

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL McNAIR

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 78871

Appeal From A Judgment of Conviction (Jury Trial)
Eighth Judicial District Court
The Honorable Douglas Herndon, District Judge
District Court No. C-17-327395-1

APPELLANT'S APPENDIX VOLUME 2 OF 10

Navid Afshar
State Bar #14465
JoNell Thomas
State Bar #4771
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorneys for Michael McNair

Electronically Filed
Nov 16 2020 08:02 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

<u>VOLUME</u>	<u>PLEADING</u>	<u>PGS</u>
5	Amended Jury List (2/28/19)	907
10	Criminal Court Minutes (unfiled)	1979-2010
2	Defendant McNair's Motion in Limine to Introduce Preliminary Hearing Testimony of Anthony Razo and Kenneth Saldana. Defendant's Motion to Have Appointed Co0unsel Available for Mitchell Johnson if he is Called as a State's Witness (2/11/19).	338-43
9	Defendant's Proposed Instructions to the Jury (3/6/19) . . .	1669-1721
2	Ex Parte Motion and Order for Defendant's Inmate Phone Calls and Information Regarding Access Information (2/21/19).	368-71
10	Exhibit List and Exhibits (unfiled)	1968-78
1	Information (10/24/17)	159-61
9	Instructions to the Jury (3/7/19)	1858-1899
10	Judgment of Conviction (5/3/19).	1964-65
4	Jury List (2/27/19)	626
1	Motion for Disclosure of Evidence and Motion to Have the Handgun that was Recovered tested for Any DNA (2/23/18).	202-08
1	Motion to Clarify Bail Obligation to Include House Arrest (3/30/18).	218-23
2	Motion to Preclude the State From Using Any C CDC Telephone Records in the Case in Chief or Rebuttal (2/21/19)	372-82

10	Notice of Appeal (5/22/19)	1966-67
2	Notice of Defendant's Expert Witnesses (7/2/18).	281-94
2	Notice of Defendant's Witnesses (2/15/19)	352-53
1	Objection to State's Motion to Increase Bail (4/17/18)	229-33
1	Petition for Pre-Trial Writ of Habeas Corpus (12/14/17)	169-76
7	Second Amended Jury List (3/6/19)	1668
10	Sentencing Memorandum and Objections to the Presentence Investigation Report (4/23/19)	1912-31
2	State's Fourth Supplemental Notice of Witnesses and/or Expert Witnesses (2/19/19)	360-67
2	State's Notice of Witnesses and/or Expert Witnesses (6/22/18).	251-80
1	State's Response to Defendant's Motion for Disclosure of Evidence and Motion to Have the Handgun that was Recovered Tested for DNA (3/13/18)	209-14
1	State's Return to Writ of Habeas Corpus (12/21/17)	177-89
2	State's Second Supplemental Notice of Witnesses and/or Expert Witnesses (1/15/19)	332-37
2	State's Supplemental Notice of Witnesses and/or Expert Witnesses (1/8/19)	313-27
2	State's Third Supplemental Notice of Witnesses and/or Expert Witnesses (2/15/19)	354-59
9	Stipulation and Order (3/7/19).	1908-09
1	Transcript of Hearing October 23, 2017 (12/3/17)	1-158

1	Transcript of Hearing October 25, 2017 (6/10/19)	162-64
1	Transcript of Hearing October 31, 2017 (6/24/19)	165-68
1	Transcript of Hearing January 9, 2018 (6/24/19)	190-98
1	Transcript of Hearing February 7, 2018 (6/24/19)	199-201
1	Transcript of Hearing March 20, 2018 (6/24/19)	215-17
1	Transcript of Hearing April 10, 2018 (6/24/19)	224-28
1	Transcript of Hearing April 19, 2018 (6/24/19)	234-43
2	Transcript of Hearing May 23, 2018 (6/24/19)	244-46
2	Transcript of Hearing June 20, 2018 (6/24/19)	247-50
2	Transcript of Hearing July 12, 2018 (6/24/19)	295-99
2	Transcript of Hearing July 18, 2018 (8/23/18)	300-06
2	Transcript of Hearing October 24, 2018 (6/24/19)	307-09
2	Transcript of Hearing December 5, 2018 (6/24/19)	310-12
2	Transcript of Hearing January 9, 2019 (6/24/19)	328-31
2	Transcript of Hearing February 14, 2019 (6/24/19)	344-51
3	Transcript of Jury Trial Day 1 February 26, 2019 (7/1/19) . .	383-625
4	Transcript of Jury Trial Day 2 February 27, 2019 (7/1/19) Pages 1-244 (continued in next volume)	627-870
5	Transcript of Jury Trial Day 2 February 27, 2019 (7/1/19) Pages 245-280 (continuation)	871-906
5	Transcript of Jury Trial Day 3 February 28, 2019 (7/1/19) .	908-1089

6	Transcript of Jury Trial Day 4 March 1, 2019 (7/1/19) . . .	1090-1216
6	Transcript of Jury Trial Day 4 March 1, 2019 (7/1/19) (partial transcript testimony of Jamelle Shannon only)	1217-50
7	Transcript of Jury Trial Day 5 March 4, 2019 (7/1/19) . . .	1251-1459
8	Transcript of Jury Trial Day 6 March 5, 2019 (7/1/19) . . .	1460-1667
9	Transcript of Jury Trial Day 7 March 6, 2019 (7/1/19) . .	1722-1857
9	Transcript of Jury Trial Day 8 March 7, 2019 (7/1/19) . . .	1900-1907
10	Transcript of Hearing May 1, 2019	1932-63
9	Verdict (3/7/19)	1910-11



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MICHAEL MCNAIR,

9 Defendant.
10
11

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, MAY 23, 2018

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **STATUS CHECK: TRIAL READINESS**

17 APPEARANCES:

18 For the State:

JEFFREY ROGAN, ESQ.
Chief Deputy District Attorney

19
20 For the Defendant:

RANDALL H. PIKE, ESQ.
Senior Deputy Special Public Defender

21
22
23
24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Wednesday, May 23, 2018 – Las Vegas, Nevada

2 [Proceedings begin at 9:50 a.m.]

3
4 THE COURT: 327395. The gentleman is present in custody. This is on
5 for a status check. We have a trial date pending of July 23rd. I know we were
6 waiting on some forensics regarding the gun, right?

7 MR. PIKE: That's correct, Your Honor. Randall Pike, Bar Number 1940,
8 appearing on behalf of the Defendant, who's present in custody. The final
9 forensics have come in. I have been discussing this with Ms. Bluth, who is
10 assigned to the case. She's in trial right now. There has been an offer extended.

11 THE COURT: All right.

12 MR. PIKE: There's been a counter that has been made, but because she's
13 in trial, she hasn't had an opportunity to consider that at this point in time.

14 THE COURT: Okay. What was the offer that they extended?

15 MR. PIKE: A second with use, right to argue, and we've countered with a
16 term of use, second with use, 12 to 30.

17 THE COURT: Okay. All right. So as far as you know, her offer is still
18 open, your counteroffer, I'm assuming, is still open, but you need time to talk to her
19 a little further.

20 MR. PIKE: That's correct. Otherwise, we've completed our investigation.
21 We're still out looking for some of the homeless witnesses. One witness had
22 testified at the time of the preliminary hearing was homeless, so we may have to
23 file a motion to have his testimony published in the event it goes to trial.

24 THE COURT: Okay.

25 MR. PIKE: But other than that, there's nothing that stops us from being

1 ready for trial at the end of July.

2 THE COURT: Okay. And you -- I know you were working on trying to do
3 some enhancement on the video as well?

4 MR. PIKE: That's correct, Your Honor.

5 THE COURT: That's all done, and you're going to be fine with trial in that
6 regard as well?

7 MR. PIKE: We don't have that back from the firm that we've retained yet,
8 but we'll have it done before the time of trial.

9 THE COURT: Okay. All right. Mr. Rogan, anything to add?

10 MR. ROGAN: We discussed, just when the video is done that we get a
11 copy of it.

12 THE COURT: Right. All right. Then we will come back in 30 days, which
13 will be June 20th at 9:00 a.m.

14 THE CLERK: 9:30.

15 THE COURT: 9:30, excuse me. All right, guys.

16 MR. PIKE: Thank you very much, Your Honor.

17 [Proceedings concluded at 9:31 a.m.]
18
19
20

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 visual recording of the proceeding in the above entitled case to the
23 best of my ability.

24 
Renee Vincent, Court Recorder/Transcriber



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MICHAEL MCNAIR,

9 Defendant.
10
11

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, JUNE 20, 2018

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **STATUS CHECK: TRIAL READINESS**

17 APPEARANCES:

18 For the State:

GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

19
20 For the Defendant:

RANDALL H. PIKE, ESQ.
Senior Deputy Special Public Defender

21
22
23
24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Wednesday, June 20, 2018 – Las Vegas, Nevada

2 [Proceedings begin at 10:05 a.m.]

3
4 MR. PIKE: Here on McNair on page 18.

5 THE COURT: Thank you. He is present in custody. This is on for a status
6 check. We have pending trial date of July 23rd. I know there had been some
7 ongoing discussions about potential resolutions here as well. Go ahead.

8 MR. PIKE: If you want me to fill you in on that.

9 THE COURT: Well, yeah, you guys can fill me in on anything. I'm just
10 telling you what I had in my notes.

11 MR. PIKE: Okay. All right. That's the first time --

12 THE COURT: Okay.

13 MR. PIKE: The State has offered second with use and stipulate to a
14 sentence of -- a total of 15 to 40.

15 THE COURT: Okay.

16 MR. PIKE: The Defense has offered to the State a second with use, with
17 an 11 to 28, so we're --

18 MR. PESCE: And then -- I'm sorry.

19 MR. PIKE: So we're kind of in that area.

20 THE COURT: Okay.

21 MR. PIKE: In the event the negotiations fail and this does not -- is not
22 negotiated, I've been meeting with Ms. Bluth in reference to possible stipulations
23 regarding the trial, regarding the chain of custody, the physical items of evidence,
24 whether or not it would go to the jury for sentencing or if there would be a
25 stipulation for a sentencing by the Court --

1 THE COURT: Okay.

2 MR. PIKE: -- in the event a conviction of first degree. We -- I've hired the
3 last expert I need in this case. Ms. Bluth is going to give me the underlying DNA.
4 We've been working on that. She should have that to me this week.

5 THE COURT: Okay.

6 MR. PIKE: It's not a matter of having it retested, it's -- the expert just wants
7 to review that. And in addition to that, I have two possible motions, but they relate
8 more to witnesses. We have a homeless witness that we're having difficulty
9 finding, so we may come to the Court and ask for a material witness warrant.

10 THE COURT: Okay.

11 MR. PIKE: And I'll also need an order to transport a witness from Ely.

12 THE COURT: Okay.

13 MR. PIKE: And other than that, everything else has been done. We
14 anticipate that -- unless there is witness problems -- that we're all set to go for trial
15 on both sides.

16 THE COURT: All right.

17 MR. PIKE: I'd ask the Court, if we could, to set a status check the week
18 after the 4th of July --

19 THE COURT: Well, you're on for calendar call that week anyway.

20 MR. PIKE: Okay.

21 THE COURT: The 12th.

22 MR. PIKE: That way then I can bring in the motions --

23 THE COURT: Okay.

24 MR. PIKE: -- in relationship to the witnesses, and that should give them
25 time. I'll check with Ely, and if they need more time --

1 THE COURT: Bless you.

2 MR. PIKE: -- than that, then we'll come to the Court.

3 THE COURT: Yeah. If you file the motions, just use the July 12th date, so
4 we'll have the calendar reflect that that's going to be a motion day as well. And
5 then anything from the State?

6 MR. PESCE: That covers it.

7 THE COURT: Okay. Very good. So we'll leave it on July 12th then.
8 What's the -- what's the anticipated trial time if it's going?

9 MR. PIKE: We anticipate that the trial itself would not last longer than a
10 week. If there's a -- if it goes forward to a sentencing, it may be one or two
11 sentencing days, but I don't think much longer than that.

12 THE COURT: A week to a week --

13 MR. PIKE: Yeah. It probably is eligible for overflow.

14 THE COURT: Okay.

15 MR. PESCE: Okay.

16 THE COURT: All right, guys. Thank you.

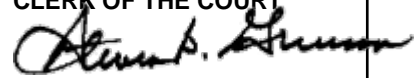
17 MR. PIKE: Thank you.

18 [Proceedings concluded at 10:14 a.m.]

19
20
21
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 visual recording of the proceeding in the above entitled case to the
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MICHAEL MCNAIR, aka
Michael Deangelo Mcnair, #1959573
Defendant.

CASE NO: C-17-327395-1

DEPT NO: III

STATE'S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: MICHAEL MCNAIR, aka Michael Deangelo Mcnair, Defendant; and
TO: RANDALL PIKE, Chief Deputy Special Public Defender, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

ADAMS, T. – LVMPD P#10072 (or designee): expert in the area DNA technology
and will give scientific opinions related thereto. She is expected to testify regarding the DNA
profiling analysis and related procedures she performed in this case.

ANDREWS, D. – LVMPD P#13766 (or designee): Expert in the identification,
documentation, collection and preservation of evidence, including crime scene analysis and is
expected to testify as an expert to the identification, documentation, collection and
preservation of evidence in this case.

1 **CORNEAL, DR. JENNIFER** (or designee): is a medical doctor employed by the
2 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
3 and will give scientific opinions related thereto. She is expected to testify regarding the cause
4 and manner of death of GORDON PHILLIPS in this case.

5 **COURTNEY, D. – LVMPD P#12712** (or designee): Expert in the identification,
6 documentation, collection and preservation of evidence, including crime scene analysis and is
7 expected to testify as an expert to the identification, documentation, collection and
8 preservation of evidence in this case.

9 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
10 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
11 scientific opinions related thereto. She is expected to testify regarding the cause and manner
12 of death of GORDON PHILLIPS in this case.

13 **GEIL, KATHY – LVMPD P#15650** (or designee): Expert in the area of
14 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
15 Additionally, is expected to testify regarding the collection, comparison and analysis of
16 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

17 **KLOSTERMAN, O. – LVMPD P#13177** (or designee): Expert in the identification,
18 documentation, collection and preservation of evidence, including crime scene analysis and is
19 expected to testify as an expert to the identification, documentation, collection and
20 preservation of evidence in this case.

21 **ROQUERO, DR. LEONARDO** (or designee): is a medical doctor employed by the
22 Clark County Coroner Medical Examiner. He is an expert in the area of forensic pathology
23 and will give scientific opinions related thereto. He is expected to testify regarding the cause
24 and manner of death of GORDON PHILLIPS in this case.

25 **SHANNON, J. – LVMPD P#13482** (or designee): Expert in the identification,
26 documentation, collection and preservation of evidence, including crime scene analysis and is
27 expected to testify as an expert to the identification, documentation, collection and
28 preservation of evidence in this case.

TAYLOR, E. – LVMPD P#9619 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

UBBENS, H. – LVMPD P#14792 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witness for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at the direction of the expert witness have been provided in discovery.

A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

BY /s/JACQUELINE BLUTH
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 06/30/10

Name: Tiffany Adams P#: 10072 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / AFIS	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Cedar Crest College	8/1998 – 5/2002	Genetic Engineering	B.S.
Harrisburg Area Community College	1/2004 – 5/2004	N/A	N/A
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
Technology Transition Workshop MinElute Post-PCR Cleanup	Tampa, FL	09/14-09/15/09	
GeneMapper ID-X Training	Las Vegas, NV	07/29-07/31/09	
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV	01/13/09	
Hair Analysis Training	Las Vegas, NV (online)	2008	
Forensic Biology Screening (workshop)	Las Vegas, NV	2007	
Applied Statistics (workshop)	Las Vegas, NV	2007	
18 th International Symposium on Human Identification	Hollywood, CA	2007	

000255

ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Courtroom Statistics (workshop)	San Diego, CA	2006
Bode Technology Advanced DNA Technology Meeting	San Diego, CA	2006
Expert Witness Testimony (workshop)	St. Louis, MO	2005
Midwestern Association of Forensic Scientists Annual Meeting	St. Louis, MO	2005
Hair Examination for DNA Analysts (workshop)	Wilmington, DE	2004
Mid-Atlantic Association of Forensic Scientists Annual Meeting	Wilmington, DE	2004

COURTROOM EXPERIENCE

<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Grand Jury – Nevada (Clark County)	DNA	1
District Court – Nevada (Clark County)	DNA	1
State Attorney 11 th Circuit – Miami-Dade	DNA	1

EMPLOYMENT HISTORY

<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist II (Biology/DNA)	2007-Present
Bode Technology	Forensic DNA Analyst II	2003-2007
PSU College of Medicine/Milton S. Hershey Medical Center	Research Technician II	2002-2003
RheoGene/Rohm & Haas	Lab Assistant/Intern	2000-2002

PROFESSIONAL AFFILIATIONS

<i>Organization</i>	<i>Date(s)</i>
None	

PUBLICATIONS / PRESENTATIONS:

"DNA Laboratory Bailout: No-Cost Methods for Improving Productivity" (Poster Presentation: 2010 Annual Meeting of the American Academy of Forensic Sciences)

PUBLICATIONS / PRESENTATIONS:

"Effects of Sodium Selenite and Organoselenium Compounds on Microtubule Polymerization"
(Poster Presentation: 2002 Annual Meeting of the Pennsylvania Academy of Science)

OTHER QUALIFICATIONS:

None

ASCLD/LAB-International

STATEMENT OF QUALIFICATIONS

Name	Debbie Andrews P# 13766	Date	08/11/2015
-------------	-------------------------	-------------	------------

Laboratory	Las Vegas Metropolitan Police Department - Crime Scene Investigations Section
-------------------	---

Job Title	Crime Scene Analyst I
------------------	-----------------------

Indicate all disciplines in which you do casework:

<input type="checkbox"/> Drug Chemistry	<input type="checkbox"/> Toxicology
<input type="checkbox"/> Firearms/Toolmarks	<input type="checkbox"/> Biology
<input type="checkbox"/> Trace Evidence	<input type="checkbox"/> Questioned Documents
<input type="checkbox"/> Latent Prints	<input checked="" type="checkbox"/> Crime Scene
<input type="checkbox"/> Digital & Multimedia Evidence	

List all category(ies) of testing in which you do casework:

Crime Scene Investigation; Body Fluid Identification
--

Breath Alcohol Calibration Categories

<input type="checkbox"/> Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates- do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/> Toxicology - Breath Alcohol Calibration Reference Material

Education: List all higher academic institutions attended (list high school only if no college degree has been attained)

Institution	Dates Attended	Major	Degree Completed
College of Southern Nevada	1995-1999, 2001, 2004, 2009	Nursing	N/A
Portland Community College	2012	Criminal Justice	N/A

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

01/20/09 Introductory Photography for Law Enforcement Personnel (PSR Academy) LVMPD/CSI Section Las Vegas, NV.
01/19/09 Latent Fingerprint Processing (PSR Academy) LVMPD/CSI Section Las Vegas, NV.
09/30/15 Crime Scene Analyst Academy LVMPD Las Vegas, NV

Courtroom Experience: List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Testified in court from 07/06/2015 to present:
Crime Scene Investigation - 1
Body Fluid Identification - 0

Professional Affiliations: List any professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

--

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

Job Title	Crime Scene Analyst I (In Training)	Tenure	07/06/2015 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagraming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title	Patrol Services Representative	Tenure	12/10/2008 to 07/23/2010
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Take various reports, including property, crime and non-injury traffic accident reports; assist officers in preliminary crime scene investigations, including protecting crime scenes from bystanders; interview witnesses and victims, record information, and write related reports; respond to non-hazardous calls for service and write related reports; perform traffic control and non-violent crowd control; assist the public by providing necessary information to citizens, including referring them to appropriate government offices and other community resources; transport seized, found, lost, or abandoned property or evidence, and non-injured accident victims, witnesses, victims of crimes, and police personnel, as needed; direct traffic at accident scenes; attend daily briefings; receive subpoenas and testify in court; assist with community-oriented policing programs; exemplify the Department values, both on and off duty.			
Crime Scene Duties as a Patrol Services Representative: Investigate less complex crime scenes to include photographically documenting a crime scene, powder process for latent fingerprints, collect, preserve, and safely package evidence and prepare a crime scene related report.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.
(Use additional sheets if necessary.)

--

Jennifer Corneal

CONTACT

Clark County Coroner's Office

1704 Pinto Lane

Las Vegas, NV 89106

Work: 702-455-3210

Cell: 502-718-6667

Email: jennifer.corneal@clarkcountynv.gov

EDUCATION

University of Louisville School of Medicine	2010
MD	

Murray State University	2006
B.S., Chemistry	

University of New Haven	2003
M.S., Forensic Science	

Murray State University	2001
B.S., Criminal Justice	

GRADUATE TRAINING

Fellowship	2014 – 2015
Forensic Pathology	
San Diego County Medical Examiner	

Residency	2010 – 2014
Pathology	
University of South Alabama Medical Center, Mobile, AL	

LICENSURE AND CERTIFICATION

Nevada Medical License	2015
California Medical License	2014
American Board of Pathology, Anatomic Pathology	2014

HONORS AND AWARDS

Rural Honors Scholarship	2006 – 2007
Dean's Certificate of Recognition for research	2007
Chemistry Department Academic Scholarship	2005

RESEARCH EXPERIENCE

Summer Research Scholars Program	2007
“Complications of PICC lines in low birthweight infants”	
Supervisor Dr. Scott Duncan	
Poster Presentation at Neonatal Conference at Heuston Woods	2007

SCIENTIFIC PRESENTATIONS

Corneal J, Sosnowski J. Body Mass Index in Hospital Autopsy Cases: Younger Age at Death Associated with Increased BMI in the Southeast. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Geli D, Sosnowski J. Amyloid Angiopathy: A Case Study. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Sosnowski J. Nodular Myositis: A Case Study. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Corneal J, Cordell C, Mancini E. Alpha-Fetoprotein Negative Papillary Yolk Sac Tumor in an Ovarian Mixed Germ Cell Tumor. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

Cordell C, Corneal J, Kahn A. Advanced Stage Medullary Carcinoma of the Colon. College of American Pathologists Annual Meeting, 2012 September; San Diego, California.

