crime agreed to. The crime is the agreement to
7 do something unlawful and it does not matter whether the
8 conspiracy was successful or not.

9
10 Each member of a conspiracy is liable for
11 each act and bound by each declaration of every other
12 member of the conspiracy if the act or declaration was
13 done in the furtherance of the conspiracy. The act of
14 one conspirator pursuant to or in the furtherance of a
15 common design of the conspiracy is the act of all
16 conspirators. Every conspirator is legally responsible
17 for the specific intent crime of a co-conspirator as
18 long as the specific intent crime was intended by the
19 defendant. A co-conspirator is also responsible for the
20 general intent crime that follows as a probable and
21 natural consequence of the object of the conspiracy.

22 Every person who commits the crime of
23 burglary, who has in his or her possession, or gains
24 possession of a firearm or deadly weapon at any time
25 during the commission of the crime, or any time before

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1 leaving the structure, or upon leaving the structure, is
2 liable for burglary while in possession of a deadly
3 weapon.

4 Every person who, by day or night, enters a
5 residence with the intent to commit a crime is liable
6 for burglary.

7 Home invasion is forcibly entering an
8 inhabited dwelling.

9 Robbery is the unlawful taking of personal
10 property from the person of another, or in his presence,
11 against his will, by means of force or violence or fear
12 of injury, immediate or future, to his person or
13 property.

14 Murder is the unlawful killing of a human
15 being with malice aforethought, either express or
16 implied. The unlawful killing may be effected by any of
17 the various means by which death may be occasioned.

18 Malice aforethought in the definition of
19 murder means the intentional doing of a wrongful act
20 without legal cause or excuse or what the law considers
21 adequate provocation.

22 Murder in the first degree has three
23 elements. Willfulness is one of the elements and
24 willfulness is simply the intent to kill. Deliberation
25 is another element and that is, deliberation is the

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1 process of determining upon a course of action to kill
2 as a result of thought, including weighing the pros and cons
3 for or against the action and considering the
4 consequences of the action.

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5 Premeditation is the third element of first
6 degree murder and that is simply a design or a
7 determination to kill distinctly formed in the mind at
8 the time of the killing.

9 There is another class of murder, first
10 degree murder, called Felony Murder and that concerns a
11 killing which occurs during the perpetration or
12 attempted perpetration of a robbery, burglary or home
13 invasion. A killing which occurs during the
14 perpetration or attempted perpetration of one of these
15 crimes is deemed to be murder in the first degree
16 whether the killing was intentional, unintentional or
17 accidental.

18 A person aids or abets in the commission of
19 a crime, whether present or absent, when the person
20 counsels, encourages, hires, commands, induces or
21 otherwise procures another individual to commit a felony
22 or other crime with the intent to get the crime
23 accomplished. That person is proceeded against as a
24 principal.

25 If one or more person commits a crime and

1 one of them uses a deadly weapon in the commission of
2 the crime, each may be convicted or liable for use of a
3 deadly weapon even though he did not personally possess
4 the weapon. An unarmed offender uses the deadly weapon of
5 when the offender is liable for the offense, another
6 person liable for the offense is armed and uses the
7 deadly weapon in the commission of the offense and the
8 unarmed offender has knowledge of use of the deadly
9 weapon.

10 Attempt murder is the performance of an act
11 or acts which tend but fail to kill a human being when
12 such acts are done with express malice, namely with the
13 deliberate intention to unlawfully kill.

14 Do any members of the Grand Jury have any
15 questions regarding the elements of the crime or
16 theories of liability?

17 Seeing no hands, I will get the first
18 witness.

19 THE FOREPERSON: Ma'am, please raise your
20 right hand.

21 You do solemnly swear the testimony you are
22 about to give upon the investigation now pending before
23 this Grand Jury shall be the truth, the whole truth, and
24 nothing but the truth, so help you God?

25 THE WITNESS: Yes, sir.

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1 THE FOREPERSON: Please be seated.

