

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WILBER ERNESTO MARTINEZ  
GUZMAN

No. 79079

Electronically Filed  
Aug 22 2019 03:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Petitioner,

v.

THE SECOND JUDICIAL DISTRICT  
COURT, IN AND FOR THE  
COUNTY OF WASHOE; THE  
HONORABLE CONNIE J.  
STEINHEIMER, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

\_\_\_\_\_ /

**REAL PARTY IN INTEREST'S APPENDIX - VOLUME 2**

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1 IN THE SECOND JUDICIAL DISTRICT COURT  
2 OF THE STATE OF NEVADA  
3 IN AND FOR THE COUNTY OF WASHOE  
4 BEFORE THE WASHOE COUNTY GRAND JURY

5 -oOo-

6 4189

7 IN THE MATTER OF:

Case No. CR19-0447

8 WILBER ERNESTO MARTINEZ

Dept. No. 4

9 GUZMAN /

10  
11  
12  
13 P R O C E E D I N G S

14 WEDNESDAY, MARCH 13, 2019

15 8:30 A.M.  
16  
17  
18  
19  
20  
21  
22

23 Reported By:

RANDI LEE WALKER, CCR #137  
NEVADA/CALIFORNIA CERTIFIED  
REGISTERED PROFESSIONAL REPORTER  
Computer-Aided Transcription

APPEARANCES

For the State:

CHRISTOPHER HICKS, ESQ.  
Washoe County District Attorney  
Washoe County Courthouse  
Reno, Nevada

MARK B. JACKSON, ESQ.  
Douglas County District Attorney  
1038 Buckeye Road  
Minden, Nevada

ALSO PRESENT:

TRAVIS LUCIA, ESQ.  
Washoe County Deputy D.A.  
Reno, Nevada

I N D E X

<u>WITNESSES:</u>	<u>PAGE</u>
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1           RENO, NEVADA, WEDNESDAY, MARCH 13, 2019, 8:30 A.M.

2                               -o0o-

3  
4           THE FOREPERSON: Will the Secretary call the  
5 roll, please.

6                       (Whereupon, the roll was called.)

7           THE FOREPERSON: Let the record reflect we have  
8 14 today.

9           MR. HICKS: Good morning. I am Washoe County  
10 District Attorney, Chris Hicks. With me today is the  
11 Douglas County District Attorney, Mark Jackson, and  
12 also Washoe County Deputy District Attorney, Travis  
13 Lucia.

14               Today we will be presenting on behalf of the  
15 State of Nevada. The matter for your consideration is  
16 a proposed Indictment against Wilber Ernesto Martinez  
17 Guzman.

18               The proposed Indictment alleges that Wilber  
19 Ernesto Martinez Guzman has committed the following:

20               One count of Burglary; one count of Burglary  
21 While Gaining Possession Of A Firearm; four counts of  
22 Murder With The Use Of A Deadly Weapon; three counts of  
23 Burglary While In Possession Of A Firearm; and one  
24 count of Possession Of A Stolen Firearm.

1           At this time I'm going to hand out a copy of  
2           the Indictment to all of you.

3           We also have, for the record, a copy of the  
4           Indictment, marked as Grand Jury Exhibit Number 175.

5           There are going to be a few extras; you can  
6           just leave those on the table.

7           The Indictment reads as follows:

8           The defendant, Wilber Ernesto Martinez Guzman,  
9           is accused by the Grand Jury of Washoe County, State of  
10          Nevada, of the following:

11          Count I. Burglary, a violation of NRS 205.060  
12          a Category-B felony, in the manner following, to-wit:

13          That the said defendant, Wilber Ernesto  
14          Martinez Guzman, on or about January 3rd, 2019, within  
15          the County of Washoe, State of Nevada, did willfully  
16          and unlawfully enter a barn and/or other building  
17          belonging to Sharon David and/or Gerald David, located  
18          at 760 La Guardia Lane, Washoe County, Nevada, with the  
19          intent to commit larceny therein.

20          Count II. Burglary While Gaining Possession Of  
21          A Firearm, a violation of NRS 205.060, a Category-B  
22          felony, in the manner following, to-wit:

23          That the said defendant, Wilber Ernesto  
24          Martinez Guzman, on or about January 4th, 2019, within

1 the County of Washoe, State of Nevada, did willfully  
2 and unlawfully enter a trailer and/or other building  
3 belonging to Sharon David and/or Gerald David, located  
4 at 760 La Guardia Lane, Washoe County, Nevada, with the  
5 intent to commit larceny therein and, at any time  
6 during the commission of the crime, did gain possession  
7 of a firearm.

8 Count III. Murder With The Use Of A Deadly  
9 Weapon, a violation of NRS 200.010, NRS 200.030, and  
10 NRS 193.165, a Category-A felony, in the manner  
11 following, to-wit:

12 That the said defendant, Wilber Ernesto  
13 Martinez Guzman, on or about January 9, 2019, and/or  
14 January 10th, 2019, within the County of Douglas, State  
15 of Nevada, did willfully, unlawfully, and with malice  
16 aforethought, deliberation and premeditation, kill  
17 Constance Koontz, a human being, by shooting Constance  
18 Koontz with a firearm;

19 and/or that the said defendant, Wilber Ernesto  
20 Martinez Guzman, on or about January 9, 2019, and/or  
21 January 10, 2019, within the County of Douglas, State  
22 of Nevada, did willfully and unlawfully enter the home  
23 of Constance Koontz, located at 1439 James Road,  
24 Gardnerville, Nevada, with the intent to commit larceny



1       therein, and during the perpetration of said crime did  
2       kill Constance Koontz by the shooting her with a  
3       firearm.

4               Count IV.   Burglary While In Possession Of A  
5       Firearm, a violation of NRS 205.060, a Category-B  
6       felony, in the manner following, to-wit:

7               That the said defendant, Wilber Ernesto  
8       Martinez Guzman, on or about January 9, 2019, and/or  
9       January 10, 2019, within the County of Douglas, State  
10      of Nevada, did willfully and unlawfully enter the home  
11      of Constance Koontz, located at 1439 James Road,  
12      Gardnerville, Nevada, with the intent to commit larceny  
13      and, at any time during the commission of the crime,  
14      did have in his possession a firearm.

15              Count V.   Murder With The Use Of A Deadly  
16      Weapon, a violation of NRS 200.010, NRS 200.030, and  
17      NRS 193.165, a Category-A felony, in the manner  
18      following, to-wit:

19              That the said defendant, Wilber Ernesto  
20      Martinez Guzman, on or about January 12, 2019, and/or  
21      January 13th, 2019, within the County of Douglas, State  
22      of Nevada, did willfully, unlawfully, and with malice  
23      aforethought, deliberation and premeditation, kill  
24      Sophia Renken, a human being, by shooting Sophia Renken

1 with a firearm;

2 and/or that the said defendant, Wilber Ernesto  
3 Martinez Guzman, on or about January 12th, 2019, and/or  
4 January 13th, 2019, within the County of Douglas, State  
5 of Nevada, did willfully and unlawfully enter the home  
6 of Sophia Renken, located at 943 Dresslerville Road,  
7 Gardnerville, Nevada, with the intent to commit larceny  
8 therein and, during the perpetration of said crime, did  
9 kill Sophia Renken, by shooting her with a firearm.

10 Count VI. Burglary While In Possession Of A  
11 Firearm, a violation of NRS 205.060, a Category-B  
12 felony, in the manner following, to-wit:

13 That the said defendant, Wilber Ernesto  
14 Martinez Guzman, on or about January 12, 2019, and/or  
15 January 13, 2019, within the County of Douglas, State  
16 of Nevada, did willfully and unlawfully enter the home  
17 of Sophia Renken, located at 943 Dresslerville Road,  
18 Gardnerville, Nevada, with the intent to commit larceny  
19 and, at any time during the commission of the crime,  
20 did have in his possession a firearm.

21 Count VII. Murder With The Use Of A Deadly  
22 Weapon, a violation of NRS 200.010, NRS 200.030, and  
23 NRS 193.165, a Category-A felony, in the manner  
24 following, to-wit:

1           That the said defendant, Wilber Ernesto  
2     Martinez Guzman, on or about January 15, 2019, and/or  
3     January 16, 2019, within the County of Washoe, State of  
4     Nevada, did willfully, unlawfully, and with malice  
5     aforethought, deliberation and premeditation, kill and  
6     murder Sharon David, a human being, by shooting Sharon  
7     David with a firearm;

8           and/or that the said defendant, Wilber Ernesto  
9     Martinez Guzman, on or about January 15th, 2019 and/or  
10    January 16, 2019, within the County of Washoe, State of  
11    Nevada, did willfully and unlawfully enter the home of  
12    Sharon David and/or Gerald David, located at 760 La  
13    Guardia Lane, Washoe County, Nevada, with the intent to  
14    commit larceny therein and, during the perpetration of  
15    said crime, did kill Sharon David, by shooting her with  
16    a firearm.

17           Count VIII. Murder With The Use Of A Deadly  
18    Weapon, a violation of NRS 200.010, NRS 200.030, and  
19    NRS 193.165, a Category-A felony, in the manner  
20    following, to-wit:

21           That the said defendant, Wilber Ernesto  
22    Martinez Guzman, on or about January 15th, 2019, and  
23    January 16, 2019, within the County of Washoe, State of  
24    Nevada, did willfully, unlawfully, and with malice

1     aforethought, deliberation and premeditation, kill and  
2     murder Gerald David, a human being, by shooting Gerald  
3     David with a firearm;

4             and/or that the said defendant, Wilber Ernesto  
5     Martinez Guzman, on or about January 15, 2019, and  
6     January 16, 2019, within the County of Washoe, State of  
7     Nevada, did willfully and unlawfully enter the home of  
8     Sharon David and/or Gerald David, located at 760 La  
9     Guardia Lane, Washoe County, Nevada, with the intent to  
10    commit larceny therein and, during the perpetration of  
11    said crime, did kill Gerald David, by shooting him with  
12    a firearm.

13            Count IX. Burglary While In Possession Of A  
14    Firearm, a violation of NRS 205.060, a Category-B  
15    felony, in the manner following, to-wit:

16            That the said defendant, Wilber Ernesto  
17    Martinez Guzman, on or about January 15, 2019, and  
18    January 16th, 2019, within the County of Washoe, State  
19    of Nevada, did willfully and unlawfully enter the home  
20    of Sharon David and/or Gerald David, located at 760 La  
21    Guardia Lane, Washoe County, Nevada, with the intent to  
22    commit larceny therein and, at any time during the  
23    commission of the crime, did have in his possession a  
24    firearm.

1           Count X. Possession Of A Stolen Firearm, a  
2 violation of NRS 205.275, a Category-B felony, in the  
3 manner following, to-wit:

4           That the said defendant, Wilber Ernesto  
5 Martinez Guzman, on or between January 4th, 2019, and  
6 January 19th, 2019, within the County of Washoe, and/or  
7 the County of Douglas, and/or Carson City, State of  
8 Nevada, did willfully and unlawfully, for his own gain  
9 or to prevent the owner from again possessing the  
10 owner's property, have in his possession a firearm,  
11 belonging to Sharon David and/or Gerald David, knowing  
12 that the property was stolen; specifically a High  
13 Standard Sentinel .22-caliber revolver, and/or a Savage  
14 Sporter Model 23AA .22-caliber long rifle, and/or a  
15 Cherry's Inc. GSO INC. 7.62x39 rifle, and or an Ithaca  
16 Gun Company M-49 .22-caliber long rifle, and/or a  
17 Remington Model 11-87 20-gauge shotgun, and/or a Savage  
18 Model 93R17.17HMR rifle, and/or a Ranger 20-gauge  
19 side-by-side shotgun, and/or a Remington Model 870  
20 Wingmaster Magnum 12-gauge shotgun, and/or an Iver  
21 Johnson Arms Champion .410 Bore shotgun, and/or a Steyr  
22 Mannlicher Safebolt 7x64 rifle, and/or a Weatherby Mark  
23 V .270 Magnum rifle, and/or a Remington 11-87 12-gauge  
24 shotgun.

1           Next I will hand out copies of our Grand Jury  
2 instructions. Those are also marked as an exhibit, as  
3 174.

4           It's come to my attention that Count XIII of  
5 the Indictment, on line 5, reads, "or about January 15,  
6 2019, and January 16, 2019."

7           I'd like to make, by interlineation, on the  
8 original, in possession of the Grand Jury Foreperson,  
9 to have it read: "and/or January 16, 2019."

10          Thank you for making that correction.

11          THE FOREPERSON: The Judge likes both of our  
12 initials on it.

13          MR. HICKS: I will now read the Grand Jury  
14 instructions, starting with Number 1:

15          With respect to Counts I, II, IV, VI and IX,  
16 the crime of Burglary consists of the following  
17 elements:

- 18           1. That the defendant, Wilber Ernesto Martinez  
19           Guzman;
- 20           2. Did willfully and unlawfully;
- 21           3. By day or night enter any house, barn,  
22           trailer, or other building.
- 23           4. With the intent to commit larceny;
- 24           5. Within the County of Washoe OR Douglas,

1 State of Nevada.

2 Just to segue, or break from the reading of the  
3 instructions, I also realized in Count XIII, in the  
4 second paragraph, we also need to make the amendment on  
5 line 10 to read: "January 15th, and/or January 16th."

6 Instruction Number 2:

7 As it relates to the crime of Burglary, the  
8 term "larceny" consists of intentionally stealing,  
9 taking and carrying away the personal goods or property  
10 owned by another person.

11 Instruction Number 3:

12 With respect to Counts II, IV, VI and IX, if  
13 you find the defendant committed the offense of  
14 Burglary, then you must further determine whether the  
15 defendant had in his possession, or gained possession  
16 of, a firearm at any time during the commission of the  
17 crime.

18 A "firearm" is defined as:

- 19 1. Any device designed to be used as a weapon  
20 from which a projectile may be expelled  
21 through the barrel by the force or any  
22 explosion or other form of combustion.

23 Instruction Number 4:

24 Generally, the crime of Murder in the First

1 Degree is murder which is, (1) willful, deliberate, and  
2 premeditated; or (2) committed in the perpetration or  
3 attempted perpetration of certain statutorily  
4 enumerated felonies, in this case, Burglary.

5 With respect to Counts III, V, VII and VIII,  
6 the Indictment alleges two alternative theories of  
7 Murder. For those specific counts, the first paragraph  
8 alleges that the defendant committed the murder in a  
9 willful, deliberate, and premeditated manner.

10 Under the theory set forth in the first  
11 paragraph of Counts III, V, VII and VIII, the crime of  
12 Murder consists of the following elements:

- 13 1. That the defendant, Wilber Ernesto Martinez  
14 Guzman;
- 15 2. Did willfully and unlawfully;
- 16 3. Kill a human being;
- 17 4. With malice aforethought, either express or  
18 implied;
- 19 5. Within the County of Washoe OR Douglas,  
20 State of Nevada.

21 Instruction Number 5:

22 Express malice is that deliberate intention to  
23 unlawfully take away the life of a fellow creature,  
24 which is manifested by external circumstances capable



1 of proof.

2 Malice may be implied when no considerable  
3 provocation appears, or when all the circumstances of  
4 the killing show an abandoned and malignant heart.

5 Instruction Number 6:

6 Malice aforethought, as used in the definition  
7 of murder, means the intentional doing of a wrongful  
8 act without legal cause or excuse, or what the law  
9 considers adequate provocation. The condition of mind  
10 described as "malice aforethought" may arise, not alone  
11 from anger, hatred, revenge or from particular  
12 ill-will, spite or grudge toward the person killed, but  
13 may also result from any unjustifiable or unlawful  
14 motive or purpose to injure another, which proceeds  
15 from a heart fatally bent on mischief, or with reckless  
16 disregard of consequences and social duty.

17 "Aforethought" does not imply deliberation or  
18 the lapse of considerable time. It only means the  
19 required mental state must precede, rather than follow,  
20 the act.

21 Instruction Number 7:

22 Murder of the first-degree is murder which is  
23 perpetrated by means of any kind of willful,  
24 deliberate, or premeditated killing.

1 Willfulness is the intent to kill. There need  
2 be no appreciable space of time between formation of  
3 the intent to kill and the act of killing.

4 Deliberation is the process of determining upon  
5 a course of action to kill as a result of thought,  
6 including weighing the reasons for and against the  
7 action and considering the consequences of the action.

8 A deliberate determination may be arrived at in  
9 a short period of time. But in all cases, the  
10 determination must not be formed in passion; or if  
11 formed in passion, it must be carried out after there  
12 has been time for the passion to subside and  
13 deliberation to occur. A mere unconsidered and rash  
14 impulse is not deliberate, even though it includes the  
15 intent to kill.

16 Premeditation is a design, a determination to  
17 kill, distinctly formed in the mind by the time of the  
18 killing.

19 Premeditation need not be for a day, an hour,  
20 or even a minute. It may be as instantaneous as  
21 successive thoughts of the mind. For if the jury  
22 believes from the evidence that the act constituting  
23 the killing has been preceded by, and has been the  
24 result of premeditation, no matter how rapidly the act

1 follows the premeditation, it is premeditated.

2 The law does not undertake to measure in units  
3 of time the length of the period during which the  
4 thought must be pondered before it can ripen into an  
5 intent to kill which is truly deliberate and  
6 premeditated. The time will vary with different  
7 individuals and under varying circumstances.

8 The true test is not the duration of time, but  
9 rather the extent of the reflection. A cold,  
10 calculated judgment and decision may be arrived at in a  
11 short period of time, but a mere unconsidered and rash  
12 impulse, even though it includes an intent to kill, is  
13 not deliberation and premeditation as will fix an  
14 unlawful killing as murder of the first-degree.

15 Instruction Number 8:

16 Open-murder, as alleges in the first paragraph  
17 of Counts III, V, VII and VIII of the Indictment,  
18 charges murder in the first-degree and all necessarily-  
19 included offenses, including second-degree murder,  
20 voluntary manslaughter, and involuntary manslaughter.

21 At this time, I want to remind you all that in  
22 your deliberations you do not have to fix the degree of  
23 the homicide, you just have to determine if there was  
24 probable cause for any of it.

1           Second-Degree Murder does not require a  
2           specific intent to kill, and encompasses all kinds of  
3           murder other than First-Degree deliberate, premeditated  
4           murder, and felony murder.

5           Manslaughter is the unlawful killing of a human  
6           being without malice, express or implied, and without a  
7           mixture of deliberation. Manslaughter may be  
8           voluntary, upon a sudden heat of passion, caused by a  
9           provocation apparently sufficient to make the passion  
10          irresistible; or, involuntary, in the commission of the  
11          unlawful act, or a lawful act without due caution or  
12          circumspection.

13           Instruction Number 11:

14           In cases of voluntary manslaughter, there must  
15          be a serious and highly-provoking injury inflicted upon  
16          the person killing, sufficient to excite an  
17          irresistible passion in a reasonable person, or an  
18          attempt by the person killed to commit a serious  
19          personal injury on the person killing.

20           The killing must be the result of that sudden,  
21          violent impulse of passion supposed to be irresistible,  
22          for, if there should appear to have been an interval  
23          between the assault or provocation given for the  
24          killing, sufficient for the voice of reason and

1       humanity to be heard, the killing shall be attributed  
2       to deliberate revenge and punished as murder.

3               Instruction Number 12:

4               Involuntary manslaughter is the killing of a  
5       human being, without any intent to do so, in the  
6       commission of an unlawful act, or in the commission of  
7       a lawful act which probably might produce such a  
8       consequence in an unlawful manner.

9               Instruction Number 13:

10              With respect to Counts III, V, VII and VIII,  
11       the Indictment alleges two alternative theories of  
12       murder. For those specific counts, the second  
13       paragraph of the Indictment alleges that the defendant  
14       committed the murder pursuant to a doctrine called the  
15       "felony murder rule."

16              Whenever death occurs during the perpetration  
17       or attempted perpetration of certain enumerated felony  
18       offenses, the killing constitutes Murder in the  
19       First-Degree. The offense of Burglary is an enumerated  
20       offense; therefore, a killing which is committed in the  
21       perpetration or attempted perpetration of a burglary is  
22       Murder in the First-Degree. This is the felony murder  
23       rule.

24              In regard to the felony murder rule, the State

1 is not required to prove that the killing was committed  
2 with malice, premeditation, or deliberation. The State  
3 is only required to prove the elements set forth below:

- 4 1. That the defendant, Wilber Ernesto Martinez  
5 Guzman;
- 6 2. Did willfully and unlawfully;
- 7 3. Kill a human being;
- 8 4. During the perpetration or attempted  
9 perpetration of the crime of Burglary;
- 10 5. Within the County of Washoe OR Douglas,  
11 State of Nevada.

12 With respect to Counts III, V, VII and VIII, if  
13 you find the defendant committed the offense of Murder,  
14 then you must further determine whether the defendant  
15 used a deadly weapon in the commission of the crime.

16 A "deadly weapon" is defined as:

- 17 1. Any instrument which, if used in the  
18 ordinary manner contemplated by its design  
19 and construction, will or is likely to  
20 cause substantial bodily harm or death;  
21 OR
- 22 2. Any weapon, device, instrument, material  
23 or substance which, under the circumstances  
24 in which it is used, attempted to be used, or

1 threatened to be used, is readily capable of causing  
2 substantial bodily harm or death. That is Instruction  
3 Number 14.

4 Instruction Number 15:

5 Evidence of drug use by the defendant should  
6 not be considered as evidence of bad character. It may  
7 be considered as it factors into his ability to form  
8 the specific intent to commit the crimes alleged in the  
9 Indictment.

10 Instruction Number 16:

11 With respect to Count X, the crime of  
12 Possession Of A Stolen Firearm, consists of the  
13 following elements:

14 1. That the defendant, Wilber Ernesto Martinez  
15 Guzman;

16 2. Did willfully and unlawfully;

17 3. For his own gain or to prevent the owner  
18 from again possessing the owner's  
19 property;

20 4. Have in his possession a firearm;

21 5. Knowing that the property was stolen;

22 6. Within the County of Washoe OR Douglas OR  
23 Carson City, State of Nevada.

24 Lastly, ladies and gentlemen, I would remind

1 you that the targets of proposed Indictments have a  
2 right not to testify, and the failure of a target to  
3 appear before the Grand Jury must not be considered in  
4 your decision of whether or not to return an  
5 Indictment.

6 THE FOREPERSON: Excuse me. You didn't read  
7 Number 17.

8 MR. HICKS: I'm sorry.

9 Instruction Number 17:

10 With respect to the crimes of Burglary and  
11 Murder, the word "willfully" relates to an act or  
12 omission which is done intentionally, deliberately, or  
13 designedly, and is distinguished from an act or  
14 omission done accidentally or inadvertently.

15 With respect to the crime of Possession Of A  
16 Stolen Firearm, a person commits an act "willfully"  
17 when it is done with a purpose or willingness to  
18 perform the act and does not require any intent to  
19 violate the law or injure another.

20 Beyond that, are there any questions about the  
21 charges or the jury instructions?

22 We will be calling eight witnesses today, and I  
23 would ask if we may call our first witness at this  
24 time.



1           The State's first witness is Ryan Young.

2           MR. JACKSON: Investigator Young, if you could  
3 please remain standing, face the Foreperson and raise  
4 your right hand.

5           (Witness sworn.)

6           THE FOREPERSON: Please be seated.

7           MR. JACKSON: Please state both your first and  
8 your last name for the record, and spell both your  
9 first and last name.

10          THE WITNESS: My name is Ryan Young: R-y-a-n  
11 Y-o-u-n-g.

12          MR. JACKSON: Investigator Young, the Grand  
13 Jury is currently considering a proposed Indictment  
14 against Wilber Ernesto Martinez Guzman, relating to  
15 four counts of Murder With The Use Of A Deadly Weapon,  
16 one count of Burglary, one count of Burglary While  
17 Gaining Possession Of A Firearm, three counts of  
18 Burglary While In Possession Of A Firearm, and one  
19 count of Possession Of A Stolen Firearm.

20          And those crimes are alleged to have occurred  
21 between January 3rd, 2019, and January 19, 2019, in  
22 Washoe County, Douglas County, and/or Carson City.

23          You are not the target of this Grand Jury  
24 investigation. You are called here as a witness, only.

1 Do you have any information for the Grand Jury  
2 related to any of the allegations contained in the  
3 proposed Indictment?

4 THE WITNESS: Yes, I do.

5 THE FOREPERSON: To confirm, are you aware that  
6 this Grand Jury is inquiring into evidence that you may  
7 have relating to charges of Burglary, Burglary While  
8 Gaining Possession Of A Firearm, Murder With The Use Of  
9 A Deadly Weapon, Burglary While In Possession Of A  
10 Firearm, and Possession Of A Stolen Firearm?

11 THE WITNESS: Yes.

12  
13 RYAN YOUNG,  
14 called as a witness by the State,  
15 who, having been first duly sworn, was examined  
16 and testified as follows:

17  
18 EXAMINATION

19 BY MR. JACKSON:

20 Q What is your occupation?

21 A I'm an investigator with the Douglas County  
22 Sheriff's Office.

23 Q How long have you been an investigator with the  
24 Douglas County Sheriff's Office?

1           A     Approximately a year-and-a-half.

2           Q     How long have you been employed by the Douglas  
3 County Sheriff's Office?

4           A     A little over 11 years.

5           Q     Could you please briefly describe your  
6 background, training and experience, for the members of  
7 the Grand Jury?

8           A     Yes, sir. In 2004, I graduated high school and  
9 started attending the Western Nevada College, studying  
10 criminal justice.

11                In 2007, I enrolled in the Western Nevada College  
12 Academy, and graduated August of that year.

13                August 1st of 2007, I was hired by the Douglas  
14 County Sheriff's Office as a deputy.

15                For about 10 years, I maintained Deputy, where I  
16 worked the jail and patrol. In both divisions, I obtained  
17 field-training-officer status.

18                In July of 2017, I was promoted to Investigator,  
19 with the Douglas County Sheriff's Office. While in  
20 Investigations, I've attended numerous trainings to  
21 include, but not limited to, a basic investigator course,  
22 and investigating homicides, specifically.

23                I currently possess my Basic, Intermediate, and  
24 Advanced POST certificates through Nevada.

1 I'm a Nevada Post-Certified instructor for  
2 defensive tactics. And I'm also on the Douglas County  
3 SWAT Team.

4 Q Investigator Young, turning your attention to  
5 January 10th of 2019, were you dispatched that day to a  
6 report of a deceased person?

7 A Yes, sir, I was.

8 Q Do you recall what time it was that you were  
9 dispatched?

10 A Approximately 10:30 in the morning.

11 Q Who dispatched you to that call?

12 A Investigation Sergeant Brian Hubkey.

13 Q Do you recall what time -- did you then, in fact,  
14 go to the location where this deceased person was  
15 reported?

16 A Yes, sir, I did.

17 Q Where was that?

18 A 1439 James Road, in the Gardnerville Ranchos.

19 Q Is that located in Douglas County?

20 A Yes, sir, it is.

21 Q What time did you arrive at 1439 James Road?

22 A I arrived at approximately 10:47 hours.

23 Q Did anyone else respond with you to 1439 James  
24 Road?

1           A     Yes, sir. Initially Investigator Shernowski  
2 responded with me.

3           Q     Could you please describe for the members of the  
4 Grand Jury the general location or area where 1439 James  
5 Road is located in Douglas County?

6           A     Yes, sir. So the Gardnerville Ranchos is  
7 probably our most-densely-populated area. It's got  
8 multiple entry and exit points from the area, but there  
9 are two primary ones.

10                   The first one's coming off of State Route 88, and  
11 the second one is 395 to Dresslerville.

12                   Within that Ranchos area, there's two elementary  
13 schools and one middle school.

14           Q     What route did you take to arrive at 1439 James  
15 Road?

16           A     I believe I took another route, which was down  
17 State Route 756 onto Dresslerville through Tillman.

18           Q     What did you do when you first arrived at 1439  
19 James Road?

20           A     I met with the first-responding deputies, and  
21 obtained a briefing or overview of what they had seen so  
22 far.

23           Q     After being briefed by the responding deputy,  
24 what did you then do?

1           A     Began investigating, started walking through,  
2     looking, seeing what they had seen, and having them point  
3     out certain things that they had identified.

4           Q     Can you please briefly describe what the  
5     residence is like at 1439 James Road?

6           A     Yes, sir. So the residence is a single-story,  
7     single-family residence.

8                     It's in the middle of James, so it's not at the  
9     end of either street. It's not the direct address on a  
10    cross-street. It's on a lot size a little bit larger than  
11    a quarter.

12                    It's got three bedrooms. It's got an attached  
13    three-car garage, with a two-car garage door, and then a  
14    single-car garage door. Each garage door is operated by  
15    its own lift or own opener.

16                    There's a fenced backyard, where you can access  
17    the backyard on the east side of the house.

18           Q     How many access doors from the outside are there  
19    to gain entrance, either into the garage or the part of  
20    the house where individuals reside?

21           A     So there's the main entry door at the front of  
22    the house, which faces James. There is a door leading  
23    from the backyard into the garage. Both of those would be  
24    considered man doors. And then there's three sliding

1 glass doors on the backside of the residence.

2 Q As part of your investigation, did you determine  
3 as to whether or not anyone resided at 1439 James Road at  
4 the time you arrived on January 10th?

5 A Yes, sir. During the investigation, we  
6 determined Constance Koontz, who is known as Connie, and  
7 her mother, Evelyn Harmon, lived at the residence.

8 Q Did you determine during your investigation how  
9 long Connie Koontz and her mother Evelyn lived at that  
10 residence?

11 A Yes, sir. In April of this year it would have  
12 been 10 years that they would be there.

13 Q During the 10 years that Connie lived at that  
14 residence with her mother, was there a time where anyone  
15 else resided in that residence?

16 A Yes, sir. Until approximately six months before  
17 January, Connie's daughter, Madison Winkelman-Koontz lived  
18 at the residence.

19 Q On January 10th, what was the age of Evelyn  
20 Harmon, Connie Koontz's mother?

21 A 79.

22 Q How old was Connie Koontz?

23 A 56.

24 Q Do you know the age of Madison?

1           A     Approximately 21.

2           Q     Investigator, I'm handing you what have been  
3 pre-marked as Exhibits 1 through 26, which are  
4 photographs.

5                 I'm going to ask you to please take whatever time  
6 you need and look through those photographs.

7                 While you're looking through those photographs,  
8 I'd like the record to reflect that I have Grand Jury  
9 Exhibit 173, which is a flash drive. This is a PowerPoint  
10 presentation that will have all of the photograph exhibits  
11 that will be used during the presentation today. And I  
12 will be inserting that flash drive into a laptop.

13                Investigator Young, have you had an opportunity  
14 to review the photographs that have been pre-marked as  
15 Grand Jury Exhibits 1 through 26?

16           A     Yes, sir.

17           Q     Do you recognize the photographs that are  
18 pre-marked as Exhibits 1 through 26?

19           A     Yes, sir.

20           Q     How do you recognize those photographs?

21           A     These were photographs taken during the  
22 investigation.

23           Q     Do those photographs, that are pre-marked as  
24 Exhibits 1 through 26, fairly and accurately depict



1 information and evidence that you observed at 1439 James  
2 Road on either January 10th, 2019, or days subsequent to  
3 that, as part of the investigation?

4 A Yes, sir.

5 MR. JACKSON: The record should reflect that the  
6 PowerPoint, there is a monitor within this room, and that  
7 I will proceed with showing Exhibit 1.

8 BY MR. JACKSON:

9 Q Could you please describe to the Grand Jury  
10 members what's depicted in Exhibit 1?

11 A Yes, sir. So Exhibit 1 is a drone overhead view  
12 of 1439 James. This was taken shortly after the homicides  
13 were being investigated. In the center, with the pink  
14 house, is the 1439 James.

15 Q Can you please describe what's depicted in the  
16 photograph marked as Exhibit 2?

17 A Yes, sir. This is just a direct view. This was  
18 taken the day of the homicide, and it's of 1439 James.

19 Q You previously testified that this is a three-  
20 bedroom home?

21 A Yes, sir.

22 Q Would the master bedroom be considered by you as  
23 Bedroom Number 1?

24 A Yes, sir.

1 Q And so the other bedrooms would be Bedrooms 2 and  
2 3?

3 A Yes, sir.

4 Q Looking at Exhibit 2, are you able to determine,  
5 or can the Grand Jury members see the windows of any  
6 bedroom at the house?

7 A Yes, sir. They can see the windows of two  
8 bedrooms.

9 Q Where are those located on Exhibit 2?

10 A So Bedroom Number 2, which we are referring to as  
11 Connie's bedroom, is the far-right window.

12 And then Bedroom Number 3 was currently  
13 unoccupied, but it was Madison's bedroom, before she moved  
14 out.

15 Q During the investigation, did you determine who  
16 lived in the master bedroom, Bedroom Number 1?

17 A Yes, sir. We determined Evelyn Harmon was living  
18 in the master bedroom.

19 Q Turning your attention now to Exhibit 3. What's  
20 depicted in this photograph?

21 A So Exhibit 3 is the garage of 1439 James. It  
22 also has the main entry door. On the left side of the  
23 photograph, you can see the open man door, leading from  
24 the backyard into the garage.

1           Q    And in part of your testimony, you said there's a  
2 main entry door?

3           A    Yes, sir.

4           Q    What door are you referring to?

5           A    All the way on the right. It has the green  
6 wreath on it. (Indicating.)

7           Q    So the front door?

8           A    Yes, the front door. And then in the center, you  
9 can start to see the door leading from the garage, into  
10 the laundry room of the residence.