EXTRACURRICULAR AND LEADERSHIP ACTIVITIES

Team Member, CAP Self Inspection	March 2012
CAP Resident Delegate	2011 – 2013
Clinical Track Captain	2008
Benchmark Institutions Curricular team	2007

SERVICE ACTIVITIES

Volunteer, Healthcare Classic 5K	2007, 2008
Volunteer, Medical School Charity Auction	2008
Volunteer, Life Clinic (student service learning clinic)	2007

PROFESSIONAL MEMBERSHIPS

National Association of Medical Examiners	2012 – present
College of American Pathologists	2010 – present
United States & Canadian Academy of Pathology	2010 – present
American Society for Clinical Pathology	2010 – present
Medical Association of the State of Alabama	2010 – present
American College of Physicians	2006 – present
American Medical Association	2006 – present
Kentucky Medical Association	2006 – present
Southern Medical Association	2006 – present
Lambda Alpha (National Anthropology Honor Society)	2000 – present

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

Current Position Medical Examiner, 2009 to present

Office of the Coroner/Medical Examiner, Clark County, Las Vegas, Nevada

Training & Education

Forensic Pathology Fellowship, 2008 to 2009

Office of the Chief Medical Investigator, Albuquerque, New Mexico

Surgical Pathology Fellowship, 2007-2008

Hartford Hospital, Hartford, Connecticut

Anatomic & Clinical Pathology Residency, 2002 – 2007

Hartford Hospital, Hartford, Connecticut

Post-Sophomore Fellowship in Pathology, 2001 – 2002

University of Connecticut Health Center, Farmington, Connecticut

Medical Degree, 2001

University of Connecticut School of Medicine, Farmington, Connecticut

Master Degree of Public Health, 1994

Columbia University School of Public Health, New York, New York

Bachelor of Arts, 1991

Mount Holyoke College, South Hadley, Massachusetts

Research Experience

Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child, 2008

Hartford Hospital Department of Pathology & Department of Pediatric Infectious Disease

Metastatic Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007

Hartford Hospital Department of Pathology & University of Connecticut

Department of Internal Medicine

Inter-observer Variability in Diagnosing Colon Biopsies as Indefinite for Dysplasia, 2006

Hartford Hospital Department of Pathology

Susceptibility of *Streptococcus Pneumoniae* to Moxifloxacin and Other Antimicrobial Agents, 2004

Hartford Hospital Department of Pathology & Laboratory Medicine

Awards & Scholarship

Dr. Beckett Book Award, 2007

Martin Berman Immunopathology Award, 2007

Bloomberg Award for Psychiatry, 2001

Memberships

American Academy of Forensic Sciences (2009 to present)

American Society of Clinical Pathology (2003 – 2008, 2010)

United States and Canadian College of Pathologist (2005 – 2007)

College of American Pathologist (Delegate 2003 – 2007)

Connecticut Society of Pathologists (CSP) Delegate (2003 – 2007)

Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

Connecticut Society of Pathologists Presentations

Malignant Peritoneal Mesothelioma in 17 year-old male, January 2006
Focal Nodular Hyperplasia, June 2004

Resident & Fellow Topics

Two Unusual Neuropathology Cases, January 2008
Testicular Germ Cell Tumors, October 2007
Waldenstroms Macroglobulinemia, October 2005
Minimal Change Disease & Focal Segmental Glomerular Sclerosis, October 2004
Crescentic Glomerulonephritis or Rapidly Progressive Glomerulonephritis, January 2004
Mitral Valve Prolapse and Sudden Death, July 2003

Previous Work Experience

Teacher of “Correlated Medical Problem Solving” Course, 2001 – 2002
University of Connecticut School of Medicine, Farmington Connecticut
Manager of South Marshall Street Pediatric Clinic, 1995 – 1997
Salvation Army, South Marshall Street, Hartford Connecticut
Administrative Assistant to the Director of Admissions & Career Development
and to the Director of Academic & Student Affairs, 1992 – 1994
Columbia University School of Public Health, New York, New York
Tutor and Evaluator of children with learning disabilities, 1988 – 1994 & 1996 – 1997
Milford, Connecticut & Farmington, Connecticut
Coordinator of Infant Registration Project, 1991 – 1992
New York City Department of Health: Office of Child Health Planning, New York, New York

Service Work

- Annual Host for summer high-school student tours of Hartford Hospital
Department of Pathology
- Education of Medical Students & Residents on rotation in Hartford Hospital
Department of Pathology
- Guest speaker for Public Relations Department at Hartford Hospital
for local middle-school children
- Guidance to Medical Technician Students interested in future careers in Medicine
- Editor of personal statements and resumes

Medical License

State of New Mexico, 2008 – 2011
State of Nevada, 2009 – 2011

Eligible For Anatomic Pathology,
Clinical Pathology and Forensic Pathology Boards

000263

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 7/8/2016

Name: Kathy Geil P#: 15650 Classification: Forensic Scientist 2

Current Discipline of Assignment: Firearms Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks	X	Toxicology/Breath Alcohol	
Trace Evidence	X	Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support / DNA	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of Washington, Seattle	6/92-12/96	Botany	MS
University of California, Davis	9/90-6/92	Genetics	BS

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Internal ASCLAD/LAB-International Auditor training (2.5 hours)	LVMPD Forensic Lab	June 2016
Ethics in Forensic Science (40 hrs)	WVU online course	June 2016
AFTE conference (30hrs)	New Orleans, LA	May 2016
ENFSI Distance Determination working group Final meeting	Dresden, Germany	April 2016
Glock Armorer's course (8 hrs)	Spokane, WA	June 2015
Fluid Dynamics of Bloodstain Pattern Analysis (40 hrs)	ESR, Seattle, WA	June 2015
AFTE conference (36hrs)	Dallas, TX	May 2015
Advanced Leica 3-D scanner training (36hr)	WSP Academy, Seattle, WA	Oct 2014
AFTE conference (36hrs)	Seattle, WA	May 2014
Leica 3-D scanner training (36hr)	WSP, Seattle, WA	Oct 2013

CURRICULUM VITAE -Name

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
AFTE conference (36hrs)	Albuquerque, NM	June 2013
FBI Advanced photography (40hrs)	WSP Academy, Shelton, WA	December 2012
Subclass Characteristics Workshop (8hrs)	WSP, Vancouver, WA	October 2012
BRASSTRAX-3D and MATCHPOINT +	Forensic Technology WSP, Tacoma, WA	September 2012
AFTE conference (36hrs)	Buffalo, NY	June 2012
Crime Scene Analysis and Reconstruction (40hrs)	Green Forensics, WSP Academy, Shelton, WA	March 2012
H&K Armorer's (8 hrs)	WSP academy, Shelton WA	October 2011
AFTE conference (36hrs)	Chicago, IL	May 2011
Colt Armorer's course (24hrs),	WSP Academy, Shelton, WA	April 2011
AFTE conference (36hrs)	Henderson, NV	May 2010
FBI Tool Mark course (40hrs.)	Spokane, WA	August 2009
Pig Dig, CSRT training (24 hrs.)	WSP, Seattle, WA	August 2009
Crime Scene Latent Print Processing	WSP, Renton PD, Renton WA	June 2009
AFTE conference (36hrs)	Miami, FL	June 2009
Total Station Training introduction (8hrs)	WSP, Seattle, WA	May 2009
Noedel Trajectory course (20 hrs)	Mill Creek, WA	April 2009
Crash Zone training (40 hrs)	Washington State Patrol Shelton, WA	October 2008
FBI GSR school (40 hrs)	Spokane, WA	August 2008
Glock armorer's course (8 hrs)	Yakima, WA	July 2008
Advanced Bloodstain pattern analysis course (40 hrs)	Bevel & Associates, CJTC, Burien, WA	June 2008
Taser course (16 hrs)	Spokane, WA	March 2008
Sig Sauer Armorer's course (16 hrs)	Kent, WA	March 2008
Technical writing course (16 hrs)	Tacoma, WA	January 2008
Full auto weapons shoot and presentation (8 hrs)	Fernan Lake, ID	November 2007
Northwest association of Forensic Scientist Fall Conference (16 hrs)	Salt Lake City, UT	November 2007
Trace Symposium (32 hrs)	Clearwater Beach, FL	August 2007
Association of Crime Scene reconstruction conference (20 hrs)	Tacoma, WA	January 2007
Shooting reconstruction, Determination of contact with deployed automotive airbags, Polarizing Light Microscopy (32 hrs)	NWAFS/SWAFS meeting, Colorado Springs, CO	November 2006
Advanced Microscope training II (40hrs)	WSP, Seattle, WA	September 2006
Crime Scene II (40hrs)	CCI, Sacramento, CA	July 2006

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Shooting reconstruction (24hrs)	WSP, Seattle, WA	July 2006
Crime Scene I (40hrs)	California Criminal Institute (CCI), Sacramento, CA	May 2006
Advanced Microscope training (40hrs)	WSP, Seattle, WA	June 2006
Crime Scene Reconstruction (40hrs)	WSP, Seattle, WA	May 2006
Recovery, Examination, and Evidence of Decomposed and Skeletonized Bodies (4hr)	American Academy of Forensic Scientists, AAFS meeting, Seattle, WA	February 2006
Collection, preservation, and documentation of footwear and tire track impression evidence (24 hr)	CJTC, Burien, WA	February 2006
Courtroom Testimony Techniques (16 hr),	WSP, Seattle, WA	January 2006
Instructor Development (40 hr)	WSP Training Academy, Shelton, WA	July 2005
Conceptual Tools for Impact-Based Decisions in Casework (8 hr)	Pacific Coast Forensic Science Institute, Seattle, WA	May 2005
Microchemical Tests and Color Tests (8 hr)	WSP Microanalysis Functional Area Meeting Workshop Tacoma, WA	May 2005
Scanning Electron Microscope Training (16hr),	WSP, Tacoma, WA	June 2004
Introduction to Hairs and Fibers (80 hr)	FBI Training Academy, Quantico, VA	March 2004
Small Particle Identification (40 hr)	MicroLab Northwest, Redmond, WA	December 2003
Blood Spatter Class (40 hr)	Washington Violent Crime Investigations Association, Bellingham, WA	November 2003
Risk Management/Ethics/Decision-Making in Law Enforcement (4 hr.)	Seattle Police Department, Seattle, WA	October 2003
Forensic Analysis of Paints and Polymers (40hr)	FBI Training Academy, Quantico, VA	June 2003
Unlocking Hidden Evidence Seminar (3 hr)	Everett Police Department, Everett, WA	March 2003
Collection and Preservation of Odontological, Entomological and Botanical Evidence at Crime Scenes (8hr)	Canadian Society of Forensic Sciences Conference, Vancouver, BC	March 2003
Court Room Testimony Techniques (16 hr),	Criminal Justice Training Seminar (CJTC), Burien, WA	January 2003
Michelin Tire Damage Seminar (8hr),	Washington State Patrol (WSP) Training Academy, Shelton, WA	July 2002
Forensic Color Determination (8 hr),	NWAFS Fall Training Conference , Coeur d'Alene, ID	July 2002
Wood and Wood Pulp Characterization and ID (8hr),	Northwest Association of Forensic Science (NWAFS) Spring Training Conference, Spokane, WA	April 2002
Diversity skills (8hr)	Pepsi Bottling group, Seattle WA	Summer 2001

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Supervisory skills (16hr)	Pepsi Bottling group, Seattle WA	Summer 2001
Supervisory Skills (1 Qtr course)	South Seattle Community College, Seattle, WA	Fall 2001
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
King county superior court	Hair screening	2
King county superior court	Paint/polymer analysis	1
King county superior court	Impressions	1
Multi- county superior court	Crime Scene	6
Multi-county superior court, Kitsap county civil court, and Federal court	Firearms	78
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department Crime Laboratory	Forensic Scientist 2	2015- present
Washington State Patrol Crime Laboratory	Forensic Scientist 3	2002-2015
Eden Bioscience Corporation	Diagnostic Laboratory Associate	1996-2000
University of Washington	Research Associate/Associate	1993-1996
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
Association of Firearms and Tool mark Examiners (AFTE) – provisional member	2008-2014	
Association of Firearms and Tool mark Examiners (AFTE) – distinguished member	2014-present	
PUBLICATIONS / PRESENTATIONS:		
Presented at the 2008 AFTE Meeting in Miami regarding Taser Probe analysis		
R. T. Wyant, and K. M. Geil, <i>Examination of the Probe-Knot Junction to Estimate Duration of Electronic Control Device (TASER) Exposures</i> , <u>AFTE Journal</u> , 2010 Volume 42, Number 3 (Summer), Page 253 thru 258		
Presented at the 2012 ASCR Meeting in Monterey, CA regarding crime scene and arson		
Presented at the 2012 AFTE Meeting in Buffalo regarding chemical enhancement chemicals and GSR		
Presented at the 2013 AFTE Meeting in Albuquerque regarding a homemade black powder firearm		
OTHER QUALIFICATIONS:		

CURRICULUM VITAE -Name

Co-chair of the 2014 AFTE Meeting in Seattle, WA, member of the AFTE Bylaws committee, and chair of the AFTE Ad-Hoc Forensic Education and Resouce committee

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Olivia Klosterman

P# 13177

Date: 03-25-08

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene
	Crime Scene Analyst II	18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
Saint Joseph's College	Biology	Bachelor of Science/ May 2006
TESTIMONY		
<i>Yes</i>	<i>No</i>	
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst I	03-10-08 to Present
Dr. Neal Haskell	Sr. Lab Technician	05/06 - 03/08

000269

LEONARDO ROQUERO, M.D.
Board Certified – Forensic Pathology
Board Certified – Anatomical and Clinical Pathology

EDUCATION and TRAINING

Education

06/1994 – 03/1998	Bachelor of Science in Medical Technology, Colegio San Agustin Bacolod City, Philippines
06/2000 – 03/2004	Cebu Doctors College of Medicine, Cebu City, Philippines

Training

05/2004 – 04/2005	Postgraduate Internship Training, Philippine General Hospital Manila, Philippines
2008 – 2010	Residency, Pathology Training Program – Anatomical and Clinical Pathology, Corazon Locsin Montelibano Memorial Regional Hospital, Bacolod City, Philippines
07/2010 – 06/2014	Anatomical and Clinical Pathology Residency Henry Ford Health System, Detroit, MI, USA
07/2014 – 06/2015	Fellowship, Forensic Pathology, University of Michigan Health System Wayne County Medical Examiner's Office, Detroit, Michigan Washtenaw County Medical Examiner's Office, Ann Arbor, Michigan

CERTIFICATION and LICENSURE

Certification

07/2014 – 12/2024	American Board of Pathology (Anatomical and Clinical Pathology)
09/2015 – 2025	American Board of Pathology (Forensic)

Licensure

12/13/2013 – 01/31/2018	State of Michigan, Medical License
08/31-2016 – 06/30/2017	State of Nevada, Medical License

HONORS AND AWARDS

2013-2014	Chief Resident, Anatomical and Clinical Pathology Residency Henry Ford Health System, Detroit, MI
2013-2014	Champion – Nephropathology Challenge Bi-weekly Residency Test Henry Ford Health System, Detroit, MI

MEMBERSHIP IN PROFESSIONAL SOCIETIES

2015 – present	American Academy of Forensic Sciences
2016 – present	National Academy of Medical Examiners
2015 – present	College of American Pathology

TEACHING ACTIVITY

2006	Lecturer on Clinical Chemistry, Medical Technology Licensure Exam Review, Bacolod city, Philippines
2000 – 2002	Lecturer on Clinical Microscopy and Clinical Chemistry, Medical Technology, Licensure Exam Review, Bacolod city, Philippines
1999 – 2000	Clinical Instructor, Medical Technology Department, Colegio San Agustin-Bacolod city, Philippines

PRESENTATIONS

03/2011	USCAP Annual Meeting, San Antonio, Texas “Clinical and Pathologic features of prostate cancer with Prostatic-Specific antigen (PSA) less than 2.5 ng/ml. A Study of 209 cases.” Genitourinary Pathology Platform Presentation
09/12/2014	Elder Abuse Medicolegal Death Investigation Course Wayne County Medical Examiner’s Office
10/2014	Fire death Pathology resident review lectures Wayne County Medical Examiner’s Office
11/04/2015	Sharp Force Injury Medicolegal Death Investigation Course Wayne County Medical Examiner’s Office
11/05/2016	Investigation of bodies in water Medicolegal Death Investigation Course Wayne County Medical Examiner’s Office
05/06/2016	Cerebral air embolism Advances in Forensic Medicine and Pathology University of Michigan Health System
05/07/2016	Atypical Gunshot wounds Advances in Forensic Medicine and Pathology University of Michigan Health System
11/02/2016	Sharp Force Injury Medicolegal Death Investigation Course Wayne County Medical Examiner’s Office

ADDITIONAL ACTIVITIES

1998 – 2000	Medical Technologist, Corazon Locsin Montelibano Memorial Regional Hospital, Bacolod city, Philippines
2005	General Practitioner Physician, Kabankalan city, Philippines

2006 – 2007	General Practitioner Physician, Bacolod city, Philippines
2008	Volunteer, Department of Pathology, Corazon Locsin Montelibano Memorial Regional Hospital, Bacolod City, Philippines
2010	Participant, LEAN Training for Healthcare
2011	Participant, Process Improvement – A LEAN Project for Hematopathology, “Tracking the Flow Cytometry Request”
2011	Participant, Mock CAP Inspection, Henry Ford Health System Microbiology, Detroit, Michigan
2014	Participant, Mock CAP Inspection, Henry Ford Health System Laboratory West Bloomfield, Michigan
2015 – present	Medical Student Coordinator Wayne County Medical Examiner’s Office

PUBLICATION

Current

1. MDMA Abuse, Intercourse and Aneurysm Rupture
Leonardo Roquero and Francisco Diaz
Submitted to The Forensic Examiner Journal (Manuscript #779)
Spring issue of the examiner in 2017

Peer-reviewed Journal and Publication

1. Cerebral Air Embolism: A Clinical, Radiologic and Histopathologic Correlation.
Leonardo Roquero, Sandra Camelo-Piragua and Carl Schmidt
Am J Forensic Med Pathol. 2016 Dec;37(4):241-244.
PMID: 27763884 DOI: [10.1097/PAF.0000000000000276](https://doi.org/10.1097/PAF.0000000000000276)
2. Oleksandr N. Kryvenko, **Leonardo Roquero**, Nilesh S. Gupta, Min W Lee and Jonathan I. Epstein MD. Low-Grade Clear Cell Renal Cell Carcinoma Mimicking Hemangioma of the Kidney. A Series of 4 Cases. *Arch Pathol Lab Med*—Vol. 136, August 2012
3. **Leonardo P Roquero** MD, Oleksandr N Kryvenko MD, Nilesh S Gupta MD and Min W Lee MD. Characterization of Fibromuscular Pseudocapsule of Renal Cell Carcinoma International Journal of Surgical Pathology (Currently in review - Manuscript ID is IJSP-15-0021.R1)

Non-Peer reviewed Journals and Publications

1. DE Nowak, **LP Roquero**, DA Chitale. Extraction and Molecular Screening of Decade-Old mRNA from Archived Breast Cancer Tissues. *Modern Pathology*. Vol 25 (Supplement 1s) 101: 514A, 2012.
2. **Leonardo Roquero**, Oleksandr Kryvenko, Shyam Sukumar, Mireya Diaz, Mani Menon, Nilesh Gupta. Clinical and Pathologic Features of Prostate Cancer with Prostatic-Specific Antigen (PSA) Less Than 2.5 ng/ml. A Study of 209 Cases (Abstract 27). *Modern Pathology*. Vol 24 (Supplement 1s) USCAP 100th Annual Meeting: 220A, 2011.

Abstracts

1. **Leonardo Roquero** and Bruce Jones. Clinical Diagnostic Utility of Endocervical Curretage as Follow-up for Pap Tests Identified Squamous Epithelial Abnormalities. CAP Annual Meeting 2013. Poster Presentation. Poster #29.
2. Continuous Improvements Decrease Cardiac Troponin Turnaround Time (TAT) to Meet Cardiac Critical Care Standards. 2013 AACC. **Leonardo Roquero**, C.S. Feldkamp, J. Zajechowski, J. Dolland, S. Ali, A. Vasudev, H. Zand and V.I. Luzzi. Annual Meeting and Clinical Lab Expo. Abstract #: B-30.
3. David E Nowak MD, **Leonardo P Roquero**, S David Nathanson, Nilesh S Gupta and Dhananjay A Chitale MD. Differential Expression of Cyclooxygenase-2 in Triple-Negative Hormone Receptor Phenotype Breast Cancers: An Additional Marker in the Quest for Personalized Medicine. 2012 AACC Annual Meeting Proceedings (Abstract A-171).
4. **Leonardo P Roquero** M.D., Adrian H Ormsby M.D., Jiyoung Yoon M.D., Mohammad Ghaffarloo M.D., Min/W Lee M.D. Esophageal Mucosal Siderosis. 2011 ASCP Annual Meeting Proceedings (Abstract 234 456).Poster presentation.
5. **L. Roquero**, C. S. Feldkamp, J. Zajechowski, J. Dolland, S. Ali, A. Vasudev, V. I. Luzzi. Effect of Hemolysis on the Cardiac Troponin I and Creatinine Assays on the Siemens Dimension Vista®Analyzer. Clinical Chemistry, Vol. 57, No. 10. 2011 AACC Annual Meeting Proceedings (Abstract A-109). Poster presentation.

ASCLD/LAB-International

STATEMENT OF QUALIFICATIONS

Name	Jamelle Shannon P# 13482	Date	08/11/2015
-------------	--------------------------	-------------	------------

Laboratory	Las Vegas Metropolitan Police Department - Crime Scene Investigations Section
-------------------	---

Job Title	Crime Scene Analyst I
------------------	-----------------------

Indicate all disciplines in which you do casework:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Toxicology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Trace Evidence	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Latent Prints	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Digital & Multimedia Evidence		

List all category(ies) of testing in which you do casework:

Crime Scene Investigation; Body Fluid Identification
--

Breath Alcohol Calibration Categories

<input type="checkbox"/>	Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates- do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/>	Toxicology - Breath Alcohol Calibration Reference Material

Education: List all higher academic institutions attended (list high school only if no college degree has been attained)

Institution	Dates Attended	Major	Degree Completed
Wake Forest University	1999-2003	Political Science	BA

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

09-30-15 Crime Scene Analyst Academy LVMPD Las Vegas, NV
--

Courtroom Experience: List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Testified in court from 07/06/2015 to present:
Crime Scene Investigation - 0
Body Fluid Identification - 0

Professional Affiliations: List any professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

--

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

Job Title	Crime Scene Analyst I	Tenure	07/06/2015 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagraming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title	Tenure
Employer	
Provide a brief description of principal duties:	

Job Title	Tenure
Employer	
Provide a brief description of principal duties:	

Job Title	Tenure
Employer	
Provide a brief description of principal duties:	

Job Title	Tenure
Employer	
Provide a brief description of principal duties:	

Other Qualifications: List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.
(Use additional sheets if necessary.)

