

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

THE STATE OF NEVADA,

Appellant,

v.

ARTHUR LEE SEWALL, JR.,

Respondent.

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)  
)  
)  
)  
)  
)

Case No. 79437

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**APPELLANT'S APPENDIX  
Vol. 1**

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I hereby certify and affirm that this document was filed electronically with the  
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FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 16 2018

BY Kory Schlitz  
KORY SCHLITZ, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-18-330650-1

11 -vs-

DEPT NO: III

12 ARTHUR LEE SEWALL, aka,  
13 Arthur Lee Sewall Jr., #1030933

14 Defendant.

INDICTMENT

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 The Defendant above named, ARTHUR LEE SEWALL, aka, Arthur Lee Sewall Jr.,  
18 accused by the Clark County Grand Jury of the crime(s) of MURDER WITH USE OF A  
19 DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001),  
20 committed at and within the County of Clark, State of Nevada, on or about the 8th day of May,  
21 1997, as follows: did willfully, unlawfully, feloniously and with malice aforethought, kill  
22 NADIA IVERSON, a human being, with use of a deadly weapon, to wit: a firearm, by shooting  
23 at and into the body of the said NADIA IVERSON, the said defendant being responsible under

24 //

25 //

26 //

27 //

28 //

C-18-330650-1  
IND  
Indictment  
4730236

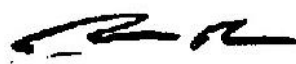


1 the following principles of criminal liability, to-wit: (1) by directly committing the murder  
2 willfully, deliberately and with premeditation; and/or (2) the said murder occurring during the  
3 perpetration or attempted perpetration of a sexual assault.

4 DATED this 16 day of March, 2018.

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

7  
8 BY

  
9 GIANCARLO PESCI  
10 Chief Deputy District Attorney  
11 Nevada Bar #007135

12 ENDORSEMENT: A True Bill

13   
14 Foreperson, Clark County Grand Jury  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Names of Witnesses and testifying before the Grand Jury:

ACEVEDO, JESSICA – LVMPD #13770

CORNEAL, JENNIFER – MEDICAL EXAMINER

GAULT, SANDRA – SR. DNA ANALYST

HARDY, KEN - LVMPD

HEFNER, KENNETH – LVMPD #2185

LESTER, ANYA – LVMPD #13771

MCCLARY, YOLANDA – LVMPD

MIULLI, NICOLE – FORENSIC BIO ANALYST

O KELLEY, DEAN – LVMPD #4209

ROBERTSON, CASSANDRA – LVMPD #14653

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

GAVIN, LISA, ME #0086

SAHOTA, ERIC – LVMPD #9932

17CGJ023X/18F00659X/ed-GJ

LVMPD EV# 9705080583

(TK3)

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
DISTRICT COURT

THE STATE OF NEVADA,  
Plaintiff,

vs.

ARTHUR LEE SEWALL, aka, Arthur  
Lee Sewall, Jr.,

Defendant.

GJ No. 17CGJ023X  
DC No.

Taken at Las Vegas, Nevada

Thursday, March 8, 2018

10:32 a.m.

VOLUME 1

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Lisa Brenske, C.C.R. No. 186

Electronically Filed

3/22/2018 5:18 PM

Steven D. Grierson

CLERK OF THE COURT

GRAND JURORS PRESENT ON MARCH

PATRICIA HAYDEN, Foreperson

KEITH NELSON, Deputy Foreperson

JODI SHERROD, Secretary

GAIL ALCALAY, Assistant Secretary

MYRL LEE BOYDEN

STEVEN BROWN

TAMA CLARK

ARTHUR ELLIOTT

TIMOTHY GRISWOLD

VERNA HALL

MARK KNICKERBOCKER

MARCIA LUKES

OLGA LYLES

SHELLEY MYSZ

SHIRLEY RITZ

SCOTT SEXTON

Also present at the request of the Grand Jury:

Giancarlo Pesci, Chief Deputy District Attorney

Pamela Weckerly, Chief Deputy District Attorney

INDEX OF WITNESSES

Examined

JENNIFER CORNEAL	8
YOLANDA MCCLARY	15
ANYA LESTER	27
CASSANDRA ROBERTSON	32
JESSICA ACEVEDO	49
KEN HARDY	58

INDEX OF EXHIBITS

Grand Jury Exhibits

Identified

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LAS VEGAS, NEVADA, MARCH 8, 2018