11          Q    Would that be to the right of the refrigerator,  
12 as depicted in the photograph?

13          A    Yes, sir, it would.

14          Q    Turning your attention now to Exhibit 4, what's  
15 depicted in this photograph?

16          A    This is a closer view of the garage, where we're  
17 approaching the door leading from the garage into the  
18 laundry room.

19          Q    Is that better depicted in Exhibit 5?

20          A    Yes, sir, it is.

21          Q    Turning your attention now to Exhibit 6. What's  
22 depicted in this photograph?

23          A    Exhibit 6 is still the garage. It's on the  
24 opposite side of the car, where it's showing the door

1 leading from the backyard into the garage. It's also  
2 showing Connie's car, that was parked in the garage.

3 Q Investigator, what is depicted in the photograph  
4 marked as Exhibit 7?

5 A This is the eastern side of the residence. It's  
6 showing the single-car garage; you've got a portion of the  
7 double-car garage, with Connie's car; and then it's  
8 showing the access point from the front of the yard to the  
9 backyard. The lighter-colored, plank-style fencing there  
10 is how you would get into the backyard.

11 Q Is this a gate?

12 A Yes, sir, it is.

13 Q Turning your attention now to what has been pre-  
14 marked as Exhibit 8. What's depicted in this photograph?

15 A So this is another drone overhead view. This was  
16 taken as the investigation was going on, not the day we  
17 initially responded.

18 This is the east side of the house. It's showing  
19 the door leading from the backyard, into the garage, which  
20 is the white door. And then you're getting the backside  
21 of the gate, where you can make access into the backyard.

22 Q The back-door access -- the man door you  
23 previously described -- is, obviously, closed in the  
24 photograph marked as Exhibit 8, but how was that door

1 found when you arrived as part of your investigation on  
2 January 10th?

3 A The door was found open when first responders  
4 arrived.

5 Q As appeared in the previous photograph?

6 A Yes, sir.

7 Q Turning your attention now to Exhibit 9. What's  
8 depicted in this photograph?

9 A This is the man door leading from the backyard  
10 into the garage. If you look through the door, you can  
11 see where Connie's car was parked. That's the same spot  
12 we saw on the previous exhibits.

13 Q Was this photograph taken on January 10, 2019?

14 A Yes, sir.

15 Q Turning your attention now to Exhibit 10. What's  
16 depicted in this photograph?

17 A This is the backyard, kind of from a western  
18 angle. It's showing two sliding glass doors and -- do you  
19 mind if I stand and point out one you can't see?

20 Q Please.

21 A So you have the two sliding doors here. And  
22 what's not shown is, there's another slider leading into  
23 Bedroom Number 1, or the master bedroom, right there.  
24 (Indicating.)

1           Q    You previously testified that there's five access  
2 points into either the garage or the residence. That  
3 would include the front door, as you previously testified  
4 to, the man door leading into the garage, and then the  
5 three sliders, two of which are depicted in Exhibit 10?

6           A    Yes, sir.

7           Q    And then the other one that leads into the master  
8 bedroom, that is not actually shown in Exhibit 10, but you  
9 pointed to the location on the left side of the photograph  
10 as to where that slider is located?

11          A    Yes, sir.

12          Q    What is depicted in Exhibit 11?

13          A    So this is the main entry door. This door faces  
14 James Road. Right in front of the door, you will see the  
15 ramp at the bottom-right corner. Evelyn's primary ability  
16 to move about was with the use of a wheelchair.

17          Q    Was she considered disabled or handicapped?

18          A    Yes, sir.

19          Q    Based upon that handicap or disability, during  
20 your investigation were you able to determine whether she  
21 had mobility and access through all areas of the  
22 residence?

23          A    So her mobility, without the use of a  
24 wheelchair -- and I'll add she was on oxygen, as well. So

1 her mobility was primarily limited from her bedroom to the  
2 living room -- that we'll see later -- and not getting  
3 into the kitchen very frequently.

4 Q Turning your attention now to Exhibit 12. What  
5 is depicted in this photograph?

6 A So this photograph is -- on the right side, you  
7 will see the green wreath, that we saw on the main entry  
8 door, from previous pictures. And this is leading into  
9 the living room of 1439 James.

10 Q In the back part of the living room, is that one  
11 of the sliders that was observed in a previous photograph  
12 exhibit, the back view, looking towards the back of the  
13 house?

14 A Yes, sir. That would have been the center  
15 slider, between the one on the ride, and then the one you  
16 couldn't see.

17 Q What's depicted in Exhibit 13?

18 A So this is the same living room that we've just  
19 seen. On the left side of the photograph, you can see the  
20 slider that we just discussed.

21 Between the tree and the lamp -- and if you don't  
22 mind if I stand again -- right here is a TV stand. And  
23 the TV is missing from the stand.

24 Q In that photograph, Exhibit 13, in front of the

1 TV stand appears to be a chair. Can you describe what  
2 that is?

3 A This one right here is a wheelchair.  
4 (Indicating.)

5 Q Is that Evelyn's wheelchair?

6 A Yes, sir.

7 Q Investigator, what is depicted in Exhibit 14?

8 A So this is the same room we just saw in the last  
9 exhibit. On the left side, towards the bottom, you can  
10 see the TV stand that was pointed out; you can see the  
11 wheelchair, here; and then going down that hallway, leads  
12 to all three bedrooms.

13 Q Turning your attention now to Exhibit 15. Which  
14 room is depicted in this photograph?

15 A This would be Bedroom Number 3, that belonged to  
16 Madison, prior to her moving out.

17 Q Exhibit 16, which bedroom is depicted in this  
18 photograph?

19 A This is Bedroom Number 2, which belonged to  
20 Connie.

21 Q As part of your investigation, did you determine  
22 whether or not any items of property were stolen, either  
23 from Connie Koontz, or from her bedroom, on January 9th or  
24 January 10th of 2019?



1           A     Yes, sir. We determined that either from Connie  
2 or her bedroom that an iMac All-in-One computer had been  
3 stolen; an Apple iPhone; an iWatch; and then a necklace  
4 that was separate from everything else; and then a box of  
5 jewelry.

6           Q     The box of jewelry, would that contain numerous  
7 items of jewelry?

8           A     Yes, sir.

9           Q     Turning your attention now to Exhibit 17. What's  
10 depicted in this photograph?

11          A     So this is from the hallway, where the bedrooms  
12 are. On the right side of the photograph, where you can  
13 see the decorative door-hanging, that is leading into  
14 Bedroom Number 1, which was Evelyn's bedroom.

15                 On the left side, where you can see the blue  
16 curtain, that is leading towards that living room that we  
17 saw in earlier exhibits.

18          Q     What's the purpose of that blue curtain, as it's  
19 depicted on the left side of the photograph, marked as  
20 Exhibit 17?

21          A     So that's to separate the living room and the  
22 kitchen. There was no door on that, and it was apparent  
23 they were using that.

24          Q     When you entered the residence on January 10th of

1 2019, as part of your investigation, was that blue curtain  
2 in the same condition as it appears in Exhibit 17?

3 A Yes, sir.

4 Q Investigator, what is depicted in Exhibit 18?

5 A So this is leading into Bedroom Number 1,  
6 Evelyn's bedroom. You can see the window. There's the  
7 door -- yeah, the decorative door-hanging, and then her  
8 bed, on the right side of the photograph.

9 Q As part of your investigation, were you able to  
10 determine how the door was positioned at the time that a  
11 person entered the home and shot and killed Connie Koontz  
12 on or about January 9th or January 10th?

13 A Yes, sir. It was open, or ajar; it wasn't  
14 closed.

15 Q Was it open to the same extent as it appears in  
16 Exhibit 18?

17 A For the distance-wise, I'm not exactly sure how  
18 far, just because the door doesn't stick or anything, so  
19 it could be easily moved by people passing by or things  
20 brushing up against it. So exactly how it was during  
21 that, I can't say.

22 Q As part of your investigation, have you had an  
23 opportunity to walk down that hall on numerous occasions?

24 A Correct.

1           Q    As you walked down the hall and approached the  
2 master bedroom where Evelyn Harmon was located, are you  
3 able to see in and actually see all of the bed?

4           A    No. So there's the wall, that you can see kind  
5 of on the right side of Exhibit 18, and that will block  
6 the front of the bed, or where Evelyn's head would have  
7 been. When walking by, you actually have to start to step  
8 in the room to see that far up.

9           Q    So it would have blocked Evelyn's view towards  
10 any intruder, as well as any intruder's view, to see the  
11 face of Evelyn?

12          A    Yes, sir. Depending on the door, she would have  
13 had limited view of the hallway.

14          Q    Turning your attention to Exhibit 19. What is  
15 depicted in this photograph?

16          A    This is back in the living room that we saw in  
17 earlier exhibits. You can see that it's the same kind of  
18 center sliding glass door, on the backside there.

19               Up close, in front of the photograph, you can see  
20 the oxygen bottles. Those were belonging to Evelyn.

21               And then towards the left, you can see the blue  
22 curtain that will lead into the kitchen. (Indicating.)

23          Q    Exhibit 20. What's depicted in this photograph,  
24 Investigator?

1           A     This is more of a direct shot of leading into the  
2 kitchen. You can see the blue curtain. We're still --  
3 the photograph is taken from that living room.

4           If you don't mind, I'll stand again. Right here,  
5 you can see the TV that was missing from the TV stand.  
6 (Indicating.)

7           Q     Is that the black object that appears to be  
8 located between the refrigerator and the lower-base  
9 kitchen cabinet?

10          A     Yes, sir.

11          Q     As part of your investigation, did you determine  
12 how or why that television was placed in that specific  
13 location in the kitchen, and no longer on the TV stand in  
14 the living room?

15          A     Yes, sir. It was moved during what was the  
16 burglary taking place in the house.

17          Q     Investigator, can you please describe what's  
18 depicted in the photograph marked Exhibit 21?

19          A     So towards the left of the photograph, that blue  
20 curtain is the same one we've seen in prior exhibits,  
21 leading from the living room into the kitchen. Towards  
22 the bottom would be Connie's leg, that you can see  
23 crossing the threshold from the kitchen to the laundry  
24 room. The door knob directly above her is the door knob

1 leading into the garage.

2 Q Is that the same garage access door you  
3 previously testified to --

4 A Yes, sir.

5 Q -- in the exhibits? I believe they were, 2, 3  
6 and 4.

7 A 3, 4, and 5.

8 Q Turning your attention now to Exhibit 22. What's  
9 depicted in this photograph?

10 A So this is after you cross through kind of the  
11 threshold from the living room into the kitchen, all the  
12 way on the left would be where the curtain would be. And  
13 this is Connie laying on the threshold from the kitchen  
14 into the laundry room. And you can slightly see the door  
15 on the right side that leads into the garage.

16 Q Investigator, what is depicted in Exhibit 23?

17 A This is from the laundry room, and it's looking  
18 down at Connie. You can see the pooled blood around  
19 Connie. If you were to look closer, the trauma to  
20 Connie's head is directly above her left ear and below  
21 that multi-colored hair tie.

22 Q Exhibit 24. What is depicted in this photograph?

23 A So after all the initial photographs were taken,  
24 Connie was moved to be placed into a body bag, by the

1 coroner. And this is the view of that. This is leading  
2 from the kitchen towards the laundry room.

3 Above Connie, you can see the pooled blood that  
4 was underneath her in the last photograph. And then what  
5 you're not seeing is on the -- next to the cabinets here,  
6 the TV was moved by us, to allow us to move Connie back.

7 Q Were you present when a deputy coroner arrived at  
8 the scene?

9 A Yes, sir, I was.

10 Q Who was the deputy coroner?

11 A Deputy Justin Fricke.

12 Q Were you also there when Deputy Fricke, as the  
13 deputy coroner, moved Connie Koontz's body from the  
14 location where she was found inside the laundry room, to  
15 the location as depicted on Exhibit 24?

16 A Yes, sir, I was.

17 Q During the investigation, did you, in fact,  
18 determine the identity of the person who has been depicted  
19 in the last four exhibits?

20 A Yes, sir. So Connie was identified by her  
21 mother, Evelyn, who had found her; by her driver's  
22 license; and then through the Medical Examiner's Office.

23 Q Showing you now Exhibit 25. What is depicted in  
24 this photograph?

1           A     This is what's referred to as the "toe tag."  
2     This goes with the decedent from the scene, to the Medical  
3     Examiner's Office.

4           Q     After the toe tag is attached, what did the  
5     deputy coroner then do with Connie's body?

6           A     He sealed Connie's body in the blue bag, that we  
7     saw in the previous pictures.

8           Q     And this would lead us to Exhibit 26. What's  
9     depicted in that photograph?

10          A     So once Connie was sealed in the bag, this was  
11     placed on the zippers of the bag.

12          Q     After her body was removed from the residence,  
13     1439 James Road, where did her body go inside of the  
14     sealed body bag, as depicted in Exhibit 26?

15          A     To the Washoe County Regional Medical Examiner's  
16     Office.

17          Q     What was the purpose of transporting her body to  
18     that location?

19          A     To conduct an autopsy.

20          Q     Was an autopsy conducted?

21          A     Yes, sir, it was.

22          Q     Do you know when that occurred?

23          A     The following day, January 11th.

24          Q     Do you know who was the person that conducted

1 that post-mortem examination?

2 A Yes, sir. I believe it was Dr. Schrader.

3 Q How was the investigation into the death of  
4 Connie Koontz classified?

5 A As a homicide investigation.

6 Q Was that confirmed following the autopsy on  
7 January 11th of 2019?

8 A Yes, sir. The following morning, it was  
9 confirmed.

10 Q Now the Grand Jury members have heard your  
11 testimony related to numerous exhibits, photographs of the  
12 home, and heard your testimony as to the access doors into  
13 the home.

14 As part of your investigation, were you able to  
15 determine how the perpetrator entered the house to  
16 burglarize and shoot and kill Connie Koontz on or about  
17 January 9th or January 10, 2019?

18 A Yes, sir. We were able to determine that he  
19 entered the house through that door leading from the  
20 garage into the laundry room.

21 Q What you referred to as a man door, in your  
22 previous testimony?

23 A Yes, sir.

24 Q How were you able to make that determination, as



1 part of your investigation?

2 A So the main entry door that faces James, that had  
3 the green wreath on it earlier, has to be locked either  
4 with a key or from the inside. It cannot be locked and  
5 pulled to.

6 All the sliders had no evidence of them being  
7 moved. One had a dowel in it; the other one had a dog  
8 door in it. And then Evelyn was in her bedroom, with the  
9 other slider.

10 Q Based upon your investigation, was there any  
11 evidence of any fight or struggle that would have occurred  
12 between Connie Koontz and the intruder, the perpetrator,  
13 the person that shot and killed her?

14 A No, sir.

15 Q The Grand Jury will later hear the testimony of  
16 Dr. Schrader and see some photographs from the autopsy,  
17 including a photograph of an abrasion, a scratch, on one  
18 of her forearms.

19 Were you able to determine, based upon your  
20 investigation, as to how Connie Koontz may have sustained  
21 that injury to her forearm?

22 A Yes, sir. During the investigation, when we  
23 observed the abrasion, by shape and size it appeared  
24 fresh, and it appeared that it was from the door hinge, on

1 the opposite side of the door knob.

2 MR. JACKSON: Madam Foreperson, I have no  
3 further questions of this witness.

4 THE FOREPERSON: Any questions from the jury?

5 Investigator, the proceedings before the Grand  
6 Jury are secret. You may not disclose evidence  
7 presented to the Grand Jury, any event occurring, or  
8 statement made in the presence of the Grand Jury, any  
9 information obtained by the Grand Jury, or the results  
10 of the investigation being made by the Grand Jury.

11 However, you may disclose the above information  
12 to the District Attorney for use in the performance of  
13 his duties.

14 You also may disclose your knowledge concerning  
15 the proceeding, when directed by a court, in connection  
16 with judicial proceedings, or when otherwise permitted  
17 by the Court, or to your own attorney.

18 The obligation of secrecy applies until the  
19 Court allows the matter to become public record.

20 A gross-misdemeanor and contempt of Court may  
21 be pursued if your obligation of secrecy is not  
22 followed.

23 Do you understand?

24 THE WITNESS: Yes, ma'am.

1 (The witness was excused.)

2 THE FOREPERSON: Please stand and raise your  
3 right hand.

4 (Witness sworn.)

5 THE FOREPERSON: Please be seated.

6 MR. JACKSON: Please state your first and last  
7 name, and spell both your first and last name for the  
8 record.

9 THE WITNESS: My name is Brandon Williamson:  
10 B-r-a-n-d-o-n W-i-l-l-i-a-m-s-o-n.

11 MR. JACKSON: Investigator, the Grand Jury is  
12 considering a proposed Indictment against Wilber  
13 Ernesto Martinez Guzman, relating to four counts of  
14 Murder With Use Of A Deadly Weapon, one count of  
15 Burglary, one count of Burglary While Gaining  
16 Possession Of A Firearm, three counts of Burglary While  
17 In Possession Of A Firearm, and one count of Possession  
18 Of A Stolen Firearm.

19 And that those alleged crimes occurred between  
20 January 3rd, 2019, and January 19, 2019, in Washoe  
21 County, Douglas County, and/or Carson City.

22 You are not the target of this Grand Jury  
23 investigation. You are called here as a witness, only.

24 Do you have any information for the members of

1 the Grand Jury related to the counts contained in the  
2 proposed Indictment?

3 THE WITNESS: I do.

4 THE FOREPERSON: To confirm, are you aware that  
5 this Grand Jury is inquiring into evidence that you may  
6 have relating to charges of Burglary, Burglary While  
7 Gaining Possession Of A Firearm, Murder With The Use Of  
8 A Deadly Weapon, Burglary While In Possession Of A  
9 Firearm, and Possession Of A Stolen Firearm?

10 THE WITNESS: I am aware.

11  
12 BRANDON WILLIAMSON,

13 called as a witness by the State,  
14 who, having been first duly sworn, was examined  
15 and testified as follows:

16  
17 EXAMINATION

18 BY MR. JACKSON:

19 Q Please start by telling us what your occupation  
20 is.

21 A I'm an investigator with the Douglas County  
22 Sheriff's Office.

23 Q How long have you been an investigator with the  
24 Douglas County Sheriff's Office?

1           A     I have been an investigator for a little over a  
2 year-and-a-half.

3           Q     How long have you been employed by the Douglas  
4 County Sheriff's Office?

5           A     About nine years.

6           Q     Could you please briefly describe your  
7 background, training and experience as a law-enforcement  
8 officer, to the Grand Jury?

9           A     Yes. When I started, I started at Reno P.D., and  
10 did about a year there.

11                I grew up in Douglas County, so I went back to  
12 the agency where I grew up.

13                I went to the academy with Reno P.D.

14                And then I went through a couple years in the  
15 jail down in Douglas County, before spending several years  
16 on Patrol, and promoting to Detectives.

17                I have done a lot of in-service training. I've  
18 been doing the job for a total of about 10 years. I  
19 really love my job.

20           Q     What are your current POST Certifications?

21           A     I have an advanced POST Certificate through  
22 Nevada POST, which comes as a combination of education,  
23 where I have my Bachelor's degree in criminal justice, and  
24 time working in police work.

1           Q     Investigator, turning your attention to the early  
2     afternoon of Sunday, January the 13th, 2019, were you  
3     dispatched to a call regarding a report of a deceased  
4     person?

5           A     Yes, I was.

6           Q     Who dispatched you?

7           A     I was called by Detective Sergeant Hubkey at  
8     around 1:37 in the afternoon, and he advised me that there  
9     was a possible homicide.

10          Q     Where was this possible homicide?

11          A     It was at 943 Dresslerville Road, which is in the  
12     Gardnerville Ranchos.

13          Q     Is that in Douglas County?

14          A     It is.

15          Q     Are you familiar with the general area around 943  
16     Dresslerville Road?

17          A     Yes, I am.

18          Q     Could you describe to the members of the Grand  
19     Jury the approximate distance from 943 Dresserville Road  
20     and 1437 James Road?

21          A     It's about a mile. You would continue south on  
22     Dresslerville a couple of blocks, and then James Road is  
23     an immediate intersection with it. So it's very close.

24          Q     After being dispatched to 943 Dresslerville Road,

1 did you, in fact, proceed to that location?

2 A Yes, I did. I arrived a little after 2:00.

3 Q When you first arrived, what did you do?

4 A I spoke with the officers who had first arrived  
5 on scene, which were Deputy Hailey and Undersheriff Elges.  
6 They had gotten there, they had gone inside the scene, and  
7 Undersheriff Elges had quickly snapped a few photos.

8 And he showed me those photographs, and they  
9 depicted an elderly woman in her night clothing, with  
10 blood over the surface of her body, apparently dead, on  
11 the floor.

12 Q Could you please briefly describe the home  
13 located at that location?

14 A Certainly. So 943 Dresslerville is about a  
15 1.63 acre lot. The home is about 1600 square feet,  
16 rectangular in shape.

17 The front quarter of the lot that is closest to  
18 the road is all finished and has landscaping: trees,  
19 grass. And the home all sits in that forward area.

20 The back three-quarters is horse property. She  
21 owned a horse, had a barn, and a couple little  
22 outbuildings back there.

23 At the kind of south side of the lot, there's a  
24 rolling gate that closes off the property, chain-link, and

1     that leads to the driveway into the garage area.

2             And then all of the living quarters are on the  
3     opposite side of the house from there.

4             Q     As part of your investigation, were you able to  
5     determine as to that rolling gate, if it allowed access to  
6     the driveway, and ultimately the residence, if that was  
7     normally left open or closed?

8             A     The victim in this case, Sophia Renken, was very  
9     diligent, according to all of her friends and neighbors,  
10    about keeping that gate completely closed.

11            Q     You've described Sophia Renken as being the  
12    victim in this case. Did she reside at 943 Dresslerville  
13    Road?

14            A     Yes, she did.

15            Q     Did anyone reside at that residence with her?

16            A     No.

17            Q     How many bedrooms are in that residence?

18            A     Three.

19            Q     Which bedroom did Sophia Renken reside in?

20            A     The northwest bedroom. It's probably the largest  
21    bedroom, but didn't have an attached bathroom, which was  
22    closest to the road.

23            Q     How old was Sophia Renken on January 13, 2019?

24            A     She was 74 years of age.



1           Q     Investigator, I'm going to be handing you what  
2     has been pre-marked as Exhibits 27 through 55. And I'll  
3     ask you to please review those exhibits, and take as much  
4     time as you need.

5                     Have you had an opportunity to review the  
6     photographs that have been pre-marked as Grand Jury  
7     Exhibits 27 through 55?

8           A     I have.

9           Q     Do you recognize those exhibits?

10          A     I do.

11          Q     How do you recognize those photographs?

12          A     They are photographs that were taken of the scene  
13     and the residence at 943 Dresslerville Road.

14          Q     Are you familiar with those photographs as part  
15     of your investigation into the death of Sophia Renken?

16          A     Yes, I am.

17          Q     And do those photographs fairly and accurately  
18     depict the residence at 943 Dresslerville Road, other  
19     items of evidence, including where the body was located  
20     and recovered?

21          A     Yes, sir.

22          Q     For the record, I still have the flash drive  
23     that's been pre-marked as Grand Jury Exhibit Number 173  
24     that is in the laptop, and I will be displaying the

1 photographs on the monitor as we proceed with the  
2 Investigator's testimony.

3 Investigator, if there's something you wanted to  
4 point out during the testimony, feel free to stand up, and  
5 as you're pointing to any specific area of the photograph,  
6 please describe the area for not only the members of the  
7 Grand Jury but, most importantly, for the Court Reporter.

8 A Yes, sir.

9 Q First of all is Exhibit 27. What is depicted in  
10 this photograph?

11 A So this is a drone photograph taken of the  
12 residence at 943 Dresslerville Road.

13 Down here at the bottom of the photograph is  
14 where the actual road would be.

15 And above the photograph is where the horse  
16 portion of the property would be.

17 Q To the right of the photograph, Exhibit 27, would  
18 be the driveway that you previously testified to as part  
19 of your description?

20 A Correct. The rolling gate would go across right  
21 about here, in line with this fence. (Indicating.)

22 Q When you pointed to "here," you were pointing to  
23 the very bottom-right corner of the photograph marked  
24 Exhibit 27?

1           A     Yes, sir.

2           Q     What is depicted in Exhibit 28?

3           A     This is another aerial drone photograph, taken  
4 from the opposite direction, looking toward the road of  
5 943 Dresslerville.

6                     This is the horse property. In the lower,  
7 right-hand corner, you can see kind of where the horses'  
8 pen was.

9                     And Dresslerville Road is there running at the  
10 top of the photograph. (Indicating.)

11          Q     Would this photograph be looking towards the  
12 west?

13          A     Yes.

14          Q     What is depicted in Exhibit 29?

15          A     This is, again, 943 Dresslerville Road, as seen  
16 from road level on Dresslerville Road.

17                     The front door of the residence can be seen  
18 there, kind of on the left-hand side.

19                     Sophia Renken rarely used that door. Deliveries  
20 would get placed there but, by and large, everybody came  
21 and went through the back door in the backyard.

22                     The vehicle here is the reporting party's  
23 vehicle. (Indicating.)

24          Q     Who was the reporting party, Investigator?

1           A     Jeffrey Harris. Jeff knew Sophia for about  
2     50 years. They were friends. When his wife died, Sophia  
3     was her best friend, and so they stayed close. They would  
4     watch each others horses and such when they were out of  
5     town.

6                     Jeff was suffering from a broken foot and  
7     pneumonia at the time of this case. Sophia had offered to  
8     do some grocery shopping for him on this day, on  
9     January 13th.

10                    He called several times. She didn't answer. He  
11    became concerned, and went to check on her.

12           Q     You testified earlier that Sophia Renken lived in  
13    the largest of the three bedrooms in the house.

14           A     Yes.

15           Q     Looking at Exhibit 29, are any bedroom windows  
16    depicted in this photograph?

17           A     Yes. So this window here would be the window,  
18    the main bedroom where she was sleeping.

19           Q     From my angle it's hard to see. And to the left  
20    of the photograph there appears to be two windows. Are  
21    those both bedroom windows?

22           A     This one is the bedroom where she lived in. This  
23    is the office that is behind it, another bedroom that she  
24    was using as an office. And the wall goes all the way

1 back to that window. So it's quite a bit larger than the  
2 office.

3 Q So for the record, what you pointed to when you  
4 said, "This bedroom is the bedroom she lived in," that  
5 would be the window that appears in Exhibit 29,  
6 immediately to the left of the front door?

7 A Correct.

8 Q Investigator, what is depicted in the photograph  
9 marked as Exhibit 30?

10 A So this is the rolling gate, at the driveway.  
11 Sophia was very good about keeping this gate closed,  
12 because she had a large dog that she liked to let have the  
13 run of the property. So she would just -- she didn't lock  
14 it, but it was always latched.

15 When the reporting party, Jeff, arrived, he found  
16 the gate standing about two feet open, which he found was  
17 very odd.

18 The previous homicide at James Road had been in  
19 the news, and so he was already a little concerned,  
20 because he had heard about it.

21 So he carefully opened the gate, by grabbing the  
22 chain instead of the crossbars, and parked his white  
23 vehicle in the driveway.

24 Q So as the gate is depicted open a little over

1     halfway in Exhibit 30, is that how far Jeff opened the  
2     gate in order for him to drive his white vehicle --

3             A     Yes, sir.

4             Q     -- into the residence, or into the driveway,  
5     towards the residence?

6             A     Yes.

7             Q     What's depicted in Exhibit 31, Investigator?

8             A     This is the southern end of the home. You can  
9     see the garage there, as well as Jeff's vehicle.

10            And to the right of the photograph, you can see  
11     the backyard, which was closed, and another section of  
12     chain-link fence with a gate, which Jeff and all the  
13     neighbors said she also kept closed to let the dog out, if  
14     she didn't want it to have the whole run of the property.

15            Q     Investigator, looking above the garage on the  
16     face of what would be the south end of the residence,  
17     there appears to be a security light.

18            A     Yes.

19            Q     And then above the security light, appears to be  
20     another object. Can you describe to the Grand Jury what  
21     that object is?

22            A     That object is a security camera. Unfortunately,  
23     as we went through the home and conducted our  
24     investigation, it is not hooked up. It's inoperable.

1 Q Turning your attention now to Exhibit 32, what is  
2 depicted in this photograph?

3 A This is a closer view of the backyard and the  
4 back gate. When Jeff arrived, this was about how open the  
5 gate was. He said he didn't have to touch it in order to  
6 go through.

7 Q I'm going to go back to Exhibit 30. On the  
8 rolling gate is a sign.

9 A Correct.

10 Q Are you familiar with that sign?

11 A Yes. It's kind of a warning sign for the breed  
12 of dog that she had. It's some French, large-breed dog.

13 Q Was that dog at the residence when Jeff Harris  
14 arrived on the afternoon of January 13, 2019?

15 A Yes, sir.

16 Q Where was that dog located?

17 A It was hiding under a bed, I believe in the guest  
18 bedroom.

19 Q Jeff Harris knew that dog very well?

20 A Yes.

21 Q Did he call for the dog? Are you aware?

22 A He called several times. In fact, Jeff breeds  
23 these dogs, and bred this particular dog and gave it to  
24 Sophia. And the dog would not come out of the residence

1 to him.

2 Q Going now back to Exhibit 33. What's depicted in  
3 this photograph?

4 A This is the back of the home. It would be on the  
5 eastern side of the home, in the backyard. You can see  
6 two doorways there.

7 The doorway on the left goes into a mudroom near  
8 the garage/laundry room, kind of a combo.

9 And the French doors there go into the dining  
10 room and kitchen area.

11 Q In this photograph, Exhibit 33, one of the French  
12 doors is open. As part of your investigation, did you  
13 determine as to whether or not that door was open at the  
14 time that Jeff Harris arrived at the residence?

15 A He said that that door was standing open upon his  
16 arrival, which again caused him a lot of concern.

17 He called for the dog, he called for Sophia, but  
18 the dog wouldn't come and was barking. And he heard  
19 nothing from Sophia.

20 Q What's depicted in Exhibit 34?

21 A These are the French doors. Looking into the  
22 home, you can see the dining room table on the other side.  
23 On the far end is the living room, where the front door is  
24 located.



1 Q What's depicted in Exhibit 35?

2 A A slightly closer view of the same. You can see  
3 the front door there on the right side of the pillar of  
4 the half wall. The living room is over there.

5 The house was meticulously kept and clean.

6 And the kitchen would be here to the right of  
7 this photograph.

8 Q Is that better depicted in Exhibit 36, the view  
9 of the kitchen?

10 A Yes, sir. As you can see, Sophia's purse is  
11 actually sitting here on the left stool, and was  
12 apparently undisturbed.

13 Q As part of your investigation, did you have an  
14 opportunity, or another law-enforcement officer, to look  
15 through the purse to see if wallet, money, mobile phones,  
16 items of that nature, were inside that purse?

17 A Yes, sir. Her credit cards, wallet, cash, phone,  
18 everything was there.

19 Q Turning your attention now to Exhibit 37. What  
20 is depicted in this photograph?

21 A So between the kitchen and the living room,  
22 there's a hallway that runs to the three bedrooms of the  
23 residence, which would be at the far end of the hallway.

24 The door that you see there on the left is a

1 pantry. Directly across from that door, almost, a little  
2 bit further back in the hall, which we'll see in a minute,  
3 is the hallway bathroom.

4 Q The dark item that appears in the hallway on the  
5 tiles, what is this item that's just to the left of --  
6 looks like left of the refrigerator?

7 A It's a rug runner that was bunched up, upon our  
8 arrival.

9 Q And as you proceed down the hallway, towards the  
10 end of the hallway, there's another dark item that's on  
11 the floor. What is that item?

12 A Another rug.

13 Q What's depicted in Exhibit 38?

14 A There is a blood droplet close to the kitchen,  
15 near the runner that's bunched up.

16 Q Would you mind standing up and pointing to where  
17 the blood drop was?

18 A So if you can see it here, it's one of the first  
19 droplets. There's another a little closer to the kitchen,  
20 but this is one of the first ones observed. (Indicating.)

21 This is the -- here to the right of the  
22 photograph is the entrance to the bathroom. And the  
23 pantry is there on the left.

24 Q For the record, and with respect to Exhibit 38,

1 the blood droplet that you pointed to, looking at the  
2 tiles on the very bottom of the photograph, there appears  
3 to be three full tiles and half of a tile. Starting  
4 counting from the bottom-left, counting over three tiles,  
5 and then counting up three tiles, is that a fair-and-  
6 accurate description of the tile that has the drop that  
7 you testified to?

8 A Yes.

9 Q The door that's depicted on the left side of the  
10 photograph, what is that door?

11 A That's the pantry door.

12 Q And then the open door, doorway to the right of  
13 that runner and the droplet, what is that doorway?

14 A That's the hallway bathroom.

15 Q What is depicted in the photograph marked as  
16 Exhibit 39?

17 A This is further down the hallway, getting close  
18 to kind of the "Y" intersection that goes off to the  
19 bedrooms, there's a large spatter of blood droplets. This  
20 is on the immediate far side of the runner that was seen  
21 bunched up in the previous photograph. And as you can  
22 see, there are quite a few droplets of blood in this  
23 photo.

24 Q Those droplets of blood would be included in the

1 tile that's almost in the center of the photograph, and  
2 the tile directly above it, that is partially the top-left  
3 corner, partially underneath the rug, at the top of the  
4 photograph?

5 A That's correct.

6 Q What's depicted in Exhibit 40?

7 A This is Sophia Renken. And this is how she was  
8 found. And this is her bedroom, where she's lying. The  
9 office would be to the right of the photograph.

10 Q How did you identify her as Sophia Renken?

11 A Jeff, the reporting party, was able to identify  
12 her. Her identification was in her purse, which also  
13 matched her appearance. And she was later identified also  
14 through the Washoe County Medical Examiner's Office.