--

Curriculum Vitae
Las Vegas Criminalistics Bureau
Statement of Qualifications

Name: CARVOUNIARIS, Danielle

P# 12712

Date: 04-17-13

CURRENT CLASSIFICATION			
	<i>Classification</i>	<i>Minimum Qualifications</i>	
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene	
	Crime Scene Analyst II	18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.	
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.	
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.	
FORMAL EDUCATION			
	<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
	University of Nevada Las Vegas	Criminal Justice	Bachelor of Arts/May 2006
TESTIMONY			
	<i>Yes</i>	<i>No</i>	
	X		District Court, Justice Court, Grand Jury
EMPLOYMENT HISTORY			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LVMPD	Senior CSA	06-23-12 to Present
	LVMPD	CSA II	03-10-10 to 06-23-12
	LVMPD	CSA I	03-10-08 to 03-10-10
	Malibu Services	Owner	08/06 - 07/07
	Dave Groover and Associates	Private Investigator	2002 - 03/07
	A Special Memory Wedding Chapel	Florist	2004 - 01/06
	Mt. Olive Lutheran Church	Child Care Provider	05/00 - 12/02
	Wells Fargo Bank	Teller	05/00 - 12/02

000276

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: TAYLOR, Erinmarie

P# 9619

Date: 10-23-06

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
Baylor University	Intro. to Blood Spatter Interp.	24 Credit Hours
Public Agency Train. Council	Hostage Negotiation	35 Credit Hours
Baylor University	Forensic Science	B.S. - May 15, 2004

TESTIMONY		
<i>Yes</i>	<i>No</i>	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	10-23-06

000277

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: UBBENS, Heather

P# 14792

Date: 01-17-14

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
TESTIMONY		
<i>Yes</i>	<i>No</i>	
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	01-17-14 to Present

000278

UBBENS, Heather

UBBENS, Heather
CSA I

P#14792
DOH: 01/17/14

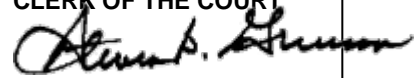
CRIMINALISTICS BUREAU - CSI

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
2006			
03-25-06	Turning Creative Ideas into Valued Solutions	Center for Missing Persons Conference	
03-25-06	Scent – The Forgotten Clue	Center for Missing Persons Conference	
03-25-06	Forensic Art: Where Art & Science Meet	Center for Missing Persons Conference	
03-25-06	Introduction to Search Management	Center for Missing Persons Conference	
03-25-06	Sonar: A Locating Tool	Center for Missing Persons Conference	
2007			
03-23-07	National Search Center Special Operations Unit	Center for Missing Persons Conference	
03-24-07	Unidentified Person Process: Missing Persons	Center for Missing Persons Conference	
10-5-07	NCIAI Fall Conference	NCIAI	12
2008			
05-29-08	NCIAI Spring Conference	NCIAI	13
10-02-08	NCIAI Fall Conference	NCIAI	12
2009			
02-26-09	CSI: Forensic Alternate Light Source & Chemical Testing	Cape Fear Community College: Continuing Education	16
03-05-09	3-Day Basic Crime Scene Capture and Reconstruction	3rdTech, Inc.	
05-09	Bachelors of Science Degree, Justice Studies (with a concentration in applied forensic science)	Methodist University	
05-05-09	NCIAI Spring Conference	NCIAI	13
10-06-09	NSDIAI Tri-Division Educational Conference	NSDIAI	
2010			

000279

UBBENS, Heather

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-11-10	Coroner Reserve Investigator Academy	CCOCME	80
9-30-10	Basic Shooting Reconstruction	LVMPD	32
2012			
11-8-12	NSDIAI Tri-Division Education Conference	NSDIAI	8
2014			
01-30-14	Emergency Preparedness	LVMPD	1.5
01-30-14	Ram C/V Orientation	LVMPD	.75
01-30-14	How to Use a Street Guide and Directory	LVMPD	1.5
01-30-14	Major Evidence Recovery Vehicle Operations	LVMPD	.5
02-04-14	CJIS Terminal Operator Certification	LVMPD	8
02-10-14	SB14001 Nevada Workplace Safety	LVMPD	0.25
02-10-14	SB1305 OSHA 2012 Revised HazCom Standard and GHS	LVMPD	0.5
02-10-14	PT 14061 Reporting Child Abuse and Neglect	LVMPD	0.25
02-10-14	ICS 100	LVMPD	
02-11-14	ICS 200	LVMPD	
02-11-14	ICS 700	FEMA	
02-11-14	Desert Sky Radio	LVMPD	1
02-11-14	Hazard Communications & Chemical Hygiene	LVMPD	2
3-12-14	Civilians Weapon Carrier Advanced Skills and Tactics	LVMPD	8
3-24-14	Civilian Certification	LVMPD	8
04-15-14	FT-1479 Civilian Weapons Carrier Academy	LVMPD – FTTU	58
04-25-14	Crime Scene Analyst Academy	LVMPD – Criminalistics	256.5
07-02-14	Latent Print Suitability for Crime Scene Analysts	LVMPD Criminalistics	8
9-12-14	Basic Bloodstain Pattern Recognition Course	SeeMore Forensics	40
10-01-14	Shotgun Familiarization and Pattern Documentation	LVMPD Criminalistics	9
11-12-14	Understanding & Documenting Strangulation	LVMPD-Criminalistics	2



NWEW
JONELL THOMAS
SPECIAL PUBLIC DEFENDER
Nevada Bar #4771
RANDALL H. PIKE
CHIEF DEPUTY SPECIAL PUBLIC DEFENDER
NSB No. 1940
330 South Third Street, 8th Floor
Las Vegas, NV 89155
(702) 455-6265
Fax No. 702-455-6273
rpik@clarkcountynv.gov
Attorneys for McNair

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-17-327395-1
Plaintiff	)	DEPT. NO. 3
vs.)	
MICHAEL MCNAIR, ID 1959573)	
Defendant.)	

NOTICE OF DEFENDANT'S EXPERT WITNESSES

TO: THE STATE OF NEVADA, Plaintiff, and

TO: STEVEN B. WOLFSON, District Attorney, Attorney for Plaintiff

PLEASE TAKE NOTICE that Defendant, Michael McNair, by and through his attorneys, JONELL THOMAS, Special Public Defender, and Randall H. Pike, Chief Deputy Special Public Defender, intends to call the following expert witness(es):

1. George Schiro, Consultant Forensic Scientist, 200 Woodgate Dr. S., Brandon, MS 39042. Should this witness testify, he will testify in the area of crime scene analysis, crime scene investigation, processing of crime scenes, collection and preservation, latent print comparison, blood spatter evidence, ballistics, DNA evaluations and will give opinions related thereto.

A copy of the expert's curriculum vitae is attached hereto.

1 DATED this 2nd day of July, 2018.

2 RESPECTFULLY SUBMITTED:

3 /s/ RANDALL H. PIKE

4
5 _____
6 RANDALL H. PIKE
Attorneys for McNair

7 **CERTIFICATE OF ELECTRONIC FILING**

8 I hereby certify that service of the above Notice of Defendant's Expert Witnesses, was
9 made on July 2, 2018, by Electronic Filing to:

10 DISTRICT ATTORNEY'S OFFICE
11 email: motions@clarkcountyda.com

12
13 /s/ Elizabeth (Lisa) Araiza

14 _____
15 Legal Secretary
Special Public Defender

GEORGE SCHIRO, MS, F-ABC
LAB DIRECTOR
SCALES BIOLOGICAL LABORATORY, INC.
220 WOODGATE DR. S.
BRANDON, MS 39042 USA
OFFICE PHONE: 601-825-3211
CELL PHONE: 337-322-2724
E-MAIL: Gjschiro@cs.com
Web: www.forensicscienceresources.com

EDUCATION

Master of Science, Industrial Chemistry - Forensic Science

Including five hours of credit in Forensic DNA Analysis of Biological Materials and accompanying lab course, three hours of credit in Quality Assurance and Bioinformatics, three hours of credit in Biochemistry, two hours of credit in Forensic Analysis of DNA Data, and three hours of credit in Experimental Statistics
University of Central Florida, Orlando, FL.

Bachelor of Science, Microbiology

Including three hours of credit in Genetics
Louisiana State University, Baton Rouge, La.

PROFESSIONAL CERTIFICATION

Certificate of Professional Competency in Criminalistics, Fellow of the American Board of Criminalistics, Specialty Area: Molecular Biology

PROFESSIONAL TRAINING ATTENDED

March 2017	“Cognitive Bias in Forensic DNA Analysis” Instructor: Dr. Itiel Dror, Association of Forensic DNA Analysts and Administrators Winter Meeting, Austin, TX
October 2016	“Y-STR Analysis and Typing and Interpreting Y-STR Evidence” Instructors: Ann Marie Gross and Dr. Taryn Hall, Midwestern Association of Forensic Scientists Meeting, Branson, MO
June 2013	“Basic TrueAllele® Casework Science and Software” Instructor: Cybergenetics, Web based course, New Iberia, LA

March 2011	“2011 Forensic Symposium – Forensic Examination & Crime Scene Processing” – Instructors: George Schiro, Jeff Branyon, Natasha Neel, Joseph Morgan, and Mathew Simon, North Georgia College & State University, Dahlonega, GA
October 2010	“21 st International Symposium on Human Identification” – Instructors: various, San Antonio, TX
October 2010	“Current Views & Applications of Low Copy Number Analysis Workshop” – Instructors: various, San Antonio, TX
March 2010	“2010 Forensic Symposium – Advanced Death Investigation” – Instructors: Dr. Karen Sullivan, Dennis McGowan, George Schiro, Rae Wooten, Dr. Richard Weems, and Dr. Mark Guilbeau, North Georgia College & State University, Dahlonega, GA
February 2010	“ISO 17025 and Audit Preparation” – Instructor: David Epstein, Forensic Quality Services, New Iberia, LA
August 2009	“Actual Innocence: Establishing Innocence or Guilt, Forensic Science Friend or Foe to the Criminal Justice System” – Instructors: various, The Center for American and International Law, Plano, TX
June 2009	“Digital Photography for Law Enforcement” – Instructors: Donnie Barker and Joe Russo, Institute of Police Technology and Management, Lafayette, LA
March 2008	“Forensic Symposium 2008 – The Investigation of Sex Crimes and Deviant Behavior” – Instructors: Roy Hazelwood, George Schiro, Dr. Brent Paterline, Jeff D. Branyon, Tim Relph, and Dr. Daniel J. Sheridan, North Georgia College & State University, Dahlonega, GA
February 2008	“Conference on Crimes Against Women” – Instructors: various, Dallas, TX
October 2007	“Integrity, Character, and Ethics in Forensic Science” – Instructor: Dan B. Gunnell, Louisiana Association of Forensic Scientists (LAFS) Fall 2007 Meeting, Baton Rouge, LA
February 2007	“Anatomy of a Wrongful Conviction: A Multidisciplinary Examination of the Ray Krone Case” – Co-chairmen: George Schiro and Thomas Streed, American Academy of Forensic Sciences Meeting, San Antonio, TX

February 2006	“Solving the South Louisiana Serial Killer Case – New Approaches Blended With Older Trusted Techniques” Co-chairmen: George Schiro and Ray Wickenheiser, American Academy of Forensic Sciences (AAFS) Meeting, Seattle, WA
December 2004	“National Forensic Science Technology Center (NFSTC) Auditor Workshop” – Instructors: Mark Nelson, John Wegel, Richard A. Guerreri, and Heather Subert
June 2003	“CODIS v5.6 Software Training” – Instructor: Carla Heron, Baton Rouge, LA
May 2003	"DNA Auditor Training" - Instructors: Richard A. Guerreri and Anja Einseln, Austin, TX
April 2003	“Statistical Analysis of Forensic DNA Evidence” - Instructor: Dr. George Carmody, Harvey, LA
January 2002	“Association of Forensic DNA Analysts and Administrators (AFDAA) Workshops” - Instructors: S. Cribari, Dr. T. Wang, and R. Wickenheiser, Austin, TX
March 2001	“Basic Forensic DNA Analysis” - Instructor: Dr. Pat Wojtkiewicz, Baton Rouge, LA
February 2000	DNA Workshop AAFS Meeting, Reno, NV
November 1999	“Advanced AmpF _l STR™ & ABI Prism™ 310 Genetic Analyzer Training” - Instructor: Catherine Caballero, PE Biosystems, Baton Rouge, LA
March 1998	“DNA Typing with STRs - Silver Stain Detection Workshop” - Instructors: Dr. Brent Spoth and Kimberly Huston, Promega Corp., Madison, WI
November 1997	“Laboratory Auditing” - Instructors: Dr. William Tilstone, Richard Lester, and Tony Longhetti, NFSTC Workshop, Baton Rouge, LA
October 1997	“Forensic Microscopy” - Instructor: Gary Laughlin, McCrone Research Institute, La. State Police Training Academy, Baton Rouge, LA
September 1997	“Presenting DNA Statistics in Court” - Instructors: Dr. Bruce Weir and Dr. George Carmody, Promega Symposium, Scottsdale, AZ

August 1997	“Forensic DNA Analysis” - Instructors: Pat Wojtkiewicz and Michelle Gaines, North La. Crime Lab, Shreveport, LA
February 1997	DNA Workshop AAFS Meeting, New York, NY
November 1996	“Forensic DNA Testing” - Instructors: Dr. Jim Karam and Dr. Sudhir Sinha, Tulane University Medical Center, New Orleans, LA
August 1996	“Bloodstain Pattern Analysis and Crime Scene Documentation” Instructors: Paulette Sutton, Steven Symes, and Lisa Elrod North La. Crime Lab, Shreveport, LA
June 1996	“Introduction to Forensic Fiber Microscopy” - Instructor: Skip Palenik Acadiana Crime Lab, New Iberia, LA
February 1996	DNA Workshop AAFS Meeting, Nashville, TN
July 1995	“Personality Profiling and Crime Scene Assessment” - Instructors: Roy Hazelwood and Robert Ressler, Loyola University, New Orleans, LA
June 1993	“Basic Forensic Serology” FBI Academy, Quantico, VA
May 1993	DNA Workshop - Instructor: Anne Montgomery, GenTest Laboratories Southern Association of Forensic Scientists (SAFS) Spring Meeting, Savannah, GA
March 1993	Attended the Second International Symposium on the Forensic Aspects of DNA Analysis, FBI Academy, Quantico, VA
September 1990	“Introduction to Human Immunoglobulin Allotyping” - Instructor: Dr. Moses Schanfield, AGTC, La. State Police Crime Lab, Baton Rouge, LA
July 1989	Bone Grouping Techniques Workshop - Instructor: Dr. Robert Gaensslen and Dr. Henry Lee, University of New Haven, New Haven, CT
June 1989	Attended the International Symposium on the Forensic Aspects of DNA Analysis, FBI Academy, Quantico, VA
September 1988	DNA Workshop SAFS Fall Meeting, Clearwater, FL
June 1988	“Non-Isotopic Detection of DNA Polymorphisms” - Instructor: Dale Dykes, AGTC, North La. Crime Lab, Shreveport, LA

June 1988	“Microscopy of Hairs” - Instructor: Skip Palenik North La. Crime Lab, Shreveport, LA
April 1988	“Analysis of Footwear and Tire Evidence” - Instructors: Max Courtney and Ed Hueske, North La. Crime Lab, Shreveport, LA
September 1987	Introduction to Forensic Genetics Workshop - Instructor: Dr. Moses Schanfield, SAFS Fall Meeting, Atlanta, GA
March 1987	Isoelectric Focusing Workshop SAFS/SWAFS/SAT Combined Spring Meeting, Baton Rouge, LA
June 1986	Attended the International Symposium on Forensic Immunology FBI Academy, Quantico, VA
February 1986	“Collection and Preservation of Physical Evidence” - Instructor: Dale Moreau, FBI School, Metairie, LA
August 1985	“Atomic Absorption in Determining Gunshot Residues” FBI Academy, Quantico, VA
April 1985	“Arson Accelerant Detection Course” - Instructors: Rick Tontarski, Mary Lou Fultz, and Rick Stroebel, Bureau of Alcohol, Tobacco, and Firearms (BATF) Lab, Rockville, MD
July 1984	“Questioned Documents for the Investigator” - Instructor: Dale Moreau FBI School, Baton Rouge, LA

PROFESSIONAL EXPERIENCE

2013-present Scales Biological Laboratory, Inc. – Brandon, MS
An ANAB ISO 17025 accredited laboratory

Currently employed as Lab Director. Employed as DNA Technical Leader - Forensic Scientist from 2013-2016. Duties include managing the lab, incorporating the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories, conducting DNA analysis using the 13 STR core loci and Y STR in casework, DNA research, footwear examination, and latent print development. Qualified as an expert over 200 times in 31 Louisiana parish courts, ten Mississippi county courts, Pope County Arkansas, San Bernardino County California, Escambia and Lee Counties Florida, St. Louis County Missouri, Clark County Nevada, Bernalillo County New Mexico, Bronx and Queens Counties New York, Shelby County Tennessee, Bexar and Harris Counties Texas, Cabell County West Virginia, Campbell County Wyoming, federal court (La. Middle, Nebraska, and Tennessee Middle districts), U.S. court-martial (Luke Air Force Base), and two Louisiana city courts. Has qualified as an expert in the following areas: latent fingerprint

development; serology; crime scene investigation; forensic science; trajectory reconstruction; shoeprint identification; crime scene reconstruction; bloodstain pattern analysis; DNA analysis; fracture match analysis; and hair comparison. Has also consulted on cases in 31 states, for the United States Army and Air Force, and in New Zealand, Panama, and the United Kingdom. Worked over 4000 cases. From 2004-2015, independently contracted DNA technical auditor with NFSTC and Forensic Quality Services. Volunteer "on call" scientist for the American Association for the Advancement of Science.

2002 - 2013 Acadiana Criminalistics Laboratory – New Iberia, LA
An ANSI-ASQ NAB/FQS ISO 17025 accredited laboratory

Employed as a Forensic Chemist - DNA Technical Leader. Duties included incorporating the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories, accountability for the technical operations of the lab's biology section, conducting DNA analysis using the 13 STR core loci and Y STR in casework, DNA research, forensic science training, and crime scene investigation. Independently contracted DNA technical auditor with NFSTC and Forensic Quality Services. Contracted DNA Technical Leader to the Southwest La. Crime Lab in Lake Charles, LA from 2005-2008. Was a charter member of the Lafayette Parish Sexual Assault Response Team (SART). Was also a member of the La. Foundation Against Sexual Assault (LAFASA) Training Team. Volunteer "on call" scientist for the American Association for the Advancement of Science.

1988 - 2001 Louisiana State Police Crime Lab - Baton Rouge, LA
An ASCLD-LAB accredited laboratory

Employed as a Forensic Scientist 2. Developed, designed, equipped, validated, and trained personnel for the first forensic DNA lab at the State Police Crime Lab. Duties included incorporating the DNA Advisory Board (DAB) standards and conducting DNA analysis using the 13 STR core loci in casework. Duties have also included setting up and developing methods for the analysis of blood and body fluids using biological, chemical, microscopic, immunological, biochemical, electrophoretic, and isoelectric focusing techniques; applying these methods to criminal investigations; and testifying to the results in court. Additional duties included crime scene investigation/reconstruction; latent print development; fracture match comparison; projectile trajectory determination; shoeprint comparison; hair examination; blood spatter interpretation; and training personnel in various aspects of forensic science.

1984 – 1988 Jefferson Parish Sheriff's Office Crime Lab – Metairie, LA

Employed as Criminalist (I). From 11/85 to 4/88 duties included collection and analysis of blood, body fluids, hairs, and fibers using microscopic, immunological, biochemical, and chemical techniques. Also testified to the results of these analyses in court. Trained under Senior Forensic Biologist Joseph Warren. From 6/84 to 10/85 duties included

marijuana analysis, arson analysis, gunshot residue detection, hit and run paint analysis, and development of latent fingerprints. Trained under Lab Director Ron Singer.

PROFESSIONAL PAPERS AND PRESENTATIONS

“A Cold Hit...Relatively Speaking” presented at the International Association of Forensic Sciences 18th Triennial Meeting in New Orleans, LA, July 25, 2008. Also presented as “We Are Family...the Key to Solving a Series of Rapes” at the 2008 Southern Association of Forensic Scientists Meeting in Shreveport, LA.

“Criminalistics Errors, Omissions, Problems, and Ethical Issues” presented as part of the “Anatomy of a Wrongful Conviction: A Multidisciplinary Examination of the Ray Krone Case” workshop at the 2007 AAFS Meeting in San Antonio, TX; as part of the LAFS Fall 2007 Meeting in Baton Rouge, LA; and as part of “Actual Innocence: Establishing Innocence or Guilt, Forensic Science Friend or Foe to the Criminal Justice System” at The Center for American and International Law in Plano, TX.

“Using the Quality Assurance Standards for Forensic DNA Testing Laboratories to Distinguish the Unqualified Forensic DNA Experts From the Qualified Forensic DNA Experts” presented at the 2007 AAFS Meeting in San Antonio, TX and at the AFDAA 2007 Winter Meeting in Austin, TX.

“Investigative Uses of DNA Databases” presented as part of the “Solving the South Louisiana Serial Killer Case – New Approaches Blended With Older Trusted Techniques” workshop at the 2006 AAFS Meeting in Seattle, WA.

“Trace DNA Analysis: Casework Experience” presented as a poster at the 2004 AAFS Meeting in Dallas, TX and as a talk at the July 2003 AFDAA Meeting in Austin, TX. Also presented as “Interesting Casework Using AmpFISTR® Profiler Plus® and COfiler® Kits” at Applied Biosystems’ “Future Trends in Forensic DNA Technology,” September, 2003 in New Orleans, LA.

“Extraction and Quantification of Human Deoxyribonucleic Acid, and the Amplification of Human Short Tandem Repeats and a Sex Identification Marker from Fly Larvae Found on Decomposing Tissue” a thesis to fulfill one of the Master of Science requirements. Successfully defended on July 13, 2001 at the University of Central Florida, Orlando, Florida. Presented at the 2004 AAFS Meeting in Dallas, TX, the Spring 2002 La. Association of Forensic Scientists (LAFS) Meeting, and the January 2003 AFDAA Meeting in Austin, TX.

“Administrative Policies Dealing with Crime Scene Operations” published in the Spring 1999 issue of *Southern Lawman Magazine*.

“Shooting Reconstruction - When the Bullet Hits the Bone” presented at the 10th Anniversary Convention of the La. Private Investigators Association (LPIA)/National Association of Legal Investigators (NALI) Region IV Seminar, September 13, 1997, New Orleans, LA. Licensed as

continuing education for Texas Private Investigators by the Texas Board of Private Investigators and Private Security Agencies. Published in the Fall 1998 issue of *Southern Lawman Magazine*.

“Using Videotape to Document Physical Evidence” presented at the Seventh Annual Convention of the LPIA/NALI Region IV Seminar, August 16, 1996, New Orleans, LA. Licensed as continuing education for Texas Private Investigators by the Texas Board of Private Investigators and Private Security Agencies. Published in April 1997 issue of *The LPIA Journal*. An edited version was published in the Winter 1998 issue of *Southern Lawman Magazine*.

“Collection and Preservation of Blood Evidence from Crime Scenes” distributed as part of a blood collection workshop held at the Jefferson Parish Coroner’s Eighth Annual Death Investigation Conference, November 17, 1995, Harahan, LA. Presented as continuing legal education by the La. Bar Association. Electronically published on various websites. Published in the September/October 1997 issue of the *Journal of Forensic Identification*. Referenced in the 7th edition of *Techniques of Crime Scene Investigation* by Barry A.J. Fisher.

“Collection and Preservation of Evidence” presented at La. Foundation Against Sexual Assault/La. District Attorneys Association sponsored conference, “Meeting the Challenge: Investigation and Prosecution of Sex Crimes,” March 3, 1994, Lafayette, LA. Presented as continuing legal education by the La. Bar Association. Published in the *Forensic Medicine Sourcebook*. Electronically published on various websites. Also published in *Nanogram*, the official publication of LAFS. A modified version of the paper was presented at the Sixth Annual Convention of the LPIA, August 19, 1995, New Orleans, LA; the NALI Region IV Continuing Education Seminar, March 9, 1996, Biloxi, MS; and the Texas Association of Licensed Investigators (TALI) Winter Seminar, February 15, 1997, Addison, TX. Published in the July/August 1996 issue and the September/October 1996 issue of *The Texas Investigator*. Electronically published on the World Wide Web at TALI’s Web Page (<http://pimall.com/tali/evidence.html>). Published in the May 2001 issue of *The Informant*, the official publication of the Professional Private Investigators Association of Colorado. An updated version was presented at La. Foundation Against Sexual Assault/La. District Attorneys Association sponsored conference, “Collaborating to STOP Violence Against Women Conference,” March 12, 2003, Lafayette, LA.

“The Effects of Fecal Contamination on Phosphoglucomutase Subtyping” presented at the 1989 AAFS Meeting held in Las Vegas, Nevada and at the Fall, 1987 SAFS Meeting held in Atlanta, Georgia.

“A Report on Gamma Marker (Gm) Antigen Typing” presented at the Fall, 1986 SAFS Meeting held in Auburn, Alabama and at the Summer, 1986 LAFS Meeting.

“An Improved Method of Glyoxylase I Analysis” co-presented with Joseph Warren at the Summer, 1986 LAFS Meeting.

ARTICLES PUBLISHED

“Forensic Science and Crime Scene Investigation: Past, Present, and Future” published in the Winter 2000 issue of *American Lawman Magazine*.