2 You are advised that you are here to be sworn in and to
3 give testimony in the investigation pertaining to the
4 offenses of conspiracy to commit robbery, burglary while
5 in possession of a deadly weapon, home invasion while in
6 possession of a deadly weapon, attempt robbery with use
7 of a deadly weapon, murder with use of a deadly weapon,
8 and attempt murder with use of a deadly weapon,
9 involving Jorge Mendoza, Robert Figueroa, Summer Larsen
10 and David Murphy.

11 Do you understand this advisement?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Please state your first
14 and last name and spell both for the record.

15 THE WITNESS: Ashley Hall. A-S-H-L-E-Y,
16 H-A-L-L.

17 THE FOREPERSON: Thank you, ma'am.

18 ASHLEY HALL,
19 having been first duly sworn by the Foreperson of the
20 Grand Jury to testify to the truth, the whole truth,
21 and nothing but the truth, testified as follows:

22 EXAMINATION

23 BY MS. WECKERLY:

24 Q. May I call you Ashley?

25 A. Yes.

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1 Q. And I'm just going to ask you to keep your
2 voice up a little bit. You have a little bit of a soft
3 voice and there's a lot of us in the room. So just try
4 to project a little. Okay?

5 A. Okay.

6 Q. Ashley, do you know someone by the name of
7 Joseph or Joey Larsen?

8 A. Yes.

9 Q. How long have you known Joey Larsen?

10 A. Twenty plus years.

11 Q. And how is it that you met Mr. Larsen?

12 A. We all grew up in the same neighborhood.
13 He lives directly across from where my mother still
14 lives and I grew up as a child.

15 Q. How about Summer Larsen, do you know her?

16 A. Yes. We grew up together as well in the
17 same neighborhood, all went to school together.

18 Q. And do you know someone named Tracy?

19 A. Yes.

20 Q. Is she from the neighborhood as well?

21 A. She is.

22 Q. Do you know Tracy's last name?

23 A. Rowe.

24 Q. And Summer and Joseph Larsen, what is their
25 relationship to your knowledge?

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1 A. They're married.

2 Q. And how long have they been together?
3 been married?

4 A. I don't know exactly how long they've been
5 married but I know they've been together at least ten
6 years.

7 Q. In I guess September of 2014, do you know
8 what the status was of their relationship?

9 A. It was going downhill.

10 Q. Were they --

11 A. They were --

12 Q. -- living together?

13 A. Yes, but Summer was in the process of
14 leaving.

15 Q. So they were maybe having marital problems
16 or --

17 A. Yes.

18 Q. -- splitting up around that time?

19 A. Yes.

20 Q. Do you know where Joseph Larsen was living
21 as of September 2014?

22 A. I did not then. I knew that they did have
23 a home but I didn't know the exact location of it. I do
24 know now.

25 Q. Okay. We'll get to that.

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1 At the time, like on September 21st or
2 20th, you didn't know where he lived?

3 A. I knew the area, I didn't know the exact
4 home.

5 Q. Did you know where his wife Summer was
6 living at that time?

7 A. Yes.

8 Q. And where was she living?

9 A. If she wasn't there she stayed with me a
10 couple days and then she was staying with another one of
11 our friends.

12 Q. Now you said you since after this incident
13 that you're here to testify about, you since learned the
14 address.

15 A. Yes.

16 Q. Can you tell us how far your place was or
17 is from the address that you later learned belonged to
18 Joey?

19 A. It's a good distance. I'm, I can tell you
20 my location and then their location if that helps.

21 Q. Yeah.

22 A. I'm on Durango and 95 north and then they
23 were on Charleston and Hualapai. So they're in the
24 middle of Summerlin. I'm out way northwest, Centennial
25 Hills.

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1 Q. And you said that during that time period
2 in September of 2014, Summer Larsen would sometimes
3 with you?

4 A. She did stay a few nights at my house.

5 Q. I take it that you were friends?

6 A. Yes.

7 Q. And you had known --

8 A. We used to be best friends.

9 Q. And you had known her since you were a kid?

10 A. Since six years old.

11 Q. Now during the time period of
12 September 2014, did she ever discuss with you any
13 personal issues or problems that she was having with
14 Joseph or Joey Larsen?