15 Q What's depicted in Exhibit 41?

16 A This is Sophia, again. This is looking toward  
17 the bedroom, out into the hallway.

18 As you can see here, her feet actually extend, to  
19 some degree, under the bed.

20 We believe it's from her being very close to the  
21 bed when she fell, and her feet must have locked under it  
22 and kind of kept her in that position.

23 But, in any case, she wasn't moved at any point.  
24 This is how she fell.

1           And the bed is, obviously, over to this side;  
2   there are closets, kind of below the photograph.

3           Q   Investigator, based upon your investigation, did  
4   you determine how many shots were fired inside of Sophia  
5   Renken's residence, including shots that she was hit with?

6           A   So between my observations, the autopsy, and all  
7   of the evidence we were to collect, we believed there were  
8   a total of five shots inside this house.

9           Q   Were they all the same type of bullet that was  
10   used?

11          A   No.

12          Q   Were there different types of bullets that were  
13   used?

14          A   Yes. So there were two different types of  
15   bullets, as far as we can tell, that were used. A basic  
16   .22-caliber slug, kind of your standard .22 bullet, and  
17   then something that I wasn't terribly familiar with prior  
18   to this case, which is snake shot, which is similar to  
19   bird shot for a shotgun, where it's loaded with small  
20   flecks of lead. And then when the bullet is fired, it  
21   kind of shotguns them out. But this is made in a pistol  
22   round, as opposed to being a shotgun round.

23          Q   What caliber is what you referred to as the snake  
24   shot?

1           A     By far, the most common type of snake shot in  
2 production is for a .22.

3           Q     Based upon your investigation, did you make a  
4 determination as to whether all of the rounds -- a normal  
5 .22 slug, and the snake shot -- were fired from the same  
6 weapon?

7           A     It's difficult to say. The forensics that have  
8 come back, to date, haven't been able to positively say  
9 each round was fired from the same gun. But it has been  
10 able to tell us that they are all of a .22-caliber. And  
11 there's no evidence that more than one gun was fired.

12          Q     Turning your attention now to Exhibit 42. What's  
13 depicted in that photograph?

14          A     So as this case progressed, we requested the  
15 FBI's evidence collection team to come in and assist us  
16 with this case, due to the fact that we believed these two  
17 homicides in our area may be linked.

18                So as they began processing the scene, these are  
19 evidence markers that they have put down. So you will see  
20 there are evidence markers 1 through 7, here in the  
21 hallway.

22                All of the markers, except for 3 and 4, are  
23 indicating blood droplets. So the first droplet is found  
24 here, near the kitchen. It's just behind the placard.

1 Q Placard number what?

2 A It's 7. And for 1, 2, 5, 4 and 6 -- I'm sorry.  
3 For 1, 2, 5 and 6, those are also blood droplets that were  
4 located in the hallway near the runner.

5 Placard Number 3, kind of seen in the middle of  
6 the photograph, where an expended-caliber bullet was  
7 found.

8 And at Placard Number 4 is where a metal fragment  
9 was found.

10 Q Turning your attention to Exhibit 43. What's  
11 depicted in this photograph?

12 A So this is a linen cabinet at the far end of the  
13 hallway, between the guest room, which is where I'm  
14 standing, and the office, which is over to the left.

15 She used this cabinet to store things like  
16 shampoo, medical stuff, first-aid kits, Ibuprofen. And as  
17 I was going through the scene, I found a small indentation  
18 in the cabinet, which I believe is right around in this  
19 area, that looked to be a bullet strike. (Indicating.)

20 Q Is that better depicted in Exhibit 44?

21 A Yes. So you can see right up here, near the top-  
22 middle of the photograph, was fresh indented wood, still  
23 kind of splintered.

24 Sophia was shot a total of four times, according

1 to the Medical Examiner's Office, and our observations.  
2 It was twice with snake shot, and twice with .22 slugs.

3 The snake shot was to both sides of her face.  
4 The first round, we believe, was to the left side of her  
5 face. And we believe that occurred in the hallway.

6 The next shots were with the .22 slug. I believe  
7 that the round that caused this indentation is the one  
8 that was found in the hallway.

9 And it's our belief that that round entered  
10 through her kind of mid-back, to the right of her spine,  
11 and exited through her chest. With the lower velocity, it  
12 impacted this cabinet just enough to make a dent, and then  
13 rolled back into the hallway.

14 Q The indentation you testified to in Exhibit 44,  
15 is that located between the numbers 9 and 8?

16 A Yes, sir.

17 Q Turning your attention now to Exhibit 45. What's  
18 depicted in this photograph?

19 A This is the .22 slug that was located in the  
20 hallway at Marker 3. You can't see it very well; it's  
21 here in the gray grout, between the two tiles.  
22 (Indicating.)

23 It's a half-jacketed round, which means that the  
24 lead core of the front of the bullet is jacketed in a



1 stronger layer of metal, and the back is justunjacketed  
2 lead.

3 Q What's depicted in Exhibit 46, Investigator?

4 A This is the metal fleck that was found. At this  
5 time, we believed that this is a fleck of the lead snake  
6 shot that was used, just one of the flecks that either  
7 fell off her or ricocheted at some point in the hallway  
8 and fell there.

9 Q Could you please point to the fleck in Exhibit  
10 46?

11 A Just here, in the middle. (Indicating.)

12 Q That would be just to the right of the bottom-  
13 right corner of Evidence Marker 4?

14 A Correct.

15 Q What's depicted in Exhibit 47?

16 A So this is the hallway bathroom, as we'll kind of  
17 look at, as we go forward. I believe these are where the  
18 first shots were fired from.

19 Q Is this the one that you -- this bathroom, the  
20 bathroom you previously testified to, that was across from  
21 the pantry door, the hallway from the kitchen, going down  
22 towards the bedrooms?

23 A Yes, sir.

24 Q What is depicted in Exhibit 48?

1           A     So this is a view inside the bathroom looking out  
2 toward the hallway and the pantry door. And you may  
3 notice -- and we'll see it in the upcoming photograph --  
4 there's a small black hole here in the frame of the pantry  
5 door, which ended up being another .22 bullet that had  
6 embedded itself into the door. (Indicating.)

7           Q     And for the record, when you pointed on  
8 Exhibit 48 to the hole caused by a bullet, is that to the  
9 left of the bottom framed picture that appears on the  
10 wall?

11          A     Yes, sir.

12          Q     What's depicted in Exhibit 49?

13          A     This is the pantry door, and I'm holding a  
14 measuring device. You can see that the FBI's team cut a  
15 wedge out of the framing, which is on the right side of  
16 the photograph. And you can kind of see that the bullet  
17 traveled through the 2-by-4 behind it. And there will be  
18 another photograph showing that it wedged itself on the  
19 inside of the framing of the door.

20          Q     What's depicted in Exhibit 50?

21          A     So this is to the left of that same pantry door,  
22 where Sophia had a couple of wooden frames. And these  
23 little black flecks, immediately to the left of the  
24 measuring device, are snake shot. These are all pieces of

1 metal embedded in the drywall.

2           You can also see pieces of metal embedded in the  
3 frame, throughout it. I believe our last count was  
4 something like 15 flecks in the frame, and I think it's  
5 seven or so in the drywall.

6           Q     What's depicted in Exhibit 51?

7           A     This is a little bit better shot of the same  
8 flecks there to the left of the pantry door. But you can  
9 see the one from the drywall, and they travel all the way  
10 up the frame, as you keep going here more. (Indicating.)

11          Q     Exhibit 52. Can you describe to the Grand Jury  
12 members what's depicted in this photograph?

13          A     So this is back on the right side of the pantry  
14 door frame. So the facing of the frame would have been  
15 here. The bullet traveled through, went through the  
16 2-by-4 behind it. And you can see it actually lodged in  
17 this piece of the frame, on the interior of the door.

18                We'll be able to kind of see in the photographs,  
19 the angle is slightly -- if you were in the bathroom, it's  
20 toward the living room. So it's not directly across, it's  
21 kind of at an angle, this way. (Indicating.)

22          Q     What's depicted in Exhibit 53?

23          A     This is the piece of framing that we collected  
24 that had the .22 slug embedded in it.

1 Q Turning your attention now to Exhibit 54. What's  
2 depicted in this photograph?

3 A This is the identification placard for Sophia  
4 Renken, that was attached by Deputy Coroner Windsor, prior  
5 to sending Sophia to the Washoe County Medical Examiner's  
6 Office.

7 Q Can you spell Windsor's last name, for the  
8 record?

9 A W-i-n-d-s-o-r.

10 Q What's depicted in Exhibit 55?

11 A This is the lock for the body bag containing  
12 Sophia, that was sent to the Medical Examiner's Office.

13 Q To your knowledge, was an autopsy performed on  
14 Sophia Renken's body?

15 A It was.

16 Q When did that occur?

17 A The morning after this investigation began.

18 Q So January 14th, 2019?

19 A Yes, sir.

20 Q Do you know who performed that autopsy?

21 A I don't recall the doctor's name.

22 Q How was the investigation into the death of  
23 Sophia Renken classified?

24 A It was classified as a homicide.

1           Q     Now, the Grand Jury members have seen photographs  
2 of the residence at 943, including access points from the  
3 outside, that you've testified to. As part of your  
4 investigation, were you able to determine how the  
5 perpetrator, how that intruder entered the house, before  
6 he or she shot Sophia Renken?

7           A     There were no signs of forced entry into the  
8 home. The only door or window that was open was the back  
9 French door. And it appears, at this time, that it was  
10 just forgotten to be locked, that it was left unlocked.

11          Q     You previously testified and pointed out to the  
12 Grand Jury members the location of Sophia Renken's purse  
13 on a bar stool, in the kitchen/dining area.

14               Was there any evidence, that you were able to  
15 obtain, as to any items of property that was stolen from  
16 Sophia Renken's residence on or before the time of her  
17 murder?

18          A     No. The entire home was spotless, except for the  
19 scene of the homicide. You wouldn't have known anything  
20 was wrong, if she hadn't been there dead. None of the  
21 drawers were open; the closets were all closed; nothing  
22 appeared to have been gone through, at all.

23               MR. JACKSON: Madam Foreperson, I have no  
24 further questions for Investigator Williamson.

1 THE FOREPERSON: Any questions from the jury?

2 Detective, the proceedings before the Grand  
3 Jury are secret. You may not disclose evidence  
4 presented to the Grand Jury, any event occurring, or  
5 statement made in the presence of the Grand Jury, any  
6 information obtained by the Grand Jury, or the results  
7 of the investigation being made by the Grand Jury.

8 However, you may disclose the above information  
9 to the District Attorney for use in the performance of  
10 his duties.

11 You also may disclose your knowledge concerning  
12 the proceeding, when directed by a court, in connection  
13 with judicial proceedings, or when otherwise permitted  
14 by the Court, or to your own attorney.

15 The obligation of secrecy applies until the  
16 Court allows the matter to become public record.

17 A gross-misdemeanor and contempt of Court may  
18 be pursued if your obligation of secrecy is not  
19 followed.

20 Do you understand?

21 THE WITNESS: Yes, ma'am.

22 (The witness was excused.)

23 THE FOREPERSON: Raise your right hand.

24 (Witness sworn.)

1           MR. HICKS: Good morning, sir. Could you  
2 please state your name, and spell both your first and  
3 last name.

4           THE WITNESS: Val Diaz: V-a-l D-i-a-z.

5           MR. HICKS: Mr. Diaz, do you live here in  
6 Washoe County?

7           THE WITNESS: Correct.

8           MR. HICKS: Before I get into questioning, I  
9 have a duty to inform you, sir, that the Grand Jury is  
10 considering a proposed Indictment against Wilber  
11 Ernesto Martinez Guzman, which alleges one count of  
12 Burglary, one count of Burglary While Gaining  
13 Possession Of A Firearm, four counts of Murder With The  
14 Use Of A Deadly Weapon, three counts of Burglary While  
15 In Possession Of A Firearm, and one count of Possession  
16 Of A Stolen Firearm, which occurred on or between  
17 January 3rd, 2019, and January 6th, 2019, in Washoe  
18 County, Douglas County, and/or Carson City.

19           We believe you have some information regarding  
20 this case.

21           THE WITNESS: I do.

22           THE FOREPERSON: To confirm, sir, are you aware  
23 that the Grand Jury is inquiring into evidence that you  
24 may have relating to charges of Burglary, Burglary

1 While Gaining Possession Of A Firearm, Murder With The  
2 Use Of A Deadly Weapon, Burglary While In Possession Of  
3 A Firearm, Possession Of A Stolen Firearm? Are you  
4 aware?

5 THE WITNESS: Yes, I am.

6  
7 VAL DIAZ,  
8 called as a witness by the State,  
9 who, having been first duly sworn, was examined  
10 and testified as follows:

11  
12 EXAMINATION

13 BY MR. HICKS:

14 Q Sir, do you live here in Washoe County?

15 A Yes, I do.

16 Q What do you do for a living?

17 A Taxidermy.

18 Q Did you have occasion to know a couple by the  
19 name of Sharon and Gerald David?

20 A Yes, I did.

21 Q What first names did they go by?

22 A Jerry and Shari.

23 Q How long did you know Jerry and Shari David?

24 A Six, seven years.



1 Q How did you come to know them?  
2 A Through a friend of the rodeo association.  
3 Q Were they involved in the rodeo association?  
4 A Very much so.  
5 Q What type of relationship did you have with the  
6 Davids over that time span?  
7 A Very close. In my aspect, very close.  
8 Q In what way?  
9 A As in father/son type of relationship.  
10 Q Did you socialize with them?  
11 A Very much.  
12 Q Do you know where they lived?  
13 A Yes. La Guardia, in Reno.  
14 Q In Washoe County, Nevada?  
15 A Correct.  
16 Q Did they live in a home?  
17 A Yes, they did.  
18 Q Are you familiar with their property?  
19 A Very much so.  
20 Q We'll get to that in just a second, sir.  
21 About how old was Jerry?  
22 A 82.  
23 Q What about Shari?  
24 A I think a little bit younger, about 82.

1 Q In 2018, did there come a time where you started  
2 helping them with certain things at their house?

3 A Yes, I did, February 6th.

4 Q February 6th?

5 A Yes.

6 Q What was it that you helped them with?

7 A Their horses, taking caring of their horses,  
8 helping them lifting items. Jerry was in bad health.  
9 Everything was left to Shari to do, which heavy weights  
10 were a problem. Just taking the slack of the animals.

11 Q So you specifically remember February 6, 2019.  
12 What was it that led you to have to help them?

13 A That was the day that Jerry went into the  
14 hospital, and that was Shari's birthday.

15 Q And you indicated Jerry was in poor health, and  
16 obviously went into the hospital. What was going on with  
17 him in the months after that?

18 A The months after that?

19 Q Or --

20 A Well, he had emphysema. He had bad emphysema. I  
21 don't know if it was C.O.P.D., but his breathing was very  
22 poor.

23 Q Were there any other conditions, moving on from  
24 February of 2018, that caused --

1           A     Yeah, he would --

2           Q     -- let me finish my question -- that caused you  
3 to continue to help them around their house?

4           A     Yes.

5           Q     What was that?

6           A     He would come into medical problems, such as --  
7 trying to think what the name of it is -- sores or --

8           Q     Shingles?

9           A     Shingles, or the one that you get shots for --  
10 yes, which paralyzed kind of his nerves in one of his  
11 legs. There was that.

12                     And he had a bad case of pneumonia and almost  
13 died -- or actually did die.

14           Q     So let me ask you a little bit about their  
15 property. Could you describe that a little bit?

16           A     It was approximately three acres. The bottom  
17 half was for the horses and stalls, open area for them to  
18 run around in.

19                     They had four horses down below, two horses up  
20 above; again, another set of a barn, indoor barn, with six  
21 stalls inside there.

22                     They used to breed horses, so it was basically  
23 where the mares gave birth.

24                     Then they had their house, small backyard.

1 Everything was pretty much open.

2 Q Aside from the horses, did they have any other  
3 pets, that you're aware of?

4 A Yes. They had three dogs: two Yorkies, a German  
5 Shorthair, they adopted. They had six cats that were with  
6 a cat condo, as we called it.

7 Q What is a cat condo?

8 A The cat condo was basically -- they were outdoor  
9 cats, and it was a very long, five-room-type area, where  
10 the cats would come in in the evening to get fed. And  
11 they had their bedding, and a lot of cat things. Their  
12 animals were their pride and joy.

13 Q Who tended to the cats?

14 A Shari did.

15 Q And what about the three dogs?

16 A Well, Jerry did, also, attend to the cats, too.

17 The two Yorkies were Shari's babies. And the  
18 German Shorthair was Jerry's.

19 Q And who tended to the horses?

20 A Both of them. They would take turns morning,  
21 evening. Or if one of them was down, then they would go  
22 to one of the other.

23 Q Were the Davids very regimental in what they did  
24 throughout the day?

1           A     Very. Everything was -- everything was on time,  
2 everything was done a certain way. Jerry had his way;  
3 Shari had her way. You did not deviate, or you weren't  
4 allowed. It's just old-school.

5                     I could go in there, and I could tell who  
6 saw what animal in how the latches were closed and open,  
7 and the chains were wrapped. It was all time. You could  
8 tell when you were interfering with that time schedule.

9           Q     Do you know what their basic schedule was  
10 throughout the day?

11           A     Throughout the day, no. I could tell you when  
12 the animals were fed, and everything about the animals'  
13 schedule, but I could not tell you -- Jerry's basically in  
14 good health consisted of being outside with the animals or  
15 taking care of the horses.

16                     Shari, I really couldn't tell you on that part,  
17 because that was mostly indoor, or she would do her  
18 outside gardening.

19           Q     So going back to you starting to help around the  
20 property in 2018, how often would you go there?

21           A     It would average about every other day.  
22 Saturdays, usually, were pretty fixed in the mornings. It  
23 was coffee and, you know, a breakfast, or bagels, or  
24 donuts, or whatever I brought. And kind of spend an

1 hour-and-a-half, and then come inside and talk for another  
2 couple hours.

3 Q That would be on Saturdays?

4 A Yes, that was most Saturdays, just about every  
5 Saturday, unless I had to work. Other than that, it was  
6 like Monday, Wednesday, sometimes Thursday, sometimes  
7 Friday.

8 Q So on Monday, Wednesday, Friday, what time would  
9 you typically go there?

10 A Right after work. I would be there approximately  
11 in between 3:45 to 4:00, depending on traffic.

12 Q And now on Saturday mornings --

13 A Saturday mornings were -- I was there at 7:00.  
14 Shari would usually come out about 8:00, or somebody.

15 Q And you said you would do your kind of work  
16 around there for about an hour-and-a-half, and then you'd  
17 typically share breakfast with them on Saturdays?

18 A Correct.

19 Q On the weekdays, when you'd show up around 4:00,  
20 was it about the same amount of work?

21 A Yeah, an hour-and-a-half.

22 Q And what was it you'd do?

23 A Basically I would go in and clean all the stalls,  
24 walk around the areas where the horses would run around,

1 clean up after them, fill water tanks, pull bales of hay  
2 and alfalfa, lay it up, get everything ready for the  
3 following week.

4 Q Do you have experience with horses, yourself?

5 A Way in the past. Other than what they taught me,  
6 I'm very green. I'm learning.

7 Q When you would go to the property to help them  
8 out, did you often visit with them, as well?

9 A Yes.

10 Q Did that ever get in the way of you doing your  
11 duties?

12 A Very much so. I'd try to sneak in.

13 Q Why was that?

14 A Well, if they knew I was there, of course they'd  
15 come out and tell me, "Oh, there's nothing to do. Come on  
16 inside and have a tea."

17 Q So I want to take you to January of this year.  
18 And first off, I want to take you to early January of this  
19 year. Do you recall a time that you came to the Davids'  
20 property to help them out, where you spoke with Jerry  
21 David about some burglaries he believed had occurred?

22 A Yes, I do.

23 Q Do you remember when that was?

24 A About January 3rd, or the Monday before -- I

1 don't have a calendar down here. Sorry. But it was that  
2 first week of January. I know it was after the 1st,  
3 because it was after New Year's. So, yes.

4 Q Do you recall if it was a weekday that you spoke  
5 with him, or a Saturday?

6 A It was a weekday, yeah.

7 Q What led you to talk to Jerry about these  
8 burglaries he believed had occurred?

9 A It was actually him who brought it up. We were  
10 shoveling snow on the patio, and he brought it up to me,  
11 that he was broken into.

12 Q And so let's talk about that a little bit. You  
13 guys are on the back patio?

14 A Yes.

15 Q And I'll show you some pictures in a minute, so  
16 you can better explain that. But I would like to know  
17 what Jerry David told you about the burglaries.

18 A We talked about it, about who it could possibly  
19 be. I basically was asking him, "What did they take?"

20 He told me it was through a two-day period. That  
21 the first day the person came in and took some fishing  
22 poles, ransacked his back sheds.

23 And then he didn't -- never thought of it, but  
24 the second day he came back and ransacked his trailers.



1           Q     From where you're standing on the back patio, are  
2 you able to see the locations that Jerry David was talking  
3 about?

4           A     Yes.

5           Q     And did he kind of point out to you where he  
6 believed the burglaries had occurred?

7           A     Yes.

8           Q     And so he indicated to you that he had been  
9 burglarized on one night. And what was he referring to  
10 when he said that?

11          A     The first night the person came through the back  
12 stalls and held tight to the back shed area, went through  
13 the two sheds -- three sheds, and ransacked, I guess, he  
14 called it his tool shed, took his fishing poles that were  
15 in that there, and stole some tools.

16                 The second night, the person, whoever did this,  
17 actually staged all the tools and everything in a stall  
18 that he came through, which is on the very back edge.  
19 And, still, there was items left in that stall.

20          Q     Did you see those items?

21          A     Yes, and miscellaneous things like a box of  
22 empty, old shells, you know, gun shells. And that was  
23 laying over by the alfalfa. So, yes.

24          Q     You indicated that Jerry David told you that he

1 | believed that some tools had been taken. Did he tell you  
2 | anything about what type of tools?

3 |       A     I do know he mentioned -- and this was later down  
4 | the road -- he mentioned a circular saw was taken. He  
5 | really didn't know, because it was hard for him to go  
6 | through, because my understanding is the tool shed was  
7 | ransacked. So he really didn't know exactly. But he did  
8 | know for a fact that his fishing poles were stolen.

9 |       And the reason why I know that the circular saw,  
10 | is that one of his branches broke, and he had to hand-saw  
11 | it, which is very difficult. It took him many hours to  
12 | do. It was a branch about yay big.

13 |       And he had to use a hand saw, because his chain  
14 | saws were not winter -- they were winterized; they weren't  
15 | prepped yet for running.

16 |       And he mentioned he didn't have any other means  
17 | of cutting it, other than a hand saw.

18 |       Q     Now, referring to the second night that he spoke  
19 | to you about when he believed he had been burglarized, did  
20 | he indicate where on his property he believed had been  
21 | burglarized that night?

22 |       A     Yes. And that was the two trailers that were  
23 | parked right outside between the sheds.

24 |       Q     Are you familiar with an outbuilding on the

1 Davids' property that's referred to as the pump house?

2 A Yes, I am.

3 Q Where is that in relation to the back --

4 A That is in between -- it's a shed that's in  
5 between their house and the other two sheds, in the  
6 parking structure.

7 Q When you spoke with Jerry David about these  
8 burglaries, did you notice, or did he indicate if anything  
9 had been done to the pump house?

10 A No, he didn't indicate, but I visually saw there  
11 was a door that was put on.

12 Q And so let me ask you about that. The pump house  
13 itself, did it not have a door the time you've been there  
14 before?

15 A The door was not feasible for shutting and  
16 closing. It was basically hanging off; it wasn't any  
17 good.

18 Q And so when you came back, and you were then  
19 speaking with Jerry about the burglaries, were you able to  
20 notice something different about the pump house door?

21 A Yes, afterwards I noticed it, because it was  
22 brand-new. It didn't look like it had any sort of --  
23 well, it didn't have any paint on it. It was brand-new.  
24 And I was asked by Shari to replace that door many months

1 before, but was told he would take care of it.

2 Q I'm going to show you some photographs, and they  
3 are marked Exhibits 56 through 81. Do you recall meeting  
4 with me before today, at the District Attorney's Office?

5 A Yes.

6 Q Did I show you some photographs on that day?

7 A Yes, sir.

8 Q I'm going to hand you these right now. I'm going  
9 to ask you to go through them. Take whatever time you  
10 need, and then I'll ask you a few questions about them.  
11 Go ahead and look at them, first.

12 A This is the --

13 Q That's fine, Mr. Diaz. Just go ahead and see if  
14 you recognize them. So go ahead and just look at it. You  
15 can flip it over, and then we'll go through them all.

16 A I recognize them all.

17 Q Did you go through all those photographs?

18 A Yes, I did.

19 Q And, in general, what are those photographs of?

20 A Shari and Jerry's house and property.

21 Q And do those photographs fairly and accurately  
22 depict the way their property looked in January of 2019?

23 A Yes.

24 Q I wanted to ask you one last question, and go

1 back just a second. On that second day when Jerry told  
2 you about them breaking into his trailers --

3 A Right.

4 Q -- did he ever give you any indication of what he  
5 thought was taken that day?

6 A He found everything quite strange: items that  
7 were taken were some of no value, where the person left  
8 things that were of value.

9 There was one in what he called his camping  
10 trailer, a bag that was taken. I do not know what type of  
11 a bag, but it had hunting things in it.

12 He did, three months before that, he had a tag to  
13 fill. He never ended up going, because of his health, but  
14 was set up to go hunting.

15 Q So he indicated that -- it sounds like he was  
16 surprised some stuff wasn't taken?

17 A Correct. I mean, as he was looking, he was  
18 looking at -- well, I can't remember what he was saying  
19 was taken or -- but one bag was taken, then laid over  
20 where his spotting scope and things that were of more  
21 value, other than what the person did take.

22 Q Did he have any idea of what might have been in  
23 the bag that he thought was taken?

24 A He couldn't remember for sure, but he said

1 possibly a handgun was taken.

2 Q So from what I have heard you testify to, he told  
3 you that he believed some tools were taken on one of the  
4 two nights, some fishing poles on one of the two nights,  
5 and a bag, with possibly a handgun in it --

6 A Correct.

7 Q On the second night?

8 A Correct.

9 Q Do you have any other recollection of other  
10 particular items he referred to?

11 A No, not items.

12 Q I'm going to take you through some of these  
13 pictures. And for the record, the flash drive that  
14 Mr. Jackson referred to is Grand Jury Exhibit Number 173,  
15 and is still plugged into the laptop.

16 Sir, you can have those pictures right in front  
17 of you. I'm going to put them behind you, as well. So if  
18 you can see on the screen there, you have Exhibit 56 in  
19 front of you, and the screen behind you. Whatever is  
20 easiest. If it's easiest for you to just sit there and  
21 look at the pictures and describe to us, that's fine. If  
22 you'd rather stand up and point to the wall, that's fine,  
23 as well.

24 A I'll stand up and point.

1 Q So what's Exhibit 56?

2 A This is the layout of the land, of Jerry's and  
3 Shari's.

4 Q And so is this an aerial view of their property?

5 A Yes.

6 Q If you could point out where the driveway is that  
7 enters their property.

8 A This is the driveway that enters off of La  
9 Guardia.

10 Q And is the street that runs from the left-to-  
11 right, at the top of the exhibit, La Guardia Lane?

12 A Correct.

13 Q And so you come down that driveway. Let's start  
14 with what's on the right side, the top-right side of the  
15 photograph.

16 A The top-right here?

17 Q Yes.

18 A This is the stall -- I mean, this is the area  
19 where the two mares were kept, the Arabians. And they  
20 basically stayed in this area. (Indicating.)

21 Q Let's just go down to the next, what looks like a  
22 fenced-in field.

23 A This, right here?

24 Q Yes.

1           A     This stall area right here, were three stalls.  
2     And this is where the hay, alfalfa were kept, the lower  
3     part, for the horses.

4                     And this is where two of the Quarter horses would  
5     actually go, from here to here. And this is the round  
6     pen, for training. (Indicating.)

7           Q     So the circular item on the right, middle --

8           A     Is the round pen for training.

9           Q     Now as we continue going down the right side of  
10    the exhibit, what's the last fenced-in area?

11          A     This is another area where the Quarter horses, if  
12    they had to keep them separated, or if a feed truck came  
13    in or something, he would put the Quarter horses over  
14    here. But most of the time they would bounce back and  
15    forth.

16                     And, again, in here would be more grass for the  
17    Quarter horses. And this is another stall. And then  
18    they would have free range in here.

19                     What you don't see over here is an old barn,  
20    that was actually their very first horse stall.  
21    (Indicating.)

22          Q     That old barn, would that be --

23          A     Decrepit, and kind of decayed.

24          Q     Would that be on the kind of bottom-right of the



1 exhibit?

2 A Yes, it would be right over here. You can barely  
3 see it, right here. (Indicating.)

4 Q Now, I'm going to have you move to the middle of  
5 the photograph, and describe what the biggest building is.

6 A This is their house, in this part right here.  
7 (Indicating.)

8 Q Where would the front door be?

9 A The front door enters right here.

10 Q That front-door area?

11 A Correct. You come in and walk up a few steps,  
12 and then enter.

13 Q Then I see, moving to almost dead-center of the  
14 picture, there looks to be some kind of vehicle. What is  
15 that?

16 A Correct. That's their RV.

17 Q Now, you spoke of a back patio, a minute ago,  
18 where you were speaking to Jerry about the burglaries.  
19 Where is that?

20 A This is the back patio area. (Indicating.)

21 Q Is there an entryway to the house there, as well?

22 A Yes. It's a mudroom, or -- to take off your  
23 boots, before entering into the house.

24 Q When you would spend time with Jerry and Shari,

1     what entrance did you most commonly use into the house?

2           A     Most commonly we'd use the front door.

3     (Indicating.)

4           Q     Now, there's kind of, in the left-middle, towards  
5     the top of the exhibit, there's two other buildings. I'd  
6     like you to explain those, please.

7           A     This is what we call the upper stalls, which  
8     was -- you had six stall in here and here, here and here.  
9     These up here were two of the older horses, the Arabians.  
10    These rooms were, again, full of alfalfa and grass. And  
11    then -- do you want me to go down?

12          Q     Sure.

13          A     And down through here, this was all closed up,  
14    the stalls.

15                 Right here was the parking structure. Jerry  
16    parked his truck here. Then he had the tractor, and two  
17    of the trailers.

18                 These were their two sheds, in the back. One  
19    entrance was right here; another entrance was behind  
20    Jerry's truck, there. (Indicating.)

21                 You don't see the pump room, but the pump room --  
22    pump shed actually lays right in between them.

23          Q     I'm going to take you through some ground-level  
24    pictures now. Anything else you feel you need to point

1 out on this picture?

2 A Right over here, ran along here, is the cat pen,  
3 that was probably 20 feet long, 8 feet wide. It had one,  
4 two, three, four, five different entrances. Every cat  
5 knew which area to go in.

6 Q For the record, that's just left of the back  
7 patio?

8 A That's straight out the back patio. Basically  
9 started here and went to here. (Indicating.)

10 Q Was there a yard of any type back there?

11 A Yes. Grass was all back in here. It's where the  
12 dogs were kept.

13 Q Next, this is Exhibit 57. What's depicted in  
14 that photo?

15 A This is the entrance going up that driveway from  
16 La Guardia. And that's the mailbox. (Indicating.)

17 Q What was their address?

18 A 760 La Guardia -- well, they had two addresses,  
19 actually. One was a La Guardia address, and one was a  
20 Valley Springs address.

21 Q Which street is Valley Springs?

22 A Valley Springs is the one that runs -- yes,  
23 here's La Guardia, around this way. (Indicating.)

24 Well, actually, I could be wrong. I know they

1 had two addresses, and I think it's because of the two  
2 plots. But I do know that they had two addresses, at one  
3 time.

4 Q One question I never asked you: Did anybody else  
5 in 2018, 2019, live with Shari and Jerry David?

6 A No.

7 Q Going back -- so Exhibit 57, that shows the 760  
8 La Guardia address?

9 A Yes.

10 Q Is that the driveway you typically enter to go to  
11 their house?

12 A Yes.

13 Q Now I'll show you Exhibit 58. What's that?

14 A This is going up the driveway. (Indicating.)

15 Q And Exhibit 59?

16 A This is my truck, where I would park, which was  
17 right in front of the RV.

18 This is the horse trailer, that's outside the  
19 door area.

20 And this would be the entrance going to the lower  
21 parts.

22 Q Mr. Diaz, I want to ask you -- some of these  
23 photographs are at night, as you can see.

24 A Yes.

1 Q Do you recall on January 16, 2019, having to call  
2 the police?

3 A Yes.

4 Q And as near as you can tell, were these  
5 photographs taken that day?

6 A That night, that evening, yes.

7 Q When you initially called the police -- and we'll  
8 get into that in a moment -- was that in the evening or in  
9 the daytime?

10 A 4:00 p.m.

11 Q So that's where you typically would park your  
12 truck. You did that day?

13 A Just about every day, unless I was told to park  
14 in front, so I could be seen. That was my sneak attempt  
15 to get up there to the front of the stalls before Shari  
16 would catch me.

17 Q So on the left of Exhibit 59 are kind of those  
18 initials pens and outbuildings you explained; correct?

19 A Correct.

20 Q Now I'll show you what's Exhibit 60. What's  
21 that?

22 A This is the two entrances to the garage. It was  
23 open all the way through. This is the front door; the  
24 living room window; and this was a window that -- I really

1 was never in this room, so that was known as the cat-and-  
2 dog area.