“New Crime Scenes – Same Old Problems” published in the Winter 1999 issue of *Southern Lawman Magazine*.

“Shoeprint Evidence: Trampled Underfoot” published in the Fall 1999 issue of *Southern Lawman Magazine*.

“LASCI: A Model Organization” published in the Summer 1999 issue of *Southern Lawman Magazine*.

“Applications of Forensic Science Analysis to Private Investigation” published in the July 1999 issue of *The LPIA Journal*.

TRAINING CONDUCTED

Has conducted training at the following seminars and has trained the following organizations and agencies in crime scene investigation, forensic science, and/or the collection and preservation of evidence: Fourth and Seventh International Conferences of Legal Medicine held in Panama City, Panama; U.S. State Department’s Anti-Terrorism Assistance Program Police Executive Seminar; Intellenet 27th Annual Conference; AAFS; National Association of Criminal Defense Lawyers; National Defender Investigator Association; American Chemical Society; AFDAA; Forensic Science Education Conference; SAFS; Southern Institute of Forensic Science; University of Nevada Las Vegas Biotechnology Center; Professional Private Investigators Association of Colorado; Kansas Association of Licensed Investigators; Private Investigator Mid-America Regional Conference; Indiana Coroner’s Training Board; Public Defender's Association of Iowa; DNA Security, Inc. Open House; South Carolina Coroners Association; Forensic Symposia 2008, 2010 and 2011, North Georgia College & State University, Dahlonega, GA; Palm Bay Police Dept., Palm Bay, Florida; CGEN 5200, Expert Testimony in Forensic Science, University of North Texas Health Science Center, Ft. Worth, TX; ENHS 6250, Emergency Response to Disasters and Terrorism, LSU Health Science Center, New Orleans, LA; University of Southern Mississippi Forensic Science Society; Forensic Investigation Research & Education; Tennessee Association of Investigators; Mississippi Society for Medical Technology; Mississippi Death Investigation Course for Coroners and Deputy Coroners; La. Homicide Investigators Association (LHIA); La. State Coroners’ Association; Louisiana Collaborative, Balancing Forensics and Donation; Jefferson Parish Coroner’s Office Eighth Annual Death Investigation Conference; Southern University Law Center; La. State University Chemistry Department Seminar; Chemistry 105, Southeastern Louisiana University; University of Louisiana at Lafayette Biology Club; Louisiana Division of the International Association for Identification; U.S. Department of Justice La. Middle District Law Enforcement Coordinating Committee Crime Scene Investigation Workshop; La. State University’s Law Enforcement Training Program Scientific Crime Investigator’s Institute; La. State University’s Continuing Law Enforcement Education School; La. State Police Training Academy’s Advanced Forensic Investigation School; La.

District Attorneys Association; La. Southeast Chiefs of Police Association; Acadiana Law Enforcement Training Academy; Caddo Parish Sheriff's Office; Mystery Writers of America - Florida Chapter; NALI Continuing Education Seminars; TALI; Lafayette Parish Sheriff's Office; Iberia Parish Sheriff's Office; Jefferson Parish Sheriff's Office Training Academy; Kenner Police Dept.; St. Charles Parish Sheriff's Office; Terrebonne Parish Sheriff's Office; East Feliciana Parish Sheriff's Office; East Baton Rouge Parish Sheriff's Office; Vermilion Parish Sheriff's Office; West Baton Rouge Parish Sheriff's Office; Washington Parish Rape Crisis Center Volunteers; Mississippi Professional Investigators Association; East Baton Rouge Stop Rape Crisis Center Volunteer Physicians; Stuller Place Sexual Assault Response Center Volunteers; Evangeline and St. Landry Parish Rape Crisis Volunteers; Tri-Parish Rape Crisis Volunteer Escorts; LPIA; La. Foundation Against Sexual Assault; Louisiana Society for Medical Technology; Baton Rouge Society for Medical Technology; Baton Rouge Police Dept. Sex Crimes Unit, Crime Scene Unit, and Traffic Homicide Unit; Violence Against Women Conference; Family Focus Regional Conference; Our Lady of the Lake Hospital Emergency Room Personnel; Sexual Assault: Effective Law Enforcement Response Seminar; La. State Police Training Academy; La. Association of Scientific Crime Investigators (LASCI); LAFS; and the Basic Police Academy (La. Probation and Parole, La. Dept. of Public Safety, La. Motor Vehicle Police, and La. Dept of Wildlife and Fisheries).

PROFESSIONAL ORGANIZATIONS

International Society for Forensic Genetics
International Association of Bloodstain Pattern Analysts (Full Member)
American Board of Criminalistics (Molecular Biology Fellow)
AAFS (Fellow)
AFDAA (Fellow, Chairperson 2004-2005)
Association for Crime Scene Reconstruction
American Investigative Society of Cold Cases Consulting Committee
LAFS (Editor of *Nanogram*, the official publication of LAFS - July 1994 to May 1998, President - 1990, Vice President - 1989)

OTHER ACCOMPLISHMENTS

Analyzed evidence and issued a report in the 1991 La. State Police investigation of the September 8, 1935 assassination of U. S. Senator Huey P. Long.

Contributing author to the *Forensic Medicine Sourcebook*, edited by Annemarie S. Muth.

One of several technical advisors to the non-fiction books *Blood and DNA Evidence*, *Crime-Solving Science Experiments* by Kenneth G. Rainis, *O.J. Unmasked*, *The Trial*, *The Truth*, and *the Media* by M.L.Rantala, and *Pocket Partner* by Dennis Evers, Mary Miller, and Thomas Glover.

One of several technical advisors to the fictional books *Crusader's Cross* by James Lee Burke, *Company Man* by Joseph Finder, *Savage Art* by Danielle Girard, *The King of Plagues: A Joe*

Ledger Novel by Jonathan Maberry, and *Bones in the Backyard* by Florence Clowes and Lois J. Blackburn.

Featured on the “Without a Trace” and “Through the Camera's Eye” episodes of *The New Detectives* television show that first aired on the Discovery Channel, May 27, 1997 and June 11, 2002.

Featured on the “No Safe Place” episode of *Forensic Files* that first aired on Court TV, January 3, 2007.

Featured on the “Hung Up” episode of *Extreme Forensics* that first aired on the Investigation Discovery Channel, October 13, 2008.

Featured on the “Knock, Knock, You’re Dead” episode of *Forensic Factor* that first aired on the Discovery Channel Canada, April 16, 2009.

Featured on the “Robyn Davis” episode of *Snapped* that first aired on Oxygen, September 21, 2014.

Recipient of the second Young Forensic Scientist Award given by *Scientific Sleuthing Review*.

Formerly a columnist for *Southern Lawman Magazine*.

Authored and managed two federal grants that awarded the La. State Police Crime Lab \$147,000 and \$237,000 to set up and develop a DNA laboratory.

A member of the La. State Police Crime Lab’s ASCLD-LAB accreditation preparation committee.

Featured in the books *The Bone Lady: Life as a Forensic Anthropologist* by Mary Manhein, *Rope Burns* by Robert Scott, *Smilin Acres: The Angry Victim* by Chester Pritchett, *An Invisible Man* by Stephanie A. Stanley, *Soft Targets*, *A Woman’s Guide to Survival* by Detective Michael L. Varnado, *Kirstin Blaise Lobato’s Unreasonable Conviction* by Hans Sherrer, *Zombie CSU*, *The Forensics of the Living Dead* by Jonathan Maberry, *Science Fair Winners: Crime Scene Science* by Karen Romano Young and David Goldin, *The Holy Ghost: He is the Blood of Jesus* by Derick Mack Virgil, *Kirstin Blaise Lobato vs. State of Nevada* compiled by Hans Sherrer and Michelle Ravell, *The Most Dangerous Animal of All* by Gary L. Stewart and Susan Mustafa, and *Unsolved No More* by Kenneth L. Mains.

Featured on an episode of *Split Screen* that first aired on the Independent Film Channel, May 31, 1999.

Featured as a character on the “Kirstin Lobato Case” episode of *Guilty or Innocent?* that first aired on the Discovery Channel, April 1, 2005.

On March 14, 2011, delivered the Fallen Warrior Memorial Lecture in memory of North Georgia College & State University (NGC&SU) alumni LT Earle John Bemis and CPT Jeremy Alan

Chandler. This was the first Fallen Warrior Memorial Lecture and it was presented at the 2011 Forensics Symposium, NGC&SU, Dahlonega, GA.



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MICHAEL MCNAIR,

9 Defendant.
10
11

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 THURSDAY, JULY 12, 2018

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **MOTION ARGUMENTS AND**
17 **CALENDAR CALL**

18 **APPEARANCES:**

19 For the State:

JEFFREY S. ROGAN, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

22 RANDALL H. PIKE, ESQ.
Senior Deputy Special Public Defender
23 MELINDA SIMPKINS, ESQ.
Deputy Special Public Defender
24

25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Thursday, July 12, 2018 – Las Vegas, Nevada

2 [Proceedings begin at 9:44 a.m.]

3 MR. ROGAN: Good morning, Your Honor.

4 THE COURT: What do you got?

5 MR. ROGAN: Page 3, McNair.

6 THE COURT: Mr. McNair's matter is on today for calendar call, 327395.
7 Present in custody. We have our trial date pending on July 23rd. How are we
8 doing?

9 MR. ROGAN: Your Honor, we're ready with a caveat of some information
10 that the State learned at the end of last week. There's apparently a NIBIN hit with
11 regard to the firearm's analysis that was done in this case to an earlier shooting
12 that apparently involved the same firearm that was used in this murder.

13 We asked the lab to do a confirmatory test by the end of this week, and
14 we should have those results tomorrow. In speaking with the Defense about this,
15 they obviously may have some further investigation to do depending upon the
16 results of that examination.

17 THE COURT: Okay.

18 MR. ROGAN: And we won't know that until tomorrow.

19 THE COURT: So assuming it's negative, everything is okay; assuming
20 something else, you guys are going to want more time.

21 MR. ROGAN: Correct.

22 MR. PIKE: That's correct, Your Honor.

23 THE COURT: Okay.

24 MR. PIKE: The -- in reference to the Defense being ready otherwise, the
25 majority of the witnesses in this case are homeless.

1 THE COURT: Okay.

2 MR. PIKE: We have been attempting to locate the two main homeless
3 witnesses that we've been trying to have for this case. That's a Mr. Razo and Mr.
4 Prost. We've made numerous efforts of going to the area, going to the providers of
5 Catholic Services in that entire area because that's the information we have of
6 where they may be located.

7 THE COURT: Okay.

8 MR. PIKE: So one of them did testify at the time of the preliminary hearing
9 that has been preserved. I talked with the State indicating that we -- we're going to
10 be asking for the Court to issue a material witness bond, and they said --

11 THE COURT: Got any orders?

12 MR. PIKE: -- that we do an ex parte, and I'll prepare the orders and have
13 them submitted, but --

14 THE COURT: Okay.

15 MR. PIKE: -- it really is dependent upon what that report shows.

16 THE COURT: Okay. So who is it that you need the material witness
17 warrants for?

18 MR. PIKE: A Mr. Razo, Anthony Razo, and Ryan Prost.

19 THE COURT: And how do you spell the last names, Randy?

20 MR. PIKE: Okay. P-R-O-S-T. Ryan is spelled, R-Y-A-N -- well, actually, I
21 have two copies of the subpoenas we've been carrying around as we've been
22 trying to locate them, so -- by notice of the Court. .

23 THE COURT: And Anthony -- no, that's okay. I don't need the subpoenas.
24 I just need to fill out the warrants once you prepare them.

25 MR. PIKE: Yeah.

1 THE COURT: I want the record to reflect the names Anthony -- how do
2 you spell --

3 MR. PIKE: Anthony Razo, R-A-Z-O.

4 THE COURT: R-A-Z-O. Okay. So, yeah, the Court will issue material
5 witness warrants as to those two individuals, and if you'll just get them prepared,
6 send them over to the Court and we'll get them signed. And then why don't -- as
7 soon as you guys know about the gun test issue, just call the Court to let me know.

8 If it's going to be -- if there's an agreement to continue it because of the
9 results, then we'll vacate the trial date. I don't have any problem with that.
10 Otherwise, I'll assume we're moving forward and we'll be ready for the 23rd.

11 MR. PIKE: And there had been attempted negotiations. There's a drop
12 dead date Friday at 5:00 o'clock to advise the State whether or not those are going
13 to be accepted.

14 THE COURT: So tomorrow?

15 MR. PIKE: Tomorrow.

16 THE COURT: Okay. And what is --

17 MR. PIKE: However, if we don't have the report back by then, I submit the
18 State may agree to continue that date out of the (indiscernible).

19 THE COURT: And what is that -- okay. And what is the offer that's open
20 right now till tomorrow at 5:00?

21 MR. PIKE: 14 to -- second degree with use, stipulated to a 14 to 35
22 sentence.

23 THE COURT: Correct?

24 MR. ROGAN: I'm unfamiliar with the negotiations, Your Honor, so I can't
25 confirm that.

1 MR. PIKE: Yeah. And there would be no -- no additional referral over to
2 the federal authorities for --

3 THE COURT: Are there any gun charges?

4 MR. PIKE: -- any gun charges or anything that relates to that.

5 THE COURT: Okay. All right. Very good.

6 MR. ROGAN: Thank Your Honor. We'll be in touch.

7 THE COURT: Thank you.

8 MS. SIMPKINS: Thank Your Honor.

9 (Proceedings concluded at 9:48 a.m.)
10
11
12
13
14
15
16
17
18
19
20
21

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 visual recording of the proceeding in the above entitled case to the
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL MCNAIR,

Defendant.

CASE NO. C-17-327395-1

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

WEDNESDAY, JULY 18, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: TRIAL READINESS

APPEARANCES:

For the State:

JACQUELINE M. BLUTH
Chief Deputy District Attorney

For the Defendant:

MELINDA E. SIMPKINS
Deputy Special Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JULY 18, 2018, 10:49 A.M.

2 * * * * *

3 MS. BLUTH: And, Judge, if we could call McNair on page 15.

4 THE COURT: 327395. Mr. McNair is present in custody. Ms. Simpkins
5 here on his behalf. This is on for status check. This was set for trial next
6 week, but my understanding is the forensic testing came back in such a way
7 that the defense is going to request that we vacate the trial date at this time,
8 correct?

9 MS. SIMPKINS: That's correct, Your Honor.

10 THE COURT: Okay. And I don't think you were -- you weren't here, I
11 think it was Jeff that was here previously.

12 MS. BLUTH: Yes.

13 THE COURT: There had kind of been an agreement on that that if that
14 came back --

15 MS. BLUTH: Yes. It was a positive NIBIN hit, Judge, and so I definitely
16 agree that the defense would have to do more investigation into the other
17 homicide.

18 THE COURT: Okay. Are you prepared to reset our trial date at this time
19 or --

20 MS. SIMPKINS: Your Honor, I do have Mr. Pike's calendar, so, yes.

21 THE COURT: Okay.

22 MS. SIMPKINS: Short answer.

23 THE COURT: So let's start with if you have any sense of, I mean, how
24 much time you-all are going to want from the defense standpoint.

25 MS. SIMPKINS: Your Honor, when --

1 MS. BLUTH: The soonest he had for his trials is September 24th -- or, no,
2 he had --

3 MS. SIMPKINS: No, he starts --

4 MS. BLUTH: Oh, he --

5 MS. SIMPKINS: Yeah, he starts --

6 MS. BLUTH: Oh.

7 MS. SIMPKINS: -- these are when he's in trial.

8 THE COURT: Well, I just mean from a standpoint of doing more
9 investigation now --

10 MS. BLUTH: Oh.

11 THE COURT: -- do you think it's a 90-days? Eight months? What are we
12 kind of looking at?

13 MS. SIMPKINS: Could we have, well, could we have at least 90 days,
14 Your Honor?

15 THE COURT: Sure.

16 MS. SIMPKINS: Thank you.

17 THE COURT: Okay. So we're looking at something later in the fall or
18 moving into early next year.

19 MS. SIMPKINS: Probably early next year would be better.

20 THE COURT: Okay.

21 MS. SIMPKINS: I know that Mr. Pike and I, the week of November is
22 completely out for us.

23 THE COURT: Okay.

24 MS. SIMPKINS: And what do you have available?

25 THE COURT: For? Let's see, we have, the beginning of January, we

1 have a three codefendant death penalty case that I think is going to go.

2 MS. SIMPKINS: I think Mr. Pike is on that one, Judge, so.

3 THE COURT: Yeah.

4 MS. SIMPKINS: That would be a no.

5 THE COURT: So I'm expecting that to be three to four weeks, I'm
6 guessing.

7 MS. SIMPKINS: And then February 4th he also is starting another murder
8 trial, so.

9 THE COURT: Okay.

10 MS. SIMPKINS: But that -- anything after February 4th is good for both of
11 us.

12 THE COURT: Okay.

13 MS. BLUTH: That's fine with me.

14 THE COURT: Let's see here,

15 MS. SIMPKINS: Well, after that week of February 4th.

16 THE DEFENDANT: I have a question, Your Honor.

17 THE COURT: For me or your attorney?

18 THE DEFENDANT: For the --

19 THE COURT: Anybody?

20 THE DEFENDANT: -- Court.

21 MS. SIMPKINS: Well --

22 THE COURT: Go ahead.

23 THE DEFENDANT: My attorney told me that the casings were found in
24 the street and now she's saying it's a homicide. Which one is it?

25 MS. SIMPKINS: We don't have the report yet. Remember, I told you we

1 don't have the police report yet.

2 THE DEFENDANT: Right. But, I mean --

3 THE COURT: Well, hold on. Hold on. Before --

4 THE DEFENDANT: -- none of the -- no one called me --

5 MS. SIMPKINS: Hold on. No -- yeah, don't talk about it, please.

6 THE COURT: Before you talk about anything related to evidence in the

7 case --

8 THE DEFENDANT: But what you gotta understand, I'm the one in

9 custody.

10 THE COURT: I know you are.

11 THE DEFENDANT: I'm the one that has to sit here.

12 THE COURT: I know. Hold on.

13 THE DEFENDANT: So if it's just casings are found in the street -- how --

14 THE COURT: Hey, hey, hey, hey, hey --

15 THE DEFENDANT: -- where did the body come from?

16 MS. SIMPKINS: Stop.

17 THE COURT: -- hey, you need to listen to me, okay? Before you start

18 talking about questioning evidence or anything like that, you need to talk to

19 your attorneys in private. You don't want to be making statements on the

20 record about things.

21 THE DEFENDANT: Well, I just keep on asking them questions, they're not

22 answering them for me.

23 THE COURT: All right. I'll let you talk to your attorney and then if you

24 have questions later on we'll talk about 'em later on, okay?

25 THE DEFENDANT: What? In the next three, four months?

1 THE COURT: Maybe.

2 THE DEFENDANT: That's bullshit.

3 MS. SIMPKINS: Shhh.

4 THE COURT: Is that what you'd like me to do?

5 MS. SIMPKINS: Michael, shhh.

6 THE COURT: You want me to set it in three to four months?

7 THE DEFENDANT: Man, that's bullshit.

8 THE COURT: Huh?

9 THE CORRECTIONS OFFICER: Hey, stand back up.

10 THE COURT: Do you want me -- he doesn't have to stand up. You want
11 me to set it in three to four months, is that what you want me to do?

12 THE DEFENDANT: Do whatever you do, man.

13 THE COURT: Okay. I'll do whatever I do. Thank you. I appreciate you
14 letting me do my job. All right.

15 THE DEFENDANT: White slavery shit.

16 THE COURT: I know, I know.

17 So I would say probably -- when did you say Mr. Pike's other matter
18 was after January 7th?

19 MS. SIMPKINS: His -- his last murder trial starts February 4th.

20 THE COURT: February 4th. We can try the last week of February. I have
21 another trial set then, it's a first setting. So I'm not really thinking it's going to
22 go. So let's set it for February 25th. And then the calendar call would be?

23 THE CLERK: February 14th at 9:00 a.m.

24 MS. SIMPKINS: Thank you, Your Honor.

25 THE COURT: All right. And then we'll set a status check in three

1 months, which will be?

2 THE CLERK: October 24th at 9:30.

3 THE COURT: All right, guys, thank you.

4 MS. SIMPKINS: Thank you, Your Honor.

5 PROCEEDING CONCLUDED AT 10:54 A.M.

6 * * * * *

7 ATTEST: I do hereby certify that I have truly and correctly transcribed the
8 audio-video recording of this proceeding in the above-entitled case.

9 

10 SARA RICHARDSON
11 Court Recorder/Transcriber
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

9 MICHAEL MCNAIR,

10 Defendant.

CASE NO. C-17-327395-1

DEPT. III

12 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
13 WEDNESDAY, OCTOBER 24, 2018

14 **RECORDER'S TRANSCRIPT OF HEARING**
15 **STATUS CHECK: TRIAL READINESS**

16
17 APPEARANCES:

18 For the State:

JACQUELINE S. BLUTH, ESQ.

Chief Deputy District Attorney

JEFFREY ROGAN, ESQ.

Chief Deputy District Attorney

21
22 For the Defendant:

RANDALL H. PIKE, ESQ.

Senior Deputy Special Public Defender

MELINDA SIMPKINS, ESQ.

Deputy Special Public Defender

24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Wednesday - October 24, 2018 – Las Vegas, Nevada

2 [Proceedings begin at 9:52 a.m.]

3
4 THE COURT: This is 327395, Mr. McNair. He is present in custody with
5 Mr. Pike. This is on for status check. We have a trial coming up on February 25th.
6 I know last time we were talking about the -- being continued about the firearms
7 testing. Is that all good?

8 MR. PIKE: That -- Your Honor, yes.

9 THE COURT: Okay.

10 MR. PIKE: The weapon that is alleged to be used in this case was not, in
11 fact, used in another homicide --

12 THE COURT: Okay.

13 MR. PIKE: -- as it had been represented at the time of the calendar call.

14 THE COURT: So alleged used in another case without a homicide or it
15 turned out to not be the same?

16 MS. BLUTH: So the casing found in that area was attributed to that
17 weapon, but not related to any case.

18 THE COURT: Got it.

19 MS. BLUTH: There's no criminal case.

20 THE COURT: Got it. Okay. All right, Randy. You can go ahead. I'm
21 sorry.

22 MR. PIKE: Okay. Thanks. In between that time and the present time,
23 we've been working with the State. They've provided discovery to us. I made a
24 copy of that, and we went over with it the -- or with the client. He has a copy of that
25 as well as the recordings -- a recording that has been provided.

1 THE COURT: Okay.

2 MR. PIKE: So everything is going forward to accomplish the trial date that
3 we have.

4 THE COURT: Okay. So we don't anticipate anything more from the
5 ballistics testing or experts that's going to impact our ability to get to our trial
6 setting?

7 MR. PIKE: No. We may have a motion in relationship to a number of
8 other issues that come forward, but nothing in relationship to the weapon. And
9 there is no -- I don't believe that the State has any other case that they're going to
10 tie it to and try and bring it in. It's just the casings were found and then they
11 identified.

12 THE COURT: Okay. Good.

13 MS. BLUTH: Correct.

14 THE COURT: All right. So we had been through talking about discovery
15 issues prior to this. So the case is ready for trial other than this issue. We'll just go
16 ahead and set another status check in 30 days to make sure we keep on track for
17 our trial. That date's going to be --

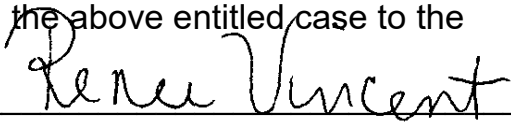
18 THE CLERK: November 21st at 9:30.