15 A. She would talk about, you know, their
16 little arguments, so on and so forth, but nothing
17 extreme, just bickering.

18 Q. Normal kind of couple disputes?

19 A. Just arguing, jealousy problems, those
20 sorts of things.

21 Q. Now did there come a time -- well actually
22 during that time period, did Summer have a car?

23 A. Yes.

24 Q. And did there come an occasion when she
25 needed a ride from you?

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1 A. Yes. That was later. That wasn't in
2 September. That was -- oh geez, when was that?
3 Probably late October.

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4 Q. Late October?

5 A. Yes.

6 Q. Explain how it was that she came to need a
7 ride from you just basically.

8 A. Well, she had let somebody borrow her car
9 and they failed to return it back to her so she had
10 asked me to pick her up and take her to go to a few
11 places and look for her vehicle.

12 Q. Now when she asked you to go look for her
13 vehicle, is that before or after the incident that
14 you're her to testify about?

15 A. That was before.

16 Q. Okay. And if I tell you that that was in
17 September, on September 21st, do you have any idea how
18 far before?

19 A. It could have been. I do not know.

20 Q. There's a point where she asks you though
21 for a ride to go look for her car?

22 A. Yes.

23 Q. Where do you pick her up at?

24 A. At a corner store, a Rebel.

25 Q. Can you give us just generally where that

1 was?

2 A. Lake Mead and Tenaya.

3 Q. I'm sorry?

4 A. Lake Mead and Tenaya. No. Lake Mead and

5 Tenaya or Torrey Pines. Hold on. Jones --

6 Q. East or west?

7 A. Well, there's Jones and then -- is that

8 Torrey Pines? Yeah, it's Torrey Pines. That's where it

9 is, Lake Mead and Torrey Pines.

10 Q. So you drive there?

11 A. Uh-huh.

12 Q. What time of day was it that you went to go
13 pick her up?

14 A. 5:00-ish maybe. I would say it was later
15 in the day cause I didn't get off work till 3:30 so it
16 was probably 4:00, between 4:00 and 6:00.

17 Q. Okay. Obviously in the evening?

18 A. Yes.

19 Q. And somewhere in the area of Torrey Pines
20 and Lake Mead I think you said?

21 A. Yes, Lake Mead and Torrey Pines at the
22 Rebel.

23 Q. This is obviously in Clark County?

24 A. Uh-huh.

25 Q. Is that yes?

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1 A. Yes. Sorry.

2 Q. That's okay.

3 When you go and pick her up, I assume

4 you're driving your vehicle?

5 A. I am.

6 Q. And are you alone in your car before you

7 pick her up?

8 A. I am.

9 Q. When you go to pick her up, is it just her
10 or was there someone else with her?

11 A. No, she had two other people with her.

12 Q. So explain to us. Where is it that you
13 actually pick her up? Just a gas station?

14 A. Literally right at the gas station. I
15 pulled up, they were standing outside and they got in
16 the car.

17 Q. And one of the people you obviously know is
18 Summer, your friend?

19 A. Uh-huh. Yes. And then she asked me if I
20 could give her two male friends a ride as well. I did
21 not know either one of them.

22 Q. You got to my next question. You didn't
23 know them. Do you remember at all what either one of
24 them looked like?

25 A. One was a black male and the other one was

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1 a white male.

2 Q. Any idea how old, let's start with the
3 first one, the black male. Any idea how old this person
4 was?

5 A. Probably mid thirties.

6 Q. Tall, short?

7 A. He was tall. Probably 6'2", 6'3" maybe.

8 Q. Anything else distinguishing about him?

9 A. No. He was pretty quiet. Just, he didn't
10 say much. They kept to themselves. He didn't say hi
11 to me or anything.

12 Q. Did you learn his name at all?

13 A. No.

14 Q. And you said there was a white male?

15 A. Yes.

16 Q. How old did he look?

17 A. Probably about the same age, in his
18 thirties, mid thirties probably. He was shorter. Lots
19 of tattoos.

20 Q. Okay. So that was sort of, when you say
21 lots of tattoos are we talking --

22 A. He had, yeah, sleeves on his arms. They
23 were completely covered, both arms.

24 Q. So that was sort of a distinguishing
25 feature about him?

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1 A. Uh-huh. Yes.