3 Q So let's go to January 16, 2019, as we continue  
4 to go through these photographs. You indicated you showed  
5 up at 4:00 on that day?

6 A A little bit before.

7 Q And as you pull in and park your truck, where  
8 it's depicted in Exhibit 60, at that time did anything  
9 suspicious come to your attention?

10 A Coming into the driveway, from that point on,  
11 everything was suspicious: leading from the way the horses  
12 were acting, where they were at; the way the stalls  
13 were -- you could physically see the way the stalls -- the  
14 open stalls were cleaned; the way a chain that hangs  
15 around the gate; a screen was laying on the driveway, or  
16 the parking area.

17 Q So you said that as soon as you're in the  
18 driveway something didn't seem right. What was that?

19 A The stalls weren't clean; the horses were away  
20 from the stall area, which was pretty close to feeding  
21 time, which they would normally be up inside their area,  
22 inside their stalls or paddocks. It just -- you could  
23 tell they were nervous, pacing. So it's right off the  
24 get-go.

1           There was a cleaning that happened. You had  
2 morning cleaning and afternoon cleaning. Morning cleaning  
3 was done, of course, in the morning, or during the day.  
4 So things weren't as bad. You could tell the poop was  
5 built up, that nobody had touched it in a 24-hour period.

6           Q    So typically when you'd show up at that time, it  
7 would be a different scenario?

8           A    Altogether, yes. The horses would be in their  
9 stalls, or in their feeding area; the two up top would be,  
10 usually, in their stalls, which was a closed-in area; and  
11 there wasn't -- the yard didn't look as bad as it did.

12          Q    So when you arrive, you get out of your truck,  
13 what do you do first?

14          A    The first thing I do is head up to where I  
15 normally take care of the upper stalls. And that was  
16 pretty much my routine. I would always go straight up  
17 there, take care of the upper. Those were two of Shari's  
18 favorite old horses. So I would try to get that done  
19 before she'd catch me, to get to the lower.

20          Q    Let me move you to the next exhibit -- it might  
21 help you explain -- Exhibit 61. What's depicted there?

22          A    This is the parking -- well, this is where Jerry  
23 came in and would park his vehicle, up here. This is the  
24 entrance to the back patio, which was a little walkway.

1     There's a window here. But I would come in here, and head  
2     straight to the upper stalls. (Indicating.)

3             Q     And then the motor home on the right --

4             A     The motor home was parked there forever, except  
5     when it went in to be fixed.

6             Q     Is that the same motor home that was in the  
7     aerial exhibit that we looked at a moment ago?

8             A     Yes.

9             Q     What's straight ahead there?

10            A     Straight ahead is his trailer for throwing junk  
11    in to go to the dumps.

12                   This is Jerry's pickup.

13                   This is the entrance to one of the upper sheds.

14            Q     For the record, that's Exhibit 62.

15                   I'll now go to Exhibit 63. What's that?

16            A     This is the entrance to the backyard, through a  
17    little strip of walkway.

18            Q     And on the right-middle there?

19            A     Yes. This was the window that had the screen  
20    laying on the ground.

21                   This is their oil for their heating.

22            Q     So you indicated, again, a suspicion when you saw  
23    a screen on the ground.

24            A     Correct.



1 Q Where was the screen on the ground?

2 A The screen was laying right here on the ground,  
3 in kind of a muddy puddle. This back window was fully  
4 opened.

5 I first went there, picked up the screen,  
6 thinking it had gotten blown off because of the storm. I  
7 looked inside. I could feel cold air coming out of the  
8 house. I started yelling.

9 Now, Jerry and Shari kept their house at 75. Not  
10 right.

11 Another thing is, the gate was open. So I knew  
12 Casey was out; meaning that somebody was out in the yard.

13 Q Who's Casey?

14 A Casey is the German Shorthair. And she was let  
15 out when they were out attending the horses.

16 Automatically, you know, I figured somebody was  
17 out around somewhere. So I started up to the upper barn,  
18 figuring it would be Shari.

19 At the same time, I notice the cats were already  
20 locked up, which was earlier than normal. Usually 4:30 is  
21 when she would start feeding the cats. They were all  
22 locked up. So, you know, thinking that, well, maybe they  
23 had plans, and they had to do stuff a little bit earlier.

24 Q Let me stop you for one second. Casey's the dog?

1           A     German Shorthair.

2           Q     Would he typically be in the house, or in that  
3 backyard area?

4           A     She stayed in the backyard; that was her main  
5 location.

6           Q     So would that gate routinely be closed?

7           A     Oh, yes.

8           Q     And the cats that were still locked up, as you  
9 said. So would they be locked up at night?

10          A     Yes. At 4:30 they would get -- when she would  
11 feed them their last feeding. Every morning they were let  
12 out, and then in the evening they were put away, to  
13 protect them from the coyotes.

14          Q     Anything else you wanted to say about this  
15 photograph?

16          A     The gate being opened, again, was showing me  
17 that, you know, somebody was out in the yard.

18          Q     You indicated you started yelling. What were you  
19 saying?

20          A     Correct. I yelled in this door, in the window,  
21 yelling, "Shari, Jerry," and then to see if they even knew  
22 their screen was down, and then walked up to the upper  
23 barn, thinking Shari would be in there.

24          Q     Were you concerned at this point?

1           A     I was, yes.

2           Q     Exhibit 64, there's a few things in here. So  
3 let's start with what's in the middle?

4           A     This is the trailer that Jerry used as a dump  
5 trailer. And we'd just put miscellaneous stuff in there  
6 for throwing away.

7           Q     And to the left of that?

8           A     That is the pump room. That is the new door  
9 that's put on.

10          Q     In early January?

11          A     Correct.

12          Q     And now moving to the right of the blue trailer  
13 is what?

14          A     That's his truck, his pickup.

15          Q     I'm going to show you now Exhibit 65, which is a  
16 continuation of moving right from Jerry's truck. What's  
17 depicted in that photograph?

18          A     Now at the time I didn't know what trailer was  
19 what. I do know, by it being explained, this was Jerry's  
20 camping trailer; this was the horse trailer that used to  
21 be a snowmobile trailer, but then turned into what held  
22 all the horses' tackle.

23          Q     So when you say the snowmobile trailer, that's  
24 the blue trailer in the middle?

1           A     Correct.

2           Q     Then to the right of that is a white trailer.  
3     And that's the one that you understand to be the camping  
4     trailer?

5           A     I believe, yes.

6           Q     Are all of those under the carport, that you  
7     pointed out in the aerial photo?

8           A     Yes.

9           Q     Now to the right of the camp trailer, what's  
10    that?

11          A     This is the upper stalls. You have three bays in  
12    here, and then the other three were inside.

13          Q     And so your usual routine would be to go to that  
14    stall first?

15          A     Correct. You would enter from this sliding door  
16    here, and that's where you'd enter the inside hall for the  
17    stalls.

18          Q     For the record, I've changed it to Exhibit 66.  
19    That was your explanation.

20                I'm going to next go to Exhibit 67. What's shown  
21    in that?

22          A     This is the entrance through the sliding door.  
23    This is your walkway. You have three stall here. These  
24    three were where the feed was. And then your grain was in

1 the first one.

2 Q Is this where you would typically do some of your  
3 clean-up work?

4 A Yes.

5 Q What would you do, in this situation?

6 A In this situation, what I would do is grab a  
7 wheelbarrow, come in here, clean the stalls, walk around  
8 and pick up anything. Start watering the water bucket out  
9 in front. Clean this stall. Put the wheelbarrow up here.  
10 If I needed to pull any alfalfa or grass, I would  
11 pull it, stack it here, so it was easy to feed for the  
12 horses.

13 And then sweep up the hall area.

14 Q Now on January 16th, 2019, when you've now  
15 observed the open window, the screen on the ground, you're  
16 calling out to Shari and Jerry, did you go to this barn?

17 A Yes, I did.

18 Q Did you go inside?

19 A Yes, yelling for Shari.

20 Q Did you look in and see this?

21 A Yes.

22 Q Now, I want to draw your attention to the two  
23 wheelbarrows in the middle.

24 A Yes.

1 Q Exhibit 67 appears to depict a walkway through  
2 the middle, where the wheelbarrows are. What's on either  
3 side of that walkway?

4 A This is where the alfalfa and grass was. This is  
5 the last stall. And then here was the 50/50, which is  
6 alfalfa/grass mix.

7 Here would be more of the grass, straight up.

8 These were treats and things for the horses.

9 That was my wheelbarrow.

10 And then back here was Shari's wheelbarrow.

11 (Indicating.)

12 Q The stalls on the right, were those the ones  
13 routinely used by the horses?

14 A Yes.

15 Q I'm going to take you to the very last stall, at  
16 the top of this photograph, in Exhibit 68. Does that  
17 fairly and accurately depict that stall?

18 A Correct.

19 Q Is that wheelbarrow the last wheelbarrow we saw  
20 in that former picture?

21 A Yes.

22 Q Now, what's in that stall there?

23 A This stall was basically shavings. It was kept  
24 there. They had a barn cat that lived in the barn, in the

1 alfalfa. That was its cat-litter box. It was getting too  
2 old to jump over the door, so that was pretty much kept  
3 for that.

4           These were the two items I found that were still  
5 left in the stall, that the person left from the previous  
6 break-ins.

7           Q     So in the center of the picture, there appears to  
8 be some kind of a machine and a box on top.

9           A     I guess. A scanner, fax machine, or something  
10 like that.

11          Q     So now drawing your attention all the way back to  
12 early January, when you speak to Jerry about the  
13 burglaries, was this the staging you were talking about?

14          A     Correct. That's where the items were left. I  
15 did, back in January, go to move this, because I knew he  
16 couldn't lift it, to put it away for where he needed to.  
17 I lifted the box up, set it on top of the printer. I went  
18 to reach down, and he said: No, leave it there; he'd take  
19 care of it later.

20          Q     Was that in early January when you saw that?

21          A     Yes.

22          Q     And he indicated to you that that had been moved  
23 there when the burglaries occurred?

24          A     Correct. When those burglaries did happen,

1 actually the person opened the stalls up to the horses,  
2 let them roam through there. They were opened up, and  
3 totally wiped out the area, tore up the alfalfa and the  
4 hay area. They had free range.

5 These were knocked down. The only thing that  
6 saved the horses was the grain room was locked up. The  
7 person never opened the grain room. If they would have  
8 ate the grain, it would have killed them.

9 And that was Shari's biggest concern -- not that  
10 she got robbed -- that the horses could have been killed.

11 Q I'm going to take you to Exhibit 69. What's in  
12 that exhibit?

13 A This is the box that I moved from here, that was  
14 actually laying down here. And this is the printer. This  
15 is the entrance to the last stall, from the outside.

16 Q That entrance, that door on the top-right of the  
17 picture, is that the closest door to La Guardia Lane?

18 A Correct.

19 Q If you were to go out there, where would you end  
20 up if you walked out that door?

21 A Right outside, a lean-to.

22 Q I'm going to take you back to the house. This is  
23 Exhibit 70. What's shown in that picture?

24 A This is the open window, that was left open. And



1 | this is where the screen would have been laying.

2 |       Q     Is that the way the window appeared on  
3 | January 16th?

4 |       A     Yes.

5 |       Q     And Exhibit 71?

6 |       A     That's the entrance to whatever room -- where the  
7 | window was open.

8 |       Q     Now I'm going to show you Exhibit 72. What's  
9 | relevant in that picture to January 19th?

10 |      A     I moved the screen from the puddle. As I was  
11 | walking to the upper barn, I laid it on top of the straw.

12 |      Q     Is that under the carport?

13 |      A     Yes, it is. It's between Jerry's truck, and then  
14 | the first trailer.

15 |      Q     Next I'll show you Exhibit 73. What's that photo  
16 | of?

17 |      A     This is the entrance from the gate that walks  
18 | through to the back patio. Going up this way would be  
19 | where the cat pens are and the dog kennel.

20 |      Q     The cat pens, for the record, would be to the  
21 | right of the photograph?

22 |      A     Correct.

23 |      Q     Exhibit 74. What's that?

24 |      A     This is the entrance to the mudroom, and Casey's

1 dog house.

2 Q What was the weather like on January 19th?

3 A Raining, storming.

4 Q So going back to what you're doing that day. You  
5 noticed the screen on the ground, you picked it up, and  
6 you've now gone to the barn, to see if Shari was out  
7 there. After you didn't discover anybody there, what did  
8 you do?

9 A I walked through -- oh, I yelled again, started  
10 calling their house number, their cell phone numbers,  
11 trying to reach them.

12 I went to the front door, pounded on the front  
13 door. The two Yorkies did come to the window, barking,  
14 which they knew me, you know. But Casey kept wanting to  
15 come here, and she would lay down and stare at the back-  
16 door area.

17 I walked over to the screen, yelling for them,  
18 and noticed the other door was open, that leads into the  
19 house.

20 I then -- in between then, I did call 911 and  
21 start talking -- no, excuse me, that was afterwards.

22 I walked through here. I took one step in there,  
23 noticed the cabinets were opened in the kitchen area and  
24 in their living room. I backed out, called 911.

1           Q    For clarification, in Exhibit 74 you indicated a  
2 screen door. Is that the black door basically in the  
3 middle of the --

4           A    That's the entrance to the mudroom.

5           Q    And so let's go to that next exhibit, Exhibit 75.  
6 What does that depict?

7           A    That is the entrance to the mudroom.

8           Q    What's that right on the left of it, that looks  
9 like a wooden structure?

10          A    This is one of Casey's winter enclosures.  
11 There's actually a dog house inside of that, and then  
12 straw would be formed over it, to keep the warmth.

13          Q    I'm going to show you Exhibit 76. What's that  
14 picture of?

15          A    That's the entrance to the mudroom.

16          Q    Did you go in that room on that day?

17          A    Yes, I did.

18          Q    I don't want to make this hard on you, Mr. Diaz.  
19 At that time, were you aware of what was in that room?

20          A    No.

21          Q    Did you notice anything out of place?

22          A    Yes.

23          Q    What was it?

24          A    There's a blanket here wrapped up, that was

1     laying there. I did notice a little sheet that had a  
2     little bit of blood in it.

3             I thought to myself then -- I mean, things were  
4     already going through my head. I looked -- basically you  
5     could not see, but I looked for body parts, or something  
6     hanging out there, and was questioning that.

7             It seemed too small to be a person, forgetting  
8     how small Shari literally was. I stepped over that, and  
9     that's when I looked in, and then backed out.

10            Q     Let's go to the next exhibit, Exhibit 77. What  
11     is this picture of?

12            A     This is the entrance to the kitchen.

13            Q     And did you go that far? Did you at least go to  
14     where you could see this view into the house on January --

15            A     Yes, I took one step into the house.

16            Q     And you indicated in your previous testimony that  
17     you saw something out of order, and it caused you to step  
18     out of the house. What was that?

19            A     First thing is, it's not trash day, and the trash  
20     bin door is open. From here, you could see into the  
21     living room, and you'll see other cabinet doors open.  
22     I'll explain, as we go further.

23            Q     So for the record, in kind of the center of the  
24     photograph, what is that item with the open door?

1           A     That's the trash bin. This actually -- you open  
2 this up, and that's where you'd throw the trash. To get  
3 to the trash bin, you'd open that up, and take out the  
4 wastebasket.

5           Q     Now Exhibit 78. What does that show?

6           A     This is the entrance to the cat room, the little  
7 Yorkie room. I've never been back there, personally.

8                     And this is the refrigerator, and then the  
9 kitchen table.

10          Q     So straight ahead in that photograph, if you were  
11 to continue to walk down that hallway, where would you end  
12 up?

13          A     Straight ahead? Into a room that I was to  
14 understand is the cat room, or the dog room. Like I said,  
15 I've never been in there. Their play area.

16          Q     To the right of that photograph, what would be  
17 there?

18          A     This is the entrance into the family room.  
19 (Indicating.)

20          Q     And to the left?

21          A     That's the entrance into -- the kitchen would be  
22 over here, and then the living room would be over here.  
23 (Indicating.)

24          Q     I'll show you Exhibit 79. Did you see any of

1 that on January 19th?

2 A No, I did not.

3 Q Do you know what's depicted there?

4 A Looks like the furnace.

5 Q And the bottom-left of that photograph, with the  
6 open door, is that the garbage can?

7 A That's the garbage can, correct, yes. I did not  
8 see that stuff laying on the ground, due to I couldn't see  
9 past the door.

10 Q Next I'll show you Exhibit 80. What does this  
11 picture show?

12 A This is the outside to the mudroom. This is the  
13 kitchen table, where we sat many times and would talk and  
14 have coffee. This is the kitchen. (Indicating.)

15 Q I want to ask you a little bit about the kitchen  
16 table. I'm going to move to Exhibit 81 now. Tell me  
17 about what you just said, that you would often sit at that  
18 table.

19 A I would basically, sitting, I would sit here.  
20 This is Jerry's spot, which he would give up for Shari,  
21 and that's where we would sit and talk.

22 Q Before we talk more about the table, beyond the  
23 table that's in the middle of the picture, is that the  
24 kitchen area?

1           A     Correct, this is the kitchen area. This the  
2 living room. (Indicating.)

3           Q     So to the right of that photograph is the living  
4 room. You indicated when you looked in the house on  
5 January 16th, that you noticed other things out of order.  
6 Are they depicted in this photograph?

7           A     Yes.

8           Q     What's that?

9           A     One is, he usually sat his wallet and money-clip  
10 there, that he'd call his tip money, which was a little  
11 dollar money-clip.

12                     And I first saw the cabinets, and these opened  
13 up, which was very odd. And then I swung over here to  
14 look for his money-clip, and did not see his money-clip.  
15 And then basically knew that he was robbed.

16           Q     When you say the area where you usually saw his  
17 money-clip, is that in the center-right of the photo?

18           A     Correct. He would leave his money-clip here, and  
19 his wallet up here. (Indicating.)

20           Q     Is that kind of below what look like spurs?

21           A     Yes, bookends, spur bookends.

22           Q     On that table, there appears to be a calendar.  
23 Are you familiar with the calendar being there?

24           A     Very.

1 Q And how so?

2 A Every time we would talk about a dinner, try to  
3 arrange a dinner, or a breakfast or something, we would  
4 look at the calendar.

5 I've been in there many times when they've gotten  
6 phone calls from doctors, appointments, and he would write  
7 it on the calendar.

8 Q Who would write it on the calendar?

9 A Jerry.

10 Q And I think what you said is, is that typically  
11 where Jerry would sit?

12 A Yes. That's where he would do his bills, read,  
13 and things like that.

14 Q Now showing you Exhibit 82. What's that picture  
15 of?

16 A That's a picture of his calendar that he would  
17 keep notes on and mark down. He was very -- to a date, to  
18 a time, very organized.

19 Q Is that how the table typically looked on any  
20 given day?

21 A Yes.

22 Q You can go ahead and have a seat. Thank you.

23 So taking you back now, you step into the house  
24 you look around, you see things seem out of order. What



1 did you do then?

2 A Backed out.

3 Q Where did you go?

4 A Around to my truck.

5 Q What were you waiting for?

6 A I called 911, was talking to the dispatcher the  
7 whole time, waiting for a sheriff to arrive.

8 Q As you're waiting for law enforcement to arrive,  
9 did you make any other phone calls?

10 A No. I was talking to the dispatcher the whole  
11 time.

12 Q Once law enforcement arrived, what did you do?

13 A Basically one officer came in, and I said,  
14 "Aren't you going to go in?" It took quite a long time  
15 for him to first show. And he said no, he had to wait for  
16 a backup. And I said, "What's keeping you? Let's go."  
17 He didn't like me being his backup.

18 MR. HICKS: I have no further questions of this  
19 witness.

20 THE FOREPERSON: Any questions from the jury?

21 A JUROR: You indicated that you would kind of  
22 sneak onto the property without being noticed?

23 THE WITNESS: Right, to not being noticed. It  
24 wasn't a sneaky, sneaky thing, it was just not to be

1       seen yet.

2               A JUROR: Do you know if there was anybody else  
3       that was authorized --

4               THE WITNESS: No. There was nobody authorized.  
5       They were very particular in -- I felt very special to  
6       be able to deal with the horses.

7               Even though I've been there for a year, I was  
8       not allowed to feed them. Feeding -- I mean, there  
9       were certain things certain ways.

10              I mean, even feeding the birds. I'll take you  
11      back to: I was starting helping him out, and he  
12      couldn't lift the bird bags, and he would put them into  
13      a garbage can, to keep the animals from getting in  
14      there. And he had a particular way: two scoops of  
15      this, one scoop of this.

16              Being as strong as I was, I'd be able to pour  
17      it in there and mix it by my hand and mix it up.  
18      "Nope. Two scoops of this; one scoop of this."

19              Things were done -- well, you know, a certain  
20      way. And that's why I felt very important to be able  
21      to do that.

22              THE FOREPERSON: Mr. Diaz, thank you for your  
23      testimony. It was very clear and helpful.

24              The proceedings before the Grand Jury are

1 secret. You may not disclose evidence presented to the  
2 Grand Jury, any event occurring, or statement made in  
3 the presence of the Grand Jury, any information  
4 obtained by the Grand Jury, or the results of the  
5 investigation being made by the Grand Jury.

6 However, you may disclose the above information  
7 to the District Attorney for use in the performance of  
8 his duties.

9 You also may disclose your knowledge concerning  
10 the proceeding, when directed by a court, in connection  
11 with judicial proceedings, or when otherwise permitted  
12 by the Court, or to your own attorney.

13 The obligation of secrecy applies until the  
14 Court allows the matter to become public record.

15 A gross-misdemeanor and contempt of Court may  
16 be pursued if your obligation of secrecy is not  
17 followed.

18 Do you understand?

19 THE WITNESS: Yes, I do.

20 THE FOREPERSON: Thank you, sir.

21 (The witness was excused.)

22 (Witness sworn.)

23 MR. HICKS: Please state your name, and spell  
24 both your first and last name.

1 THE WITNESS: Yes. It's Stefanie Brady:  
2 S-t-e-f-a-n-i-e B-r-a-d-y.

3 MR. HICKS: I have a duty to inform you that  
4 the Grand Jury is considering a proposed Indictment  
5 against Wilber Ernesto Martinez Guzman, which alleges  
6 one count of Burglary, one count of Burglary While  
7 Gaining Possession Of A Firearm, four counts of Murder  
8 With The Use Of A Deadly Weapon, three counts of  
9 Burglary While In Possession Of A Firearm, and one  
10 count of Possession Of A Stolen Firearm, which occurred  
11 on or between January 3rd, 2019, and January 16, 2019,  
12 in Washoe County, Douglas County, and/or Carson City.

13 We believe you have some information regarding  
14 this case.

15 THE WITNESS: Yes.

16 THE FOREPERSON: To confirm, are you aware that  
17 this Grand Jury is inquiring into evidence that you may  
18 have relating to charges of Burglary, Burglary While  
19 Gaining Possession Of A Firearm, Murder With The Use Of  
20 A Deadly Weapon, Burglary While In Possession Of A  
21 Firearm, and Possession Of A Stolen Firearm?

22 ///

23 ///

24 ///

1 THE WITNESS: Yes, ma'am.

2  
3 STEFANIE BRADY,  
4 called as a witness by the State,  
5 who, having been first duly sworn, was examined  
6 and testified as follows:  
7

8 EXAMINATION

9 BY MR. HICKS:

10 Q Ma'am, with whom are you currently employed?

11 A I work for the Washoe County Sheriff's Office.

12 Q In what capacity?

13 A I'm a detective.

14 Q Are you a detective in a specific unit?

15 A Yes. I work in our Persons Unit. It's,  
16 essentially, violent crimes against adults, robbery,  
17 homicides, sexual assaults, elder abuse.

18 Q Could you give the Grand Jurors a brief  
19 background of your education, your training, your POST  
20 Certification, that has brought you to where you are  
21 today?

22 A Yes. I did a brief time in college, achieved my  
23 Associates. And then I went to the academy to become a  
24 deputy with the Washoe County Sheriff's Office. I spent

1 about four-and-a-half years in the jail. I worked on  
2 Patrol for about five. And I have been in Detectives for  
3 about five years now.

4 Q Do you regularly receive training relevant to  
5 your law-enforcement duties?

6 A Yes. We have periodic training that we had to do  
7 a few times a year, just to keep up our credentials, our  
8 POST requirements. However, I also, now that I'm in our  
9 Persons Unit, we attend homicide schools, classes,  
10 courses, behavioral-analysis-type courses, interview,  
11 interrogation, anything that would pertain to  
12 investigating the crime that I'm assigned to.

13 Q So total, how long have you been a  
14 law-enforcement officer?

15 A Fourteen years.

16 Q In the Persons Unit, as a detective, what are  
17 your primary duties?

18 A So in there, primarily we're handling officer-  
19 involved shootings, and murders, robberies, and occasional  
20 elder abuse. I did do a stint in fraud, so I have some  
21 background working those cases. And sexual assaults.

22 Q I want to draw your attention to January 16th of  
23 this year. Did you become aware of a suspected double  
24 homicide in south Reno?

1           A     Yes, I did.

2           Q     How did you become aware of it?

3           A     We were notified by the sergeant in charge of the  
4 south unit, and he advised that deputies were on scene.

5           Q     And are you familiar with 760 La Guardia Lane, in  
6 Reno?

7           A     Yes, I am.

8           Q     And what is that property?

9           A     That property belongs to Gerald and Sharon David.  
10 They are known to us by the family as Jerry and Shari.  
11 They are the sole residents at that house.

12          Q     Where is it located in Reno?

13          A     It is off Zolezzi Lane. It's down south. It's  
14 kind of tucked back into a neighborhood. It's fairly  
15 large property. But, again, it's kind of tucked back into  
16 that area.

17          Q     So taking us through your notification of this  
18 suspected crime scene, what are you doing, initially?

19          A     So initially we -- as soon as we get the call, we  
20 decide who's going to go taking the case. And from there,  
21 we're deciding -- I was assigned to be the lead for this  
22 investigation.

23                 So at that time, we're sending resources out to  
24 the scene and deciding if there's people that are going to

1 be needing to come up to the sheriff's office for  
2 interviews.

3 Q Who was assigned as the lead detective?

4 A I was assigned as the lead. And we typically  
5 have a partner, but I was the lead.

6 Q And so as the lead, do you go immediately to the  
7 scene?

8 A No. And that varies, I should say, and it's kind  
9 of a gray area. It depends on what the scene is and what  
10 we have.

11 At this time, we knew there were people that were  
12 arriving at the scene that may need to be interviewed. So  
13 I made the decision to have somebody go to manage the  
14 scene, while I waited for people to come up for  
15 interviews.

16 Q So tell me a little bit about managing the scene;  
17 what you directed somebody to do.

18 A So I advised another detective, who has worked  
19 many scenes and managed them with our Forensic Science  
20 Division, but I advised him and another detective to just  
21 go and make sure that nobody is entering the scene that  
22 doesn't belong, and that overall photographs need to be  
23 taken before anybody enters. Pretty much just lock down  
24 the scene, until we can, essentially, see what we have.



1           Q     Prior to that lockdown, had any Washoe County  
2 Sheriff's Deputies briefly entered the scene?

3           A     Yes. The initial responding officers or deputies  
4 had responded. I believe there was three of them. And  
5 they just do an initial response, to see what they have,  
6 and then they hold the scene, and don't pursue it any  
7 further.

8           Q     Are you aware of what prompted those three  
9 deputies to go to that scene?

10          A     Yes. I was advised that the call came out as  
11 suspicious circumstances at the residence, as the  
12 caretaker, Val -- he's the caretaker for the horses -- had  
13 responded, as he usually does, and noticed there was some  
14 suspicious things.

15                 The horses were acting odd. He noticed that the  
16 back door was open, and that the residents were not  
17 answering.

18                 And so he didn't proceed into the house, as he  
19 had known there had been previous burglaries. And so he  
20 noticed that things didn't look right, and he immediately  
21 called 911.

22          Q     You indicated that you directed the scene to be  
23 maintained, and nobody allowed to enter, and that there  
24 were some people showing up that needed to be interviewed.

1 Did you interview anybody?

2 A Yes. I interviewed Diane and John Hicks. Diane  
3 was identified as the daughter of Jerry, and John was her  
4 husband. And Val also came up to the sheriff's office,  
5 but I did not interview him.

6 Q Did somebody else interview him?

7 A Yes. Detective Koski interviewed him.

8 Q Prior to, or as of January 16, 2019, were you  
9 aware of any murders that had occurred in Douglas County?

10 A Yes, I was.

11 Q And does law enforcement in Northern Nevada  
12 communicate or share information?

13 A We do share information, especially if it's an  
14 ongoing investigation and they're looking for assistance,  
15 or they're trying to further their information.

16 Q As of January 16, 2019, were you aware if a  
17 suspect had been apprehended or identified in the Douglas  
18 County murders?

19 A I was not aware of anybody being identified. It  
20 was still being investigated at that time.

21 Q As your investigation began to progress on  
22 January 16th, was there anything that made you suspect  
23 that they may be related: This one in Washoe County, and  
24 the two in Douglas County?

1           A     There was a particular round, a .22 snake shot  
2 round, that became of interest in the murders in Douglas  
3 County.

4                     And our deputies that did the initial response to  
5 the residence stated that they had located an unfired  
6 .22-caliber snake shot round in the kitchen of the Davids'  
7 residence.

8           Q     Were there any other similarities?

9           A     The fact that they were elderly, and that it was  
10 possibly a burglary, items were taken.

11          Q     You mentioned a moment ago, when you were  
12 speaking about Mr. Diaz, about a report of some prior  
13 burglaries at the Davids' residence. As part of your  
14 investigation, have you become aware of those and  
15 investigated those?

16          A     Yes.

17          Q     Without going into what Mr. Diaz said, are you  
18 familiar with what Mr. Diaz has relayed as to his  
19 understanding of those burglaries?

20          A     Yes, I am.

21          Q     I'm going to show you Exhibits 83 through 109. I  
22 will ask you to just first flip through those, to make  
23 sure you can identify them and recognize them.

24          A     Yes, I recognize those.

1 Q How are you able to recognize those pictures?

2 A These are photographs that were taken of the  
3 Davids' residence. And I walked through the scene, so I'm  
4 familiar with what was taken -- or the photographs that  
5 were taken, and I've reviewed them.

6 Q Were these photographs taken on January 16th, or  
7 soon thereafter, in 2019?

8 A Yes.

9 Q Would this have been while the David residence  
10 house was being processed as part of the investigation of  
11 the homicides?

12 A Yes.

13 Q What I'm going to do, Detective Brady, is, I'm  
14 going to put the pictures up on the screen. They're the  
15 same as the ones you have in front of you. So you can  
16 choose to describe by looking at those; or, if you feel  
17 more comfortable getting up, you can do that, as well.

18 Again, I'm going to refer to the PowerPoint in  
19 Grand Jury Exhibit Number 73.

20 And the first one I want to show you -- actually,  
21 I'm going to go back to Exhibit Number 82. This was shown  
22 to Mr. Diaz. Do you recognize what Exhibit Number 82 is?

23 A Yes. That's a calendar that's just inside the  
24 back-door area.

1           Q     Now, before we get into going more into the  
2 house, I want to focus on those first two burglaries that  
3 were reported to have occurred in early January at the  
4 Davids' residence. Was there something on this table that  
5 proved relevant to that investigation?

6           A     Yes. There was actual handwritten notes we  
7 believed to be written by Mr. David on the 3rd and 4th,  
8 notating those individual burglaries.

9           Q     Now I'm going to move to Exhibit Number 83. What  
10 does that depict?

11          A     So on the 3rd, Thursday the 3rd, things that we  
12 noticed, he writes the date and how the weather is and  
13 everything. So a lot of it you can see is a daily-used  
14 calendar, that he notates a lot of stuff.

15                But particularly on the 3rd, he talks about the  
16 barns broken into, Skilsaw, charger.

17                And then on the 4th, he also notes, towards the  
18 bottom of there, "the barns broken into, all fishing  
19 poles, Wells Cargo.

20          Q     What does the Wells Cargo notation mean to you,  
21 as part of your investigation?

22          A     There is a cargo trailer that is outside of the  
23 Davids' residence, backed under kind of a carport-type  
24 area, and it is a Wells Cargo brand.

1 Q What color is it?

2 A It is white.

3 Q And what does it say here in the middle, on  
4 Friday, the 4th?

5 A It says, "Door on pump house." And then it talks  
6 about the barns broken into, and all fishing poles, dash,  
7 Wells Cargo.

8 Q Then, again, on the 3rd, what did he notate?

9 A So there he's, again, noting the barns are broken  
10 into, and he notates a Skilsaw and the charger.

11 Q Now I'm going to take you to Exhibit Number 84.  
12 What's depicted in that photograph?

13 A This is going to be the room to the right, as you  
14 enter the back door, and it's just like a living area.  
15 There's a TV off to the left, and then a desk/computer  
16 area, off to the right.

17 Q And as you went through the Davids' residence on  
18 January 16th, did you notice anything about the house that  
19 you thought was relevant to the investigation?

20 That was a bad question. Let me ask it a  
21 different way. Was it suspected that the Davids' house  
22 had been broken into as a burglary?

23 A Correct.

24 Q As you processed the house, did you notice

1 anything that suggested a burglary had occurred?

2 A Yes. As we go through the photos, there are  
3 different areas where you can tell the items are strewn  
4 about, or taken out of cabinets and drawers. Items are  
5 thrown on the floor. You can see where there's actually  
6 dust around where the items had been, but are now laying  
7 on the floor, or outside of the drawers.