19 THE COURT: Okay. And the record will reflect Mr. Rogan is here on
20 behalf of the State as well and Ms. Simpkins on behalf of Mr. McNair.

21 MS. SIMPKIN: Thank Your Honor.

22 [Proceedings concluded at 9:55 a.m.]

23 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
24 visual recording of the proceeding in the above entitled case to the
25 best of my ability.


Renee Vincent, Court Recorder/Transcriber



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

9 MICHAEL MCNAIR,

10 Defendant.

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, DECEMBER 5, 2018

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **STATUS CHECK: TRIAL READINESS**

17 APPEARANCES:

18 For the State:

JACQUELINE S. BLUTH, ESQ.
Chief Deputy District Attorney

20 For the Defendant:

21 RANDALL H. PIKE, ESQ.
Senior Deputy Special Public Defender
22 MELINDA SIMPKINS, ESQ.
Deputy Special Public Defender

24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Wednesday - December 5, 2018 – Las Vegas, Nevada

2 [Proceedings begin at 10:02 a.m.]

3
4 THE COURT: Michael McNair, 327395. He is present in custody.

5 MS. BLUTH: Mr. Pike's coming up, Judge.

6 THE COURT: All right. And Mr. Pike, Ms. Simpkins is present on his
7 behalf. This is on for a status check. We have a pending February 25th trial date.

8 MR. PIKE: Thank Your Honor. The State advised us that they have
9 information regarding the possible source of the gun. They provided the name of
10 the individual. I assume that if there are any reports or recorded statements, they'll
11 provide that. There was GSR swabs that were taken; they were not tested. And I
12 think those are the only two outstanding matters that we have.

13 MS. BLUTH: And that's all correct. The GSR was not tested, so there's
14 nothing to turn over, and we did turn over everything.

15 THE COURT: So when we say the source of the gun, meaning there's
16 some forensic link to a person to the gun or just somebody that made a statement
17 about something? What are we talking about?

18 MS. BLUTH: Go ahead.

19 MR. PIKE: So there was an individual that gave a statement to police
20 officers saying that he had the gun, and he supposedly had given it to Mr. McNair.

21 THE COURT: Okay.

22 MR. PIKE: We attempt -- as soon as we received that information, we
23 went out with the investigator and have been attempting to contact that individual.
24 He's been evading us, avoiding us. And so I don't know if there was a recorded
25 statement made with the detective. If there is, that's --

1 MS. BLUTH: To my knowledge, there's not, but I will definitely double
2 check.

3 THE COURT: Okay.

4 MR. PIKE: That's all what we have.

5 THE COURT: Okay. No issues with witnesses or any expert availability for
6 our February 25th trial date?

7 MS. BLUTH: Not on behalf of the State.

8 MR. PIKE: Not on behalf of the Defense.

9 MS. BLUTH: And I believe -- just for the record, Judge, I think we put this
10 on. We did do -- we have done a file review. I think actually we've done it twice,
11 but --

12 MR. PIKE: Yes.

13 THE COURT: I think last time we talked about a file review.

14 MS. BLUTH: Okay. Great.

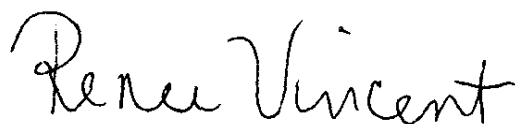
15 MR. PIKE: Yeah.

16 THE COURT: All right. We'll set another status check in 30 days, which
17 will be --

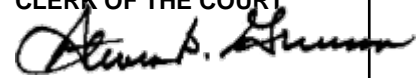
18 THE CLERK: January 9th at 9:30.

19 [Proceedings concluded at 10:04 a.m.]

20
21
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 visual recording of the proceeding in the above entitled case to the
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MICHAEL MCNAIR, aka
Michael Deangelo Mcnair, #1959573
Defendant.

CASE NO: C-17-327395-1

DEPT NO: III

**STATE'S SUPPLEMENTAL NOTICE OF WITNESSES AND/OR
EXPERT WITNESSES
[NRS 174.234]**

TO: MICHAEL MCNAIR, aka Michael Deangelo Mcnair, Defendant; and
TO: RANDALL PIKE, Chief Deputy Special Public Defender, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
*ASBERRY, COURTNEY	UNIFIED CONTAINERS, 1300 N. LAS VEGAS BLVD., LV, NV
*BRENNAN, JOSHUA	PALM MORTUARY/SECURITY
*COON, TYLER	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
*CUSTODIAN OF RECORDS	T-MOBILE
*CUSTODIAN OF RECORDS	CCDC, 330 CASINO CENTER BLVD., LVN

1	*CUSTODIAN OF RECORDS	LVMPD RECORDS
2	*CUSTODIAN OF RECORDS	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
3	*GALEENER, LYLE	1300 N. LAS VEGAS BLVD., LV NV
4	*GARDNER, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
5	*GILLIS, M.	LVMPD P#6432
6	*GOODRICH, A.	LVMPD P#9198
7	*HENDERSON, ALFONSO	TRANSIENT
8	*HOFFMAN, J.	LVMPD P#9001
9	*HONAKER, JAMIE	CCDA INVESTIGATOR, 200 LEWIS AVE., LVN
10	*HOUSE, DAMAR	3571 DESERT CLIFF #104, LV NV
11	*JOHNSON, MITCHELL	3630 OWENS #1830, LV NV
12	*KOWALSKI, B.	LVMPD P#8550
13	*LESH, BRET	TRANSIENT
14	*LOPEZ, DEANNA	CATHOLIC CHARITIES, 1216 LV BLVD, LV NV
15	*PARMLEY, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
16	*PEREZ, A.	LVMPD P#8392
17	*PHILLIPS, SUNDRA	c/o CCDA-VWAC, 200 LEWIS AVE., LVN
18	*QUINTEROS, P.	LVMPD P#9055
19	*RAZZO, ANTHONY	2300 OLIVE ST., LV NV
20	*REDDEN, BIANCA	1305 N. 23 RD ST., LV NV
21	*ROBERTSON, EMANUEL	1401 N. LAS VEGAS BLVD., LV NV
22	*ROMERO, RAMIRO	4646 DRAKE CIR., LV NV
23	*SALDANA, KENNETH	TRANSIENT
24	*SIMPSON, DENNIS	2849 SANDY LN., LV NV
25	*STEDEFORD, MATTHEW	3300 PRAIRIE AVE., PAHRUMP, NV
26	*WILLIAMS, TOD	LVMPD P#3811
27	///	
28	///	

1 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
2 NEVADA intends to call the following expert witnesses in its case in chief:

3 **ADAMS, T. – LVMPD P#10072** (or designee): expert in the area DNA technology
4 and will give scientific opinions related thereto. She is expected to testify regarding the DNA
5 profiling analysis and related procedures she performed in this case.

6 ***ANDREWS, D. – LVMPD P#13766** (or designee): Expert in the identification,
7 documentation, collection and preservation of evidence, including crime scene analysis,
8 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
9 testify as an expert to the identification, documentation, collection and preservation of
10 evidence in this case.

11 **CORNEAL, DR. JENNIFER** (or designee): is a medical doctor employed by the
12 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
13 and will give scientific opinions related thereto. She is expected to testify regarding the cause
14 and manner of death of GORDON PHILLIPS in this case.

15 ***COURTNEY, D. – LVMPD P#12712** (or designee): Expert in the identification,
16 documentation, collection and preservation of evidence, including crime scene analysis,
17 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
18 testify as an expert to the identification, documentation, collection and preservation of
19 evidence in this case.

20 ***DAVIS, GLEN, LVMPD P#17031**(or designee): Expert in the area of
21 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
22 Additionally, is expected to testify regarding the collection, comparison and analysis of
23 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

24 ***DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
25 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
26 and will give scientific opinions related thereto. She is expected to testify regarding the cause
27 and manner of death of GORDON PHILLIPS in this case.

1 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
2 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
3 scientific opinions related thereto. She is expected to testify regarding the cause and manner
4 of death of GORDON PHILLIPS in this case.

5 **GEIL, KATHY – LVMPD P#15650** (or designee): Expert in the area of
6 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
7 Additionally, is expected to testify regarding the collection, comparison and analysis of
8 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

9 ***KLOSTERMAN, O. – LVMPD P#13177** (or designee): Expert in the identification,
10 documentation, collection and preservation of evidence, including crime scene analysis,
11 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
12 testify as an expert to the identification, documentation, collection and preservation of
13 evidence in this case.

14 **ROQUERO, DR. LEONARDO** (or designee): is a medical doctor employed by the
15 Clark County Coroner Medical Examiner. He is an expert in the area of forensic pathology
16 and will give scientific opinions related thereto. He is expected to testify regarding the cause
17 and manner of death of GORDON PHILLIPS in this case.

18 ***SCOTT, J. – LVMPD P#9618** (or designee): Expert in the area of firearm/toolmark
19 analysis, bullet trajectory comparison and will give opinions related thereto. Additionally, is
20 expected to testify regarding the collection, comparison and analysis of firearms, ammunitions,
21 ballistics and toolmark evidence as it relates to this case.

22 ***SHANNON, J. – LVMPD P#13482** (or designee): Expert in the identification,
23 documentation, collection and preservation of evidence, including crime scene analysis,
24 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
25 testify as an expert to the identification, documentation, collection and preservation of
26 evidence in this case.

27 ***TAYLOR, E. – LVMPD P#9619** (or designee): Expert in the identification,
28 documentation, collection and preservation of evidence, including crime scene analysis,

1 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
2 testify as an expert to the identification, documentation, collection and preservation of
3 evidence in this case.

4 ***UBBENS, H. – LVMPD P#14792** (or designee): Expert in the identification,
5 documentation, collection and preservation of evidence, including crime scene analysis,
6 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
7 testify as an expert to the identification, documentation, collection and preservation of
8 evidence in this case.

9 These witnesses are in addition to those witnesses endorsed on the Information or
10 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
11 Witnesses has been filed.

12 The substance of each expert witness' testimony and copy of all reports made by or at
13 the direction of the expert witness have been provided in discovery.

14 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

15 ***INDICATES ADDITION OR REVISION**

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

19 BY /s/JACQUELINE BLUTH
20 JACQUELINE BLUTH
21 Chief Deputy District Attorney
22 Nevada Bar #10625
23
24
25
26
27
28

1 CERTIFICATE OF ELECTRONIC TRANSMISSION

2 I hereby certify that service of the above and foregoing was made this 8th day of January,
3 2019, by electronic transmission to:

4 RANDALL PIKE, Deputy Special Public Defender
5 e-mail: Rpik@clarkcountynv.gov

6 Special Public Defender's Office
7 e-mail: elizabeth.araiza@clarkcountynv.gov

8 BY: /s/ Deana Daniels

9 Secretary for the District Attorney's Office

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 17F16794X/dd/MVU

Las Vegas Metropolitan Police Department
Forensic Laboratory

CURRICULUM VITAE

Date: 06/13/2018

Name: Glenn Davis P#: 17301 Classification: Forensic Scientist II

Current Discipline of Assignment: Firearms Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks	X	Toxicology/Breath Alcohol	
Trace Evidence	X	Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	X
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of New Haven	09/00 - 09/01	Forensic Science	MS
Washington State University	05/96 – 12/98	Genetics and Cell Biology	BS
Washington State University	08/91 – 05/96	Biology	BS
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
How to Identify Other Firearms course- 8 hours	Charleston, WV	June 2018	
Machining for the Firearm/Toolmark Examiner course- 4 hours	Charleston, WV	June 2018	
Glock Gen5 Armorer's course- 8 hours	Charleston, WV	June 2018	
IBIS and Matchpoint	LVMPD Las Vegas, NV	April 2018	
Ethics in Forensic Science	West Virginia University Online	January and February 2018	
Forensic Shooting Incident Reconstruction Course	Snoqualmie, WA	September 2017	
Sig Sauer P320 Armorer's course- 8 hours	Denver, CO	May 2017	
Wound Ballistics course- 2.5 hours	Denver, CO	May 2017	

Las Vegas Metropolitan Police Department
Forensic Laboratory

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
5th Swiss International Wound Ballistics Workshop- 16 hours	Hitzkirch, Switzerland	October 2016
Springfield XD/XDm Armorer's course- 8 hours	New Orleans, LA	June 2016
Benelli Nova Armorer's course- 8 hours	New Orleans, LA	June 2016
Ruger LCP and LC9 Armorer's course- 4 hours	Dallas, TX	May 2015
Glock Gen4 Armorer's course- 8 hours	Spokane, WA	July 2015
Remington 870 Armorer's course- 16 hours	Washington State Patrol Academy, Shelton, WA	December 2014
Remington R4/XM15 Armorer's course- 16 hours	Washington State Patrol Academy, Shelton, WA	December 2014
Leadership in Police Organizations	Washington State Patrol Academy, Shelton, WA	May & July 2013
Hi-Point Firearms familiarization course- 4 hours	Albuquerque, NM	June 2013
Wound Ballistics for the Firearm Examiner Workshop	Albuquerque, NM	June 2013
Subclass Characteristic Workshop	Vancouver, WA	October 2012
Colt M16 / AR15 Armorer's course- 24 hours	Washington State Patrol Academy, Shelton, WA	April 2011
BATFE Firearms, Explosives and ATF Services- 8 hours	Seattle, WA	October 2011
Heckler and Koch USP Armorer's course- 8 hours	Washington State Patrol Academy, Shelton, WA	October 2011
Smith and Wesson M&P Armorer's course- 8 hours	Washington State Patrol Academy, Shelton, WA	December 2009
Shotgun Pattern Interpretation/Trajectory into Vehicles	Fort Collins, CO	September 2009
FBI Tool Mark course (40hrs.)	Spokane, WA	August 2009
FBI Class on Gunpowder and Gunshot Residue- 40 hours	Spokane, WA	August 2008
Glock Armorer's Course- 8 hours	Yakima, WA	July 2008
TASER X25/TASER M26 Instructor Training- 16 hours	Spokane, WA	March 2008
Sig Sauer Armorer's Course- 16 hours	Kent, WA	March 2008
CSRT Technical Writing Class- 16 hours	Tacoma, WA	January 2008
Full Auto Weapons Shoot and Presentation-8 hrs	Fernan Lake, ID	November 2007
Selected Topics in Shooting Scene Reconstruction- 20 hours	Mill Creek, WA	July 2006
FBI DNA Auditor Training Class- 16 hours	Seattle, WA	February 2006
Beyond CODIS: DNA Testing and Human Identification	Spokane, WA	November 2005
Forensic Entomology: Beyond Theory and Out to the Frontline	Pullman, WA	November 2005

Las Vegas Metropolitan Police Department
Forensic Laboratory

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Applied Biosystems GeneMapper ID- 8 hours	Spokane, WA	November 2005
Future Trends in Forensic DNA Technology Seminar- 8 hours	Seattle, WA	September 2004
Crime Scene Investigation and Reconstruction- 60 hours	CJTC- Burien, WA	February 2004
Statistical Analysis of Forensic DNA Evidence	NFSTC- Largo, FL	September 2003
New DNA Technology Expedition	Spokane, WA	July 2003
Bloodstain Pattern Analysis	Spokane, WA	April 2003
NFSTC DNA Academy– 16 weeks	Largo, FL	July to November 2003
Courtroom Testimony Techniques- 16 hours	Burien, WA	January 2003
Spokane Police Department Citizen's Academy– 10 weeks	Spokane, WA	April to June 2003
Technical Writing for the Forensic Specialist- 40 hours	Sacramento, CA	June 2002
Trace Evidence Training- 4 hours	Sacramento, CA	February 2002
Tire Track and Tire Impression Evidence-	CCI- Sacramento, CA	November 2001
National Integrated Ballistics Identification Network (NIBIN)- 40 hours	Clearwater, FL	November 2001
Biological Evidence Training- 1 hour	Sacramento, CA	November 2001
Shooting Incident Reconstruction– 8 hours	Sacramento, CA	April 2001
Gunshot Primer Residue– 2 hours	Sacramento, CA	January 2001

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Adams County Superior Court	Crime Scene	1
Multiple County Superior Courts	DNA	13
Multiple County Superior Courts, Federal Courts	Firearms/ Toolmarks	66

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department Crime Laboratory	Forensic Scientist II	12/17- present
Washington State Patrol Crime Laboratory- Spokane	Forensic Scientist 3 and 4	12/02-12/17

Las Vegas Metropolitan Police Department
Forensic Laboratory

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Sacramento County District Attorney's Laboratory of Forensic Services	Forensic Technician	03/01-12/02
Sacramento County District Attorney's Laboratory of Forensic Services	Senior Student Intern	01/01-12/02

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
Association of Firearms and Tool mark Examiners (AFTE) – regular member	2014-present
Association of Firearms and Tool mark Examiners (AFTE) – provisional member	2009-2014

PUBLICATIONS / PRESENTATIONS:
Co-Instructor for Bullet Behavior: Separating Myth from Reality in Tactical Applications, presented at the 2016 NTOA (National Tactical Officer's Association) meeting in Louisville, KY
Co-Instructor for the AFTE Ring Of Fire Armorer's Workshop at 2016 AFTE (New Orleans, LA) and 2015 AFTE (Dallas, TX).
Instructor for the Serial Number Restoration Workshop at the 2009 Northwest Association of Forensic Scientists (NWAFS) / Rocky Mountain Division of the IAI (International Association of Identification) shared meeting.
"GSR Mapping": The Study of Gunshot Residue Distribution of Known Firearms in a Closed Environment. G. Davis, L. Poole, F. Springer. Presented paper at Spring 2001 California Association of Criminalists seminar held in Tahoe City, CA and at CAC trace evidence and firearms study groups in Martinez, CA.

OTHER QUALIFICATIONS:
Member of the 2014 AFTE Meeting Host Committee and member of the AFTE Ad-Hoc Forensic Education and Resource Committee (FERC)

Christina Di Loreto, M.D.
1704 Pinto Lane
Las Vegas, NV 89106
(702) 455-3210
Christina.DiLoreto@ClarkCountyNV.gov

EDUCATION

M.D. Boston University School of Medicine, Boston, MA, May 2009
Premedical Studies, Mount Holyoke College, South Hadley, MA, Sep 2002-June 2004
B.F.A. Dance/Philosophy, New York University, New York, NY, Jan 2000
Sarah Lawrence College, Bronxville, NY, Sep 1995-June 1996

POSTGRADUATE TRAINING

7/2016-7/2018 Neuropathology Fellowship, University of California, San Diego Medical Center
7/2015-7/2016 Forensic Pathology Fellowship, San Diego County Medical Examiner's Office
7/2011-7/2015 Pathology Residency-AP/CP, University of California, Davis Medical Center
7/2009-6/2011 Otolaryngology-Head and Neck Surgery Internship/Residency,
State University of New York Downstate Medical Center

LICENSURE AND BOARD CERTIFICATIONS

4/16/2018 Nevada State Board of Medical Examiners, License #17849
5/20/2011 Medical Board of California, License #A117016
9/5/2018 Diplomate, American Board of Pathology, Forensic Pathology
8/7/2017 Diplomate, American Board of Pathology, Anatomic and Clinical Pathology

HONORS AND AWARDS

7/2015 House Staff Professionalism Award
University of California, Davis
School of Medicine Alumni Association
6/2009 Diana Radkowski Award
Boston University School of Medicine
4/2007 Association of Pathology Chairs Honor Society Award
Boston University School of Medicine

PROFESSIONAL MEMBERSHIPS

2017-present American Association of Neuropathologists (AANP)

2014-present	United States and Canadian Academy of Pathology (USCAP)
2011-present	College of American Pathologists (CAP)
2011-present	American Society of Clinical Pathology (ASCP)
2009-present	Alpha Omega Alpha Honor Medical Society

EDUCATIONAL ACTIVITIES

6/2014-5/2015	Chief Resident, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
Spring 2009	Prosector, Head and Neck Gross Anatomy Boston University School of Medicine
Fall 2008	Instructor, Introduction to Clinical Medicine Boston University School of Medicine

COMMITTEE MEMBERSHIPS

7/2014-6/2015	Resident Representative Residency Advisory Committee, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2014-6/2015	Resident Representative Residency Recruitment and Review Committee, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2014-6/2015	Resident Representative Advisory Committee on Education, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2013-6/2015	Pathology Alternate Representative Resident Medical Staff Committee University of California, Davis Medical Center
7/2013-6/2015	Resident Representative, UC Davis Medical Center American Society of Clinical Pathology

ORAL PRESENTATIONS

“Neuropathology 101: Basic Neuroanatomy and Neuropathology”, UC San Diego, Shiley-Marcos Alzheimer’s Disease Research Center ORE Core Lunch & Learn, June 26, 2018, San Diego, CA.

“Errors in Surgical Pathology”, UC Davis Medical Center Department of Pathology and Laboratory Medicine Grand Rounds, March 11, 2015, Sacramento, CA.

“Postmortem Examination of a High Altitude Diving-Related Fatality 17 Years After the Incident”, California Association of Criminalists Northern Study Group Meeting, December 10, 2014, Richmond, CA.

“Now You “C” It, Now You Don’t: Passive Acquisition of Hgb C Variant by Transfusion”, California Blood Bank Society 59th Annual Meeting, Apr 30-May 1, 2014, Incline Village, NV.

“Postmortem Examination of a High Altitude Diving-Related Fatality 17 Years After the Incident”, American Academy of Forensic Sciences 66th Annual Scientific Meeting, Feb 17-22, 2014, Seattle, WA.

POSTER PRESENTATIONS

Di Loreto CM, Powers MP, Hansen LA, Malicki DM. “Novel *RYR1* mutation in congenital muscular dystrophy”, AANP 94th Annual Meeting, June 7-10, 2018, Louisville, KY.

Powers MP, **Di Loreto CM**, Hansen LA, Malicki DM. “Infantile high-grade glioma with novel translocation recurring as a ganglion cell tumor”, AANP 94th Annual Meeting, June 7-10, 2018, Louisville, KY.

Snyder VS, **Di Loreto CM**, Chen JY, Hansen LA, Jones KA. “Non-midline H3 K27M-mutant glioma”, AANP 93rd Annual Meeting, June 8-11, 2017, Garden Grove, CA.

Snyder VS, **Di Loreto CM**, Malicki DM, Hansen LA. “Rare variants of gliosarcoma: histologic and molecular findings”, AANP 93rd Annual Meeting, June 8-11, 2017, Garden Grove, CA.

Di Loreto C, Zhang Y. “Follow-up study of 42 patients with benign intraductal papilloma diagnosed on core needle biopsy”, USCAP 2014 Annual Meeting, Mar 1-7, 2014, San Diego, CA.

Di Loreto C, Tomic M, Huang E. “A retrospective review of “suspicious” thyroid fine-needle aspirations at a single institution”, American Society of Cytopathology Annual Scientific Meeting, Nov 8-12, 2013, Orlando, FL.

Di Loreto C, Gandy L, Freeman L, Fernando L, Gresens C, Parsons J. “The passive acquisition of hemoglobin C via red blood cell exchange”, 2013 AABB Annual Meeting, Oct 12-15, 2013, Denver, CO.

Di Loreto C, Bishop JW, Gambarotti, Canter R, Borys D. “Diagnostic challenges and advantages of international telepathology between two medical institutions”, USCAP 2013 Annual Meeting, Mar 2-8, 2013, Baltimore, MD.

Di Loreto C, Tihan T, Jin L-W, Borys E. “Progressing calcifying pseudoneoplasm of the neuraxis”, CAP 2012 The Pathologists’ Meeting, Sep 9-12, 2012, San Diego, CA.