2 Q. Okay. So all three of them get in the car.

3 A. Yes.

4 Q. Does Summer sit in the front passenger seat?

5 A. Yes.

6 Q. And then the two youngish men in the back?

7 A. Yes.

8 Q. And where do you go?

9 A. We went to the neighborhood, the trailer
10 park on Alexander and Rainbow.

11 Q. That would be where you all grew up?

12 A. Yes.

13 Q. While you're driving from the gas station
14 to the trailer park, is there any conversation amongst
15 these three individuals?

16 A. Yes. Well, it was between the two
17 gentlemen in the back seat. They were conversing about
18 some, they called it a lick that they were going to do
19 on Sunday and they were going to come up on a bunch of
20 money.

21 Q. And do you know what a lick is in slang?

22 A. Yes.

23 Q. What is that?

24 A. They're going to rob somebody.

25 Q. So they're, the two young men in the back

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1 are talking about doing a lick on Sunday.

2 A. Uh-huh.

3 Q. And what is Summer's participation in
4 anything in this conversation?

5 A. She just would go in, she butted in and
6 told them a time frame that I guess they needed to go
7 and that was pretty much. It wasn't an extended
8 conversation.

9 Q. She maybe said a time frame to accomplish
10 the lick?

11 A. Yes. Because they were speaking about it
12 and then the white one asked the question as to when and
13 then she told him 8:30 p.m.

14 Q. Now did you find it odd they were having
15 this discussion in your vehicle when you didn't really
16 know these two young men?

17 A. Absolutely.

18 Q. Did you say anything to Summer about what
19 they were discussing?

20 A. Not at that moment, no.

21 Q. So you drive them to the trailer park where
22 you all grew up?

23 A. Uh-huh.

24 Q. Is that yes?

25 A. Yes.

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1 Q. Okay. Sorry.

2 And then did they all get out of the car?
3 what happens?

4 A. Yes. I dropped them all off at a home
5 where Summer was apparently now staying. I didn't know
6 the woman. She's new to the neighborhood.

7 Q. Do you see them all go inside one of the
8 residences?

9 A. Yes.

10 Q. And I assume you go about your business
11 after that?

12 A. Yes.

13 Q. Is there a point after that that you have a
14 discussion with Summer about the conversation that took
15 place in the car?

16 A. Yes. She had called me a few hours later
17 that evening, probably about 9:00 p.m. and asked me if I
18 could, you know, just me and her could go and go look
19 for her vehicle, that she owed somebody money and they
20 were in the neighborhood looking for her and she wanted
21 to leave, could I please come get her. So I went and
22 got her.

23 Q. And this is back to the trailer park?

24 A. Correct, at the same place that I dropped
25 them off at.

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1 Q. And if you had gotten them maybe at like
2 around 5:00 in the evening, how many hours later
3 this?

4 A. Maybe, two, three. I had went home, cooked
5 dinner, did homework with my kids and was lounging
6 around the house and she had called again.

7 Q. So it's dark though obviously?

8 A. Yes.

9 Q. So you go back, pick her up. Do you see
10 either of the two young men?

11 A. No, it was just her, me and her in the car.

12 Q. So Summer gets in the car and she's looking
13 for her car because someone took it from her?

14 A. She had let somebody borrow her car and
15 they apparently failed to return it for numerous weeks.

16 Q. And so does she have an idea where she
17 wants you to go look?

18 A. She did. She had a few places specific
19 that she wanted to go to, yes.

20 Q. Did you drive based on her directions?

21 A. Yes.

22 Q. While she's in the car do you have any
23 conversation with her about the lick or the earlier
24 conversation?

25 A. We have a conversation cause she was

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1 panicking because she owed somebody money and that
2 person was looking for her. She had asked me to borrow
3 the money. I explained to her I didn't have it. You
4 know. So she called a few other people on the phone and
5 then she stated that she was going to call the gentleman
6 that she owed the money and tell him don't worry about
7 it, I will get it to you tomorrow because I'm going to
8 rob Joey again.