8 Q Anything in this picture that's consistent with  
9 what you just described?

10 A So more so over to the right. There wasn't much  
11 to the left, but there is that box that's on the floor.  
12 And there will be more over in that area, where there's a  
13 desk. (Indicating.)

14 Q So let's go to Exhibit Number 85. What's  
15 depicted in that photograph?

16 A So there you can see there's a drawer that's open  
17 down on the bottom. And then on that chair in another  
18 photo, there's stuff that's kind of strewn about on the  
19 seat.

20 Q Is that the same room we were just looking at in  
21 84?

22 A That's correct.

23 Q Let me show you Exhibit Number 86. What's  
24 depicted there?

1           A     So there, again, those are those checks and such  
2     that are kind of out of place on that. And you can see  
3     the drawer in the background. (Indicating.)

4           Q     Exhibit 87. What's shown there?

5           A     So this is the table that we're looking at, with  
6     the calendar, is to the left. And you're going to be  
7     looking down towards the kitchen that's on the left. And  
8     on the right is kind of a dining room entryway, and that  
9     will be the front of the house.

10          Q     If you continue down that hallway to kind of the  
11     furthest point in the middle of that photograph, where  
12     does that take you?

13          A     So when you reach the end of that hallway right  
14     there, if you go to the right, that is going to be Shari's  
15     bedroom. And off to the right, there's where they did an  
16     addition to the house, but it leads into Jerry's room.  
17     They slept in separate rooms.

18          Q     You said off to the right?

19          A     I'm sorry. Off to the left. I apologize.

20          Q     Showing you now Exhibit Number 88, and going back  
21     to 87. Now, what's depicted in 88?

22          A     So 88 is going to be that same rug, but we're  
23     looking opposite directions. So we're looking back at the  
24     living area where the desk and stuff was, but we're



1 looking primarily at this rug area.

2 Q Was there anything found on that rug that proved  
3 to be significant to the investigation?

4 A Yes. On that rug is where the .22 live snake  
5 shot round was located.

6 Q I'm going to show you Exhibit Number 89. Is that  
7 round depicted in that photograph?

8 A Yes, it is.

9 Q And where is it?

10 A It's right in the center, kind of just to the  
11 right of that red blotch, in the middle. (Indicating.)

12 Q And what is a snake shot round?

13 A So the snake shot round has a bunch of -- I guess  
14 you could call it small, granular pellets in the tip of  
15 it. And it's used, essentially, for what it says. For  
16 people that go hunting, they are going to use it and shoot  
17 the snakes.

18 I'm not a hundred percent familiar with these  
19 types. I don't use it. But I just know it does have  
20 small, very small pellet-type granule things in the tip of  
21 it.

22 Q What caliber round was it?

23 A This was a .22.

24 Q Now showing you Exhibit 90. What's depicted in

1 | that photograph?

2 |       A     So this is indicative of the residence being  
3 | burglarized, or ransacked, as the deputy described it.  
4 | You can see where the items had been in the cabinets, and  
5 | have now been displaced with leaving that dust around  
6 | where they had been.

7 |       Q     What room is that?

8 |       A     So this is that area that's off to the right  
9 | from if you're going down the hallway towards the  
10 | bedrooms. The front door is going to be behind us.

11 |       Q     So on the top-left, what's kind of in the  
12 | darkness back there?

13 |       A     That would be the kitchen. Then to the right is  
14 | the hallway to the bedrooms. And straight back behind  
15 | this wall is a bathroom.

16 |       Q     Are all these pictures that I'm showing you, and  
17 | I previously showed you at the table, consistent with the  
18 | way the Davids' residence looked that night when you  
19 | walked through it?

20 |       A     Yes. This is exactly how it looked.

21 |       Q     What's Exhibit 91?

22 |       A     Again, more evidence that the cabinets have been  
23 | gone through, the drawers have been opened. And then  
24 | that's the front door, that's off to the right.

1 Q Is that the same room that we just saw in 90?

2 A It is. So this is at the end of the hallway and  
3 to the right. This is going to be -- that's Shari David's  
4 room.

5 Q And this is Exhibit 92.

6 I'll now go to Exhibit 93. What's in this photo?

7 A This is just a close-up of her room, her purse.  
8 You can see that items are strewn about. Her dog is  
9 actually laying -- one of the dogs is laying on the bed,  
10 right there.

11 But there's various items. There's a credit card  
12 that's laying -- and looks out of place -- to the right.  
13 There's various items on the floor.

14 Q Throughout your investigation, were you able to  
15 determine that this is where Shari David slept?

16 A Yes. I was told that by Diane, Jerry's daughter,  
17 that they slept in separate rooms. And she identified  
18 this being the location, as she described it.

19 Q I want to ask you a question about their house,  
20 before we get into other pictures.

21 When you walk in through that mudroom, and on the  
22 right you said there was kind of a family-room area,  
23 kitchen/dining room area. What was the kind of order of  
24 those rooms?

1           A     Those rooms were very tidy, they were neat. You  
2 could tell that a housekeeper probably maintains those, is  
3 the best way I could describe it.

4           Q     Then when you go down that hallway and you come  
5 to Shari's room on the right, and Jerry's on the left --  
6 which we haven't seen pictures of yet -- were those as  
7 orderly?

8           A     Those are not as orderly. You could definitely  
9 tell that they collect many things and they're less  
10 organized. However, you could also differentiate between  
11 just the disorganization versus the burglary aspect of the  
12 disorganization in the room, or displaced items.

13          Q     Is there an example of that in Exhibit 93?

14          A     Yes. So there's various items within here. As  
15 you can see, like off to the left, in the back corner,  
16 there's a lot of clothing, and stuff is stacked. But it's  
17 probably organized to Shari's organization.

18                 There's various items just in different piles,  
19 whereas like on the bed, those items are strewn about, the  
20 drawers are pulled open, over here to the right. Stuff is  
21 just a little more disheveled and taken apart, versus just  
22 being stacked and kind of collected.

23          Q     Showing you now Exhibit 94. And what is depicted  
24 in that photograph?

1           A     So this is going to be off to the left, directly  
2 across from Shari's room. And this is kind of where we  
3 assume that they had begun an expansion on the house. So  
4 there's going to be some areas where you can tell they  
5 started construction and kind of just lived in.

6                     So this is going to go back towards Jerry's room,  
7 which is kind of up towards the top of the picture, on the  
8 leftish. It's kind of a storage area.

9           Q     Exhibit 95. Is that that same storage-area room?

10          A     That is the same storage. What immediately  
11 stands out is the gun case, that's open and empty, and  
12 then various items.

13                     Again, it's storage, but off to the right you can  
14 see there's clothes that are kind of folded and stacked,  
15 versus the stuff that's on the floor and in front of the  
16 cabinet that are strewn about and not as stacked.

17                     And then Jerry's room is straight ahead.

18          Q     Exhibit 96. What does that photograph show? Or  
19 what angle?

20          A     So this is now looking back out the hallway, like  
21 towards Shari's room. So whereas the stuff that's on the  
22 right had been on the left in the very first picture,  
23 we're just looking back at it. And that gun cabinet is  
24 off to the right now.

1 Q Were there any guns in the gun cabinet?  
2 A There were no guns.  
3 Q Was the door open like that when you all went in  
4 and processed the scene?  
5 A Yes.  
6 Q What's depicted in Exhibit 97?  
7 A So this is Jerry's room. Again, disheveled, but  
8 there's -- you can see certain areas where things are  
9 folded or stacked, versus things knocked around.  
10 On the bed, there appears to be -- there's  
11 somebody lying there, that's covered up.  
12 Q Exhibit 98. What's shown in that photo?  
13 A These are the drawers and stuff, just off to the  
14 right, thrown on the ground, gone through. Again, noting  
15 that they collect a lot of stuff; however, there's things  
16 that are stacked up by the radio. You know, there's a lot  
17 of things, but it's at least stacked and probably  
18 organized to probably what he believes to be organized.  
19 There, you can see stuff is moved, not stacked,  
20 thrown on the floor, pulled out.  
21 Q So going back to Exhibit 97, now, you had  
22 indicated that on the bed it was discovered that there was  
23 a body, a deceased body there. Who was that?  
24 A This was Jerry David.

1           Q     And was Shari David discovered anywhere in the  
2 house?

3           A     She was discovered back at the entryway, near  
4 like where the calendar would have been. There's a  
5 mudroom-type entryway, and she was in the mudroom.

6           Q     Exhibit 99. Where is that room?

7           A     So this is in Mr. David's room. It's just back  
8 in the corner. And it faces -- it's pretty much on the  
9 north end of the residence, north corner of the residence.  
10 It's a small office.

11          Q     And in the top-middle of that is a window that  
12 appears to be open?

13          A     Yes.

14          Q     Where does that window -- where is that relevant  
15 to the house, if you're outside?

16          A     So this is going to be towards La Guardia. It's  
17 on the north end of the residence. There's a driveway.  
18 And this is also kind of towards the barns and where the  
19 Wells Cargo trailer would be.

20          Q     Exhibit 100. What's shown there?

21          A     More evidence that the room had been gone  
22 through, burglarized, items taken out. He does have a lot  
23 of stuff on his desk. But just going back to what I've  
24 said, you can see where they had stuff stacked; however,

1 now, everything is kind of just thrown about.

2 Q What's in 101?

3 A This is a gun case that's essentially empty.

4 Q Is that in the same room that was depicted at 100  
5 and 99?

6 A Yes, it is.

7 Q And, again, in Exhibit 102?

8 A That's just another photograph of -- this is the  
9 gun case that's back in that storage room that leads into  
10 Jerry's office -- or room.

11 Q What's depicted in Exhibit 103?

12 A So this is after they moved the covers back, and  
13 this is exactly how Jerry David was located.

14 Q When you first went in the house after you had it  
15 sealed, was Mr. David's body covered?

16 A He was still covered. The deputies that  
17 responded were able to see blood pooling, when the covers  
18 were rolled over. They didn't move the covers back, but  
19 they were able to see that there was blood pooling  
20 underneath there. And actually there's -- you can see the  
21 bottom portion of Mr. David's legs when he was covered.  
22 So they just left him covered. This is after we  
23 photographed and everything.

24 Q Based on your investigation, what did you



1 determine to be what Mr. David was doing when he was shot?

2 A So based on this, with them sleeping in different  
3 rooms, and where Shari was found, it appears he heard --  
4 likely heard the shot, and was putting his shoes on to go  
5 figure out what was going on.

6 Q As we'll get into later, did you subsequently  
7 interview somebody, a person of interest, that confirmed  
8 that?

9 A Yes.

10 Q Again, what's depicted in Exhibit 104?

11 A So this is Mr. David, lying on his back. He  
12 hasn't been moved. And is showing the wounds that he has  
13 to his head.

14 Q Based on your investigation, how many times was  
15 Mr. Jerry David shot?

16 A I believe he was shot five times.

17 Q Where was he shot?

18 A Mainly in the head, and once in the chest.

19 Q What's depicted in Exhibit 105?

20 A This is the coroner's tag label that they put on  
21 the deceased, to identify them once they are transported  
22 to the medical examiner's office. And this is Mr. David's  
23 legs.

24 Q I'll show you now 106.

1           A     That's exactly what would have been written on  
2 there for Mr. David.

3           Q     And is that for the medical examiner to use when  
4 a subsequent autopsy is conducted?

5           A     Yes.

6           Q     Are you aware if an autopsy was conducted on  
7 Jerry David?

8           A     Yes.

9           Q     I want to go to Exhibit 107 now. What's depict  
10 in that photograph?

11          A     This is Mrs. David. And this is inside that  
12 entryway from the mudroom, and off to the left. And then  
13 just a hard left turn is going to be the calendar that we  
14 talked about.

15          Q     What would be basically at the bottom of this  
16 picture, or below the picture?

17          A     So below is a screen door. I believe it's a  
18 metal screen door, that leads to the back of the  
19 residence, which would be on the west side.

20          Q     In addition to discovering the deceased's body in  
21 this room, was there any type of blood on the walls that  
22 you discovered, as well?

23          A     Yes. On the door frame, that we can't see, there  
24 appears to be blood spatter, that's about midway up the

1 door. And then there's also blood right behind her head.  
2 And there's some blood spatter that's on that white door,  
3 as well as behind her.

4 Q The first amount of blood spatter you spoke of,  
5 is that the screen door frame?

6 A Yes.

7 Q So if you were to come into that mudroom from the  
8 outside, is that the door you would necessarily have to  
9 use?

10 A Yes. You'd pull the door open towards you, and  
11 it opens to the left, outward.

12 Q And was it within that door frame that you  
13 located some blood?

14 A Yes, right in that door, into the mudroom.

15 Q And is this how Shari David was found on  
16 January 16, 2019?

17 A Yes. She was more covered when Val responded.  
18 He actually didn't even know that she was there. She was  
19 fully covered by that blanket.

20 And when our deputies responded, they also noted  
21 that they didn't initially see her, they just thought it  
22 was blankets that had maybe been dropped. And then they  
23 pulled them back. So that's why the blankets are now  
24 back.

1           Q     Showing you now Exhibit 108. Is that Shari  
2 David?

3           A     Yes.

4           Q     And where was she shot?

5           A     She was shot just right next to her nose.

6           Q     Is that depicted in that photograph?

7           A     Yes.

8           Q     What's depicted in Exhibit 109?

9           A     That is, again, the coroner's label tag that  
10 would go on the ankle, to identify her when she goes to  
11 autopsy.

12          Q     I want to quickly take you back to Exhibit 94.  
13 And in this picture, on kind of the middle of the photo, a  
14 little lower on the left, is a green bag. Is there  
15 anything significant about that bag, based on your  
16 investigation?

17          A     Yes. After all the photographs were taken, we  
18 ended up searching, and within that bag there's multiple  
19 items that appear to have been stowed in there by the  
20 suspect. There's ammo, there's jewelry, there's lots of  
21 various items that look to belong to both Gerald and  
22 Shari.

23          Q     We're going to, again, get into an interview of a  
24 suspect that you conducted, later today. But in regards

1 to that bag, did that interview reveal anything to you  
2 about it?

3 A Yes, it did. He admits to leaving that behind.

4 Q As you begin to investigate the murders at La  
5 Guardia, does the Washoe County Sheriff's Office begin to  
6 work concurrently with the Douglas County Sheriff's  
7 Office?

8 A Yes, we do.

9 Q And why was that?

10 A We just determined, based on a lot of the  
11 similarities, the casing that was found, and a lot more  
12 that just started, they all just started to appear a lot  
13 more similar, and we believed they would have information  
14 to assist us, as well, as possibly we would have  
15 information to assist them.

16 Q So from January 16th, moving forward, was the  
17 Washoe County Sheriff's Office actively working this  
18 investigation?

19 A Yes.

20 Q What did that include?

21 A It included very large manpower. We actually  
22 pulled in assistance from several agencies. We had Sparks  
23 Police Department, Reno Police Department, the FBI, and  
24 Douglas, Carson City. And it was just following up on

1 every connection anybody would have, talking with  
2 everybody in the neighborhood. We worked hours and hours  
3 nonstop, just looking for any connection, anything,  
4 anything that would lead us to believe we would get there.

5 Q Now I want to fast-forward to January 19th, 2019,  
6 so now three days later. Did you have occasion to  
7 interview a suspect at the Carson City Sheriff's Office?

8 A Yes, I did.

9 Q Who was that?

10 A That was Wilber Ernesto Martinez Guzman.

11 Q We're going to call you again in this  
12 presentation, a little later today, to discuss that  
13 interview. But I want to give some context to a witness  
14 that's going to be called before you testify again.

15 During your interview with Wilber Ernesto  
16 Martinez Guzman, was there ever any information obtained  
17 about the burial of some firearms?

18 A Yes, there was.

19 Q And was direction given as to where those might  
20 be found?

21 A Yes.

22 Q Who was that direction given by?

23 A That was given by Mr. Martinez Guzman.

24 MR. HICKS: I have no other questions for this

1 witness at this time.

2 Again, as I stated, we will call her again at  
3 the end of the presentation.

4 THE FOREPERSON: Are there any questions from  
5 the jury?

6 A JUROR: I have one. The wife was shot just  
7 once?

8 THE WITNESS: Yes.

9 A JUROR: And it was with a .22? Was it a  
10 regular bullet? Or was that part of the snake shot, as  
11 well?

12 THE WITNESS: It was a regular bullet, as well.

13 THE FOREPERSON: Any others?

14 Detective, the proceedings before the Grand  
15 Jury are secret. You may not disclose evidence  
16 presented to the Grand Jury, any event occurring, or  
17 statement made in the presence of the Grand Jury, any  
18 information obtained by the Grand Jury, or the results  
19 of the investigation being made by the Grand Jury.

20 However, you may disclose the above information  
21 to the District Attorney for use in the performance of  
22 his duties.

23 You also may disclose your knowledge concerning  
24 the proceeding, when directed by a court, in connection

1 with judicial proceedings, or when otherwise permitted  
2 by the Court, or to your own attorney.

3 The obligation of secrecy applies until the  
4 Court allows the matter to become public record.

5 A gross-misdemeanor and contempt of Court may  
6 be pursued if your obligation of secrecy is not  
7 followed.

8 Do you understand?

9 THE WITNESS: Yes.

10 THE FOREPERSON: Thank you.

11 (The witness was excused.)

12 (Whereupon, the Grand Jury took their lunch  
13 break.)

14 MR. JACKSON: Before I call our next witness, I  
15 wanted to put on the record that based upon the  
16 discussion when District Attorney Chris Hicks went over  
17 the Indictment on Count VIII, which appears on page 5,  
18 the "and/ors" that appear on line 5, as well as line  
19 10, that we have made that correction over the lunch  
20 hour. And I will provide you with, now, the original  
21 proposed Indictment.

22 THE FOREPERSON: Great. Thank you.

23 MR. JACKSON: With that, the State's next  
24 witness is Dr. Julie Schrader.



1 THE FOREPERSON: Please raise your right hand.  
2 (Witness sworn.)

3 THE FOREPERSON: Please be seated.

4 MR. JACKSON: Please state your name for the  
5 record, and spell both your first and last name.

6 THE WITNESS: Dr. Julie Schrader: J-u-l-i-e  
7 S-c-h-r-a-d-e-r.

8 MR. JACKSON: Doctor Schrader, the Grand Jury  
9 is currently considering a proposed Indictment against  
10 Wilber Ernesto Martinez Guzman, relating to four counts  
11 of Murder With The Use Of A Deadly Weapon, one count of  
12 Burglary, one count of Burglary While Gaining  
13 Possession Of A Firearm, three counts of Burglary While  
14 In Possession Of A Firearm, and one count of Possession  
15 Of A Stolen Firearm, and that those alleged crimes  
16 occurred between January 3rd, 2019, and January 19,  
17 2019, in Washoe County, Douglas County, and/or Carson  
18 City.

19 You are not a target of the Grand Jury inquiry;  
20 you're called here as a witness only.

21 Do you have any information related to any of  
22 those counts for the Grand Jury?

23 THE WITNESS: I do.

24 THE FOREPERSON: To confirm, are you aware that

1       this Grand Jury is inquiring into evidence that you may  
2       have relating to charges of Burglary, Burglary While  
3       Gaining Possession Of A Firearm, Murder With The Use Of  
4       A Deadly Weapon, and Possession Of A Stolen Firearm?

5               THE WITNESS:  Yes.

6  
7                       JULIE SCHRADER,  
8               called as a witness by the State,  
9       who, having been first duly sworn, was examined  
10               and testified as follows:

11  
12                               EXAMINATION

13  BY MR. JACKSON:

14           Q     Please state your occupation.

15           A     I'm an assistant medical examiner for Washoe  
16  County.

17           Q     How long have you been an assistant medical  
18  examiner here in Washoe County?

19           A     Two-and-a-half years.

20           Q     Could you please briefly describe your education,  
21  to the members of the Grand Jury?

22           A     Yes.  So after getting a Bachelor's Degree in  
23  college, four years of medical school, four years of  
24  anatomic and clinical pathology residency, an additional

1 fifth year of forensic pathology fellowship, and then  
2 taking four certifications in anatomic, clinical, and  
3 forensic pathology.

4 Q Are you licensed to practice medicine in the  
5 State of Nevada?

6 A I am.

7 Q Are you licensed in any other states?

8 A I'm also licensed in Utah.

9 Q Prior to being an assistant medical examiner for  
10 the Washoe County Regional Medical Examiner's Office, did  
11 you perform similar type of work in any other  
12 jurisdiction?

13 A Yes. I was an assistant medical examiner in the  
14 State of Utah, for five years.

15 Q Over the course of your career as an assistant  
16 medical examiner, how many post-mortem examinations have  
17 you performed?

18 A I have done over 2600 post-mortem examinations.

19 Q Turning your attention to January of this year,  
20 did you have an opportunity to perform a post-mortem  
21 examination on Constance Koontz?

22 A I did.

23 Q Was that based upon a request from the Douglas  
24 County Sheriff's Office for a full autopsy on Constance

1 Koontz?

2 A It was.

3 Q Did you, in fact, perform that post-mortem  
4 examination on Constance Koontz?

5 A I did.

6 Q When was that performed?

7 A It was performed on January 11th.

8 Q Where was it performed?

9 A At the Washoe County Regional Medical Examiner's  
10 Office, here in Reno.

11 Q How was Constance Koontz's body received by the  
12 Washoe County Regional Medical Examiner's Office?

13 A It was received within a sealed body bag.

14 Q Were you present when that body bag was opened?

15 A I was.

16 Q As part of the post-mortem examination on  
17 Constance Koontz, did you perform a general external  
18 examination?

19 A I did.

20 Q Could you describe to the members of the Grand  
21 Jury what you observed during your general external  
22 examination?

23 A Yes. When we look at the outside of the body,  
24 we're looking for any identifying features, marks, scars,

1 medical intervention, and also any injuries.

2 So on the external examination, I observed a  
3 large amount of blood around the right side of her head,  
4 and a defect consistent with a bullet-hole-entry wound,  
5 just above and behind the right ear.

6 Q Doctor Schrader, I'm handing you what has been  
7 pre-marked as Grand Jury Exhibits 110 through 118. I  
8 would ask you to please take a moment and review those  
9 photographs.

10 A Yes.

11 Q Have you had an opportunity to review those  
12 photographs that have been marked as Grand Jury Exhibits  
13 110 through 118?

14 A I have.

15 Q Do you recognize those photographs?

16 A I do.

17 Q How do you recognize them?

18 A These are photographs that are taken during the  
19 course of the examination from before we open the body  
20 bag, and during the course of the exam.

21 Q Do the photographs that are marked as those  
22 Exhibits 110 through 118 fairly and accurately depict what  
23 you observed during the time you were performing the  
24 post-mortem examination on Constance Koontz?

1           A     They do.

2           Q     For the record, I still have the flash drive,  
3 marked as Grand Jury Exhibit 173, that is in the laptop  
4 computer, and I will be displaying these photographs.

5                     So they'll be displayed behind you. If you would  
6 like, you can go ahead and testify from the photographs in  
7 front of you.

8                     If you believe it would assist your testimony at  
9 all to point something out to the Grand Jury, please feel  
10 free to stand up and point on the monitor and identify  
11 that for the record.

12          A     Okay.

13          Q     Turning your attention now to the photograph  
14 that's marked as Exhibit 110. Can you describe what's  
15 depicted in this photograph?

16          A     Yes. What you are seeing is the blue outside of  
17 the body bag. You are seeing a red seal, with a wire  
18 loop. That's how we -- some counties will seal the body  
19 bag, so we know that the body has been protected from the  
20 time it leaves the scene, until it arrives at our office.  
21 So that's what we mean by sealed body bag.

22                     You can also see that they affixed a piece of  
23 brown paper, with an apparent rubber band, with her name  
24 on it.

1           The ruler with the number is from our office.  
2       That's how we're assigned a case number.

3           And that tan tag on the left is our medical  
4       examiner coroner tag, with her name and some other  
5       information, including the case number.

6           Q     Upon opening up the seal, can you describe what  
7       is portrayed in Exhibit 111?

8           A     Yes. So this is the body of Constance Koontz.  
9       Again, you can see a large amount of blood around her  
10      head.

11           We have bags in place over her hands. This is  
12      for preservation of evidence. If we had any blood  
13      spatter, if we had any DNA that was under someone's  
14      fingernails, we don't want that altered in any way from  
15      the time the body leaves the scenes, until it arrives at  
16      our office. So they will put bags over the hands to  
17      protect that evidence.

18           And that's how she was clothed at the time she  
19      was found.

20           Q     Turning your attention now to Exhibit Number 112.  
21      What's depicted in this photograph?

22           A     So what you're seeing in Exhibit 112 is the side  
23      of her head. You can see her right ear. And above it, we  
24      have some brain matter, is that white/tan substance that

1 you're seeing. That is coming out of the bullet wound  
2 entrance. So that is brain matter. And her scalp hair  
3 has a lot of blood around it from bleeding coming out of  
4 the wound.

5 Q Exhibit 113. What is depicted in this  
6 photograph?

7 A This is the identification photograph we take of  
8 everyone who we do a post-mortem examination on: a close-  
9 up of the face.

10 You're seeing bleeding around her eyes, that's  
11 fairly-well limited to her upper eyelids. This is trauma  
12 that we can see from trauma of the head.

13 This is actually due to fractures of the thin  
14 bones above our eyes. The bones above our eyes are very,  
15 very thin, and bullets going through the skull itself can  
16 cause fractures of those small bones. And blood can come  
17 out from bleeding within the brain and go onto the  
18 eyelids.

19 So this is -- the discoloration you're seeing on  
20 the eyelids is due to the trauma to the brain, and the  
21 blood coming out through fractures bones.

22 Q What is the medical terms that's used to describe  
23 what appears to be the discoloration on the upper eyelids,  
24 as shown in Exhibit 113?



1           A     The term that we use medically is periorbital --  
2     which means around the eyes -- ecchymosis. And ecchymosis  
3     just basically means blood that is no longer in a blood  
4     vessel, and has now reached into the tissues.

5           Q     Could you please spell "ecchymosis?"

6           A     E-c-c-h-y-m-o-s-i-s.

7           Q     Turning your attention now to Exhibit 114.  
8     What's depicted in this photograph?

9           A     So what we're seeing here is: this is her knee,  
10    of her right leg; this is her right knee; this is the  
11    inside of her lower leg, down here.

12                   So this is where her shin would be on the front.  
13    And what you're seeing are one, two and three bruises.

14                   The bruises are a little bit purple, a little bit  
15    yellow around the edges. But she does have three bruises  
16    kind of on this part of her inside of her lower leg.  
17    (Indicating.)

18           Q     Doctor Schrader, as part of the post-mortem  
19    examination, and based upon the coloration of those  
20    bruises, are you able to determine whether or not those  
21    bruises could have been caused at or around the time that  
22    she sustained the inflicted trauma to the right side of  
23    her head?

24           A     It's very hard for us to tell scientifically when

1 a bruise happened. We all have different levels of  
2 bleeding, we all have different skin colors. Some bruises  
3 will look differently. Even if I get bruised at the same  
4 time as you, your bruising might look different than mine.  
5 So it's very hard for us to tell when, exactly, a bruise  
6 happened.

7 Now if we have different bruises on the body,  
8 certainly we know bruises change colors as the get older,  
9 so we can say this one likely happened before this one, or  
10 this one likely happened after this one.

11 But it's very hard for us just to look at a  
12 bruise and say when, exactly, that trauma was inflicted.  
13 So it's impossible to say.

14 It could have happened around the time that the  
15 gun shot wound to the head happened. It's very, very hard  
16 to say.

17 But with the yellow discoloration, it may be a  
18 little bit older than that. It's hard to say.

19 Q In conducting post-mortem examinations, in the  
20 approximate 2600 that you've performed, when you do a  
21 general external examination, that is from head to toe or  
22 toe back to the head; correct?

23 A Correct.

24 Q And as part of that, any type of abrasions or

1 contusions, or any other signs of some form of inflicted  
2 trauma, will be documented as part of your external  
3 examination?

4 A Correct.

5 Q Was this photograph just some of the bruises or  
6 contusions that you observed during the general external  
7 examination of Connie Koontz?

8 A Correct.

9 Q But, again, you have no idea, and you cannot form  
10 an opinion as to whether or not those are associated at  
11 all with any confrontation she could have had with the  
12 person who shot and killed her?

13 A Correct. I could not exclude it, but I could not  
14 confirm that, either.

15 Q Turning your attention now to Exhibit 115 for  
16 identification. What's depicted in this photograph?

17 A So this is this part of her left forearm. What  
18 you're seeing here -- before, you saw bruising -- this is  
19 scraping. So this is what we would call an abrasion. And  
20 we kind of have this irregular abrasion on this part of  
21 her forearm. (Indicating.)

22 There's no specific pattern. It looks kind of  
23 like a line. But it's very, very hard to say, just  
24 looking at that, what exactly caused that.

1           You know, most of us, at any given time, will  
2 have a scrape or a bruise; and unless there's an actual  
3 pattern, something that, you know, has a distinctive  
4 pattern, in absence of that, it's very hard for us to say  
5 what exactly caused a bruise or a scrape.

6           So, to me, this is a linear, slightly irregular  
7 scrape, on her forearm.

8           Q     The scrape, as you've testified to in Exhibit  
9 115, can you form an opinion as to whether that scrape  
10 could have occurred after she was shot in the side of her  
11 head, and as she fell to the ground, or could have come  
12 into contact with some other object?

13          A     Yes. To me, this looks like a fairly-recent  
14 scrape. And I'm saying that because it looks like there's  
15 recent hemorrhage. It looks red.

16           We know as scrapes heal, they start to get  
17 crusted or scabbed over. I don't see any evidence of  
18 that.

19           This looks like a fairly-fresh scrape of the arm.  
20 So, to me, it would be consistent with a fall that  
21 happened around the time -- or some kind of scraping --  
22 something scraping against her, or her scraping against  
23 something, at the time of the gunshot wound.

24          Q     Showing you now Exhibit 116 for identification.

1 What's depicted in this photograph?

2 A So this is her arm, like this, her right arm.  
3 And what you're seeing here is a bruise, kind of a  
4 purplish-blue bruise here.

5 And then up here -- it's kind of hard to tell --  
6 but she's got another smaller, more faint, but still kind  
7 of bluish-purple bruise up closer to the elbow here.

8 So, again, two bruises. Hard to say when exactly  
9 those were -- when that injury happened.

10 Q Would your testimony, in connection with the  
11 bruises that are depicted in photograph marked as  
12 Exhibit 116, be consistent with the other bruises you  
13 testified to, as are depicted in Exhibit 114?

14 A In my opinion, these look a little bit more  
15 bluish-purple; I'm not seeing that kind of yellow edging  
16 that I saw on the bruises that were down here. So my  
17 opinion, they might be slightly different in timing. But,  
18 again, very, very hard to prove, and to say with any kind  
19 of scientific accuracy.

20 Q Showing you now Exhibit 117. What is depicted in  
21 this photograph?

22 A So this is the right side of Constance's head.  
23 What you would see over here is her right ear.

24 What we have done here is, we have shaved the

1 | scalp hair, so you can see the entrance gunshot wound more  
2 | clearly, without any hair obscuring or blocking any  
3 | characteristics of the wound. So this is an entrance  
4 | gunshot wound.

5 |         The actual circular defect, that you see in the  
6 | middle, is where the bullet actually entered. This red  
7 | rim around it is abrasion or scraping of the skin. As the  
8 | bullet basically is going in the skin, the skin will tear  
9 | and will get that red abrasion collar, or ring around the  
10 | entrance wound. That's very characteristic of an entrance  
11 | gunshot wound, to see that red ring.

12 |         We also look for evidence of range of fire when  
13 | we look at a gunshot wound. If we think that the gun is  
14 | very close up to the skin, or in contact with the skin, we  
15 | will look for things like soot.

16 |         So when a gun is fired, not just the bullet comes  
17 | out. Hot glasses are expelled, sooty material comes out,  
18 | gunpowder comes out. So there's a lot of things coming  
19 | out of the end of the barrel, out of the muzzle, when a  
20 | gun is fired.

21 |         So if a muzzle is against the head, we will see  
22 | more than just a defect; we will see some soot; maybe some  
23 | searing of the skin, from the hot gases.

24 |         So this picture is depicting absence of those

1 things. All we see is the entrance wound, which is the  
2 circular defect, and that collar of abrasion around it,  
3 from the bullet basically scraping the skin before it  
4 enters.

5 But I don't see anything in this entrance gunshot  
6 wound that says that that barrel was in contact with her  
7 head, or near her head.

8 So when we talk about ranges of fire, we  
9 generally think about three categories: contact range,  
10 where the gun is in contact with the skin; intermediate  
11 range, where it's not in contact, but it's within a couple  
12 feet, several feet of the skin; and indeterminate, which  
13 means we can't tell.

14 And basically we do have a hair-bearing area  
15 here. So could hair absorb some features that we might  
16 not see had someone been shot in an area that's not  
17 hair-bearing? Sure. Hair can absorb some of that soot,  
18 some of that gunpowder.

19 But I don't see any sign of that at all. So  
20 whenever we don't see any soot or gunpowder particles --  
21 just to go back to the three categories. So contact  
22 range. Again, that would be soot, searing from the hot  
23 gasses, because the barrel is in contact. The next range  
24 we talked about was intermediate, and that is where the

1 gun is within several feet. What we see with that is not  
2 so much the soot, because it's had time to dissipate  
3 within the air, but we'll see gunpowder particles that  
4 will be embedded in the skin. They travel further than  
5 the soot. And when they impact, we'll see speckling --  
6 little small scrapes or abrasions of the skin -- where  
7 those gunpowder particles are impacted. So that's what we  
8 see in that second range of gunshot wounds.