Crosby SS, Mohan S, **Di Loreto C**, Spiegel JH. “Head and neck sequelae of torture”, The Triological Society Eastern Section Meeting, Jan 23-25, 2009, Boston, MA.

PUBLICATIONS

Gerscovich EO, Sekhon S, Visis T, **Di Loreto C**. “Fetal conversion of a 3-vessel to 2-vessel umbilical cord: sonographic depiction”, J Ultrasound Med 2013;32:1303-1305.

Crosby SS, Mohan S, **Di Loreto C**, Spiegel JH. “Head and neck sequelae of torture”, Laryngoscope 2010;120:414-419.

Curriculum Vitae
JEFFREY SCOTT
Las Vegas Criminalistics Bureau
Crime Scene Analyst I
P# 9618

EMPLOYMENT

10/06 **Las Vegas Metro Police Department**
CSA I

EDUCATION

12/91 **Northern Arizona University**
B.S. Physical Science

➤ **American Institute of Applied Science (AIAS)**
Forensic Science 101B, 178 hours

➤ **American Institute of Applied Science (AIAS)**
Forensic Science 201, 230 hours



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MICHAEL MCNAIR,

9 Defendant.
10
11

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, JANUARY 9, 2019

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **STATUS CHECK: TRIAL READINESS**

17 APPEARANCES:

18 For the State:

JACQUELINE S. BLUTH, ESQ.
Chief Deputy District Attorney

19
20 For the Defendant:

MELINDA SIMPKINS, ESQ.
Deputy Special Public Defender

21
22
23
24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Wednesday, January 9, 2019 – Las Vegas, Nevada

2 [Proceedings begin at 1:42 p.m.]

3
4 THE COURT: Page 21.

5 MS. BLUTH: Thank you.

6 THE COURT: 327395. He's present in custody. This is all on for a status
7 check. We have a pending trial date of February 25th.

8 MS. SIMPKINS: Good afternoon, Your Honor.

9 THE COURT: Ms. Simpkins here on his behalf.

10 MS. SIMPKINS: Melinda Simpkins appearing on behalf of Mr. McNair.
11 Mr. Pike is in trial --

12 THE COURT: Okay.

13 MS. SIMPKINS: -- so I'd ask that his appearance be waived.

14 THE COURT: Okay.

15 MS. SIMPKINS: We are ready to go. The only thing that Mr. Pike has
16 asked me to express to the Court is the last time we were here for calendar call,
17 the State made representations that the gun in our case was connected to another
18 homicide as a result. We would've called ready, but we found it out that day, so we
19 continued.

20 THE COURT: Correct.

21 MS. SIMPKINS: That has since been corrected. That was not correct. But
22 it's my understanding from Mr. Pike that the State has now discovered additional
23 evidence as a result of that continuance, so he intends to file a written motion to
24 preclude the State from using that evidence. Other than that, he will -- we'll be
25 ready for trial on that day.

1 THE COURT: So is that forensic evidence or --

2 MS. SIMPKINS: I believe it's a witness, Judge, and I think it's only one
3 witness, but I know that Mr. Pike does -- we'll be filing a written motion. He just
4 wanted me to let you know.

5 THE COURT: Okay. And do you have it, Jackie?

6 MS. BLUTH: The motion?

7 MS. SIMPKINS: No, he hasn't --

8 THE COURT: No, the case. This is your case.

9 MS. BLUTH: Oh, yeah, I have the case. I just -- I don't know what she's
10 referring to in regards to that, but I'm sure Mr. --

11 THE COURT: I'll let you talk to Randy about it.

12 MS. BLUTH: Yeah.

13 MS. SIMPKINS: Thanks.

14 THE COURT: We also -- there were a couple of offers that had been made
15 a record of previously, and my recollection is that something changed. But the last
16 offer that I thought I recall for the record was a second degree murder with
17 weapon, the State's stipulating to a 14 to 35 year sentence with no federal referral
18 and that the Defense had made counteroffer of 12 to 30 years and --

19 MS. SIMPKINS: And, Judge, I apologize, Mr. Pike was handling that. He
20 didn't -- I don't know --

21 THE COURT: Okay.

22 MS. BLUTH: We've always been in the second with use range, and we've
23 thrown back different numbers in regards to the -- in regards to the weapon. Those
24 are where they were at, but at this --

25 THE COURT: Okay. But as far as you're concerned, whatever discussions

1 you and Randy have had about potential offers, so those things remain open right
2 now?

3 MS. BLUTH: Yeah, we're still actively working on it and negotiating it.

4 THE COURT: Okay. All right.

5 MS. BLUTH: And just so you know, Judge, I did reach out to Mr. Pike last
6 week, and he said that if we weren't able to negotiate it, that as we stand right now,
7 he didn't see any reason why he wouldn't be able to go, and I said the same thing
8 to him.

9 MS. SIMPKINS: That's correct.

10 THE COURT: Okay. So we will leave it one then for the next day that we
11 already set as a calendar call for February 14th.

12 MS. SIMPKINS: Yes, Your Honor.

13 THE COURT: And that will be at 9:00 a.m.

14 MS. SIMPKINS: Thank you, Judge.

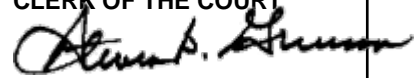
15 THE COURT: All right. Thank you.

16 (Proceedings concluded at 1:45 p.m.)
17
18
19
20
21

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 visual recording of the proceeding in the above entitled case to the
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MICHAEL MCNAIR, aka
Michael Deangelo Mcnair, #1959573
Defendant.

CASE NO: C-17-327395-1

DEPT NO: III

**STATE'S SECOND SUPPLEMENTAL NOTICE OF WITNESSES
AND/OR EXPERT WITNESSES
[NRS 174.234]**

TO: MICHAEL MCNAIR, aka Michael Deangelo Mcnair, Defendant; and
TO: RANDALL PIKE, Chief Deputy Special Public Defender, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
ASBERRY, COURTNEY	UNIFIED CONTAINERS, 1300 N. LAS VEGAS BLVD., LV, NV
BRENNAN, JOSHUA	PALM MORTUARY/SECURITY
COON, TYLER	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
CUSTODIAN OF RECORDS	T-MOBILE
CUSTODIAN OF RECORDS	CCDC, 330 CASINO CENTER BLVD., LVN

1	CUSTODIAN OF RECORDS	LVMPD RECORDS
2	CUSTODIAN OF RECORDS	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
3	GALEENER, LYLE	1300 N. LAS VEGAS BLVD., LV NV
4	GARDNER, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
5	GILLIS, M.	LVMPD P#6432
6	GOODRICH, A.	LVMPD P#9198
7	HENDERSON, ALFONSO	TRANSIENT
8	HOFFMAN, J.	LVMPD P#9001
9	HONAKER, JAMIE	CCDA INVESTIGATOR, 200 LEWIS AVE., LVN
10	HOUSE, DAMAR	3571 DESERT CLIFF #104, LV NV
11	JOHNSON, MITCHELL	3630 OWENS #1830, LV NV
12	KOWALSKI, B.	LVMPD P#8550
13	LESH, BRET	TRANSIENT
14	LOPEZ, DEANNA	CATHOLIC CHARITIES, 1216 LV BLVD, LV NV
15	PARMLEY, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
16	PEREZ, A.	LVMPD P#8392
17	*PHILLIPS, CAMERON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
18	*PHILLIPS, CRYSTAL	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
19	*PHILLIPS, EBONI	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
20	*PHILLIPS, GORDON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
21	*PHILLIPS, SUNDRA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
22	QUINTEROS, P.	LVMPD P#9055
23	RAZZO, ANTHONY	2300 OLIVE ST., LV NV
24	REDDEN, BIANCA	1305 N. 23 RD ST., LV NV
25	*ROBERSON, LAKISHA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
26	ROBERTSON, EMANUEL	1401 N. LAS VEGAS BLVD., LV NV
27	ROMERO, RAMIRO	4646 DRAKE CIR., LV NV
28	SALDANA, KENNETH	TRANSIENT

1 SIMPSON, DENNIS 2849 SANDY LN., LV NV

2 STEDEFORD, MATTHEW 3300 PRAIRIE AVE., PAHRUMP, NV

3 WILLIAMS, TOD LVMPD P#3811

4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
5 NEVADA intends to call the following expert witnesses in its case in chief:

6 **ADAMS, T. – LVMPD P#10072** (or designee): expert in the area DNA technology
7 and will give scientific opinions related thereto. She is expected to testify regarding the DNA
8 profiling analysis and related procedures she performed in this case.

9 **ANDREWS, D. – LVMPD P#13766** (or designee): Expert in the identification,
10 documentation, collection and preservation of evidence, including crime scene analysis,
11 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
12 testify as an expert to the identification, documentation, collection and preservation of
13 evidence in this case.

14 **CORNEAL, DR. JENNIFER** (or designee): is a medical doctor employed by the
15 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
16 and will give scientific opinions related thereto. She is expected to testify regarding the cause
17 and manner of death of GORDON PHILLIPS in this case.

18 **COURTNEY, D. – LVMPD P#12712** (or designee): Expert in the identification,
19 documentation, collection and preservation of evidence, including crime scene analysis,
20 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
21 testify as an expert to the identification, documentation, collection and preservation of
22 evidence in this case.

23 **DAVIS, GLEN - LVMPD P#17031** (or designee): Expert in the area of
24 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
25 Additionally, is expected to testify regarding the collection, comparison and analysis of
26 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

27 **DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
28 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology

1 and will give scientific opinions related thereto. She is expected to testify regarding the cause
2 and manner of death of GORDON PHILLIPS in this case.

3 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
4 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
5 scientific opinions related thereto. She is expected to testify regarding the cause and manner
6 of death of GORDON PHILLIPS in this case.

7 **GEIL, KATHY – LVMPD P#15650** (or designee): Expert in the area of
8 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
9 Additionally, is expected to testify regarding the collection, comparison and analysis of
10 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

11 **KLOSTERMAN, O. – LVMPD P#13177** (or designee): Expert in the identification,
12 documentation, collection and preservation of evidence, including crime scene analysis,
13 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
14 testify as an expert to the identification, documentation, collection and preservation of
15 evidence in this case.

16 **ROQUERO, DR. LEONARDO** (or designee): is a medical doctor employed by the
17 Clark County Coroner Medical Examiner. He is an expert in the area of forensic pathology
18 and will give scientific opinions related thereto. He is expected to testify regarding the cause
19 and manner of death of GORDON PHILLIPS in this case.

20 **SCOTT, J. – LVMPD P#9618** (or designee): Expert in the area of firearm/toolmark
21 analysis, bullet trajectory comparison and will give opinions related thereto. Additionally, is
22 expected to testify regarding the collection, comparison and analysis of firearms, ammunitions,
23 ballistics and toolmark evidence as it relates to this case.

24 **SHANNON, J. – LVMPD P#13482** (or designee): Expert in the identification,
25 documentation, collection and preservation of evidence, including crime scene analysis,
26 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
27 testify as an expert to the identification, documentation, collection and preservation of
28 evidence in this case.

TAYLOR, E. – LVMPD P#9619 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis, knowledge of collection and utilization of gunshot residue tests and kits and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

UBBENS, H. – LVMPD P#14792 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis, knowledge of collection and utilization of gunshot residue tests and kits and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witness for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at the direction of the expert witness have been provided in discovery.

A copy of each expert witness' curriculum vitae, if available, is attached hereto.

***INDICATES ADDITION OR REVISION**

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

BY /s/JACQUELINE BLUTH
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625

1 CERTIFICATE OF ELECTRONIC TRANSMISSION

2 I hereby certify that service of the above and foregoing was made this 15th day of
3 January, 2019, by electronic transmission to:

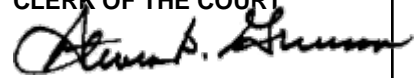
4 RANDALL PIKE, Deputy Special Public Defender
5 e-mail: Rpik@clarkcountynv.gov

6 Special Public Defender's Office
7 e-mail: elizabeth.araiza@clarkcountynv.gov

8 BY: /s/ Deana Daniels

9 Secretary for the District Attorney's Office

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 17F16794X/dd/MVU
27
28



MOT

JONELL THOMAS
Clark County Special Public Defender
RANDALL H. PIKE
Chief Deputy Special Public Defender
State Bar No. 1940
MELINDA SIMPKINS
Chief Deputy Special Public Defender
State Bar No. 7911
330 South Third Street, 8th Floor
Las Vegas, NV 89155
(702) 455-6265
Fax: 455-6273
rpik@clarkcountynv.gov

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,	)	CASE NO. C 17-327395-1
	)	DEPT. NO. 3
Plaintiff,)	
)	
vs.)	
)	
MICHAEL MCNAIR,)	
)	
Defendant.)	
)	
)	

**DEFENDANT MCNAIR'S MOTION IN LIMINE TO INTRODUCE PRELIMINARY
HEARING TESTIMONY OF ANTHONY RAZO AND KENNETH SALDANA.
DEFENDANT'S MOTION TO HAVE APPOINTED COUNSEL AVAILABLE FOR
MITCHELL JOHNSON IF HE IS CALLED AS A STATE'S WITNESS**

DATE: _____
TIME: _____

COMES NOW, Defendant by and through his attorneys, JoNell Thomas, Special Public Defender, Melinda Simpkins and Randall H. Pike, Chief Deputy Special Public Defenders, and hereby notices its intent to introduce the preliminary hearing testimony of Anthony Razo and Kenneth Saldana. Additionally, in the event the State calls Mitchell Johnson as a witness in this case, that the Court have appointed counsel available to represent him prior to his offering testimony.

000338

1 This Motion is made and based upon all the papers and pleadings on file herein, the Points
2 and Authorities attached hereto, and oral argument at the time set for hearing this Motion.

3 **NOTICE OF MOTION**

4 TO: STATE OF NEVADA, Plaintiff; and

5 TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

6 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring on the above and
7 foregoing Motion on for hearing on **February 21**, 2019 at the hour of **9:00** a.m. /
8 p.m.
9

10 **POINTS AND AUTHORITIES**

11 Under Nevada law, a hearsay statement may not be offered into evidence unless:

- 12 1. The statement is one made by a witness while testifying at the trial or hearing;
13 2. The declarant testifies at the trial or hearing and is subject to cross-examination
14 concerning the statement, and the statement is:
15 (a) Inconsistent with the declarant's testimony;
16 (b) Consistent with the declarant's testimony and offered to rebut an express or
17 implied charge against the declarant of recent fabrication or improper
18 influence or motive;
19 (c) One of identification of a person made soon after perceiving the person; or
20 (d) A transcript of testimony given under oath at a trial or hearing or before a
21 grand jury; or
22 3. The statement is offered against a party and is:
23 (a) The party's own statement, in either the party's individual or a representative
24 capacity;
25 (b) A statement of which the party has manifested adoption or belief in its truth;
26 (c) A statement by a person authorized by the party to make a statement
27 concerning the subject;
28 (d) A statement by the party's agent or servant concerning a matter within the
scope of the party's agency or employment, made before the termination of
the relationship; or
(e) A statement by a coconspirator of a party during the course and in furtherance
of the conspiracy.¹

25 In Nevada, a witness is considered unavailable if:

- 26 1. A declarant is "unavailable as a witness" if the declarant is:
27
28

¹ NRS 51.025 (emphasis added).

- 1 (a) Exempted by ruling of the judge on the ground of privilege from testifying
concerning the subject matter of the declarant's statement;
2 (b) Persistent in refusing to testify despite an order of the judge to do so;
3 (c) Unable to be present or to testify at the hearing because of death or then
existing physical or mental illness or infirmity; or
4 (d) Absent from the hearing and beyond the jurisdiction of the court to compel
appearance and the proponent of the declarant's statement has exercised
5 reasonable diligence but has been unable to procure the declarant's attendance
or to take the declarant's deposition.
6 2. A declarant is not "unavailable as a witness" if the declarant's exemption, refusal,
7 inability or absence is due to the procurement or wrongdoing of the proponent of
the declarant's statement for the purpose of preventing the witness from attending
8 or testifying.²

9 Here, the State called Mr. Anthony Razo and Kenneth Saldana as witnesses at the time of
10 the preliminary hearing. As a result of Mr. Saldana's testimony which indicated that Mr. Johnson
11 was the person who shot the deceased, the State filed an Amended complaint alleging that Mr.
12 McNair is responsible for the criminal act of Mr. Johnson under an Aiding and Abetting theory. The
13 State has not charged Mr. Johnson, and, upon information and belief, the State currently has no
14 intent to charge Mr. Johnson despite the fact that Mr. Johnson was present at the time of the shooting,
15 fled the scene and was identified by Mr. Saldana as the shooter. Based upon his potential for future
16 liability for prosecution as well as the State's allegations contained within the Information, Mr.
17 Johnson, if called to the stand by the State should have appointed counsel available to counsel him
18 during the proceedings.
19

20 The testimony of the two witnesses that are the subject of the instant motion are homeless
21 and numerous attempts to locate them have been fruitless. (See attached Affidavit, Exhibit A).
22 Therefore, the defense will seek to admit their preliminary hearing testimony at the time of the trial.
23 As both parties were able to cross examine the witnesses, they were subject to cross examination at
24 the time of the previous hearing.
25
26
27
28

² NRS 51.055 (emphasis added).

1 When a witness is unavailable, a defendant may introduce at the trial the testimony of said
2 witness who had testified before a grand jury. United States v. Miller, 284 U.S. App. 245, 904 F.2d
3 65, 66, 68 (D.C. Cir. 1990).

4 Furthermore, under the Sixth Amendment, a defendant in a criminal proceeding is
5 guaranteed the right to offer testimony of witnesses in his favor. Feaster v. United States, 631
6 A.2d 400, 405 (D.C. 1993);

7 **CONCLUSION**

8
9 Wherefore Defendant Michael McNair prays that this Honorable Court allows for the
10 admission of the witnesses preliminary hearing testimony, and that in the event the State produces
11 Mitchell Johnson, that appointed counsel be available to provide legal representation.

12 DATED this 8th day of February, 2019.

13 RESPECTFULLY SUBMITTED:

14 /s/ RANDALL H. PIKE

15
16 _____
17 RANDALL H. PIKE
18 MELINDA SIMPKINS
Attorneys for McNair

19 **CERTIFICATE OF ELECTRONIC FILING**

20 I hereby certify that service of the Motion in Limine to Introduce Testimony of,
21 unavailable witnesses was made on February 8, 2019 by Electronic Filing to:

22 DISTRICT ATTORNEY'S OFFICE
23 email: motions@clarkcountyda.com

24
25 /s/ Elizabeth (Lisa) Araiza

26 _____
27 An employee of the Special Public Defender
28

EXHIBIT A

AFFIDAVIT OF JONATHAN S. KENDALL

STATE OF NEVADA)

) ss:

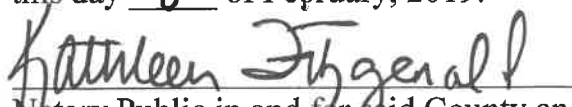
COUNTY OF CLARK)

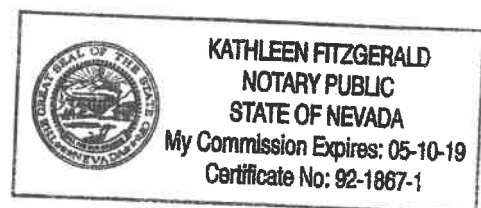
JONATHAN S. KENDALL, being first duly sworn deposes and says:

1. That Affiant is a Criminal Investigator for the Office of The Special Public Defender and is the investigator assigned to the case of defendant, Michael McNair, C-17-327395-1.
2. That Affiant, has on numerous occasions searched for and continues to search for witnesses Anthony Razo and Kenneth Saldana but has been unable to establish contact thus far. The search has included numerous attempts and sweeps of the homeless area in which the event occurred, various social service providers in the area. Additionally, affiant has used computer searches for next of kin, last known addresses, and monitoring the local detention records and court filings.
3. That through record searches Affiant found neither witness has active warrants, detainers, or active criminal cases.

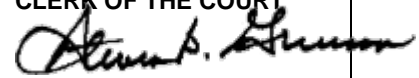

JONATHAN S. KENDALL

SUBSCRIBED AND SWORN to before me
this day 8 of February, 2019.


Notary Public in and for said County and State



000343



1 RTRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 MICHAEL MCNAIR,

9 Defendant.
10
11

CASE NO. C-17-327395-1

DEPT. III

12
13 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
14 WEDNESDAY, FEBRUARY 14, 2019

15 **RECORDER'S TRANSCRIPT OF HEARING**
16 **CALENDAR CALL**

17 APPEARANCES:

18 For the State:

JACQUELINE S. BLUTH, ESQ.
Chief Deputy District Attorney

19
20 For the Defendant:

RANDALL H. PIKE, ESQ.
Senior Deputy Special Public Defender
MELINDA SIMPKINS, ESQ.
Deputy Special Public Defender

21
22
23
24
25 RECORDED BY: SARAH RICHARDSON, COURT RECORDER

1 Thursday, February 14, 2019 – Las Vegas, Nevada

2 [Proceedings begin at 9:55 a.m.]

3
4 MR. PIKE: Your Honor, Page 2, Mr. McNair.

5 THE COURT: Mr. McNair's matter is 327395. He's present in custody.

6 This is for a calendar call. How are we doing?

7 MR. PIKE: We are ready to go, Your Honor.

8 THE COURT: Okay.

9 MR. PIKE: This is what -- where we're at. I filed a motion to publish some
10 preliminary hearing testimony. The State has located one of the witnesses that we
11 were unable to.

12 THE COURT: Okay.

13 MR. PIKE: So that witness will be present. They, as we, have been
14 unable to locate another one, Mr. Saldana, and -- and so they've agreed that that
15 may be read in.

16 THE COURT: So you're not challenging unavailability or the propriety of
17 using the transcript, right?

18 MS. BLUTH: I'm not.

19 THE COURT: Okay. So we'll grant it as to Mr. Saldana.

20 MR. PIKE: And then --

21 THE COURT: As to Mr. Razo, the one that was found --

22 MR. PIKE: Yes.

23 THE COURT: -- did you give them whatever contact information you have,
24 so they can reach out?

25 MS. BLUTH: I haven't, but I will.

1 THE COURT: Okay.

2 MR. PIKE: And then there was Mitchell Johnson, and he is the individual
3 we believe to be the unnamed person --

4 THE COURT: Right.

5 MR. PIKE: -- in the murder count, the alternate theory. And the State
6 agrees that it would be proper to have a standby counsel for Mr. Johnson in the
7 event that he's called to testify.

8 THE COURT: All right. So I'll contact Drew's office and get somebody that
9 will be available whenever it is that we need him in court.

10 MS. BLUTH: Okay.

11 THE COURT: So just kind of keep me abreast of when it is you think you're
12 going to need him to come in --

13 MS. BLUTH: Sure.

14 THE COURT: -- and then we'll get somebody over here.

15 MR. PIKE: And one matter that we have to deal with, I did issue a
16 subpoena for the telephone -- the jail calls from my client.

17 THE COURT: Okay.

18 MR. PIKE: I served that upon Metro with a court date as they request us to
19 do. Nobody is here to comply with that, and they did not send me any confirmation
20 that they were rejecting it or that anything else was required. I don't have access
21 to those phone calls.

22 THE COURT: You guys have them or have you requested them or --

23 MS. BLUTH: I have access to them. I have not requested them because
24 through my computer, I can just access them.

25 THE COURT: Okay.

1 MS. BLUTH: But I think that it wouldn't be an issue if I called over there
2 and asked them to put everything on a CD for Mr. Pike.