9 Q. Now do you know the name of the person, did
10 she tell you the name of the person to whom she owed
11 money?

12 A. She referred to him as Snoop.

13 Q. Snoop, S-N-O-O-P?

14 A. Yes.

15 Q. Do you know who that is?

16 A. There are two different ones that I know
17 of. I'm not aware of which one it was, no. There are
18 two different Snoops that --

19 Q. Do you know either of their real names?

20 A. I know one of them, yes.

21 Q. What's the one real name you know?

22 A. Clint.

23 Q. Clint?

24 A. Uh-huh.

25 Q. Do you know Clint's last name?

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1 A. I don't.

2 Q. Okay. Did he also grow up with you?

3 the --

4 A. No, he came later.

5 Q. Different guy. Or different era of life?

6 A. Uh-huh. He came just a few years ago.

7 Q. So if I'm understanding you, while she's in
8 the car with you and you're looking for her car, she's
9 calling people to ask for money, or did I misunderstand
10 that?

11 A. No, she asked to borrow money, yes, from a
12 few people, or if her vehicle was there. She made a few
13 different, numerous different phone calls.

14 Q. Did you know who she was calling?

15 A. No. I stay away from that whole mess. I
16 have two kids at home so. No, I wasn't aware of who she
17 was calling, no.

18 Q. At one point though she does ask you for
19 you to loan her money?

20 A. Yes.

21 Q. But you're not able to?

22 A. No.

23 Q. Is it at the end of these several calls
24 that she calls the person you --

25 A. No, I was the first one. That was pretty

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1 much the first thing we talked about when she got in the
2 car.

3 Q. When is it that she calls Snoop?

4 A. Probably an hour and a half later.

5 Q. While you're still looking?

6 A. As we're still driving around and she's
7 panicking, yes.

8 Q. Could you hear what she was saying?

9 A. He didn't answer.

10 Q. Oh, okay.

11 A. So she did call him but that was what she
12 had verbally said to me is she was going to explain to
13 him that she would get him his money tomorrow.

14 Q. And what did she say to you exactly?

15 A. "I'm going to call Snoop and tell him don't
16 worry, I got you tomorrow, because I'm going to rob Joey
17 again."

18 Q. And when she said that to you did you know
19 who she meant by Joey?

20 A. Yes.

21 Q. What was your reaction?

22 A. "Absolutely not Summer. He does not
23 deserve that. You're not going to do that to him."

24 Q. Were you angry at her?

25 A. Yes.

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1 Q. And did you kind of convey that?

2 A. Yes.

3 Q. What did she say when you told her you're
4 not going to do that?

5 A. She hem hawed around it and had a few
6 comments of, well he just left me high and dry and he
7 doesn't care how I am so why do I care how he is, so on
8 and so forth.

9 Q. Did you have any further conversation with
10 her about that?

11 A. Yes. I told her that's absolutely not
12 true. Because at that time he was still supporting her.
13 He paid for a Budget Suites for her to live in when she
14 had left her home. She could call him at any point in
15 time and get money from him and he still would give it
16 to her.

17 Q. How does your driving around looking for
18 her car end or what else happens in that drive?

19 A. We were unsuccessful. I had enough after
20 about two and a half hours and explained to her I work
21 in the morning so where is it that you're going. She
22 stated to me she was going to come stay the night at my
23 house and I told her absolutely not, you know, I would
24 help her, you know, try to get her car back but she was
25 not welcome in my home because of the things that she

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1 was doing and I have two little ones at home so.

2 Q. And your reasoning was based on what she
3 was planning?

4 A. Just her behavior all together.

5 Q. So it was a lot of things?

6 A. The last few months, yes.

7 Q. Where do you leave her?

8 A. Back at the same house in the neighborhood.

9 Q. And obviously the car is never found with
10 you?

11 A. No.

12 Q. After you leave her what do you do?

13 A. I go home.

14 Q. Did you attempt to call anyone or warn
15 anyone?

16 A. No. This was Saturday was the last time
17 that I had seen her. No, I didn't call anybody at that
18 time. Sunday I did make a phone call, yes.