9 So, again, I don't see soot, I don't see searing,  
10 and I don't see those stipples, gunpowder stippling,  
11 around that wound, telling me that it's either a contact  
12 or an intermediate-range gunshot wound, respectively. So  
13 I would classify this as an indeterminate-range gunshot  
14 wound.

15 Q In addition to the general external examination  
16 that you conducted, did you perform an internal  
17 examination?

18 A Correct.

19 Q As part of the internal examination, you would  
20 have done an internal examination of Connie Koontz's head;  
21 correct?

22 A Correct.

23 Q Did you find an exit wound?

24 A I did not.



1           Q     So following the internal examination, can you  
2 describe to the members of the jury the trajectory or path  
3 of the bullet that entered and created the wound as  
4 depicted on Exhibit 117?

5           A     Yes. So using my head as a frame of reference,  
6 the bullet was recovered from just above her left eye. So  
7 the bullet entered here, came from the back towards the  
8 front, went from the right towards the left, and it went  
9 slightly upward. So the trajectory was back-to-front,  
10 right-to-left, and just slightly upward with the  
11 trajectory of the bullet.

12          Q     You have already testified as to some of the  
13 bones that would have been fractures from the path of that  
14 bullet that created the periorbital ecchymosis that you've  
15 testified to. But as far as the path, did you path of the  
16 bullet take it across sections of the brain?

17          A     Yes. Once the bullet entered through the skull,  
18 it went through both the right and left sides of her  
19 brain.

20          Q     Based upon your external, as well as your  
21 internal examinations, you've just testified to, in  
22 connection with the entrance wound, the path of the  
23 bullet, and where bullet or fragments were found inside  
24 her brain, was this considered, then, a fatal shot?

1           A     Yes, it was.

2           Q     Did you form an opinion as to the instrumentality  
3     that was used in order to inflict that wound as depicted  
4     in Exhibit 117?

5           A     Yes. The wound was inflicted by a firearm.

6           Q     Based upon your examination, did you form an  
7     opinion -- let me ask you this. I'm sorry. Exhibit 118,  
8     what's depicted in that photograph?

9           A     Yes. So these are bullets -- a bullet, and two  
10    small bullet fragments, that we recovered from the brain  
11    and head during the course of the internal examination.

12                One of the small fragments was recovered from her  
13    scalp hair. It was not there before the examination, I  
14    think it probably came out when we removed the brain. But  
15    we did subsequently find it in her hair and collected it.

16           Q     So based upon your examination, post-mortem  
17    examination, on Constance Koontz, did you form an opinion  
18    as to her cause of death?

19           A     I did.

20           Q     What is that opinion?

21           A     My opinion is that her cause of death was gunshot  
22    wound of the head.

23           Q     Did you also form an opinion as to the manner of  
24    death?

1           A     I did.

2           Q     What is that opinion?

3           A     In my opinion, the manner of death is a homicide.

4           MR. JACKSON:  Madam Foreperson, I have no further  
5 questions for Dr. Schrader.

6           THE FOREPERSON:  Any questions from the jury?  
7           I have one question.  How tall was Constance  
8 Koontz?

9           THE WITNESS:  I will have to refer to my  
10 autopsy report.  Is that okay?

11          MR. JACKSON:  Yes.

12          THE WITNESS:  5'9".

13          A JUROR:  I have a question.  Would it take a  
14 rifle to have that kind of velocity to go in?  Or could  
15 a pistol do that kind of damage?

16          THE WITNESS:  Yes.  We see firearm injuries  
17 every day in our field.  A lot of them are gunshot  
18 wounds to the head.  Most of them are suicides, and  
19 most of them are by handgun.  So we see handgun  
20 injuries causing fatal injuries of the head very, very  
21 frequently.  So, yes, most certainly they can.

22          A JUROR:  Do you typically see any kind of exit  
23 wound or anything like that?

24          THE WITNESS:  It depends on the caliber of the

1 gun and the ammunition.

2 So typically a higher caliber, depending on  
3 where the injuries are, it may exit.

4 A lower caliber, usually they'll lose a lot of  
5 energy going through the skull, and they may not exit.

6 So it's not uncommon for smaller calibers to  
7 not exit.

8 THE FOREPERSON: Doctor, the proceedings before  
9 the Grand Jury are secret. You may not disclose  
10 evidence presented to the Grand Jury, any event  
11 occurring, or statement made in the presence of the  
12 Grand Jury, any information obtained by the Grand Jury,  
13 or the results of the investigation being made by the  
14 Grand Jury.

15 However, you may disclose the above information  
16 to the District Attorney for use in the performance of  
17 his duties.

18 You also may disclose your knowledge concerning  
19 the proceeding, when directed by a court, in connection  
20 with judicial proceedings, or when otherwise permitted  
21 by the Court, or to your own attorney.

22 The obligation of secrecy applies until the  
23 Court allows the matter to become public record.

24 A gross-misdemeanor and contempt of Court may

1 be pursued if your obligation of secrecy is not  
2 followed.

3 Do you understand?

4 THE WITNESS: I do.

5 THE FOREPERSON: Thank you.

6 (The witness was excused.)

7 THE FOREPERSON: Please raise your right hand.

8 (Witness sworn.)

9 THE FOREPERSON: Please be seated.

10 MR. JACKSON: Please state your name, and spell  
11 both your first and last name, for the Court Reporter.

12 THE WITNESS: I'm Dr. Katherine Callahan:  
13 K-a-t-h-e-r-i-n-e C-a-l-l-a-h-a-n.

14 MR. JACKSON: Doctor Callahan, the Grand Jury  
15 is currently considering a proposed Indictment against  
16 Wilber Ernesto Martinez Guzman, related to four counts  
17 of Murder With The Use Of A Deadly Weapon, one count of  
18 Burglary, one count of Burglary While Gaining  
19 Possession Of A Firearm, three counts of Burglary While  
20 In Possession Of A Firearm, and one count of Possession  
21 Of A Stolen Firearm, and that those alleged crimes  
22 occurred between January 3rd, 2019, and January 19,  
23 2019, within Washoe County, Douglas County, and/or  
24 Carson City.

1           You're not a target of this Grand Jury inquiry;  
2           you're called here has a witness only.

3           Do you have any information related to any of  
4           the counts contained in the proposed Indictment for the  
5           members of the Grand Jury?

6           THE WITNESS: Yes.

7           THE FOREPERSON: To confirm, are you aware that  
8           this Grand Jury is inquiring into evidence that you may  
9           have relating to charges of Burglary, Burglary While  
10          Gaining Possession Of A Firearm, Murder With The Use Of  
11          A Deadly Weapon, Burglary While In Possession Of A  
12          Firearm, and Possession of a Stolen Firearm?

13          THE WITNESS: Yes.

14  
15                   KATHERINE CALLAHAN,  
16                   called as a witness by the State,  
17                   who, having been first duly sworn, was examined  
18                   and testified as follows:

19  
20                   EXAMINATION

21           BY MR. JACKSON:

22           Q     Doctor Callahan, what is your profession?

23           A     I'm an assistant medical examiner at the Washoe  
24           County Regional Medical Examiner's Office, in Reno,

1 Nevada.

2 Q Are you licensed to practice medicine in the  
3 State of Nevada?

4 A Yes. I am licensed in the State of Nevada,  
5 California, and Texas.

6 Q How long have you been employed by the Washoe  
7 County Regional Medical Examiner's Office?

8 A I have been an assistant medical examiner at the  
9 Washoe County Regional Medical Examiner's Office since  
10 March of 2017.

11 Q Have you worked as an assistant medical examiner  
12 or medical examiner in any other jurisdiction?

13 A Yes. In Texas, we go by deputy medical examiner.  
14 So I was a deputy medical examiner, which is the same  
15 thing as an assistance medical examiner, in Austin, Texas,  
16 from August of 2013, to February of 2017.

17 Q Could you please briefly describe your  
18 educational background?

19 A Yes. So I got my Bachelor of Science from the  
20 University of New Mexico.

21 After undergrad, I completed four years of  
22 medical school at the University of New Mexico.

23 After medical school, I completed a four-year  
24 residency in anatomic and clinical pathology at Stanford

1 University.

2 After residency, I completed a one-year  
3 fellowship in forensic pathology, at the New Mexico Office  
4 of the Medical Investigator in Albuquerque, New Mexico.

5 And then after fellowship, that's when I started  
6 working in Austin, Texas.

7 Q Over the course of your career, how many  
8 post-mortem examinations have you performed?

9 A So far I've done over 1300.

10 Q Turning your attention to January of this year,  
11 did you receive a request and authorization from the  
12 Douglas County Sheriff's Office to perform a post-mortem  
13 examination on Sophia Renken?

14 A Yes, I did.

15 Q Did you, in fact, perform that post-mortem  
16 examination on Sophia Renken?

17 A Yes, I did.

18 Q When did that occur?

19 A That occurred on January 14, 2019.

20 Q How was Sophia Renken's body received by the  
21 Washoe County Regional Medical Examiner's Office?

22 A She was received in a sealed, blue body bag.

23 Q And were you present when that seal was broken?

24 A I was not present. Our technicians, two of them



1 are present when they break the seal, and they document  
2 that, and then they photo-document the seal.

3 Q As part of the autopsy, did you perform a general  
4 external examination on the body of the person identified  
5 as Sophia Renken?

6 A Yes, I did.

7 Q Can you briefly describe what that general  
8 examination consisted of?

9 A Sure. So during an external examination, we open  
10 the body bag, and we document how the body is received.

11 So we document all clothing, all medical  
12 intervention that might be on the body. If there's any  
13 clothing or medical intervention, we'll remove that.

14 We will also clean the body, if there's any blood  
15 or stool or any body fluids on the body.

16 We document characteristics like hair color, eye  
17 color.

18 We measure the length of the body. We weigh the  
19 body.

20 We also document and photograph any injuries that  
21 might be on the body.

22 And, if needed, we perform x-rays of the body.

23 Q I'm handing you, Dr. Callahan, what's been  
24 pre-marked as Exhibits 119 through 131. I'll ask you to

1 go ahead and take an opportunity to review those exhibits.

2 A Yes.

3 Q Doctor Callahan, do you recognize the photographs  
4 that have been marked as Exhibits 119 through 131?

5 A Yes.

6 Q How do you recognize those photographs?

7 A These were photographs that were taken during the  
8 examination of Sophia Renken.

9 Q Do they fairly and accurately depict portions of  
10 the examination that you conducted of Sophia Renken?

11 A Yes, they do.

12 Q Again, for the record, Grand Jury Exhibit Number  
13 173, which is the flash drive that will be portraying  
14 these exhibits on the monitor, which is behind the  
15 witness.

16 Doctor Callahan, you can either testify from the  
17 photographs that are in front of you; or if you believe it  
18 would assist the members of the Grand Jury, you can stand  
19 up and point to certain things on the monitor, as you see  
20 them.

21 First off, if you can describe what's depicted in  
22 the photograph marked as Exhibit 119.

23 A So this is a photograph of the body bag seal,  
24 which is the red plastic piece after it's been broken.

1           So the body bag seal consists of kind of a blue  
2 metal wire. And we've cut that.

3           And this is our body bag tag. So it has the  
4 deceased's name; the date; the date and time of death; our  
5 case number, which is unique to this case only.

6           So this indicates that the death occurred in  
7 2019, and this was the 199th case that was called into our  
8 office.

9           And the DOU designates it's from Douglas County.

10          Q    On that particular tag that's depicted in 119, it  
11 shows the age of Sophia Renken as 74 years, weight at 186  
12 pounds. The height is not documented there. Do you  
13 recall what the height is?

14          A    I would have to look in my --

15          Q    Would it help refresh your recollection to look  
16 at your report?

17          A    Yes. 71 inches in length.

18          Q    Turning your attention now to Exhibit 120.  
19 What's depicted in this photograph?

20          A    So this is a photograph that's taken just after  
21 we open up the body bag, and we've have done nothing to  
22 the body.

23                So you can see that there are brown paper bags  
24 over the hands. We put those in place -- they're put in

1 place at the scene for preservation of evidence.

2 So in case there's concern that maybe there's  
3 been some DNA transfer from a perpetrator onto the hands  
4 of a decedent, or if you're looking for any soot or any  
5 gunpowder particles, you can keep that preserved by  
6 putting bags over the hands.

7 And we like to see them secured at the wrists  
8 with tape or with strings. So we've done that here.

9 And then just -- she was clad only in underwear,  
10 and she had blood throughout her body.

11 Q What's depicted in Exhibit 121?

12 A So this is a photograph taken from the left side  
13 of the decedent's face. And you can see there's a bunch  
14 of little red marks. Those are individual entrance wounds  
15 from pellets, like shot pellets.

16 You can see here there's some little -- really  
17 punctate red marks -- I don't know if you can see that --  
18 really small, red marks. Those are what we call  
19 stippling. So they're the body's physiologic response.  
20 So a little bit of hemorrhage to unburned and burning  
21 gunpowder particles hitting the skin.

22 Q Doctor Callahan, I know you were pointing to the  
23 stippling, and I'm going to try to show this. Can you  
24 actually point to the areas?

1           A     Yes.  So these little round dots.  These little  
2 red, round dots, that is stippling.

3           Q     So, for the record, where the shots that are  
4 embedded, you're pointing to an area in an approximate  
5 distance of a centimeter, two centimeters, to the upper-  
6 left side?  I'll have you describe the location.

7           A     Yes.  I would say that the stippling is more  
8 anterior.  So when we describe the body, this is the  
9 anterior surface, the back is the posterior surface.

10                  So I would say that the stippling is more  
11 anterior to the entrance pellet wounds.

12           Q     What is depicted in Exhibit 122?

13           A     So what I've done here is, I've shaved all the  
14 scalp hair, just to give a better view of the injuries.  
15 So you can see all these pellet wounds extended past the  
16 hairline, and they involve the upper area of the ear.  So  
17 it's just a better view of all the wounds.

18           Q     Before I proceed onto the next wound, were the  
19 injuries that were sustained by Sophia Renken, as depicted  
20 in Exhibits 121 and 122, albeit part of the external  
21 examination, but from the internal examination conducted,  
22 was this specific wound a fatal wound that she would have  
23 sustained?

24           A     If this were the only wound that she sustained,

1 no, this is not fatal.

2 So on the internal examination, none of these  
3 pellets actually entered into the cranial cavity. So all  
4 of these pellets were embedded into the soft tissue or  
5 deep scalp tissue on the left side of the head, and some  
6 of them kind of got flattened on the outer surface of the  
7 bone. But none of them penetrated into the cranial  
8 cavity, and none of them directly injured the brain.

9 With that being said, this surface of the brain  
10 had a little bit of hemorrhage, what we call subarachnoid  
11 hemorrhage. And subarachnoid hemorrhage can be caused by  
12 many things, but one of them is blunt head trauma.

13 So these pellets caused a little bit of  
14 subarachnoid hemorrhage, but not by directly hitting the  
15 brain itself.

16 Q Showing you now Exhibit 123. What's depicted in  
17 this photograph?

18 A So this is a profile photograph of Sophia. And  
19 you can see here, again, we have a bunch of these entrance  
20 pellet wounds. You can see there's a contusion around her  
21 eye, and there's, again, what we call stippling, these  
22 little punctate abrasions here, on her face. And that,  
23 again, is from unburned and burning gunpowder particles  
24 striking the skin.

1 Q What's depicted in Exhibit 124?

2 A So this is a photograph of the side -- right side  
3 of her face. These are kind of tangential pellet wounds.  
4 And then you can see we have pellet wounds also entering  
5 the right ear.

6 Q The wounds that you described from the exterior,  
7 or general external examination of Sophia Renken, and also  
8 the internal examination you would have conducted in  
9 reference to this particular set of wounds, would these  
10 have been fatal wounds, in and of themselves?

11 A No. So some of these pellets actually perforated  
12 or went through the eyelids and into the actual eyeball.  
13 But none of them entered into the cranial cavity, none of  
14 them directly injured the brain.

15 Q Turning your attention now to Exhibit 125.  
16 What's depicted in this photograph?

17 A So this is a photograph of the lateral right  
18 shoulder, so right here. So this is her upper arm. This  
19 is her head. This would be her feet, on here.  
20 (Indicating.)

21 So this is an entrance gunshot wound of the  
22 lateral right shoulder. So right here. (Indicating.)

23 Q Did you find that there was an exit wound  
24 associated with the wound that's depicted in Exhibit 125?

1           A     No. This actually -- the bullet that belongs to  
2 this entrance wound, we collected from the body.

3           Q     Where was that collected?

4           A     That was collected on the right-upper back.

5           Q     Showing you now Exhibit 126. What's depicted in  
6 this photograph?

7           A     So this is a contusion; it's the same thing as a  
8 bruise. You can see some fluid oozing out of here. This  
9 is a laceration or a skin tear. This is actually an exit  
10 gunshot wound. The entrance that belongs to this gunshot  
11 wound is on the back.

12          Q     And to the right of that?

13          A     This is a contusion and an abrasion. So an  
14 abrasion is the same thing as a skin scrape. And it has a  
15 purple color, because the skin can get dried after someone  
16 dies.

17                 So this is a separate injury. But could it be  
18 related to this injury? It's possible. This is kind of  
19 along her medial breasts. And maybe if the breasts were  
20 close to one another, as the bullet's entering, it could  
21 be abrading the adjacent skin. That's a possibility, but  
22 I can't say with certainty.

23          Q     What's depicted in Exhibit 127?

24          A     So this is a photograph of her back. So this is



1 an entrance gunshot wound. So this is the entrance  
2 gunshot wound that -- the exit we just looked at on the  
3 front chest.

4 And then I don't know if you can see this little  
5 kind of blue bruise right here. So right underneath that  
6 bruise is where we recovered the bullet from the right  
7 shoulder.

8 Q Is that best depicted in Exhibit 128?

9 A Correct. So what I've done here is, I've made an  
10 incision into the skin -- and I don't know if you can see  
11 there -- but the bullet is just deep to the skin surface.

12 Q With respect to the trajectory of the bullet that  
13 entered the shoulder and exited where we see the incised  
14 wound in Exhibit 128, was that a fatal wound that she  
15 would have sustained?

16 A No. In and of itself, no. This wound injured  
17 the musculature in this region. It also fractured the  
18 right scapula, which is the shoulder blade, and the  
19 musculature of the upper back.

20 Q Going back to Exhibit 127. You testified that on  
21 her lower back is an entrance wound, with the exit wound  
22 coming out of her chest, as depicted in Exhibit 126.

23 As part of your internal examination, can you  
24 describe for the members of the Grand Jury the path and

1 trajectory that that bullet took from its entrance on the  
2 lower-back, to the exit from her chest, as depicted in  
3 126?

4 A So the bullet entered the back, so it goes  
5 through the skin, the soft tissue, and the musculature.  
6 It entered into the right chest cavity, where it injured  
7 the right lung, it injured the right side of the heart,  
8 and it exited out the front of the chest.

9 Q The wounds that you described, the entrance wound  
10 on the lower-back, and the exit on the chest, was that  
11 wound, by itself, a fatal wound?

12 A Yes.

13 Q What is depicted in Exhibit 129?

14 A So this is a photograph of the bullet that we  
15 recovered from the right-upper back, where I made that  
16 incision and the bullet is just deep to the skin. This is  
17 a photograph of the bullet once it's been removed.

18 Q What's depicted in Exhibit 130?

19 A I don't know if you can see these really small,  
20 little pellets. So this is just a representative  
21 collection of some of the pellets that were in the right  
22 scalp tissue, the deep scalp tissue.

23 Q And Exhibit 131?

24 A Same thing. So for the left side of the head,

1 she had those pellets wounds. This is a representative  
2 collection of pellets that were recovered from the deep  
3 scalp tissue.

4 Q Doctor Callahan, based upon the full autopsy you  
5 performed on Sophia Renken, did you form an opinion as to  
6 the instrumentality that was used to inflict those wounds  
7 that you've testified to in the photographs associated  
8 with each of those particular wounds?

9 A Yes. It would be a firearm.

10 Q Did you also form an opinion as to the cause of  
11 death of Sophia Renken?

12 A So her cause of death was certified as multiple  
13 gunshot wounds.

14 Q Did you form an opinion as to the manner of  
15 death?

16 A Homicide.

17 Q Doctor Callahan, were you able to -- with respect  
18 to the photograph, going back to Exhibit 129 -- able to  
19 form an opinion as to the size of the caliber?

20 A So it's a small caliber.

21 Q Would that be consistent with a .22 firearm?

22 A Yes, sir.

23 Q Those particular photographs, if you could hand  
24 those to District Attorney Hicks.

1           Approximately four days after you completed the  
2 autopsy on Sophia Renken, did you perform a post-mortem  
3 examination on Sharon David and Gerald David?

4           A     Yes, I did.

5           Q     Was that based upon a request and authorization  
6 from the Washoe County Sheriff's Office?

7           A     Well, we have jurisdiction in Washoe County. So  
8 they're the investigative agency, but we investigate all  
9 non-actual deaths, even without their request, in Washoe  
10 County.

11          Q     So it would have been relayed to a homicide  
12 investigation that they were conducting?

13          A     Correct.

14          Q     Did you perform a post-mortem examination on  
15 Sharon David?

16          A     Yes, I did.

17          Q     Do you recall when that occurred?

18          A     That was on January 17th, 2019.

19          Q     Where did that occur?

20          A     That occurred at the Washoe County Regional  
21 Medical Examiner's Office.

22          Q     And how was Sharon David's body received?

23          A     She was received in a white, sealed body bag.

24          Q     As part of the autopsy, did you perform a general

1 external examination on Sharon David?

2 A Yes, I did.

3 Q Can you describe what that consisted of?

4 A So she came in, she was clothed, so I documented  
5 her clothing. She was wearing a nightgown and a robe and  
6 had some slippers on. She had dried blood on her body,  
7 and a gunshot wound of the head.

8 Q I'm handing you now what's been pre-marked as  
9 Exhibits 132 through 138, and I'll ask you to take as much  
10 time as you need to review those exhibits.

11 Doctor Callahan, do you recognize the photographs  
12 marked as Exhibits 132 through 138?

13 A Yes.

14 Q How do you recognize those photographs?

15 A These are photographs that were taken during the  
16 examination of Sharon David.

17 Q Do those fairly and accurately depict what you  
18 observed during the examination of Sharon David on the  
19 17th of January?

20 A Yes, they do.

21 Q Turning back to the slides that are on the flash  
22 drive on Grand Jury Exhibit 173. I'm showing you now  
23 Exhibit 132. Can you describe what's depicted in this  
24 photograph?

1           A     Yes. So this is a photograph of the body bag  
2 seal. So our seals are a little bit different than  
3 Douglas County's. They're a plastic seal, and we've cut  
4 it. So this is a photograph taken after the bodying bag  
5 has been opened.

6                     It has Sharon David's name, the case number  
7 that's unique to her. Her height is 62 inches.

8                     There's two weights here. We weigh them as we  
9 get them, without opening the body bag, and that's 151  
10 pounds.

11                    And then we weigh them again, once we've removed  
12 all the clothing and all the other articles that may be in  
13 the body bag. And she weighed 145 pounds with no clothing  
14 on.

15                    And her age is 80 years.

16           Q     What's depicted in Exhibit 133?

17           A     This is a photograph of Sharon taken just after  
18 we've opened the body bag.

19                    So we at Washoe County use -- in Douglas County  
20 we have the brown paper bags -- we use breathable white  
21 plastic bags. They do the same thing. They preserve  
22 evidence in the same way. So there's bags on her hands to  
23 preserve evidence.

24                    She's wearing a robe, a nightgown. She's got

1 dried blood on her face and on her clothing.

2 Q And what's depicted in Exhibit 134?

3 A Just the lower-half of her body. We've got a red  
4 ankle tag, which is going to have her name on it, and the  
5 case number.

6 Q And that would have been placed at the scene?

7 A Correct.

8 Q Is that a close-up of it?

9 A Yes, that's a close-up of it.

10 Q And that's Exhibit 135?

11 A Yes. And the "DP" is initials of our  
12 investigator that went to the scene. And this is the day  
13 that she put that ankle bracelet on.

14 Q What's depicted in Exhibit 136?

15 A So this is a photograph of Sharon's face, showing  
16 an entrance gunshot wound of just -- we call it the nasal  
17 labial fold. It's just to the right side of the nose.

18 Q Was there any other part of the external  
19 examination? Were there any other gunshot wounds that you  
20 observed?

21 A No. She just had the one gunshot wound of the  
22 head. And, again, she has that same kind of punctate red  
23 abrasion, the stippling. And she actually has -- you can  
24 see the gunpowder particles here, this black stuff, that's

1 actual gunpowder particles on her face, surrounding the  
2 entrance wound.

3 Q Doctor Callahan, based upon that testimony, were  
4 you able to form an opinion as to an approximate distance  
5 of the muzzle of the firearm that discharged the bullet  
6 that entered, as it's shown on Exhibit 136, that would  
7 have caused the other damage to her skin?

8 A So to get a really exact measurement, you would  
9 have to test-fire the exact gun with the exact same type  
10 of ammunition, because every gun and ammunition is a  
11 little bit different.

12 Gunpowder is different, too. There's flake  
13 gunpowder, ball gunpowder, cylindrical gunpowder, and they  
14 travel different distances.

15 So to be most accurate, we would have to test-  
16 fire -- the crime lab would have to test-fire the gun with  
17 the same ammunition against a piece of white paper, and  
18 you would look for this pattern.

19 So as you get closer to an object, the stippling  
20 and the gunpowder particles become more concentrated. And  
21 as you move away, they disperse more.

22 But in general, for handguns you don't see this  
23 past 30 inches. So we say kind of generally past two-to-  
24 three feet, you're not going to see stippling anymore.



1           So you have to be within two-to-three feet of the  
2 body in order to see stippling and gunpowder particles  
3 being deposited on the skin.

4           Q     Would you be able to form an opinion, then, that  
5 the gunshot, at the time it was discharged from the  
6 muzzle, was in an intermediate range?

7           A     Correct. Yes, I would. Any time you have  
8 stippling or gunpowder particles on the skin like this,  
9 that is the definition of an intermediate-range gunshot  
10 wound.

11          Q     Showing you now Exhibit 137. Can you describe  
12 what's depicted in this photograph?

13          A     So this is a deformed, small-caliber, gray metal  
14 bullet that was recovered in her cranial cavity. It was  
15 recovered towards the back of her head, between the dura  
16 matter, which is a thick, fibrous tissue that lines the  
17 inside of your skull. So between her skull and the dura  
18 matter, we recovered this bullet.

19          Q     What's depicted in Exhibit 138?

20          A     The same bullet, just the opposite side.

21          Q     Is this also a small-caliber bullet?

22          A     Yes, a small-caliber bullet.

23          Q     Consistent with a .22 firearm?

24          A     Yes.

1           Q     I'm not going to go back to the photograph that  
2 shows Sharon David's face, but the entrance wound you  
3 described. Obviously by recovering the bullet from the  
4 cranial cavity, there was no exit wound?

5           A     Correct. So it enters the face, here, it goes  
6 through the maxillary sinus, and then it enters the  
7 cranial cavity in the region of the brain stem. It  
8 actually injures the right side of the brain stem.

9                     And any time you have injury to your brain stem,  
10 that's kind of an instant, unconscious, instant death.

11                    When I say "instant," your heart can still beat  
12 for several minutes after you're unconscious. So someone  
13 could come in, potentially, and still have a heartbeat,  
14 but you're dying.

15                    So any injuries to the brain stem is pretty  
16 catastrophic and instant death.

17           Q     So the entrance wound you previously described,  
18 you testified to based upon this photograph, and the  
19 internal examination following the trajectory and path of  
20 that bullet, was that, in fact, a fatal wound?

21           A     Yes, it was.

22           Q     Did you also form an opinion as to the  
23 instrumentality that caused that fatal wound?

24           A     Yes. The firearm.

1           Q     Did you form an opinion as to the cause of death  
2 of Sharon David?  
3           A     A gunshot wound to the head.  
4           Q     You also performed a post-mortem examination on  
5 Gerald David. Was it that same day?  
6           A     Yes.  
7           Q     Do you perform that post-mortem examination  
8 before Sharon David's?  
9           A     Yes. I performed his before hers.  
10          Q     That body was also received in a sealed body bag?  
11          A     Yes.  
12          Q     And received in the same manner that Sharon  
13 David's body was received?  
14          A     Yes.  
15          Q     Did you, in fact, conduct a general external  
16 examination of Gerald David?  
17          A     Yes.  
18          Q     Was that consistent with the external  
19 examinations that you would have conducted on Sharon  
20 David?  
21          A     Yes.  
22          Q     I'm handing you now what's been marked as  
23 Exhibits 139 through 156. I'll ask you to please look  
24 through those exhibits.

1           Before I ask you about those photographs, going  
2 back to Sharon David, you testified and gave an opinion as  
3 to the cause of death. Did you form an opinion as to the  
4 manner of death?

5           A     Yes. Homicide.

6           Q     You've reviewed all those photographs?

7           A     Yes.

8           Q     Do you recognize those photographs?

9           A     Yes.

10          Q     How do you recognize those?

11          A     These are photographs that were taken during the  
12 examination of Gerald David.

13          Q     Do they fairly and accurately depict what you  
14 observed during the post-mortem examination of Gerald  
15 David?

16          A     Yes, they do.

17          Q     Turning your attention to Exhibit 139. What's  
18 depicted in this photograph, Dr. Callahan?

19          A     So, again, this is the body bag seal, with the  
20 plastic seal that's been broken, Gerald David's name, case  
21 number that's unique to him. Here we have his weight  
22 before we've removed any clothing or anything that was in  
23 the body bag, was 191. He actually weighed 189 pounds  
24 after everything was removed. His height was 72 inches.

1 And his age is 81 years.

2 Q What's depicted in Exhibit 140?

3 A This is a photograph taken right when we opened  
4 the body bag. So Mr. David is wearing underwear, and has  
5 a shoe on each foot.

6 Again, we have our white hand bags over the  
7 hands, to protect any possible evidence.

8 Q There's also the similar type of red tag that  
9 would have been attached at the scene?

10 A Yes.

11 Q Is that better depicted in Exhibit 141?

12 A Yes. Again, so unique case number to him, his  
13 name, our investigator's initial, and the day that she  
14 placed the tag.

15 Q I may have misunderstood, and I'll ask you to  
16 probably refresh back to your notes. As I understood your  
17 testimony on the examinations, the post-mortem  
18 examinations on the Davids, I thought I heard you say that  
19 that occurred on the 17th.

20 A Correct.

21 Q Would that have actually occurred on the 18th,  
22 that they were tagged on the --

23 A No. This is interesting, because we have date of  
24 death of the 16th. So I'm not sure why it's saying the

1 17th there. I'll have to check with my investigator.

2 Q Is it possible he could have written down the  
3 date of when the examination was --

4 A Right. It's possible that -- what is possible is  
5 that the body bag was sealed, and this bracelet wasn't  
6 placed until the body was in the morgue, if maybe the  
7 investigator didn't have the ankle tags with her at the  
8 scene. That's a possibility.

9 Q What's depicted in Exhibit 142?

10 A Once we rolled Gerald's body, there was a bullet  
11 under his back. So this was the bullet that was recovered  
12 under his body before the examination started.

13 Q That bullet that's shown in the middle of the  
14 photograph marked as Exhibit 142, is that from a small-  
15 caliber bullet?

16 A Yes, this is a small-caliber bullet.

17 Q Is that also consistent with a .22-caliber?

18 A Yes.

19 Q What's depicted in Exhibit 143?

20 A So these are gunshot wounds. "B" is an entrance  
21 gunshot wound. "A" is an exit gunshot wound. And they're  
22 related. So the bullet enters "B" and exits "A."

23 So although there's an exit, there was also a  
24 piece of bullet fragment that was recovered in the scalp

1 tissue, the deep-scalp tissue here, associated with "A."

2 Q As part of the general external examination, and  
3 ultimately as part of your internal examination, there  
4 were multiple wounds that you observed on Gerald David?

5 A Yes. He had gunshot wounds of the head and the  
6 chest.

7 Q As part of that examination, does it assist you  
8 as an assistant medical examiner, to label the particular  
9 wounds?

10 A Yes. When there's multiple wounds -- both to  
11 report them and to testify -- oftentimes it makes it  
12 easier to refer to each wound as a number or a letter.

13 So this designation is completely -- pretty  
14 arbitrary.

15 The way I do it is from head-to-toe. So it  
16 doesn't mean that this was -- "A" or "B" was the first  
17 gunshot wound that was shot, or that he sustained.

18 This is basically all from head-to-toe. So  
19 closest to the top of the head is going to be "A," and  
20 closest to the toe's going to be "Z."

21 Q Understanding your testimony, it's your opinion  
22 that what is labeled as "B" -- and I'll go to the next  
23 slide, Exhibit 144, and I'll come back, because the "B"  
24 was actually covered by the small ruler there.

1           But if I understood your testimony, what is the  
2 wound marked as "B" is an entrance wound, and the wound  
3 marked as "A" is the exit wound?

4           A     Correct.

5           Q     And that is all part of the same path or  
6 trajectory from a single bullet that would have been  
7 discharged from a firearm?

8           A     Yes.

9           Q     Because of the closeness of the entrance wound of  
10 "B" and the exit wound of "A," what was the path of that  
11 particular bullet?

12          A     So this bullet goes through the scalp and the  
13 deep-scalp tissue. It actually fractures and enters into  
14 the cranial cavity, and lacerates or tears the brain  
15 before it exits.

16          Q     Based upon your examination, and based upon the  
17 tearing and lacerations that you observed as part of the  
18 internal examination associated with the path of the  
19 bullet associated with entrance wound "B" and exit wound  
20 "A," is that wound, in and of itself, sufficient to cause  
21 the death of Gerald David?