3 THE COURT: Yeah, if you would, please.

4 MR. PIKE: That would be good.

5 THE COURT: Then if you need a court order -- I mean, because, look,
6 that's -- I am somebody that is often critical of the subpoena process outside of the
7 trial, but you did everything, geez, I have a court date, I have a time, you know,
8 produce the items and come to court, which is our date today for calendar call. So,
9 yeah, if you need the court order, I'll sign the court order. Otherwise, the State --

10 MR. PIKE: Well, if the State can get them and just turn them over by way
11 of discovery, then that will be fine --

12 THE COURT: Yeah.

13 MR. PIKE: -- if we just can have those by -- on or before next Wednesday.

14 THE COURT: And I'll leave -- you guys can discuss it after court, but just
15 make sure you tell them what the time period is, if it's from arrest through today or
16 just a particular time period, so they can pull them out.

17 MR. PIKE: Arrest to today.

18 THE COURT: Okay.

19 MR. PIKE: And other than that, we're prepared to go forward.

20 THE COURT: Okay. Then we will start Monday the 25th at 10:00 a.m.

21 MS. BLUTH: Oh, and, Judge, can we approach briefly?

22 THE COURT: Sure.

23 [Bench conference begins]

24 MS. BLUTH: I was going to send you guys an email. I was going to ask
25 for a Tuesday start only because -- I'm sorry --

1 THE COURT: Nobody ever starts on Monday anymore.

2 MS. BLUTH: No, this is a good reason. I surprised my husband for his
3 40th birthday with a trip to New Orleans, and we leave on that Friday; we come
4 back Monday night. So here's the good news is we can definitely can try this within
5 two weeks. So we would go into that second week, but we wouldn't need it all.

6 MR. PIKE: Right.

7 THE COURT: That's good.

8 MS. BLUTH: Yes.

9 THE COURT: I thought the last one we did was a two-week trial --

10 MS. BLUTH: I don't remember saying that --

11 THE COURT: -- that I took from Judge Adair.

12 MR. PIKE: How about the last one that you gave over to Judge Leavitt,
13 the one [indiscernible] a month?

14 THE COURT: Yeah. Right. That wasn't her.

15 MR. PIKE: I know.

16 MS. BLUTH: I looked -- I counted this morning and we're somewhere
17 between 15 and 20 witnesses. I -- I was going to say, I honestly anticipate being
18 ready. I told you that.

19 MR. PIKE: Right.

20 MS. BLUTH: The sub sheets are still just -- the subs are just still coming
21 in, but --

22 MR. PIKE: Is there any --

23 THE COURT: Just so you know, the week of the 11th is my oldest
24 daughter is going to be home from college for spring break.

25 MS. BLUTH: Okay.

1 THE COURT: I was supposed to be in California, so I don't have a problem
2 if we start Tuesday, but we've got to be done by Friday the 8th.

3 MS. BLUTH: Tuesday --

4 THE COURT: If we start the 26th.

5 MS. BLUTH: Yeah.

6 THE COURT: Okay.

7 MS. BLUTH: And then we can talk about stipulating on penalty, right? Is
8 he --

9 MR. PIKE: Yeah, we'll talk about that.

10 MS. BLUTH: Okay.

11 THE COURT: Okay. All right.

12 MR. PIKE: Thank you.

13 THE COURT: Oh, oh. Is there -- are you guys talking about offers? Was
14 there an offer made? Rejected?

15 MR. PIKE: Yeah.

16 THE COURT: Withdrawn? Open?

17 MR. PIKE: We can put that on the record.

18 THE COURT: Okay. Yeah. Thank you.

19 [Bench conference concludes]

20 THE COURT: All right. So we will start Tuesday the 26th instead. We'll
21 start 10:30 that Tuesday instead of Monday. And then what's the status of any
22 offers that were made, rejected, left open, withdrawn, et cetera?

23 MS. BLUTH: Sure. I had reached out to Mr. Pike and let him know that
24 the offer was a second degree murder with use, but I was happy to speak with Mr.
25 Pike in regards to working numbers within, you know, the second and the with use.

1 THE COURT: All right.

2 MS. BLUTH: He let -- he went and spoke with his client and let me know
3 that his client was at a voluntary with no use, and so I respectfully rejected that.

4 THE COURT: Okay.

5 MR. PIKE: That's a correct statement, Your Honor.

6 THE COURT: All right. Are both of you of the mindset of leaving your
7 prospective, you know, offers open or are they just withdrawn at this point and
8 we're going to trial?

9 MS. BLUTH: No, mine -- mine is open.

10 THE COURT: Okay. All right. So we'll see you back on Tuesday the 26th
11 at 10:30, guys.

12 MS. BLUTH: Sounds good.

13 MR. PIKE: Thank Your Honor.

14 MS. SIMPKINS: Thank Your Honor.

15 (Proceedings concluded at 10:01 a.m.)

16

17

18

19

20

21

22

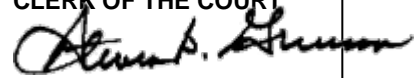
23

24

25

1
2 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
3 visual recording of the proceeding in the above entitled case to the
4 best of my ability.

5 
6 _____
7 Renee Vincent, Court Recorder/Transcriber
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



NWEW
JONELL THOMAS
Clark County Special Public Defender
RANDALL H. PIKE
Chief Deputy Special Public Defender
State Bar No. 1940
MELINDA SIMPKINS
Chief Deputy Special Public Defender
State Bar No. 7911
330 South Third Street, 8th Floor
Las Vegas, NV 89155
(702) 455-6265
Fax: 455-6273
rpike@clarkcountynv.gov
msimpkins@ClarkCountyNV.gov
Attorneys for McNair

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,	)	CASE NO. C 17-327395-1
	)	DEPT. NO. 3
Plaintiff,)	
)	
vs.)	
)	
MICHAEL MCNAIR,)	
)	
Defendant.)	
)	
)	

NOTICE OF DEFENDANT'S WITNESSES

DATE: N/A
TIME: N/A

TO: THE STATE OF NEVADA, Plaintiff, and

TO: STEVEN B. WOLFSON, District Attorney, Attorney for Plaintiff

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Defendant,
MICHAEL MCNAIR, by and through his attorneys, JONELL THOMAS, Special Public
Defender, RANDALL H. PIKE, Chief Deputy Special Public Defender, and MELINDA E.
SIMPKINS, Chief Deputy Special Public Defender, intends to call the following witnesses:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>NAME</u>	<u>ADDRESS</u>
Tisha McNair	4832 Montebello Avenue Las Vegas, NV 89110

In addition, Defendant reserves the right to call any and all witnesses noticed by the State of Nevada.

DATED this 15th day of February, 2019.

RESPECTFULLY SUBMITTED:

/s/ RANDALL H. PIKE

RANDALL H. PIKE
MELINDA SIMPKINS
Attorneys for McNair

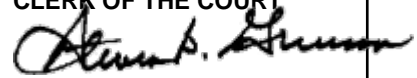
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the Notice of Witnesses, was made on February 15, 2019,
by Electronic Filing to:

DISTRICT ATTORNEY’S OFFICE
email: motions@clarkcountyda.com

/s/ Elizabeth (Lisa) Araiza

An employee of the Special Public Defender



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MICHAEL MCNAIR, aka
Michael Deangelo Mcnair, #1959573
Defendant.

CASE NO: C-17-327395-1

DEPT NO: III

**STATE'S THIRD SUPPLEMENTAL NOTICE OF WITNESSES
AND/OR EXPERT WITNESSES
[NRS 174.234]**

TO: MICHAEL MCNAIR, aka Michael Deangelo Mcnair, Defendant; and
TO: RANDALL PIKE, Chief Deputy Special Public Defender, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

*INDICATES ADDITIONAL WITNESSES

<u>NAME</u>	<u>ADDRESS</u>
ASBERRY, COURTNEY	UNIFIED CONTAINERS, 1300 N. LAS VEGAS BLVD., LV, NV
BRENNAN, JOSHUA	PALM MORTUARY/SECURITY
*COON, CASEY	1300 LV BLVD., LV, NV
CUSTODIAN OF RECORDS/VIDEO	

1	COON, TYLER	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
2	CUSTODIAN OF RECORDS	T-MOBILE
3	CUSTODIAN OF RECORDS	CCDC, 330 CASINO CENTER BLVD., LVN
4	CUSTODIAN OF RECORDS	LVMPD RECORDS
5	CUSTODIAN OF RECORDS	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
6	GALEENER, LYLE	1300 N. LAS VEGAS BLVD., LV NV
7	GARDNER, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
8	GILLIS, M.	LVMPD P#6432
9	GOODRICH, A.	LVMPD P#9198
10	HENDERSON, ALFONSO	TRANSIENT
11	HOFFMAN, J.	LVMPD P#9001
12	HONAKER, JAMIE	CCDA INVESTIGATOR, 200 LEWIS AVE., LVN
13	HOUSE, DAMAR	3571 DESERT CLIFF #104, LV NV
14	JOHNSON, MITCHELL	3630 OWENS #1830, LV NV
15	KOWALSKI, B.	LVMPD P#8550
16	LESH, BRET	TRANSIENT
17	LOPEZ, DEANNA	CATHOLIC CHARITIES, 1216 LV BLVD, LV NV
18	PARMLEY, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
19	PEREZ, A.	LVMPD P#8392
20	PHILLIPS, CAMERON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
21	PHILLIPS, CRYSTAL	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
22	PHILLIPS, EBONI	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
23	PHILLIPS, GORDON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
24	PHILLIPS, SUNDRA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
25	QUINTEROS, P.	LVMPD P#9055
26	RAZZO, ANTHONY	2300 OLIVE ST., LV NV
27	REDDEN, BIANCA	1305 N. 23 RD ST., LV NV
28	ROBERSON, LAKISHA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN

1 ROBERTSON, EMANUEL 1401 N. LAS VEGAS BLVD., LV NV
2 ROMERO, RAMIRO 4646 DRAKE CIR., LV NV
3 SALDANA, KENNETH TRANSIENT
4 SIMPSON, DENNIS 2849 SANDY LN., LV NV
5 STEDEFORD, MATTHEW 3300 PRAIRIE AVE., PAHRUMP, NV
6 *VAUGHN, SCOTT NLVPD P#1280
7 WILLIAMS, TOD LVMPD P#3811

8 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
9 NEVADA intends to call the following expert witnesses in its case in chief:

10 **ADAMS, T. – LVMPD P#10072** (or designee): expert in the area DNA technology
11 and will give scientific opinions related thereto. She is expected to testify regarding the DNA
12 profiling analysis and related procedures she performed in this case.

13 **ANDREWS, D. – LVMPD P#13766** (or designee): Expert in the identification,
14 documentation, collection and preservation of evidence, including crime scene analysis,
15 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
16 testify as an expert to the identification, documentation, collection and preservation of
17 evidence in this case.

18 **CORNEAL, DR. JENNIFER** (or designee): is a medical doctor employed by the
19 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
20 and will give scientific opinions related thereto. She is expected to testify regarding the cause
21 and manner of death of GORDON PHILLIPS in this case.

22 **COURTNEY, D. – LVMPD P#12712** (or designee): Expert in the identification,
23 documentation, collection and preservation of evidence, including crime scene analysis,
24 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
25 testify as an expert to the identification, documentation, collection and preservation of
26 evidence in this case.

27 **DAVIS, GLEN - LVMPD P#17031** (or designee): Expert in the area of
28 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.

1 Additionally, is expected to testify regarding the collection, comparison and analysis of
2 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

3 **DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
4 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
5 and will give scientific opinions related thereto. She is expected to testify regarding the cause
6 and manner of death of GORDON PHILLIPS in this case.

7 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
8 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
9 scientific opinions related thereto. She is expected to testify regarding the cause and manner
10 of death of GORDON PHILLIPS in this case.

11 **GEIL, KATHY – LVMPD P#15650** (or designee): Expert in the area of
12 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
13 Additionally, is expected to testify regarding the collection, comparison and analysis of
14 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

15 **KLOSTERMAN, O. – LVMPD P#13177** (or designee): Expert in the identification,
16 documentation, collection and preservation of evidence, including crime scene analysis,
17 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
18 testify as an expert to the identification, documentation, collection and preservation of
19 evidence in this case.

20 **ROQUERO, DR. LEONARDO** (or designee): is a medical doctor employed by the
21 Clark County Coroner Medical Examiner. He is an expert in the area of forensic pathology
22 and will give scientific opinions related thereto. He is expected to testify regarding the cause
23 and manner of death of GORDON PHILLIPS in this case.

24 **SCOTT, J. – LVMPD P#9618** (or designee): Expert in the area of firearm/toolmark
25 analysis, bullet trajectory comparison and will give opinions related thereto. Additionally, is
26 expected to testify regarding the collection, comparison and analysis of firearms, ammunitions,
27 ballistics and toolmark evidence as it relates to this case.

SHANNON, J. – LVMPD P#13482 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis, knowledge of collection and utilization of gunshot residue tests and kits and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

TAYLOR, E. – LVMPD P#9619 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis, knowledge of collection and utilization of gunshot residue tests and kits and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

UBBENS, H. – LVMPD P#14792 (or designee): Expert in the identification, documentation, collection and preservation of evidence, including crime scene analysis, knowledge of collection and utilization of gunshot residue tests and kits and is expected to testify as an expert to the identification, documentation, collection and preservation of evidence in this case.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witness for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at the direction of the expert witness have been provided in discovery.

A copy of each expert witness' curriculum vitae, if available, is attached hereto.

***INDICATES ADDITION OR REVISION**

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

BY /s/JACQUELINE BLUTH
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625

///

1 CERTIFICATE OF ELECTRONIC TRANSMISSION

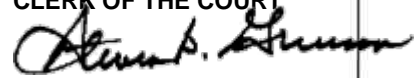
2 I hereby certify that service of the above and foregoing was made this 15th day of
3 February, 2019, by electronic transmission to:

4 RANDALL PIKE, Deputy Special Public Defender
5 e-mail: Rpike@clarkcountynv.gov

6 Special Public Defender's Office
7 e-mail: elizabeth.araiza@clarkcountynv.gov

8 BY: /s/ Stephanie Johnson
9 _____
10 Secretary for the District Attorney's Office

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 17F16794X/saj/MVU



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #10625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MICHAEL MCNAIR, aka
Michael Deangelo Mcnair, #1959573

Defendant.

CASE NO: C-17-327395-1

DEPT NO: III

**STATE'S FOURTH SUPPLEMENTAL NOTICE OF WITNESSES
AND/OR EXPERT WITNESSES
[NRS 174.234]**

TO: MICHAEL MCNAIR, aka Michael Deangelo Mcnair, Defendant; and
TO: RANDALL PIKE, Chief Deputy Special Public Defender, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

*INDICATES ADDITIONAL WITNESSES

<u>NAME</u>	<u>ADDRESS</u>
ASBERRY, COURTNEY	UNIFIED CONTAINERS, 1300 N. LAS VEGAS BLVD., LV, NV
BRENNAN, JOSHUA	PALM MORTUARY/SECURITY
COON, CASEY	1300 LV BLVD., LV, NV
CUSTODIAN OF RECORDS/VIDEO	

1	COON, TYLER	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
2	CUSTODIAN OF RECORDS	T-MOBILE
3	CUSTODIAN OF RECORDS	CCDC, 330 CASINO CENTER BLVD., LVN
4	CUSTODIAN OF RECORDS	LVMPD RECORDS
5	CUSTODIAN OF RECORDS	UNIFIED CONTAINERS, 1300 LV BLVD., LV NV
6	GALEENER, LYLE	1300 N. LAS VEGAS BLVD., LV NV
7	GARDNER, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
8	GILLIS, M.	LVMPD P#6432
9	GOODRICH, A.	LVMPD P#9198
10	HENDERSON, ALFONSO	TRANSIENT
11	HOFFMAN, J.	LVMPD P#9001
12	HONAKER, JAMIE	CCDA INVESTIGATOR, 200 LEWIS AVE., LVN
13	HOUSE, DAMAR	3571 DESERT CLIFF #104, LV NV
14	JOHNSON, MITCHELL	3630 OWENS #1830, LV NV
15	KOWALSKI, B.	LVMPD P#8550
16	LESH, BRET	TRANSIENT
17	LOPEZ, DEANNA	CATHOLIC CHARITIES, 1216 LV BLVD, LV NV
18	*LNU, RAYANA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
19	PARMLEY, ASHLEY	1200 N. LAS VEGAS BLVD., LV NV
20	PEREZ, A.	LVMPD P#8392
21	PHILLIPS, CAMERON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
22	PHILLIPS, CRYSTAL	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
23	PHILLIPS, EBONI	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
24	PHILLIPS, GORDON	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
25	PHILLIPS, SUNDRA	PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
26	QUINTEROS, P.	LVMPD P#9055
27	RAZZO, ANTHONY	2300 OLIVE ST., LV NV
28	REDDEN, BIANCA	1305 N. 23 RD ST., LV NV

1 ROBERSON, LAKISHA PENALTY - c/o CCDA-VWAC, 200 LEWIS AVE., LVN
2 ROBERTSON, EMANUEL 1401 N. LAS VEGAS BLVD., LV NV
3 ROMERO, RAMIRO 4646 DRAKE CIR., LV NV
4 SALDANA, KENNETH TRANSIENT
5 SIMPSON, DENNIS 2849 SANDY LN., LV NV
6 STEDEFORD, MATTHEW 3300 PRAIRIE AVE., PAHRUMP, NV
7 VAUGHN, SCOTT NLVPD P#1280
8 WILLIAMS, TOD LVMPD P#3811

9 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
10 NEVADA intends to call the following expert witnesses in its case in chief:

11 **ADAMS, T. – LVMPD P#10072** (or designee): expert in the area DNA technology
12 and will give scientific opinions related thereto. She is expected to testify regarding the DNA
13 profiling analysis and related procedures she performed in this case.

14 **ANDREWS, D. – LVMPD P#13766** (or designee): Expert in the identification,
15 documentation, collection and preservation of evidence, including crime scene analysis,
16 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
17 testify as an expert to the identification, documentation, collection and preservation of
18 evidence in this case.

19 **CORNEAL, DR. JENNIFER** (or designee): is a medical doctor employed by the
20 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
21 and will give scientific opinions related thereto. She is expected to testify regarding the cause
22 and manner of death of GORDON PHILLIPS in this case.

23 **COURTNEY, D. – LVMPD P#12712** (or designee): Expert in the identification,
24 documentation, collection and preservation of evidence, including crime scene analysis,
25 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
26 testify as an expert to the identification, documentation, collection and preservation of
27 evidence in this case.
28

1 **DAVIS, GLEN - LVMPD P#17031** (or designee): Expert in the area of
2 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
3 Additionally, is expected to testify regarding the collection, comparison and analysis of
4 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

5 **DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
6 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
7 and will give scientific opinions related thereto. She is expected to testify regarding the cause
8 and manner of death of GORDON PHILLIPS in this case.

9 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
10 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
11 scientific opinions related thereto. She is expected to testify regarding the cause and manner
12 of death of GORDON PHILLIPS in this case.

13 **GEIL, KATHY – LVMPD P#15650** (or designee): Expert in the area of
14 firearm/toolmark analysis, bullet trajectory comparison and will give opinions related thereto.
15 Additionally, is expected to testify regarding the collection, comparison and analysis of
16 firearms, ammunitions, ballistics and toolmark evidence as it relates to this case.

17 **KLOSTERMAN, O. – LVMPD P#13177** (or designee): Expert in the identification,
18 documentation, collection and preservation of evidence, including crime scene analysis,
19 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
20 testify as an expert to the identification, documentation, collection and preservation of
21 evidence in this case.

22 ***MANCINI, DR. CHIARA** (or designee): is a medical doctor employed by the Clark
23 County Coroner Medical Examiner. She is an expert in the area of forensic pathology and will
24 give scientific opinions related thereto. She is expected to testify regarding the cause and
25 manner of death of GORDON PHILLIPS in this case.

26 **ROQUERO, DR. LEONARDO** (or designee): is a medical doctor employed by the
27 Clark County Coroner Medical Examiner. He is an expert in the area of forensic pathology
28

1 and will give scientific opinions related thereto. He is expected to testify regarding the cause
2 and manner of death of GORDON PHILLIPS in this case.

3 **SCOTT, J. – LVMPD P#9618** (or designee): Expert in the area of firearm/toolmark
4 analysis, bullet trajectory comparison and will give opinions related thereto. Additionally, is
5 expected to testify regarding the collection, comparison and analysis of firearms, ammunitions,
6 ballistics and toolmark evidence as it relates to this case.

7 **SHANNON, J. – LVMPD P#13482** (or designee): Expert in the identification,
8 documentation, collection and preservation of evidence, including crime scene analysis,
9 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
10 testify as an expert to the identification, documentation, collection and preservation of
11 evidence in this case.

12 **TAYLOR, E. – LVMPD P#9619** (or designee): Expert in the identification,
13 documentation, collection and preservation of evidence, including crime scene analysis,
14 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
15 testify as an expert to the identification, documentation, collection and preservation of
16 evidence in this case.

17 **UBBENS, H. – LVMPD P#14792** (or designee): Expert in the identification,
18 documentation, collection and preservation of evidence, including crime scene analysis,
19 knowledge of collection and utilization of gunshot residue tests and kits and is expected to
20 testify as an expert to the identification, documentation, collection and preservation of
21 evidence in this case.

22 These witnesses are in addition to those witnesses endorsed on the Information or
23 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
24 Witnesses has been filed.