19 Q. Tell us about that.

20 A. I repeatedly tried to call Joey and he
21 changes his number so often or breaks a phone or loses
22 it or whatever he does so I was unsuccessful for,
23 probably till about 2 o'clock in the afternoon. So I
24 just talked to my friend Tracy who her mother lives
25 three doors down from Joey's father, and I called her

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1 and asked her if she was still at her mom's house, if
2 she was could she please go and inform Joey's dad that
3 was going to happen because I couldn't get ahold of him
4 and I felt he needed to know.

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5 Q. Did you tell Tracy who you thought would
6 commit this crime against Joey?

7 A. We had conversation on who it could have
8 been, but a lot of it was, you know, based on he
9 said/she said through the neighborhood so it was, you
10 know, there was no real determining -- I did tell Tracy
11 about the conversation that I heard.

12 Q. So you -- I asked you that question.
13 Did you, on this Sunday morning when you
14 can't get ahold of Joey, you get ahold of Tracy?

15 A. Yes.

16 Q. And this is Tracy Rowe?

17 A. Uh-huh. Yes.

18 Q. And she's one of the people that you grew
19 up with?

20 A. Yes.

21 Q. So she would know who Joey is?

22 A. Yes.

23 Q. And she would know who Summer is?

24 A. Yes.

25 Q. When you talked to Tracy on that Sunday

1 morning, do you tell her about what those guys were
2 talking about number one?

3 A. Yes.

4 Q. And do you tell her the conversation that
5 you later have with Summer?

6 A. Yes.

7 Q. So that's all conveyed to Tracy?

8 A. Yes.

9 Q. And then I think you said you requested
10 Tracy to try to contact Joey's mom or dad?

11 A. Yes. Because she was closer than I was. I
12 was currently at work actually during the day so I
13 couldn't go anywhere. So I failed via phone so I
14 figured that was the next best step.

15 Q. And you know something took place on Sunday
16 night.

17 A. Yes.

18 Q. At this point obviously.

19 Did the police make contact with you?

20 A. Yes. At about 2:30 in the morning Tracy
21 called me in a panic because they had contacted her
22 first and she told me that they were on their way to my
23 house, or come to her house, whatever the case may be.
24 Her nephew actually came and picked me up from my house
25 and I went to her house and that's where I met with the

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1 police.

2 Q. And when you meet with the police the
3 interview you and you tell them what we've heard today?

4 A. Yes.

5 Q. Did they show you any pictures?

6 A. Uhm, I believe at that point they had
7 showed me one.

8 Q. And did you recognize who the person was?

9 A. No.

10 Q. And so whatever they show you, that isn't
11 either one of those two guys or Summer?

12 A. No, it was not.

13 Q. Do they ever show you a picture that you
14 did recognize?

15 A. Uhm, I did recognize a face of one of the
16 pictures that they had shown me, yes. Could I tell you
17 his name? No. But I had seen his face before.

18 Q. Do you know Jorge Mendoza?

19 A. I do not.

20 Q. How about Robert Figueroa?

21 A. I do not. His face is familiar but I can't
22 pinpoint where I've seen him or --

23 Q. Okay.

24 A. -- who he is exactly.

25 Q. How about David Murphy?

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1 A. I do know who he is, yes.

2 Q. And how does he fit in with this group?

3 A. He's part of the neighborhood too. He's

4 been around. He didn't always live in the neighborhood

5 but his brother has and he's just been around since we

6 were kids.

7 Q. And when was the last time you would have

8 seen him?

9 A. I very, very seldomly seen him. Maybe as

10 I'm driving to my mother's house he'd be outside with

11 the kids or something like that. But I didn't have any

12 contact with him much at all.

13 Q. And do you have any firsthand knowledge of

14 his involvement in this based on your own observations

15 or conversations?

16 A. I had no idea he had anything to do with

17 it.

18 Q. Okay. So fair to say there are these two

19 guys that you don't know at all, but you do know Summer

20 because you grew up with her?