22          A     Any time you have a penetrating injury of the  
23 skull and the brain, you can die from that.

24                That being said, in this area, this is the



1 frontal lobe, which is kind of the area of your brain  
2 that's responsible for your personality; so not very  
3 important functions.

4 So we've had people that have injuries with their  
5 frontal lobes that do survive. But we have also had  
6 people that have died from that.

7 So I can't say with exact certainty if this was  
8 the only gunshot wound he sustained, if he would be alive  
9 or dead, because it's possible both ways.

10 Q And, Dr. Callahan, based upon your previous  
11 testimony, were you able to form an opinion as to whether  
12 or not the proximity of the muzzle to the entrance wound  
13 "B" was at close range, intermediate range, or at an  
14 indeterminate range?

15 A So there's no characteristics that I would look  
16 for for a close range or a contact range or an  
17 intermediate range. So I would classify it as  
18 indeterminate.

19 Q Turning your attention now to Exhibit 145.  
20 What's depicted in this photograph?

21 A So this is an entrance gunshot wound just above  
22 the eyebrow.

23 Q Are there any other wounds that are associated  
24 with the entrance wound "C?"

1           A    Yes.  So "C's" entrance wound actually has an  
2   exit, a re-entrance, and another exit.  So there are four  
3   wounds associated with one bullet.

4                   The bullet that enters "C" does not enter into  
5   the cranial cavity or into the brain, it just injures  
6   facial tissue.

7           Q    What other wounds are associated with "C?"

8           A    So "C," just below it is an exit gunshot wound  
9   that's labeled "D."

10          Q    Is that as shown in Exhibit 146?

11          A    Yes.  So just on the inside of his upper eyelid  
12   is an exit gunshot wound.

13          Q    What is depicted in Exhibit 147?

14          A    So "E" is a re-entrance wound, where the bullet  
15   re-enters his nose.

16          Q    What's depicted in Exhibit 148?

17          A    So I don't know if you can tell.  Right on the  
18   edge of the nostril, there's kind of a little semi-  
19   circular defect.  This bullet actually exits his nostril,  
20   his left nostril, but it injures the superior surface  
21   there as it exits.

22          Q    As I understood your testimony, based upon the  
23   path of the bullet that entered at "C," exited at "D,"  
24   re-entered at "E," exited at "F," did you form an opinion

1 as to whether or not that trajectory of that bullet, in  
2 and of itself, was sufficient to cause the death of Gerald  
3 David?

4 A No. Usually when we just have injuries to facial  
5 tissues like that, people can survive. So had he  
6 sustained just that one gunshot wound, he most likely  
7 would not have died.

8 Q Would that type of a wound, based upon the angle,  
9 be consistent, perhaps, with someone sitting on a bed,  
10 leaning over, tying a shoe, when a gun is discharged above  
11 him?

12 A It could be, yes.

13 Q What's depicted in Exhibit 149?

14 A So this is an entrance gunshot wound of the left  
15 eyebrow.

16 Q Is there an exit wound associated with the  
17 entrance wound, which is marked as "G?"

18 A No, there's not. This bullet goes -- it  
19 fractures -- this is what we call the superior orbital  
20 ridge -- this kind of bony protuberance you have -- it  
21 fractures that area and goes into the cranial cavity and  
22 injures the brain.

23 Q Were you able to recover that bullet from inside  
24 the brain?

1           A     So the pathway of this entrance wound and another  
2 entrance wound intersect. So collectively in the brain  
3 tissue I collected three fragments of bullet. And I can't  
4 say definitively which fragment belongs with which  
5 entrance wound. But together those three fragments belong  
6 with entrance wound "G" and, I think, "H."

7           Q     With respect to the entrance wound "G," with the  
8 path of the bullet entering into the brain and causing the  
9 damage that you testified to that you observed during your  
10 internal examination, is that wound, in and of itself,  
11 sufficient to have caused the death of Gerald David?

12          A     Yes, that wound, in and of itself, could have.

13          Q     What's depicted in Exhibit 150?

14          A     This is an entrance gunshot wound to the left  
15 cheek. So the trajectory of this one is upward. So this  
16 bullet goes through the facial tissues and bones and  
17 enters the cranial cavity.

18                 And this one intersects those entrance wounds "G,  
19 the pathways intersect. They both are front-to-back,  
20 left-to-right, upward.

21                 So the three fragments that I just mentioned,  
22 that were collected from inside the cranial cavity, they  
23 belong to "H" and "G."

24          Q     Again, based upon your testimony, the damage from

1 the path of the bullet that enter "H," the wound  
2 designated as "H," is that sufficient, in and of itself,  
3 to have caused the death of Gerald David?

4 A Yes.

5 Q What's depicted in Exhibit 151, Dr. Callahan?

6 A This is an entrance gunshot wound of the left  
7 side of the face. It's just right in front of the ear.

8 Q Is there -- did you say entrance wound?

9 A Yes.

10 Q Is there an exit wound associated with the  
11 entrance wound that's identified by the letter "I?"

12 A No, there's not.

13 Q Would you describe to the members of the Grand  
14 Jury the path of the bullet that entered at the entrance  
15 wound marked as "I?"

16 A So this bullet basically just goes left-to-  
17 right. So it's entering kind of right near his ear. And  
18 inside, it enters into the cranial cavity into really kind  
19 of a bony area called the petrous ridge.

20 The petrous ridge is the superior surface of your  
21 ear canal. So this bullet fragments and fractures that  
22 bone, basically gets embedded in that bone.

23 While it's doing that, it lacerates or injures  
24 the inferior surface of the brain, or the undersurface of

1 the brain in that area.

2 Q Was that bullet recovered?

3 A Two fragments were recovered from that bone.

4 Q And that injury, that damage to the brain that  
5 you testified from the path of the bullet that entered at  
6 the entrance wound designated by the letter "I," was that  
7 sufficient, in and of itself, to have caused the death of  
8 Gerald David?

9 A Yes.

10 Q I'm showing you now Exhibit 152. Can you  
11 describe what's depicted in this photograph?

12 A This is an entrance gunshot wound of the left  
13 chest.

14 Q Is there an exit wound associated with the  
15 entrance wound marked on his left chest with the letter  
16 "J?"

17 A Yes.

18 Q Where is the entrance wound?

19 A The entrance wound is on the left.

20 Q Excuse me. The exit wound?

21 A The exit wound is on the back. And the bullet we  
22 recovered from the body bag, once we turned him on his  
23 side, that bullet corresponds with this entrance wound.

24 Q The bullet that testified was consistent with a

1 .22-caliber?

2 A Yes.

3 Q Showing you the back of Exhibit 153. What's  
4 depicted in this photograph?

5 A So this is an exit gunshot wound, but it's what  
6 we call an atypical gunshot wound. So normally we can  
7 look at characteristics on the skin and easily  
8 differentiate what an entrance wound is and what an exit  
9 wound is, based on characteristics. So an entrance wound  
10 is more like a punched-out defect. But this looks like a  
11 punched-out defect.

12 You can get what we call short exit wounds, or  
13 atypical exit gunshot wounds if, potentially, the body is  
14 up against a firm object, or even wearing tight clothing,  
15 or anything else, it's going to kind of -- as the bullet's  
16 exiting the skin, the skin around the exit wound is kind  
17 of hitting up against that firm thing, can give you a  
18 short appearance.

19 So his kind of has a little abrasion or skin  
20 scrape, and that's kind of what we look for for entrance  
21 wounds. His has that, here. It's surrounded by a purple  
22 contusion.

23 And looking at photographs from the scene -- so  
24 at the scene, the bullet is still in the skin, and it fell

1 out during transport into the body bag.

2 Q Going back to Exhibit 152, which would show the  
3 entrance wound marked by the letter "J," can you describe  
4 to the Grand Jury members the path of the bullet as it  
5 entered as entrance wound "J," and then exited at exit  
6 wound depicted in Exhibit 153?

7 A Yes. So this bullet enters into the left chest  
8 cavity, then it enters the left lung. It injures the  
9 aorta, which is the largest artery in the body, that comes  
10 off of the heart; and it injures the right lung, before  
11 exiting the right chest cavity, in the back.

12 Q Doctor Callahan, did you form an opinion as to  
13 whether or not the path of that bullet that entered in the  
14 chest -- the entrance wound marked "J" in Exhibit 152 --  
15 and exited -- shown on the exit wound depicted in  
16 Exhibit 153 -- whether that wound, in and of itself, was  
17 sufficient to have caused the death of Gerald David?

18 A Yes. That one could have caused death.

19 Q I'm showing you now Exhibit 154. What is  
20 depicted in this photograph?

21 A So this is the one where there was an entrance  
22 and an exit, and I said, "although there's an exit, we  
23 recovered a piece of bullet," that's that bullet from "A,  
24 B." Bullet fragment, I should say.



1 I should point out it says "left," but it's  
2 actually right. This is a typo from our technicians.

3 Q What's depicted in Exhibit 155?

4 A So these are fragments from the petrous ridge, so  
5 the gunshot wound next to the ear. These were the two  
6 bones that I was able to get out of that bone, that  
7 fragmented bone, in the base of the skull.

8 Q When you look at fragments, are you able to  
9 determine whether those fragments appear consistent with a  
10 small caliber, such as a .22?

11 A You probably would have to weigh them. And this  
12 bone is really dense and very fractured, so there were  
13 still small pieces in there. So you could weigh them and  
14 get an estimate. But given that these are the only two  
15 large fragments in that area, they would be consistent  
16 with a small caliber.

17 Q What is depicted in Exhibit 156?

18 A So as I mentioned, "G" and "H" kind of  
19 intersected as they went into the head, and that I was  
20 able to collect three bullet fragments from the brain  
21 tissue. These are those three.

22 This is the base of a small-caliber bullet. And  
23 then these two are to the base. And that's consistent  
24 with a small caliber. And the bullet is very deformed.

1                   And then these are two fragments that are  
2 consistent with fragments of a small caliber.

3           Q     Such as a .22-caliber?

4           A     Yes.

5           Q     Doctor Callahan, based upon your autopsy  
6 performed on Gerald David, did you form an opinion as to  
7 the instrumentality that was used in order to cause all of  
8 the wounds that you described as part of your testimony?

9           A     Yes. It was a firearm.

10          Q     Did you form an opinion as to the cause of death  
11 of Gerald David?

12          A     Yes. Multiple gunshot wounds of the head and  
13 chest.

14          Q     Did you form an opinion as to the manner of  
15 death?

16          A     Homicide.

17               MR. JACKSON: Madam Foreperson, I have no  
18 further questions for Dr. Callahan.

19               THE FOREPERSON: Are there any questions from  
20 the Grand Jury?

21               To be clear, then, there were four bullet  
22 wounds that could have caused death?

23               THE WITNESS: No. So the one here on the top  
24 of the head, that's the one that I can't say

1 definitively yes or no. We have a total of five  
2 gunshot wounds to the head. One, for sure, that I'm  
3 saying is not lethal. So that makes the potential  
4 other four lethal. And then the one to the chest is  
5 definitely lethal.

6 THE FOREPERSON: Thank you.

7 Doctor, the proceedings before the Grand Jury  
8 are secret. You may not disclose evidence presented to  
9 the Grand Jury, any event occurring, or statement made  
10 in the presence of the Grand Jury, any information  
11 obtained by the Grand Jury, or the results of the  
12 investigation being made by the Grand Jury.

13 However, you may disclose the above information  
14 to the District Attorney for use in the performance of  
15 his duties.

16 You also may disclose your knowledge concerning  
17 the proceeding, when directed by a court, in connection  
18 with judicial proceedings, or when otherwise permitted  
19 by the Court, or to your own attorney.

20 The obligation of secrecy applies until the  
21 Court allows the matter to become public record.

22 A gross-misdemeanor and contempt of Court may  
23 be pursued if your obligation of secrecy is not  
24 followed.

1 Do you understand?

2 THE WITNESS: Yes.

3 THE FOREPERSON: Thank you.

4 (The witness was excused.)

5 (Whereupon, a recess was taken.)

6 THE FOREPERSON: Please come to order.

7 Please raise your right hand.

8 (Witness sworn.)

9 THE FOREPERSON: Please be seated.

10 MR. HICKS: Sir, could you please state and  
11 spell your name.

12 THE WITNESS: My name is Shaun Braly: S-h-a-u-n  
13 B-r-a-l-y.

14 MR. HICKS: Sir, it's my duty to inform you  
15 that the Grand Jury is considering a proposed  
16 Indictment against Wilber Ernesto Martinez Guzman,  
17 which alleges one count of Burglary, one count of  
18 Burglary While Gaining Possession Of A Firearm, four  
19 counts of Murder With The Use Of A Deadly Weapon, three  
20 counts of Burglary While In Possession Of A Firearm,  
21 and one count of Possession Of A Stolen Firearm, which  
22 occurred on or between January 3rd, 2019, and  
23 January 16, 2019, in Washoe County, Douglas County, or  
24 Carson City, Nevada.

1 Do you have some information regarding this  
2 case?

3 THE WITNESS: I do.

4 THE FOREPERSON: To confirm, are you aware that  
5 this Grand Jury is inquiring into evidence that you may  
6 have related to charges of Burglary, Burglary While  
7 Gaining Possession Of A Firearm, Murder With The Use Of  
8 A Deadly Weapon, and Possession Of A Stolen Firearm?

9 THE WITNESS: I do.

10  
11 SHAUN BRALY,  
12 called as a witness by the State,  
13 who, having been first duly sworn, was examined  
14 and testified as follows:

15  
16 EXAMINATION

17 BY MR. HICKS:

18 Q Sir, with whom are you currently employed?

19 A I'm employed with the Washoe County Sheriff's  
20 Office, in the Forensic Science Division.

21 Q And in what capacity?

22 A I am a criminalist.

23 Q What's a criminalist?

24 A I am a criminalist in the forensic investigation

1 section. Our section works with numerous law-enforcement  
2 agencies throughout Northern Nevada, to assist in  
3 crime-scene investigation. And we do that through  
4 photography, the identification, collection and  
5 preservation of evidence.

6 Q How long have you worked for the Forensic Science  
7 Division of the Washoe County Sheriff's Office?

8 A A year-and-a-half.

9 Q In that capacity, did you become involved in  
10 Washoe County Case Number 19-306?

11 A I did.

12 Q Does that involve the murders of Shari and Jerry  
13 David in south Reno?

14 A Yes.

15 Q Does that also involve the murders of Constance  
16 Koontz and Sophia Renken, in Douglas County, Nevada?

17 A Yes.

18 Q Did you have varying assignments in the  
19 investigation of those cases?

20 A I did, yes.

21 Q Were one of those assignments the processing of a  
22 BMW vehicle?

23 A Yes.

24 Q Based on the investigation, who do you understand

1     that BMW vehicle to belong to?

2           A     Wilber Ernesto Martinez Guzman.

3           Q     When did you first encounter the BMW?

4           A     I first encountered the vehicle on January 19th,  
5     at approximately 6:00 p.m., at an address in Carson City.

6           Q     What led you to Carson City, to the BMW?

7           A     We were notified -- I was notified by my  
8     supervisor, through a Washoe County sergeant.

9           Q     What was your role in going down to Carson City  
10    to process the BMW?

11          A     My role was to photograph the vehicle, seal the  
12    vehicle, and escort it back to the Washoe County Sheriff's  
13    Office.

14          Q     Why do you photograph it, seal it, and then  
15    escort it back to the Washoe County Sheriff's Office?

16          A     One main would be the chain of custody of that  
17    vehicle: that I can speak to the condition as I found it,  
18    was the same as later on when it finished its  
19    transportation.

20          Q     Are where was it in Carson City?

21          A     It was at 1201 South Carson Street, in Carson  
22    City, Nevada.

23          Q     Was it in a parking lot? On the street? In a  
24    parking garage? Where was it?

1           A     It was in a parking lot, near other retail  
2 stores.

3           Q     What condition was it in in that parking lot?

4           A     There was damage to one side of the vehicle, as  
5 well as a broken window.

6           Q     Do you know where the damage came from?

7           A     To my knowledge, during my briefing, it was a  
8 Carson City Sheriff's Office vehicle.

9           Q     Striking the BMW?

10          A     Striking the BMW. It was in contact with the  
11 BMW, at the time of my arrival.

12          Q     Also pursuant to the investigation, do you have  
13 knowledge if that was when Wilber Ernesto Martinez Guzman  
14 was arrested?

15          A     That's what I was told, yes.

16          Q     Did you, in fact, seal that vehicle in Carson  
17 City?

18          A     I did.

19          Q     What's the steps you take to do that?

20          A     I'll photograph the vehicle in place. Once I am  
21 done with photographing, I will seal the vehicle. The  
22 seals will have the case number, as well as my initials.  
23 And I will seal all the doors on the vehicle.

24          Q     Did you do so?



1           A     Yes.

2           Q     Was that vehicle taken to the Washoe County  
3 Sheriff's Office?

4           A     Yes, it was.

5           Q     Did you accompany it?

6           A     I did.

7           Q     Once it was at the Washoe County Sheriff's  
8 Office, did you conduct a more thorough search of that  
9 location?

10          A     At a later date, yes.

11          Q     What was that date?

12          A     January 22nd.

13          Q     When you're taking upon the course of searching a  
14 vehicle like this one, generally what do you do to work  
15 through the search of the car?

16          A     So I will begin by photographing the vehicle. I  
17 start with the exterior of the vehicle, and I'll slowly  
18 work my way to the interior of the vehicle.

19                 In this case, I started with the front-driver  
20 area, and worked my way counterclockwise through the  
21 vehicle. And the last place I searched was the trunk.

22          Q     Sir, I'm going to show you exhibits that start at  
23 157 and go through 166. I would ask you to thumb through  
24 those, and then I'll ask you a few questions, once you've

1 looked at them.

2 Do you recognize those photographs?

3 A I do.

4 Q How is it that you recognize them?

5 A These are photographs I took during that search  
6 of the vehicle on the 22nd.

7 Q What I'm going to do is, I'm going to show those  
8 exhibits on the screen behind you, and I'm going to ask  
9 you some questions about it. You can go off the photos in  
10 front of you. Or if easier for you, you can stand up and  
11 point at the pictures.

12 First I'm going to show you Exhibit 157. What is  
13 that, sir?

14 A This is a photo of the rear area of this vehicle.

15 Q I see on the right side of the trunk, the rear  
16 trunk, is what looks to be an orange sticker. What is  
17 that?

18 A That is one of the seals I placed on the vehicle,  
19 before transport.

20 Q Would you have placed other seals throughout the  
21 vehicle?

22 A Yes.

23 Q What were the other places you would have done  
24 so?

1           A     I will seal all doors.  So I'll seal the side  
2 doors from the passenger and the driver's side.

3           Q     Next I'm going to show -- And is that the  
4 vehicle, in fact, that you saw in Carson City, and then  
5 accompanied back to the Washoe County Sheriff's Office?

6           A     Yes, it is.

7           Q     Now Exhibit 158.  What's that?

8           A     This is the front of that same vehicle.

9           Q     There's some damage to the hood of that vehicle.  
10 Do you know what that's from?

11          A     To my knowledge, that could be from the equipment  
12 used by the Carson City Sheriff's Office during their time  
13 down at that 1201 address.

14          Q     What else is in Exhibit 158?  What does that  
15 show?

16          A     This will show a seal, that was also on the hood  
17 of the vehicle.

18          Q     What I want to do here is, you indicated that you  
19 kind of go through throughout the vehicle, and you started  
20 on the driver's side.

21          A     Correct.

22          Q     Initially here I'm going to focus on that  
23 driver's-side search area; okay?

24          A     Okay.

1 Q So did you cut the seal and open up the door?

2 A Yes.

3 Q I'm going to show you now Exhibit 159. And  
4 what's depicted in that photo?

5 A This is the front driver's interior door panel  
6 pocket.

7 Q And are there contents within the driver's-side  
8 door, kind of storage area?

9 A Yes.

10 Q Now I'm going to show you 160. What does that  
11 depict?

12 A That is a closer photo of that same door panel.

13 Q In the center of that photograph, in that  
14 compartment area, what is that box, that plastic  
15 container?

16 A That's a box of CCI .22 ammunition.

17 Q Did you remove that box?

18 A I did, yes.

19 Q I'm going to show you Exhibit 161. What's that?

20 A That is that same box of ammo.

21 Q And who placed it on the envelope there, on the  
22 paper like that?

23 A I did.

24 Q Did you also put the writing on there?

1 A No, I did not.

2 Q Did you open up that box of cartridges?

3 A Yes.

4 Q Next I'm going to show you Exhibit 162. What's  
5 that?

6 A That is that same box of ammunition, with the lid  
7 removed.

8 Q Is that box of ammunition full?

9 A No, it is not.

10 Q How many bullets are missing?

11 A Nine cartridges are missing.

12 Q Next I want to take you back into the vehicle.  
13 What does this picture show? This is Exhibit 163.

14 A This is showing a firearm in its original  
15 position under the front driver's seat, near the center  
16 console.

17 Q Now I'll show you Exhibit 164. What's that?

18 A That is a close-up image of that same firearm.

19 Q Did you remove that firearm from the car?

20 A I did, yes.

21 Q Did you photograph it?

22 A Yes.

23 Q What is depicted in Exhibit 165?

24 A That is that firearm removed from its original

1 position and placed into a box.

2 Q What type of firearm was that?

3 A This is a High Standard revolver.

4 Q Do you recall the brand name?

5 A It was a High Standard.

6 Q What caliber?

7 A .22.

8 Q What type of handgun is it?

9 A This is a revolver.

10 Q Next I'll show you Exhibit 166. What does that  
11 depict?

12 A That is the contents of the cylinder of that  
13 firearm.

14 Q What does that say -- going back to Exhibit  
15 165 -- the marking on that gun?

16 A Sentinel.

17 Q So I don't want to go through the entire search  
18 of the car today, but I want to ask you a couple questions  
19 about your search.

20 After you have gone through the driver's-side  
21 door area, and the area of the seat, did you then conduct  
22 a search of the rest of the vehicle?

23 A I did.

24 Q As part of your preparation to search this

1 vehicle, and your involvement in the investigation, are  
2 you generally aware of the facts of the associated crimes?

3 A Yes.

4 Q During your search of the vehicle, did you find  
5 anything that, by direct appearance, appeared to be  
6 related to either the murders in Douglas County, or the  
7 murders in Washoe County?

8 A Yes.

9 Q What would that be?

10 A In the center console area, I found a charm or a  
11 pendant that would be on a necklace or a bracelet, that  
12 had the name "Connie" on it.

13 Q And would that, again, based on the investigation  
14 and your understanding, relate to the murder of Constance  
15 Koontz, in Douglas County?

16 A Possibly, yes.

17 Q In addition to the charm, anything else you found  
18 that, by its appearance, would seem to connect to that  
19 particular murder?

20 A There was a U.S. Airways document, with the name  
21 Madison Winkelman.

22 Q Who do you understand Madison Winkelman to be?

23 A After discussion with the detective of Douglas  
24 County, he stated that that name was involved in one of

1 their homicides.

2 Q Any other items you encountered that, by direct  
3 appearance, seemed related to other murders in this case?

4 A Yes. I also found a Reno Rodeo name tag, with  
5 the name Jerry David.

6 Q Where was that found?

7 A That was found in a black backpack, in the rear  
8 area of the vehicle.

9 Q I realize I'm asking you only questions about  
10 specific parts of your search. Was there much more to  
11 your search?

12 A Yes.

13 Q I'm going to direct you back to Exhibit 166. How  
14 many rounds does the cylinder of this revolver carry?

15 A The cylinder holds nine cartridges.

16 MR. HICKS: Ladies and gentlemen, these are all  
17 the questions I have of this witness.

18 A JUROR: Did you indicate what education and  
19 training you had for your job? I don't remember that.

20 THE WITNESS: I have a Bachelor's of Science  
21 Degree in Chemistry, from the University of Nevada,  
22 Reno.

23 I'm also currently enrolled in a Master's of  
24 Science Program at U.C. Davis, in California, for a



1 Master's in Forensic Science.

2 And as training, on-the-job training, I have  
3 had the opportunity to spend over 160 hours in external  
4 training courses, as well as an extensive nine-month  
5 inhouse training program, where we are proficiency  
6 tested every single year.

7 THE FOREPERSON: Any other questions?

8 Mr. Braly, the proceedings before the Grand  
9 Jury are secret. You may not disclose evidence  
10 presented to the Grand Jury, any event occurring, or  
11 statement made in the presence of the Grand Jury, any  
12 information obtained by the Grand Jury, or the results  
13 of the investigation being made by the Grand Jury.

14 However, you may disclose the above information  
15 to the District Attorney for use in the performance of  
16 his duties.

17 You also may disclose your knowledge concerning  
18 the proceeding, when directed by a court, in connection  
19 with judicial proceedings, or when otherwise permitted  
20 by the Court, or to your own attorney.

21 The obligation of secrecy applies until the  
22 Court allows the matter to become public record.

23 A gross-misdemeanor and contempt of Court may  
24 be pursued if your obligation of secrecy is not

1 followed.

2 Do you understand?

3 THE WITNESS: I do.

4 (The witness was excused.)

5 MR. JACKSON: Can I bring the next witness back  
6 in?

7 THE FOREPERSON: Please remain standing and  
8 raise your right hand.

9 (Witness sworn.)

10 THE FOREPERSON: Please be seated.

11 MR. HICKS: Sir, please state and spell your  
12 name.

13 THE WITNESS: My name is Joseph Digesti:  
14 D-i-g-e-s-t-i.

15 MR. HICKS: Mr. Digesti, I have a duty to  
16 inform you that the Grand Jury is considering a  
17 proposed Indictment against Wilber Ernesto Martinez  
18 Guzman, which alleges one count of Burglary, one count  
19 of Burglary While Gaining Possession Of A Firearm, four  
20 counts of murder With The Use Of A Deadly Weapon, three  
21 counts of Burglary While In Possession Of A Firearm,  
22 and one count of Possession Of A Stolen Firearm, which  
23 occurred on or between January 3rd, 2019, and  
24 January 16, 2019, in Washoe County, Douglas County, or

1 Carson City.

2 Do you have some information regarding this  
3 case?

4 THE WITNESS: Yes, I do.

5 THE FOREPERSON: To confirm, are you aware that  
6 this Grand Jury is inquiring into evidence that you may  
7 have relating to charges of Burglary, Burglary While  
8 Gaining Possession Of A Firearm, Murder With The Use Of  
9 A Deadly Weapon, and Possession Of A Stolen Firearm?

10 THE WITNESS: Yes, I do.

11

12 JOSEPH DIGESTI,  
13 called as a witness by the State,  
14 who, having been first duly sworn, was examined  
15 and testified as follows:

16

17 EXAMINATION

18 BY MR. HICKS:

19 Q Sir, with whom are you currently employed?

20 A I'm currently employed with the Washoe County  
21 Sheriff's Office.

22 Q In what capacity?

23 A I'm assigned to the Detective Division. I'm a  
24 detective with the Robbery/Homicide Unit.

1           Q     And how long have you been with the Washoe County  
2 Sheriff's Office?

3           A     As a deputy, I've been employed for the last  
4 15 years.

5           Q     Could you give us a brief background,  
6 educational, POST Certification, and time in the Washoe  
7 County Sheriff's Office, that has led you to where you are  
8 today?

9           A     Certainly. I started back with the agency back  
10 in 2004, and completed my basic POST training at the  
11 training center here in Reno.

12                From there, I was assigned, for a short amount of  
13 time, to the detention facility. I spent about a year and  
14 10 months there.

15                After that, I went to the alternative to  
16 incarceration unit, so I was monitoring people on house  
17 arrest. I spent a little over two years there.

18                From there, I went out to the road, meaning  
19 Patrol. I patrolled both Incline Village and what we  
20 refer to as the valley, Washoe County, Reno/Sparks area.  
21 I spent maybe four or five years there.

22                And for the last seven years, I have been with  
23 the Detective Division. I spent the first five years of  
24 my career investigating crimes against children, and the

1 last two-and-a-half years or so now in the  
2 Robbery/Homicide Unit.

3 In terms of education, I have a Bachelor's degree  
4 in Criminal Justice Administration.

5 I'm also a certified polygrapher, the one and  
6 only in our agency.

7 And I teach interview interrogation to all the  
8 new recruits at the training center.

9 And that's a little bit about that.

10 Q In that capacity as a detective, your current  
11 assignment, were you involved in the investigation of the  
12 murders of Shari and Jerry David?

13 A Yes, I was.

14 Q In what ways were you involved?

15 A I was assigned very early on to just help assist  
16 with the investigation. At one point I was also assigned  
17 to help look for some items of interest that had come up  
18 during Mr. Guzman's interview.

19 Q Let's focus on that. Are you aware of Wilber  
20 Ernesto Martinez Guzman being interviewed at the Carson  
21 City Sheriff's Office on January 19th of this year?

22 A Yes, I am.

23 Q Were you there at that time?

24 A Yes, I was.

1           Q     You indicated you were assigned to look for  
2 certain objects around that time.

3           A     Yes.

4           Q     What were you assigned to look for?

5           A     I was assigned to look for firearms.

6           Q     And why were you looking for firearms?

7           A     Because Mr. Guzman had indicated during his  
8 interview that he had placed some firearms in the hills  
9 around Carson City.

10          Q     And based on your involvement in the murders of  
11 Shari and Jerry David, were you aware if there was a  
12 concern that firearms were taken from their house?

13          A     Yes, there was.

14          Q     When did you conduct the search in the hills  
15 pursuant to Mr. Martinez Guzman's admission that he buried  
16 some guns in the hills?

17          A     That was the following day, January 20th, of this  
18 year.

19          Q     And where did you go look?

20          A     We went off on Sedge Road. And Sedge Road is  
21 just off of Deer Run Road, which runs basically north-to-  
22 south, parallel Highway 50, near Carson City. So it runs  
23 along the river. And then Sedge Road is more of -- from  
24 Deer Run Road, you would turn east onto Sedge Road.

1           Q     Based upon your understanding of the interview of  
2 the defendant, I'll say, it's easier, did you have a  
3 general location of where you were going to look?

4           A     Yes, we did.

5           Q     Who all went to go look?

6           A     In addition to myself, there was a search-and-  
7 rescue volunteer for the Carson City Sheriff's Office, who  
8 just through being at search-and-rescue was familiar with  
9 the area. So he was assigned to kind of help guide us to  
10 the area that was pointed out.

11                     We also had my lieutenant from the Washoe County  
12 Sheriff's Office, Lieutenant Broka; Douglas County  
13 Sergeant Hubkey; Carson City Crime Scene Investigator  
14 Hicks; and I believe Detective -- I can't remember the  
15 detective's name, but a detective from Carson City, also.

16           Q     Now this area you went on Sedge Road, what type  
17 of road is it?

18           A     It's a dirt road. It's a dirt road. It's a  
19 well-kept dirt road. I mean, if it's raining and snowing,  
20 it can get a little muddy and slippery. But it's a dirt  
21 road that kind of goes up and off into the hills in the  
22 mountains and switches back and forth, so dirt.

23           Q     Are there houses around it? Or is it more like  
24 in the hills type of road?

1           A     At the very beginning of Sedge Road, as you turn  
2 off of Deer Run, there's a few houses, maybe one or two  
3 houses. But that's within the first 150-to-200 yards from  
4 Deer Run Road onto Sedge, the houses -- there's no more  
5 houses. And then it's just what I would call BLM roads or  
6 area.

7           Q     Approximately how far back did you all go on  
8 Sedge Road and --

9           A     About 1.1 mile.

10          Q     Was there a plan on how the search was going to  
11 be conducted?

12          A     Yes, there was.

13          Q     What was it?

14          A     We decided the best way to do it was just to form  
15 a straight line across the first area. We would scatter  
16 out about -- I don't know -- 20, 30 feet from each other,  
17 just enough so if I was looking side-to-side, or forward,  
18 I could see we could cover areas, and we would just start  
19 from the road and start walking.

20                 Any areas of interest were going to be marked  
21 with a little flag, and then we would go back and take a  
22 look at those further.

23          Q     Was there a certain side of the road you all  
24 started searching on?



1           A     Yes. The information passed along to us was that  
2 these weapons were buried on the left-hand side of the  
3 road. That's what we got.

4           So as we drove in, everything on the left-hand  
5 side of the road was what we were interested in. So I  
6 guess that would be the southwest side of the road. So  
7 that's where we started our search.

8           Q     At some point, did you move to the right side of  
9 the road?

10          A     Yes. So as we went through and we examined this  
11 first area, when we're starting to walk back towards our  
12 cars, to kind of convene and search again, move down, I  
13 just figured: depending on which way you're going, there's  
14 two left-hand sides of the road.

15          So I walked down the other side for a little  
16 while, about five minutes from where we are, three-to-five  
17 minutes, back towards the car. So that would have been  
18 more or less back south, down the road.

19          Q     And in that time that you were searching on the  
20 other side of the road, did you find something that piqued  
21 your interest?

22          A     I did. I saw what was obvious to me as drag  
23 marks. Something heavy had been drug through the dirt,  
24 right off the side of the road.

1           So as I followed that, I just kept following it,  
2   and about 51 feet off the road, in an area that was open,  
3   it was surrounded by tall sagebrush, but it was a fairly  
4   open area, a little area, I saw what was obviously freshly  
5   disturbed dirt.

6           Q     I'm going to show you Exhibits 167 through 171.  
7   Go ahead and flip through those.

8           A     Okay.

9           Q     Do you recognize what's depicted in those  
10   photographs?

11          A     Yes, I do.

12          Q     Do those photographs fairly and accurately depict  
13   the way the Sedge Road area looked on that day?

14          A     Yes.

15          Q     And do the pictures also fairly and accurately  
16   depict drag marks in the subsequent location you found the  
17   disturbed dirt?