25 ///

26 ///

27 ///

28 ///

1 The substance of each expert witness' testimony and copy of all reports made by or at
2 the direction of the expert witness have been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

4
5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY /s/JACQUELINE BLUTH
9 JACQUELINE BLUTH
10 Chief Deputy District Attorney
11 Nevada Bar #10625
12
13

14 CERTIFICATE OF ELECTRONIC TRANSMISSION

15 I hereby certify that service of the above and foregoing was made this 19th day of
16 February, 2019, by electronic transmission to:

17 RANDALL PIKE, Deputy Special Public Defender
18 e-mail: Rpike@clarkcountynv.gov

19 Special Public Defender's Office
20 e-mail: elizabeth.araiza@clarkcountynv.gov

21 BY: /s/ Stephanie Johnson
22 Secretary for the District Attorney's Office
23
24
25
26
27

28 17F16794X/saj/MVU

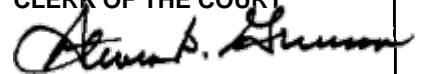
**Clark County Office of the
Coroner/Medical Examiner**
1704 Pinto Lane
Las Vegas, NV 89106
Phone: 702-455-3210
Fax: 702-455-0416

Chiara A. Mancini

Work History	<p>Medical Examiner/Forensic Pathologist Clark County Office of the Coroner/Medical Examiner, Las Vegas, Nevada</p> <p>Forensic Pathology Fellowship Montgomery County Coroner's Office, Dayton, Ohio</p> <p>Pathology Residency (Anatomic Pathology/Clinical Pathology) University of Louisville Hospital, Louisville, Kentucky</p> <p>Clinical Trial Manager Thomas J. Stephens & Associates, Colorado Springs, Colorado</p> <p>Intern, National and Defense Programs Department Computer Sciences Corporation, Alexandria, Virginia</p>	<p>08/18-present</p> <p>07/17-06/18</p> <p>07/13-06/17</p> <p>11/05-06/09</p> <p>06/05-09/05</p>
Education	<p>Doctor of Osteopathic Medicine (D.O.) Cumulative GPA: 3.24 Kansas City University of Medicine & Biosciences, Kansas City, Missouri</p> <p>Master of Arts (M.A.), Bioethics Cumulative GPA: 4.00 Kansas City University of Medicine & Biosciences, Kansas City, Missouri</p> <p>Bachelor of Science (B.S.), Biochemistry Minors: Anatomy & Neurobiology; Chemistry Cumulative GPA: 3.99 Colorado State University, Fort Collins, Colorado</p>	<p>08/09-05/13</p> <p>08/09-05/13</p> <p>08/99-05/03</p>
Certifications	<p>Anatomic Pathology/Clinical Pathology American Board of Pathology</p>	
Licenses	<p>Doctor of Osteopathic Medicine (D.O.) Nevada State Board of Osteopathic Medicine</p> <p>Doctor of Osteopathic Medicine (D.O.) State Medical Board of Ohio</p>	
Professional Memberships	<p>College of American Pathologists National Association of Medical Examiners Sigma Sigma Phi (National Osteopathic Honor Society)</p>	
Research/ Publications	<p>Mancini, C. "Beware the Red Herring: The Importance of the Scene Investigation in Identifying Postmortem Artifacts." <i>OSCA News</i> [Ohio State Coroners Association] (Winter 2017-18): 5-7.</p> <p>Mancini, C., Gibson, B., Parker, J., Applebaum, M., & Alatassi, H. "Anaplastic Supratentorial Cortical Ependymoma in a 62-Year-Old Man." Poster presentation at the College of American Pathologists Conference, October 2015.</p> <p>Gibson, B., Mancini, C., Parker, J., Applebaum, M., & Alatassi, H. "Suprasellar Anaplastic Hemangiopericytoma in a 34-Year-Old Man." Poster presentation at the College of American Pathologists Conference, October 2015.</p> <p>Wedersen, C., Dhanoa, J., Ghotra, A., Grewal, J., Mancini, C., Slone, S., & Rodriguez, C. "Myelodysplastic Syndrome with Myelofibrosis (MDS-F) – Rare Disease with Challenging Diagnosis and Management." Poster presentation at Research!Louisville, September 2014.</p> <p>Rao, V.R., Eilers, A., & Mancini, C. "Select Agents Diagnostic Test Reporting Requirements—Exemptions and Implications to Biosecurity." <i>Applied Biosafety</i> 11(4) (Dec. 2006): 215-221.</p>	

Chiara A. Mancini

Presentations	Coroner's Conference (Trauma Conference) Grandview Medical Center, Dayton, Ohio	09/17, 06/18
	Southern Ohio Forensics and Research Meeting Hamilton County Coroner's Office, Cincinnati, Ohio Montgomery County Coroner's Office, Dayton, Ohio	08/17, 10/17, 03/18, 05/18
	Coroner's Conference (Trauma Conference) Miami Valley Hospital, Dayton, Ohio	07/17, 09/17, 11/17, 01/18, 03/18, 05/18
	Journal Club (Forensic Pathology) Montgomery County Coroner's Office, Dayton, Ohio	07/17, 09/17, 11/17, 12/17, 03/18
Training	Forensic Anthropology Training Elizabeth Murray, Ph.D., Cincinnati, Ohio	06/14/18
	Evidence Technician Training Montgomery County Coroner's Office, Dayton, Ohio	05/07/18-05/18/18
	Mass Fatality Seminar Montgomery County Coroner's Office, Dayton, Ohio	10/19/17
	Postmortem Tissue Donation and Recovery Montgomery County Coroner's Office, Dayton, Ohio	09/28/17
	Fire Scene Investigation and Preservation of Remains Montgomery County Coroner's Office, Dayton, Ohio	08/31/17
	Forensic Entomology Training Neal Haskell, Ph.D., Rensselaer, Indiana	08/07/17-08/09/17
Leadership	Co-Chief Resident, Pathology University of Louisville Hospital, Louisville, Kentucky	07/14-06/15
Committees	At-Large Delegate, House Staff Council University of Louisville Hospital, Louisville, Kentucky	07/16-06/17
	Alternate Resident Delegate, Graduate Medical Education Committee University of Louisville Hospital, Louisville, Kentucky	07/15-06/16
	Delegate, House Staff Council University of Louisville Hospital, Louisville, Kentucky	07/15-06/16
	Member, Chief Residents Committee (Pathology) University of Louisville Hospital, Louisville, Kentucky	07/14-06/17
	Member, Chief Residents Committee (Interdepartmental) University of Louisville Hospital, Louisville, Kentucky	07/14-06/15
	Member, Pathology Education Committee University of Louisville Hospital, Louisville, Kentucky	07/14-06/15
	Member, Pathology Service Committee University of Louisville Hospital, Louisville, Kentucky	07/14-06/15
Awards	David B. Wheeler, D.O., Memorial Award in Pathology Kansas City University of Medicine & Biosciences, Kansas City, Missouri	05/17/13
	Sir William Osler Outstanding Student in Bioethics Award Kansas City University of Medicine & Biosciences, Kansas City, Missouri	05/15/13
	Dr. and Mrs. Donald D. Cucchi Scholarship Kansas City University of Medicine & Biosciences, Kansas City, Missouri	2010, 2011, 2012



EXPT
JONELL THOMAS
SPECIAL PUBLIC DEFENDER
NSB No. 6270
RANDALL H. PIKE
CHIEF DEPUTY SPECIAL PUBLIC DEFENDER
NSB No. 1940
330 South Third Street, 8th Floor
Las Vegas, NV 89155
(702) 455-6265
Fax No. 702-455-6273
rpik@clarkcountynv.gov
Attorneys for Kendrick

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,	)	CASE NO. C-17-327395-1
	)	DEPT. 3
Plaintiff,)	
)	
vs.)	
)	
MICHAEL MCNAIR,)	
)	
Defendant.)	
)	

**EX PARTE MOTION AND ORDER FOR DEFENDANT'S INMATE PHONE
CALLS AND INFORMATION REGARDING ACCESS INFORMATION**

COMES NOW, Michael McNair, Defendant, by and through his attorney, Randall H. Pike, Chief Deputy Special Public Defender, and submits his request for the production of all of his inmate telephone call recordings from his initial date of incarceration September 14, 2017 through February 20, 2019; a list of all individuals who accessed and/or downloaded said telephone calls from September 14, 2017 to present; and the date(s) upon which said telephone calls were accessed and/or downloaded.

This motion is made and based on the points and authorities cited herein and the affidavit of counsel attached hereto.

000368

POINTS AND AUTHORITIES

Michael McNair respectfully requests this Honorable Court to enter an order to aid him in securing due process of law and his constitutionally guaranteed right of access to evidence with which to aid with his defense, as delineated in Armstrong v. United States, 96 Nev. 175, 605 P.2d 1142 (1980); United States v. Bagley, 473 U.S. 667, 87 L.Ed.2d 481, 105 S. Ct. 3375 (1985); California v. Trombetta, 467 U.S. 479, 81 L.Ed.2d 413, 04 S. Ct. 2528 (1984), as well as his right to make a defense to the charges against him and to receive effective assistance of counsel in making his defense under the Sixth Amendment to the United States Constitution under Washington v. Texas, 388 U.S. 14, 18 L.Ed.2d 1019, 87 S. Ct. 1920 (1967); In Re Oliver, 333 U.S. 257, 92 L.Ed.2d 682, 68 S. Ct. 499 (1948); and Geders v. United States, 425 U.S. 890, 47 L.Ed.2d 592, 96 S. Ct. 1330 (1975).

DEFENDANT issued and served a subpoena for said records from ICS, who indicated that CCDC was the custodian of record of said calls. Thereafter, a subpoena was duly issued and served upon CCDC, to appear in Court on February 20, 2019. Metro has a habit of refusing the same and responded that said records should be "obtained from the District Attorney" or by **presenting an Order by the Court** pursuant to NRS 174.335(3) which allows for an order "before they are to be offered in evidence." The defense seeks these for exhibits to present before the Court in subsequent motions and for defendant's direct appeal.

The defendant has requested discovery from the District Attorney in open court, the State has not provided the same, referring the defense to present a court order to Metro. This motion is made under the authority of Brady v. Maryland, 373 U.S. 83 (1963); Napue v. Illinois, 360 U.S. 264 (1959); Giles v. Maryland, 386 U.S. 66 (1967); Davis v. Alaska, 415 U.S. 308 (1974); United States v. Pitt, 717 F.2d 1334 (11th Cir. 1983); Kyles v. Whitley, 115 S.Ct. 1555 (1995);

1 Jimenez v. State, 112 Nev. 610, 918 P.2d 687 (1996); and the Fifth, Sixth, Eighth and
2 Fourteenth Amendments to the United States Constitution and the equivalent.

3 WHEREFORE, MICHAEL MCNAIR respectfully requests that this Court order the
4 production of the foregoing materials; and that any records sealed by statute be ordered to be
5 produced to defense counsel no later than 5 p.m. February 22, 2019.
6

7 DATED 2/21/19

8 SUBMITTED BY:

9
10 /s/ RANDALL H. PIKE
11 

12 RANDALL H. PIKE
13 Attorney for McNair

14 **DECLARATION OF ATTORNEY**

15 RANDALL H. PIKE, hereby declares as follows:

16 I am an attorney duly licensed to practice law in the State of Nevada, and I am the
17 Chief Deputy Special Public Defender assigned to represent Michael McNair.
18

19 I am requesting Defendant's telephone calls and accessed recordings in order to
20 prepare for trial proceedings and to preserve said records.

21 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).
22

23 EXECUTED February 21, 2019.

24
25 /s/ RANDALL H. PIKE
26 



27 RANDALL H. PIKE
28

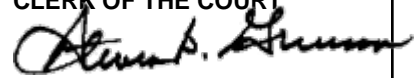
ORDER TO PRODUCE RECORDS

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Las Vegas Metropolitan Police Department produce all inmate telephone call recordings from September 14, 2019 through February 20, 2019, along with a list of all individuals who accessed and/or downloaded said telephone calls from September 14, 2019 to present; and the date(s) upon which said telephone calls were accessed and/or downloaded.

IT IS FURTHER ORDERED, that a copy of these records be provided to counsel for Defendant Michael McNair no later than 5 p.m. 2019.

DATED and DONE: 2-21-19

^{February 22,}

DISTRICT COURT JUDGE




MOT

JONELL THOMAS
Clark County Special Public Defender
RANDALL H. PIKE
Chief Deputy Special Public Defender
State Bar No. 1940
MELINDA SIMPKINS
Chief Deputy Special Public Defender
State Bar No. 7911
330 South Third Street, 8th Floor
Las Vegas, NV 89155
(702) 455-6265
Fax: 455-6273
rpik@clarkcountynv.gov
msimpkins@ClarkCountyNV.gov
Attorneys for McNair

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,	)	CASE NO. C 17-327395-1
	)	DEPT. NO. 3
Plaintiff,)	
)	
vs.)	
)	
MICHAEL MCNAIR,)	
)	
Defendant.)	
)	
)	

**MOTION TO PRECLUDE THE STATE FROM USING ANY CCDC TELEPHONE
RECORDS IN THE CASE IN CHIEF OR REBUTTAL**

DATE: _____
TIME: _____

COMES NOW, MICHAEL MCNAIR, by and through his attorneys, JONELL THOMAS,
Special Public Defender, RANDALL H. PIKE, Chief Deputy Special Public Defender, and
MELINDA SIMPKINS, Chief Deputy Special Public Defender, and respectfully moves this
Honorable Court to preclude the State from using any of the Defendant's telephone calls from the
CCDC in the State's case in chief and in the rebuttal. This motion is made and based upon all of

000372

1 the papers and pleadings on file, the attached Points and Authorities, as well as oral argument at
2 the time of the hearing.

3 **NOTICE OF MOTION**

4 TO: STATE OF NEVADA, Plaintiff; and

5 TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

6 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring on the above and
7 foregoing Motion on for hearing on 3-5-19, 2019 at the hour of 9:00am a.m. /
8 p.m.
9

10 **POINTS AND AUTHORITIES**

11 **STATEMENT OF FACTS**

12 During the list of witnesses for the trial of this matter, the State listed the CCDC custodian
13 of records. The State has not produced any recorded telephone calls during his incarceration,
14 although the State has informed the defense that the Assigned Deputy has personally reviewed
15 telephone calls from the Defendant, and has stated to the Court that she has the ability to access
16 these calls whenever she desires to do so. Even these reviewed records that have been in the direct
17 possession of the State have remained unproduced.
18

19 Metro was served a subpoena to appear at the time of the calendar call (See Exhibit A
20 attached hereto). No representative of Metro appeared, no motion to quash was filed and it was
21 not until later that Exhibit B was emailed to the Defense.
22

23 Aware of the problems of dealing with Metro and the fact that no order would be required
24 for the State to immediately secure the records from Metro, the Defense made a discovery request
25 that they be provided on or before the 20th of February from the State. These were not produced
26 and remain unproduced.
27
28

1 Mr. McNair should not be prejudiced on a fundamental issue of due process and the State
2 should not be absolved of their discovery obligations simply because the State is electing to cull
3 through the telephone records, and withhold statements of the defendant which may either
4 inculcate or serve as mitigation or possible defense. Clearly these are discoverable records, and
5 are within the direct access of the District Attorney's Office.

6 Clearly, with the State having such access the State has the duty to comply with their
7 discovery obligations as part of their case in chief under NRS 174.235. To fail to do so directly
8 would be a violation of the defendant's due process rights.

9
10 Defense counsel recently completed a death penalty (State v. Arenas) in which the State
11 produced the telephone records as part of their discovery responsibility. Contrarily, in the recent
12 case of State v. Kendrick, the State's position regarding these calls was that they are under no
13 obligation to provide the defendant with his own inculpatory recorded statements, and did not
14 produce the records until after the State and the defense had rested, regardless of the fact that the
15 subsequent access records showed that the testifying detectives had reviewed the same. To allow
16 the State unfettered access and their failure to produce the records could be seen as an attempt to
17 "game" the system by holding on to calls it has admitted were in its constructive possession.
18 Jailhouse calls to be used either in the State's case in chief, under statute, should be provided to the
19 defense prior to the trial. Additionally, all calls of the defendant within the possession or
20 knowledge of the State that may have evidentiary value either in the case in chief or rebuttal
21 should be provided prior to the trial. This is all too similar to and indicative of a "poker game"
22 strategy, which the Nevada Supreme Court has cautioned against.
23
24
25
26
27
28

ARGUMENT

**IT IS APPROPRIATE TO PRECLUDE THE INTRODUCTION OF ANY CCDC
TELEPHONE RECORDINGS.**

To allow the calls without production prior to the time of trial would be a violation of the defendant's state and federal constitutional rights to due process of law and equal protection were violated by the government's failure to turn over discovery relevant to his case. U.S. Const. Amend. V, VI, XIV; Nevada Const. Art. 1, Sec. 3, 8; Art. IV, Sec. 21.

"Without a strong showing of State interests to the contrary, parties must be afforded reciprocal discovery. Similarly, fairness during trial is not one-sided and applies to both the defendant and the State." Grey v. State, 124 Nev. 110, 113, 178 P.3d 154, 156 (2008). In Nevada, a district court has jurisdiction to limit introduction of evidence during a trial to comply with the defendant's due process rights.

In the present case, the Prosecutor has specifically indicated that she personally has been accessing the calls. In doing so, she has made the decision not to forward these accessed calls to the defense, making a prosecutorial determination as to what may be inculpatory and/or exculpatory.

NRS 174.234 states in part:

Reciprocal disclosure of lists of witnesses and information relating to expert testimony; continuing duty to disclose; protective orders; sanctions.

1. Except as otherwise provided in this section, not less than 5 judicial days before trial or at such other time as the court directs:
 - (a) If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony:
 - (1) The defendant shall file and serve upon the prosecuting attorney a written notice containing the names and last known addresses of all witnesses the defendant intends to call during the case in chief of the defendant; and
 - (2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the names and last known addresses of all witnesses the prosecuting attorney intends to call during the case in chief of the State.

1 NRS 174.234.

2 NRS 174.235 states in part:

3 Disclosure by prosecuting attorney of evidence relating to prosecution;
4 limitations.

5 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
6 request of a defendant, the prosecuting attorney shall permit the defendant
7 to inspect and to copy or photograph any:

8 (a) **Written or recorded statements or confessions made by the**
9 **defendant,** or any written or recorded statements made by a
10 witness the prosecuting attorney intends to call during the case in
11 chief of the state, **or copies thereof, within the possession,**
12 **custody or control of the state, the existence of which is known,**
13 **or by the exercise of due diligence may become known, to the**
14 **prosecuting attorney;**

12 NRS 174.235(emphasis added).

13 NRS 174.235 calls for producing recorded statements that were in the possession of the
14 State or could have been discovered through diligence.

15 As the Nevada Supreme Court has stated:

16
17 In Wardius v. Oregon, the Court noted that “[a]lthough the Due Process Clause
18 has little to say regarding the amount of discovery which the parties must be
19 afforded, it does speak to the balance of forces between the accused and his
20 accuser.” The Court further held that “in the absence of a strong showing of state
21 interests to the contrary, discovery must be a two-way street.” Additionally, the
22 Court held that: The State may not insist that trials be run as a “search for truth”
23 so far as defense witnesses are concerned, while maintaining “poker game”
24 secrecy for its own witnesses. It is fundamentally unfair to require a defendant to
25 divulge the details of his own case while at the same time subjecting him to the
26 hazard of surprise concerning refutation of the very pieces of evidence which he
27 disclosed to the State.

24 Grey v. State, 124 Nev. 110, 118-119, 178 P.3d 154, 160 (2008).

25 In United States v. Hernandez, The Ninth Circuit addressed willful failure to disclose
26 discovery, stating in part:

1 Lack of knowledge or even a showing of due diligence won't excuse
2 noncompliance. It thus behooves the government to interpret the disclosure
3 requirement broadly and turn over whatever evidence it has pertaining to the case.

4 United States v. Hernandez-Meza, 720 F.3d 760, 769 (9th Cir. 2013)(internal citations omitted).

5 The Ninth Circuit went on to clarify its inference based on the government's actions,
6 stating in part:

7 The record suggests that the government may have deliberately withheld the
8 naturalization certificate from Hernandez-Meza, perhaps hoping to lock him into
9 a defense he couldn't win. It may have hoped to present the certificate by way of
10 rebuttal—under the mistaken impression that it did not need to disclose the
11 document if it didn't intend to present it in its case-in-chief—and was then
12 outflanked when defendant did not put on any evidence. We infer this from the
13 record as a whole and particularly from the fact that the prosecution knew the date
14 of Hernandez-Meza's mother's naturalization and its relevance to the case, yet
15 didn't produce the certificate even after defense counsel pointed out the lacuna.
16 See pp. 14-15 supra.

17 Id.

18 Although addressing Brady material, the United States Supreme Court has noted that a
19 prosecutor is still responsible for evidence in a police file, even if it was not aware. In the present
20 case, the State has specifically listed the Custodian of Records within its list of witnesses.

21 Even discounting the prosecutor's obligations under Brady to investigate the evidence
22 contained in the police file, NRS 174.235 notes evidence that was in possession or could have been
23 discovered by "due diligence." The fact that the police had these incriminating calls for over a
24 year and the prosecution claimed it should not be required to disclose them because it only learned
25 about them the last days of trial is not exercising "due diligence" and Mr. McNair should not be
26 punished for their failure to do so.

27 In People v. Jarrett, the Illinois Appellate Court reversed defendant's conviction where the
28 State failed to provide adequate notice of rebuttal witnesses. Of import, the court in Jarrett found
the state was required to provide notice of discovery as it had formed the intent to call rebuttal
witnesses. People v. Jarrett, 22 Ill. App. 3d 61, 62, 316 N.E.2d 659, 660 (1974).

CONCLUSION

The defense requests that the Court grant its Motion in Limine precluding the State from introducing any telephone calls from the defendant from the CCDC either in the Case in Chief or as rebuttal.

DATED this 21st day of February, 2019.

RESPECTFULLY SUBMITTED:

/s/ RANDALL H. PIKE

RANDALL H. PIKE
MELINDA SIMPKINS
Attorneys for McNair

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the Motion To Preclude The State From Using Any CCDC Telephone Records In The Case In Chief Or Rebuttal was made on February 21, 2019 by Electronic Filing to:

DISTRICT ATTORNEY'S OFFICE
email: motions@clarkcountyda.com

/s/ Elizabeth (Lisa) Araiza

An employee of the Special Public Defender

EXHIBIT A

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

MCNAIR, MICHAEL D.
#1959573

Defendant.

CASE NO. C-17-327395-1
DEPT NO. III

SUBPOENA

☐ Regular ☒ Duces Tecum

THE STATE OF NEVADA SENDS GREETINGS TO:

**CLARK COUNTY DETENTION CENTER
C/O CUSTODIAN OF RECORDS
330 S. CASINO CENTER
LAS VEGAS, NEVADA 89101
702 671-5688**

YOU ARE HEREBY DEMANDED, that all and singular business and excuses set aside, you appear before the above Court on the 14th day of February, 2019 at the hour of 9:00 a.m. and provide the Office of the Clark County Special Public Defender's Office, 330 South Third Street, 8th. Floor, Las Vegas, Nevada 89101; the following items

*****TRUE & ACCURATE COPIES OF ANY & ALL CLARK COUNTY DETENTION CENTER INMATE PHONE CALL RECORDINGS PERTAINING TO MICHAEL D. MCNAIR #1959573, FROM SEPTEMBER 15, 2017 THROUGH PRESENT TIME, A LIST OF INDIVIDUALS WHO HAVE EVER ACCESSED THE RECORDINGS ALONG WITH THE ACCOMPANYING DATES AND TIMES THE RECORDINGS WERE ACCESSED .*****

In lieu of your personal appearance you may deliver the requested materials to any representative of the Clark County Special Public Defender provided said materials are made available by February 14, 2019. When the requested materials are ready or if you have any questions please call Investigator Jonathan S. Kendall at (702) 455-8507.

If you fail to comply you will be deemed guilty of Contempt of Court and liable to pay all losses and damages caused by your failure to appear and in addition forfeit Five Hundred Dollars (\$500.00).

DATED this 8th Day of February, 2019.

JONELL THOMAS
SPECIAL PUBLIC DEFENDER

By:

Randall H. Pike
Chief Deputy Special Public Defender
State Bar # 1940
(702) 455-6265
Attorney for Defendant

DECLARATION OF SERVICE

Jonathan Kendall, being duly sworn says: That at all time herein Affiant was over 18 years of age, not a party to or interested in the proceeding in which this Affidavit is made. That Affiant received the subpoena on the 8th day of February 2019, and served the same on the 8th day of February, 2019 by delivering a copy to the witness via email to: codcrecordssubpoena@lvm.d.com

Signature of Declarant

PLEASE CONTACT INVESTIGATOR, JONATHAN KENDALL at 702-455-8507 WHEN READY FOR PICKUP.

000380

EXHIBIT B



**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

JOSEPH LOMBARDO, Sheriff

Partners with the Community

February 19, 2019

Randall H. Pike
Chief Deputy Special Public Defender
330 S. Third St.
Las Vegas, NV 89155

**Re: Michael D. McNair
ID#1959573**

Case# C-17-327395-1

Dear Mr. Pike:

The Las Vegas Metropolitan Police Department (LVMPD) DSD Records Bureau is in receipt of your subpoena requesting phone call recordings and a list of individuals who have ever accessed the recordings.

Your subpoena commands appearance and records to be produced to your office on February 14, 2019 at 9:00 a.m.

Please provide a copy of the order authorizing the subpoena for pre-trial production pursuant to NRS 174.335(3), as explained in the attached District Court and District Court Order.

If you have any further questions, please contact the LVMPD Office of General Counsel at (702) 828-3310.

Respectfully,

JOSEPH LOMBARDO, SHERIFF

By: _____

cc: Jacqueline Bluth
Chief Deputy District Attorney