21 A. Yes.

22 MS. WECKERLY: That concludes the questions

23 I have for Miss Hall. Any questions from the Grand

24 Jury?

25 THE FOREPERSON: No questions.

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1 By law, these proceedings are secret and
2 you are prohibited from disclosing to anyone any
3 that has transpired before us, including evidence and
4 statements presented to the Grand Jury, any event
5 occurring or statement made in the presence of the Grand
6 Jury, and information obtained by the Grand Jury.

7 Failure to comply with this admonition is a
8 gross misdemeanor punishable by a year in the Clark
9 County Detention Center and a \$2,000 fine. In addition,
10 you may be held in contempt of court punishable by an
11 additional \$500 fine and 25 days in the Clark County
12 Detention Center.

13 Do you understand this admonition?

14 THE WITNESS: Yes.

15 THE FOREPERSON: Thank you, ma'am. You are
16 excused.

17 MS. WECKERLY: Just walk right to the table
18 and face the back and that man will swear you in.

19 THE FOREPERSON: Sir, please raise your
20 right hand.

21 You do solemnly swear the testimony you are
22 about to give upon the investigation now pending before
23 this Grand Jury shall be the truth, the whole truth, and
24 nothing but the truth, so help you God?

25 THE WITNESS: I do.

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1 THE FOREPERSON: Thank you. Please be
2 seated.

3 You are advised that you are here today to
4 give testimony in the investigation pertaining to the
5 offenses of conspiracy to commit robbery, burglary while
6 in possession of a deadly weapon, home invasion while in
7 possession of a deadly weapon, attempt robbery with use
8 of a deadly weapon, murder with use of a deadly weapon,
9 attempted murder with use of a deadly weapon, involving
10 Jorge Mendoza, Robert Figueroa, Summer Larsen and David
11 Murphy.

12 Do you understand this advisement?

13 THE WITNESS: Yes.

14 THE FOREPERSON: Please state your first
15 and last name and spell both for the record.

16 THE WITNESS: Steven Larsen. S-T-E-V-E-N.
17 L-A-R-S-E-N.

18 THE FOREPERSON: Thank you, sir.

19 STEVEN LARSEN,
20 having been first duly sworn by the Foreperson of the
21 Grand Jury to testify to the truth, the whole truth,
22 and nothing but the truth, testified as follows:

23 EXAMINATION

24 BY MS. WECKERLY:

25 Q. And Mr. Larsen, if you could just keep your

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1 voice up just a little bit --

2 A. Okay.

3 Q. -- when you're talking.

4 A. Okay.

5 Q. Sir, you're Steven Larsen; correct?

6 A. Yes.

7 Q. Is there a Joseph Larsen?

8 A. Yes, he's my son.

9 Q. And how old is your son Joseph?

10 A. Twenty-six.

11 Q. In September of 2014 where was your son
12 Joseph living?

13 A. He was living in a house off of Hualapai.

14 Q. Do you know the street name?

15 A. Del Mar. I think it was Del Mar. I can't
16 quite remember.

17 Q. Okay.

18 A. I should, I rented it.

19 Q. That's okay. Were you the owner of the
20 house?

21 A. No, I rented it for him and his ex-wife so
22 they could like start I guess, I don't know.

23 Q. Have somewhere to live.

24 So you rent the house off Hualapai, but the
25 person who lives there is your son Joseph?

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1 A. Yes.

2 Q. And his wife?

3 A. Yes.

4 Q. And what's her name?

5 A. Summer Larsen.

6 Q. Now as of September of last year, what was
7 the status of their relationship to your knowledge?

8 A. They had broke up and they were separated
9 for probably about eight months and living in different
10 places.

11 Q. To your knowledge at that time in September
12 of 2014 did Joey have a roommate living with him at the
13 house?

14 A. Yes.

15 Q. Do you know what that man's name was at
16 all?

17 A. Monty.

18 Q. Monty?

19 A. Yes.

20 Q. Do you know Monty's last name?

21 A. I can't remember.

22 Q. That's okay. So how long do you think
23 Monty had been living there?

24 A. Probably, I'd say probably four or five
25 months, you know, because when his house got robbed then

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