18          A     Yes, they do.

19          Q     So once you found the disturbed dirt, what was  
20   the plan?

21          A     At first I waved everyone over, and we all looked  
22   at it and agreed that this was an area we needed to look  
23   at further.

24                So at first, the crime scene investigator from

1 Carson City brought over a metal detector. We confirmed  
2 that there was at least something down there that was  
3 metal.

4 We started taking turns digging. After five,  
5 six minutes, we used the metal detector again, just to  
6 confirm that we were still in the right spot. We got  
7 another confirmation of at least some metal objects a  
8 little further down, and continued to dig. And then about  
9 30-to-33 inches down, we found the weapons.

10 Q What did you find? How were they buried in the  
11 ground?

12 A Initially when we started digging and we got down  
13 to the level we saw a brown tarp. And so the weapons were  
14 wrapped up in a brown-and-gray tarp.

15 Q I'm going to display the very same exhibits on  
16 the screen behind you. You're welcome to look at the ones  
17 in front of you. These are, again, pictures within the  
18 PowerPoint on Grand Jury Exhibit Number 173.

19 First, I want to show you Exhibit 167. Does that  
20 picture fairly depict the way Sedge Road looked in the  
21 area you were searching?

22 A Yes, it does.

23 Q Next I'm going to go to Exhibit 168. And what  
24 does that picture depict?

1           A     In this picture, just as you're coming through  
2     the sagebrush, in the background here you can see a bit of  
3     disturbed dirt, in the foreground. You can see the drag  
4     marks. They're a little faint, but you can see the drag  
5     marks entering over to the disturb dirt, there.

6     (Indicating.)

7           Q     So starting at the bottom-middle of the picture,  
8     are those markings in the dirt consistent with the drag  
9     marks you noticed?

10          A     Yes.

11          Q     And do they continue to the discoloration in  
12     dirt?

13          A     Yes, they do.

14          Q     Next I'm going show you Exhibit 169. What's  
15     that?

16          A     That's the disturbed area of dirt. That's the  
17     area surrounded by the sagebrush. That's where the dirt  
18     was -- the disturbance was.

19          Q     Did you start digging there?

20          A     Yes.

21          Q     Next I'll show you Exhibit 170. What's that?

22          A     That's the picture, that disturbed area. Now  
23     we've excavated the area a little bit, and that's the  
24     tarp, where we found the weapons.

1           Q     Next I will show you Exhibit 171. What does that  
2 picture show?

3           A     That's the picture as we were able to get the  
4 tarp completely out of that hole there and opened it up.  
5 That's a picture of the weapons that were inside the tarp,  
6 inside the hole.

7           Q     In addition to weapons being there, what else was  
8 found in the tarp?

9           A     There was a bunch of different types of  
10 ammunition: shotgun shells, handgun rounds. In addition,  
11 there was a Red Dot, like a gun scope, was in there; gun  
12 cases; cleaning equipment.

13          Q     Were those guns subsequently gathered up and  
14 taken to the Washoe County Crime Lab?

15          A     Yes, they were.

16          Q     Were you a part of the inventory or processing of  
17 those guns up at the Washoe County Crime Lab?

18          A     Yes.

19          Q     Who did the actual processing of those firearms?

20          A     That was FIS Investigator Leal Olson.

21          Q     Where did it occur up at the Washoe County  
22 Sheriff's Office?

23          A     In our crime lab garage.

24          Q     Were the guns still wrapped up in the tarp when

1     they got there?

2           A     Yes.

3           Q     Were there steps taken to seal them down in  
4     Carson City, to get them to the Washoe County Sheriff's  
5     Office?

6           A     Yes.

7           Q     What were those steps?

8           A     They were zipped -- the tarp was zip-tied  
9     together, so nobody could get in there. And then it was  
10    secured in our garage, which is a secure area, just like  
11    any other evidentiary area where evidence is processed,  
12    it's secure, so nobody -- you have to have special access  
13    to get into there.

14          Q     What day, if you recall, did an inventory occur  
15    of all those firearms?

16          A     January 22nd.

17          Q     In total, how many guns were in that tarp?

18          A     Twelve.

19          Q     Do you recall what the guns were?

20          A     I don't specifically recall, but I can tell you  
21    that there were a mixture of, I believe, six shotguns,  
22    five rifles, and like an air rifle. There was a total of  
23    12.

24          Q     Do you happen to have your report with you today?

1           A     I left it over there. (Indicating.)

2           Q     If we were to get it for you and show it to you,  
3 would you be able to recall each gun?

4           A     Yes.

5           Q     Sir, I'm going to show you what is Count X of the  
6 proposed Indictment.

7           A     Okay.

8           Q     I want you to look at it, to see if what's listed  
9 there in fact refreshes your recollection as to the guns  
10 that you were a part of the inventory at the Washoe County  
11 Sheriff's Office on January 22nd; okay?

12          A     Okay.

13          Q     So just go ahead and take a look at it. And if  
14 it does refresh your recollection, let me know. Take  
15 whatever time you need.

16          A     Okay.

17          Q     Does that refresh your recollection?

18          A     Yes.

19          Q     Let me ask you a few more questions. Of the 12  
20 guns that were inventoried that day, did that include a  
21 Savage .22-caliber long rifle?

22          A     Yes.

23          Q     Did it include a Cherry's Inc. GSO INC. 7.62x39  
24 rifle?

1           A     Yes, it did.

2           Q     Did it include an Ithaca Gun Company .22-caliber  
3 long rifle?

4           A     Yes.

5           Q     Did it include a Remington Model .20-gauge  
6 shotgun?

7           A     Yes.

8           Q     Did it also include a Savage Model 93R17.17HMR  
9 rifle?

10          A     Yes.

11          Q     Did it include a Ranger .20-gauge side-by-side  
12 shotgun?

13          A     Yes.

14          Q     Did it include a Remington 870 Wingmaster Magnum  
15 .12-gauge shotgun?

16          A     Yes.

17          Q     Did it include an Iver Johnson Arms Champion .410  
18 Bore shotgun?

19          A     Yes.

20          Q     And did it also include a Steyr Mannlicher  
21 Safebolt 7x64 rifle?

22          A     Yes.

23          Q     Did it include a Weatherby Mark V .270 Magnum  
24 rifle?



1           A     Yes.

2           Q     And did it include a Remington 11-87 .12-gauge  
3 shotgun?

4           A     Yes.

5           Q     A couple more questions about those guns. Did  
6 you have an opportunity to look at them closely?

7           A     Yes, I did.

8           Q     In addition to taking notice of what types of  
9 guns they were, did you notice anything that, by  
10 appearance, directly connected them to the murders of  
11 Shari and Jerry David?

12          A     Yes. I noticed on one of the shotguns there was  
13 a label, maker, a sticker on there, that said "Jerry  
14 David" just on what would be kind of the grip part -- like  
15 the grip part of the barrel.

16          Q     The guns I just asked you about, did you detail  
17 those guns in your report?

18          A     Yes, I did.

19          Q     Quickly going back to where they were located on  
20 Sedge Road, is that within Carson City?

21          A     Yes, it is.

22          Q     Do you recall what exit you had to take to get to  
23 that location?

24          A     I don't recall the exit. I know that we turned

1 straight from Highway 50 onto what was North Deer Run  
2 Road, which turns to South Deer Run Road.

3 MR. HICKS: I have no further questions of this  
4 witness.

5 THE FOREPERSON: Are there any questions from  
6 the jury?

7 Detective, the proceedings before the Grand  
8 Jury are secret. You may not disclose evidence  
9 presented to the Grand Jury, any event occurring, or  
10 statement made in the presence of the Grand Jury, any  
11 information obtained by the Grand Jury, or the results  
12 of the investigation being made by the Grand Jury.

13 However, you may disclose the above information  
14 to the District Attorney for use in the performance of  
15 his duties.

16 You also may disclose your knowledge concerning  
17 the proceeding, when directed by a court, in connection  
18 with judicial proceedings, or when otherwise permitted  
19 by the Court, or to your own attorney.

20 The obligation of secrecy applies until the  
21 Court allows the matter to become public record.

22 A gross-misdemeanor and contempt of Court may  
23 be pursued if your obligation of secrecy is not  
24 followed.

1 Do you understand?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: You may be excused.

4 (The witness was excused.)

5  
6 MR. HICKS: The next witness I anticipate  
7 taking us to about 4:00.

8 (Stefanie Brady, recalled as a witness, and  
9 previously sworn.)

10 THE FOREPERSON: Detective, I'd remind you that  
11 you're still under oath.

12 THE WITNESS: Yes.

13

14 STEFANIE BRADY

15 previously called and sworn as a witness,  
16 remains under oath, and testified as follows:

17

18 EXAMINATION

19 BY MR. HICKS:

20 Q I want to quickly jump back to January 16, 2019,  
21 the date of the murders of Shari and Jerry David. About  
22 what time were they murdered? Or let me ask it a  
23 different way: About what time was the murder reported?

24 A It was around 4:30 in the afternoon.

1           Q     And you had testified previously that there were  
2 steps taken to seal off the residence before anybody went  
3 in and searched it and took photographs?

4           A     That's correct.

5           Q     How much time had elapsed until the processing of  
6 the house truly began?

7           A     We didn't go into the house until about 1:30,  
8 2:00 in the morning. So several hours. Six, seven hours.

9           Q     Would that have included the medical examiner's  
10 investigators, as well?

11          A     And that would have put them out even further  
12 than that. They actually probably wouldn't have gone in  
13 until around 3:00 or 4:00. But I'm not a hundred percent  
14 sure. But theirs was way later. We would have done  
15 overall photographs, searched, and then called them once  
16 we had processed the scene.

17          Q     Several of my questions earlier focused on  
18 January 16, 2019. Did the processing and investigation of  
19 some of the house, that you have discussed, occur into  
20 January 17th, as well?

21          A     Yes, well into the 17th.

22          Q     Now I'm going to hit the fast-forward button  
23 again, and we're going to move to January 19th of this  
24 year. I had asked you before about having occasion to

1 interview a suspect in this investigation. Did you do so  
2 on that day?

3 A Yes.

4 Q Who was it?

5 A That was Wilber Ernesto Martinez Guzman.

6 Q Where did that occur?

7 A That was at the Carson City Sheriff's Office.

8 Q Were you the sole detective assigned to do the  
9 interview?

10 A I was the one that was assigned to do the  
11 interview, yes.

12 Q Was that in relation to not only the  
13 investigation of Shari and Jerry Davids' murders, but the  
14 other two murders in Douglas County?

15 A Yes, it was.

16 Q Are you aware if Mr. Wilber Ernesto Martinez  
17 Guzman is the defendant in this case?

18 A I am.

19 Q Was the defendant in custody in Carson City at  
20 that time?

21 A Yes, he was.

22 Q Are you aware of when he was arrested?

23 A I believe it was earlier that evening.

24 Q Did you and the defendant discuss his arrest?

1 Did the manner in which he was arrested come up during  
2 your interview of him?

3 A Yes.

4 Q We'll get to that, in a second.

5 Are you aware if the defendant speaks fluent  
6 English?

7 A I was advised that he does not speak fluent  
8 English before we went in there.

9 Q What steps were taken to accommodate his native  
10 language, before you conducted the interview?

11 A I was advised by the Carson City District  
12 Attorney, I believe. She said that they had a court-  
13 certified translator that they could have accompany me  
14 into the interview.

15 Q And did you, in fact, have an interpreter  
16 accompany you in the interview?

17 A Yes.

18 Q And, in a general sense, throughout the interview  
19 of the defendant, did you ask a question, and she in turn  
20 interpret it?

21 A Yes, exactly.

22 Q What was the language she was interpreting it  
23 into?

24 A She was translating the Spanish into English, or

1 vice versa.

2 Q Do you speak Spanish?

3 A I do not.

4 Q When you would say a question, would she then  
5 follow you with Spanish?

6 A Yes.

7 Q And then, in turn, when the defendant would  
8 answer, did she then recite it back to you in English?

9 A Yes.

10 Q And did his answers seem to match your questions?

11 A Yes, they did.

12 Q Did you have any concerns about the level of the  
13 interpretation?

14 A Not at all. And he actually acknowledged some of  
15 my questions as I gave them in English, prior to her  
16 translating them. But they matched. I know that the  
17 Spanish language -- I do know that it's longer than the  
18 English language, but it did match.

19 Q Now, again, based on the Washoe County Sheriff's  
20 Office investigation, and the Douglas County Sheriff's  
21 Office investigation, which you've testified you were  
22 working together --

23 A Yes.

24 Q -- at that time, did you have reason to believe

1 he was involved in all the crimes?

2 A I did.

3 Q Again, based on the investigations, were you  
4 generally aware of property that had been taken in those  
5 individual crimes, that was or had been in the possession  
6 of the defendant?

7 A Yes.

8 Q Now based on your training and experience, could  
9 having that type of factual information be beneficial in  
10 conducting an interview of a suspect?

11 A Absolutely.

12 Q Why is that?

13 A That helps corroborate evidence with facts and  
14 details of the case, versus forming an opinion that you  
15 can align things to be factual with evidence-based stuff.

16 Q And this known information I speak of -- I  
17 realize I'm being vague -- was that information that was  
18 had been accumulated throughout all those investigations  
19 leading up to January 19, 2019?

20 A Yes.

21 Q Prior to conducting the interview of the  
22 defendant, did you formulate a general plan of how you  
23 wanted it to go?

24 A Yes.



1 Q What was that?

2 A I wanted to -- I planned to start with the lower  
3 end of the crimes, based on the knowledge that he was in  
4 possession of various things, and move from the possession  
5 and how he became in possession of those items, the when  
6 and the where, and then move up to corroborating that  
7 stuff with where he obtained it from, and from who he  
8 obtained it from, and then move on from there, based on  
9 how the interview would go.

10 Q Let's talk about the interview a little bit. You  
11 testified it happened at the Carson City Sheriff's Office,  
12 but where?

13 A It was in one of the detective interview rooms.  
14 It's audio-and-video recorded. There's a single table in  
15 there. And there was a chair for the interpreter, myself,  
16 and the defendant.

17 Q And you indicated he was in custody?

18 A Yes.

19 Q When you went into interview him, was he in  
20 handcuffs?

21 A He was.

22 Q Did he remain in handcuffs?

23 A No, I unhandcuffed him as soon as we entered the  
24 room.

1 Q When you say "we," who are you referring to?

2 A The translator and I.

3 Q How did you sit in the room?

4 A We sat at a table -- the defendant and I sat on  
5 one side, together. I faced him, and the translator was  
6 more or less to the left, and kind of behind me, so that  
7 the defendant and I would have a conversation with the  
8 translator behind, communicating.

9 Q How did you start the interview?

10 A After unhandcuffing him, I introduced myself, and  
11 just explained to him that I wanted to just learn a little  
12 bit about him before we got to talk.

13 I asked some of his personal information, just  
14 explained that I think it's easier to speak with somebody  
15 if you know them a little bit, prior to asking questions.

16 Q Was he willing to talk to you?

17 A Yes.

18 Q What was his demeanor like, initially?

19 A Right when we walked in, you could tell he was --  
20 he was uncomfortable, for a second. Once we unhandcuffed  
21 him -- I unhandcuffed him, and explained that I wanted to  
22 get to know him a little bit better.

23 He was engaging, lots of eye contact. He smiled,  
24 kind of giggled through some of the questions. But he was

1 very engaged in the conversation, sat straight up, and he  
2 was just engaged.

3 Q Were you able to develop some rapport with him,  
4 as you started the interview?

5 A Yes.

6 Q You indicated that you talked to him about some  
7 basic personal information?

8 A Yes. I just asked him just a little bit about  
9 where he lives, who he lives with, family. I talked about  
10 work, education, what kind of vehicle he drives. Just  
11 anything, to learn about him.

12 Q Let me ask you a few questions based on that.  
13 Who did he identify himself to be?

14 A He identified himself as Wilber Ernesto Martinez  
15 Guzman.

16 Q And did he give any indication as to who he lived  
17 with, where he lived?

18 A He said that he lives with his mother and his 15-  
19 year-old sister, in Carson City.

20 Q His vehicle, did he tell you what vehicle he had?

21 A He said that he had a 2006 BMW. I think it was  
22 like a 325i. He said that he had just purchased the  
23 vehicle relatively close to this time frame.

24 Q Was he concerned about his vehicle?

1           A     He was concerned about his vehicle. He had  
2 described the incident that had occurred when he was  
3 arrested. I didn't have a lot of information about that  
4 at that time, but he talked about his interactions with  
5 police, and his vehicle being damaged when he was taken  
6 into custody.

7           Q     And the vehicle he spoke of, is that the same BMW  
8 that has been taken to the Washoe County Sheriff's Office  
9 and searched?

10          A     Yes.

11          Q     Did you talk to him at all about what he did for  
12 a living?

13          A     We did talk about that a little bit. He talked  
14 how he did landscaping work, primarily, but he was  
15 described being able to do a lot of handyman-labor-type  
16 work like painting, anything along just manual labor.

17          Q     At some point was he read his Miranda Rights?

18          A     Yes, he was.

19          Q     And was that around the time you started building  
20 a rapport with him, or talked to him about some of the  
21 things we just discussed?

22          A     Yes. We spoke about 30 minutes or so, just  
23 trying to get to know him. Once I felt we were coming to  
24 a point where I'd asked a lot of stuff where I got to know

1 him, I advised him that I was going to go through a  
2 procedural process and have his Miranda Rights read to  
3 him, via the translator.

4 Q As far as you know, were they read to him?

5 A Yes, very slowly.

6 Q And at any time did he invoke those rights?

7 A No. He actually acknowledged that he was fine  
8 with not having an attorney, because he hadn't done  
9 anything wrong.

10 Q At that point, did you continue to speak with  
11 him?

12 A Yes.

13 Q And once he had been read Miranda, were you going  
14 to take your line of questioning to a different place?

15 A Yes.

16 Q In what way?

17 A So at that point my questioning was more directed  
18 towards the case, and started talking about items related  
19 to the case and his vehicle.

20 Q Let me ask you about that. So you started asking  
21 him what about his vehicle?

22 A I just asked him to tell me about various items  
23 that are going to be found in the vehicle. I only had a  
24 brief knowledge of what would be in there. But I did ask

1 him to just start telling me about what would be found  
2 when they searched it.

3 Q Did he talk about anything that would be found?

4 A He indicated that he found a bunch of stuff by a  
5 river and that -- and then he had talked about burying  
6 stuff by a river, but stated that there would be two guns:  
7 an air gun and a revolver.

8 Q Did you then begin questioning him about  
9 information known through the course of your  
10 investigation, as we talked about earlier, involving  
11 property taken from the various crime scenes that you knew  
12 had been in his possession?

13 A Yes.

14 Q Again, would that be based on the entirety of  
15 that investigation?

16 A Yes.

17 Q Again, without getting into the specifics, were  
18 all of his answers consistent with the facts that you knew  
19 from the investigation?

20 A No.

21 Q Did you then begin confronting him with those  
22 general inconsistencies?

23 A Yes.

24 Q Why do you do that?

1           A     Just to corroborate what we do know, or not know.  
2     And it also establishes whether they're speaking about  
3     stuff that they truly know or don't know, and we can  
4     establish a baseline of whether they are speaking stuff  
5     they know or made up, based on the facts and evidence that  
6     we have.

7           Q     So you began confronting him with what you knew  
8     to be inconsistencies?

9           A     Correct.

10          Q     Did his demeanor change?

11          A     It did start to change, yes.

12          Q     In what way?

13          A     The answers were a little slower, his body  
14     posture was a little more slumped over, there was just the  
15     uncontrollable needing to touch your face and just  
16     adjusting. You could tell there was anxiety there,  
17     uncomfortableness.

18          Q     At some point did he begin to cry?

19          A     He did.

20          Q     Tell us about that.

21          A     I had asked him a question about some fishing  
22     poles, and there was a really long pause. And at that  
23     point he had dropped his head and began to cry, with long,  
24     deep breaths.

1 Q Did he say anything at that point?

2 A He talked about how he was an idiot. He repeated  
3 that several times. And I tried to console him, and just  
4 tell him, you know, "You just needed to talk about this."  
5 I wanted to hear what he had to say. You know, he talked  
6 about how he had done something that's unforgivable.

7 Q Now, I'm going to take an opportunity here to  
8 remind the Grand Jurors of Instruction Number 15. And  
9 that says, "Evidence of drug use by the defendant should  
10 not be considered as evidence of bad character. It may be  
11 considered as it factors into his ability to form a  
12 specific interest to commit the crimes alleged in the  
13 Indictment."

14 After he acknowledged or said he was an idiot,  
15 what he had done is unforgiveable, did you ask him to tell  
16 you what had happened?

17 A I did.

18 Q What did he say?

19 A Well, he said that -- something about if he tells  
20 me what he did, it's not going to bring back the people  
21 that he shot.

22 Q At some point, did he then mention any type of  
23 drug use?

24 A He said that he did it because of the drugs. And



1 he had -- earlier in the interview we were rapport-  
2 building, and he had mentioned that he used meth. So he  
3 said he needed the money for the meth, and it was the  
4 meth.

5 Q About how long was the entirety of your  
6 interview?

7 A I believe it was almost three hours.

8 Q Have you seen a redacted, shorter version of that  
9 interview, where he ultimately talks about the specific  
10 crimes?

11 A Yes.

12 Q Is that on this flash drive?

13 A Yes.

14 Q This is marked, for the record, Grand Jury  
15 Exhibit Number 172. Now, before I play this, Detective  
16 Brady, I just want to ask you a couple questions about  
17 this portion of the interview.

18 First, in regards to Constance Koontz, in Douglas  
19 County, did he admit to shooting Constance Koontz?

20 A Yes.

21 Q Did he admit to taking any property from her  
22 house?

23 A Yes.

24 Q Did he admit to seeing her disabled mother in her

1 bedroom?

2 A Yes.

3 Q In regards to the Davids, did he admit to knowing  
4 the Davids?

5 A He did.

6 Q Did he admit to how he knew the Davids?

7 A He did.

8 Q And what was that?

9 A He admitted that he was the landscaper, for a  
10 short time.

11 Q Additionally, did he admit to shooting the  
12 Davids?

13 A He did.

14 Q Both of them?

15 A Yes.

16 Q Did he admit to stealing any property from their  
17 house?

18 A He did.

19 Q What did he admit to?

20 A He admitted to several things, to include fishing  
21 poles; a revolver; a machine, that he described as a  
22 cutting machine; and he said several things from their  
23 house. He couldn't name everything, but he said he took a  
24 lot of stuff that he felt would be useful to him.

1 Q Did he admit to taking the firearms from their  
2 house, separate and apart from the revolver?

3 A I believe so, yes. Yes.

4 Q So we talked about, earlier in your testimony,  
5 the two burglaries that occurred roughly January 3rd and  
6 January 4, 2019. Did you confront him about those?

7 A Yes.

8 Q Did he also admit to committing those burglaries?

9 A He did.

10 Q And during those burglaries, did he admit to  
11 stealing fishing poles?

12 A He didn't admit to that.

13 Q Did he admit to stealing a handgun?

14 A Yes.

15 Q In regards to the handgun, where did he say he  
16 got that?

17 A He said that he got that from the trailer that  
18 was on the property, and further described that it was in  
19 a -- I can't remember his exact words, but he said it was  
20 in something else, like a box or a container, within the  
21 trailer.

22 Q Did he admit to using that revolver to kill  
23 Constance Koontz?

24 A Yes.

1 Q Did he also admit to using that to kill the  
2 Davids?

3 A Yes.

4 Q After admitting to the murder of Constance  
5 Koontz, and the murder of the Davids, and the burglaries  
6 of their house, did he openly admit to the murder of  
7 Sophia Renken?

8 A He did not.

9 Q Did he ultimately do so?

10 A Yes.

11 Q The last question I will ask you before I play  
12 it. A subsequent search occurred on Sedge Road in Carson  
13 City. Are you aware of that?

14 A Yes.

15 Q What led to that search?

16 A During the interview, he admitted to burying a  
17 large, tarp-like thing out in that area, and was able to  
18 draw on a map where -- exactly where in the vicinity it  
19 would have been.

20 Q Did you share that with other law enforcement?

21 A I did.

22 Q If you recall, we talked earlier, and I took you  
23 back to Exhibit Number 94, and we talked about a bag that  
24 was on the ground, that was loaded up with various pieces

1 of property from the Davids' house?

2 A Yes.

3 Q Did he reference that at all?

4 A He did reference that. He said that he had just  
5 left it behind, because he wanted to get out of there.

6 Q I'm going to play the interview here, in a  
7 second, but I want to clarify one thing. Where it picks  
8 up, are you asking him about something specific?

9 A Yes.

10 Q What is that?

11 A That's the fishing poles.

12 Q And what fishing poles does that relate to?

13 A So this is the fishing poles that would have been  
14 taken January 4th, at the Davids'.

15 Q A few minutes further into this interview, you  
16 ask him to tell you about the watch. What does that refer  
17 to?

18 A That's referring to Constance Koontz's Apple  
19 watch that was taken.

20 Q Based on the investigation, was it your belief  
21 that that was a piece of property that was taken from her  
22 residence, in Douglas County?

23 A Yes.

24 (The interview is being played.)

1 Q I'm going to stop it for just a second. That  
2 last person he was speaking of, who was he referring to  
3 when he says, "I was doing yard cleaning nearby, and I saw  
4 this woman," and then what he just continued with?

5 A To the best of my recollection, I believe he's  
6 talking about Connie Koontz, but -- I'm pretty sure that's  
7 who he's referring to.

8 (The video is being played.)

9 Q Again, I want to clarify here, for a second. You  
10 said "there's another lady." Who are you referring to at  
11 that point?

12 A That's Sophia Renken.

13 Q And you indicated that there was other property  
14 taken from there, or something to that effect. Is that  
15 fair?

16 A Yes.

17 Q Now at that point in the investigation, were you  
18 sure if anything had, in fact, been taken from there or  
19 not?

20 A We weren't a hundred percent sure. We believed  
21 there had been a gun that was taken, but we weren't sure.

22 Q And throughout further investigation, is that  
23 still a belief that you have?

24 A No.

1 (The video is being played.)

2 Q Subsequent to this portion of the interview, did  
3 the defendant actually assist in drawing a map or  
4 illustrating a map to help go find those guns?

5 A Yes.

6 Q Is that what was used to go -- given to the  
7 investigators, who went to go look for them?

8 A That's correct.

9 MR. HICKS: That's all the questions I have,  
10 ladies and gentlemen, for this witness.

11 THE FOREPERSON: Any questions for the  
12 detective?

13 A JUROR: Were you able to confirm that  
14 Martinez Guzman had done any work for the Davids on  
15 their property?

16 MR. HICKS: Before she answers that, I'm sorry,  
17 I would have to ask her not to answer that, because  
18 that would rely on information outside of her personal  
19 knowledge. It would call for inadmissible evidence.

20 THE FOREPERSON: Are there any other questions?

21 The same admonition for secrecy applies.

22 Thank you, detective.

23 (The witness was excused.)

24 MR. HICKS: That's the last witness we have to

1 present. Absent any questions from the Grand Jurors,  
2 we will leave you to your deliberations.

3 (Whereupon, the Deputy District Attorney and  
4 the Court Reporter left the Grand Jury room.)

5 (Whereupon, the Grand Jury deliberated.)

6 (Whereupon, the Deputy District Attorney and  
7 the Court Reporter re-entered the Grand Jury room.)

8 THE FOREPERSON: Mr. Hicks, we do have a True  
9 Bill, on all counts.

10 MR. HICKS: At this time, I think there's a  
11 signature line for both myself and D.A. Jackson.

12 THE FOREPERSON: Yes.

13 MR. HICKS: Okay.

14 For the record, both myself and D.A. Jackson  
15 have signed on the signature lines of the Indictment.

16 THE FOREPERSON: Okay. And this is the  
17 original, and also the instructions, if you need them.

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2                 RETURN OF THE GRAND JURY INDICTMENT

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5                 THE COURT: Welcome, ladies and gentlemen. I  
6 understand you had a long day today. Thank you for  
7 your hard work.

8                 Mr. Hicks.

9                 MR. HICKS: Good afternoon, Your Honor.

10                THE COURT: All right. I'll have the Court  
11 Clerk call the roll, please.

12                (Whereupon, the roll was called.)

13                THE COURT: Do we have a quorum?

14                THE CLERK: We have a quorum, Your Honor.

15                THE COURT: All right. Mr. Hicks, do you have  
16 something to present?

17                MR. HICKS: Yes, Your Honor. In the matter of  
18 the State of Nevada versus Wilber Ernesto Martinez  
19 Guzman, the Grand Jury has returned a True Bill.

20                I have, Your Honor, a copy of the original  
21 Indictment, an order staying proceedings in Justice  
22 Court, and a bench warrant, if I may approach.

23                THE COURT: Please. I'll take those. Thank  
24 you very much.

1 All right. Madam Foreman, is that your  
2 signature on the True Bill?

3 THE FOREPERSON: It is.

4 THE COURT: And did the Grand Jury hear  
5 testimony from the witnesses listed?

6 THE FOREPERSON: We did. There is a correction  
7 to one of the witness's names, you will see.

8 THE COURT: I did see that. For the record,  
9 you're referring to Shaun Braly?

10 THE FOREPERSON: Yes.

11 THE COURT: And Shaun is spelled: S-h-a-u-n?

12 THE FOREPERSON: Yes.

13 THE COURT: And you wrote that in by  
14 interlineation and initialed that; is that correct?

15 THE FOREPERSON: Yes.

16 THE COURT: All right. And did the Grand Jury  
17 hear testimony from the witnesses listed?

18 THE FOREPERSON: Yes.

19 THE COURT: And did the Grand Jury deliberate?

20 THE FOREPERSON: We did.

21 THE COURT: And they came back with a True  
22 Bill?

23 THE FOREPERSON: We did.

24 THE COURT: Thank you.

1           Based upon the documentation, I accept your  
2       Indictment.

3           And the next is a bench warrant. I'm executing  
4       the bench warrant.

5           Mr. Hicks, do you have a position on bail?

6           MR. HICKS: Yes, Your Honor. As the Court  
7       knows, on a first-degree murder case, it's allowable to  
8       hold the defendant without bail. We would ask you do  
9       so in this case. We have four charges of first-degree  
10      murder.

11          THE COURT: Very good. Pursuant to statute,  
12      and your request, I'm initialing where it says "no  
13      bail." And I have already executed the bench warrant.  
14      No bail will be the order.

15          And you have also made a motion to stay the  
16      proceedings in the Justice Court; is that correct?

17          MR. HICKS: That's correct, Your Honor.

18          THE COURT: I'm executing that order in open  
19      court.

20          And were there exhibits that were provided to  
21      the Grand Jury?

22          MR. HICKS: There were, Your Honor. They are  
23      in possession of the secretary.

24          THE COURT: Thank you very much.

1                   Approximately how many exhibits were there?

2                   MR. HICKS: There were 174 exhibits.

3                   THE COURT: All right. Thank you.

4                   Is the defendant represented by counsel?

5                   MR. HICKS: Yes, Your Honor. He's represented  
6 by John Arrascada, from the Public Defender's Office.

7                   THE COURT: Very good.

8                   What's the defendant's date of birth?

9                   MR. HICKS: February 2nd, 1999.

10                  THE COURT: Very good. The record will so  
11 reflect.

12                  I have signed all the documents. I accept the  
13 representation that the exhibits are with the  
14 secretary, and the number of exhibits that were  
15 presented to the Grand Jury; is that correct?

16                  MR. HICKS: That's accurate, Your Honor.

17                  THE COURT: Is there anything further?

18                  MR. HICKS: No, Your Honor.

19                  THE COURT: Very good.

20                  Anything further to present this afternoon?

21                  MR. HICKS: No, Your Honor.

22                  THE COURT: Ladies and gentlemen, I'll tell you  
23 a secret. They give me the potential Indictment  
24 earlier in the day, so I can see what I'm up against.

1 And so when I reviewed the Indictment today, which  
2 forces your discretion whether you render a True Bill  
3 or not -- it's up to you -- but I know what I'm in for.  
4 So I knew how hard your day was today.

5 And I want to thank you all for your hard work,  
6 your dedication, again, to be a Grand Juror. It's not  
7 easy work. And the work that you do is much  
8 appreciated by the citizens of Washoe County, and  
9 especially the Second Judicial District Court and  
10 myself. Thank you.

11 With that, you're excused.

12 (Whereupon, the evening recess was taken.)  
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1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )  
4

5 I, RANDI LEE WALKER, Official Reporter of the  
6 Second Judicial District Court of the State of Nevada,  
7 in and for the County of Washoe, do hereby certify:

8 That as such Reporter, I reported the testimony  
9 of the witnesses before the Washoe County Grand Jury in  
10 the matter of WILBER ERNESTO MARTINEZ GUZMAN, at Reno,  
11 Nevada, on March 13, 2019;

12 That the foregoing transcript, consisting of  
13 pages numbered 1 through 267, inclusive, is a full,  
14 true and correct transcription of the stenotype notes  
15 taken in the above-entitled matter, to the best of my  
16 knowledge, skill and ability.

17 I further certify that I am in no way  
18 interested in the outcome of said action.

19 DATED: At Reno, Nevada, this 18th day of  
20 March, 2019.

21 /s/ Randi Lee Walker

22 RANDI LEE WALKER, CSR #137  
23  
24

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on August 22, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

John Reese Petty  
Katheryn Hickman  
Gianna Verness  
Joseph W. Goodnight

Chief Deputy Public Defenders

I further certify that a copy of this document was hand delivered to the Hon. Connie J. Steinheimer, Second Judicial District Court, Department 4.

/s/ Margaret Ford  
MARGARET FORD