\* \* \* \* \*

LISA BRENSKE,

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

MS. WECKERLY: Good morning. My name is

Pam Weckerly. With me is Giancarlo Pesci and we are  
here to present to you the State of Nevada versus  
Arthur Lee Sewall. I believe you all have a copy of  
the proposed Indictment and this is Grand Jury Case  
Number 17CGJ023X and with your permission the proposed  
Indictment will be Grand Jury Exhibit 1.

I believe you have been instructed on the  
crimes but if you could just bear with me for a few  
minutes, I am going to read you some instructions that  
pertain to the charges.

Murder is the unlawful killing of a human  
being with malice aforethought, either express or  
implied. The unlawful killing may be effected by any  
of the various means by which death may be occasioned.

Malice aforethought means the intentional  
doing of a wrongful act without legal cause or excuse

or what the law considers adequate provocation. One  
theory of first degree murder is murder which is  
perpetrated by any kind of wilful, deliberate and  
premeditated killing.

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

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

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

And there's also a second theory in this  
case of felony murder which is a killing that occurs  
during the perpetration or attempted perpetration of a  
dangerous felony. In this case the allegation is the  
perpetration or attempted perpetration of a sexual  
assault. And sexual assault is defined as a person who  
subjects another person to sexual penetration against  
the victim's will or under conditions in which the  
perpetrator knows or should know that the victim is  
physically or mentally incapable of resisting or  
understanding the nature of his or her conduct.

In addition with the murder count there is  
an allegation of the deadly weapon or actually in the  
sexual assault counts as well and you are also  
instructed that a firearm is a deadly weapon.

Do any members of the Grand Jury have any  
questions regarding the elements of the offenses or any  
of the instructions I read? Seeing no hands we'll get  
our first witness in here.

MR. PESCI: The State calls Dr. Jennifer  
Corneal.

THE FOREPERSON: Please raise your right  
hand.

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

THE WITNESS: I do.

THE FOREPERSON: Please be seated.

You are advised that you are here today to  
give testimony in the investigation pertaining to the  
offenses of murder with use of a deadly weapon, sexual  
assault with use of a deadly weapon involving Arthur  
Lee Sewall.

Do you understand this advisement?

THE WITNESS: I do.

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

THE WITNESS: Jennifer Corneal.  
J-E-N-N-I-F-E-R. C-O-R-N-E-A-L.

JENNIFER CORNEAL,

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

EXAMINATION

BY MS. WECKERLY:

Q. How are you employed?

A. I am a medical examiner with the Clark  
County office of the Coroner Medical Examiner.

Q. What is your educational background that  
allows you to work as a medical examiner?

A. I'm a doctor. I completed medical school  
and then completed four years of a pathology residency.  
I'm a board certified anatomic pathologist. I then  
subspecialized in forensic pathology completing a  
fellowship in that. And I am a board certified  
forensic pathologist.

Q. Have you testified before as an expert in  
the area of forensic pathology?



10:36AM 1 A. I have.  
2 Q. How long have you worked at the Clark  
3 County coroner's office?  
4 A. Since July 2015.  
10:36AM 5 Q. In your work at the Clark County coroner's  
6 office have you ever been called upon to testify  
7 regarding the cause and manner of death of an  
8 individual whose autopsy you did not conduct?  
9 A. I have.  
10:36AM 10 Q. And is that a fairly frequent occurrence?  
11 A. Yes.  
12 Q. In order to prepare for that type of  
13 testimony can you tell the members of the Grand Jury  
14 what you review in order to prepare for your testimony.  
10:36AM 15 A. I review the autopsy report, the  
16 investigator's report, any toxicology report and any  
17 photos that I have access to.  
18 Q. At the Clark County medical examiners  
19 office is each autopsy that's conducted given a unique  
10:37AM 20 case number for that autopsy?  
21 A. They are.  
22 Q. And all corresponding reports would have  
23 that case number so you're able to review all the  
24 materials held in the office that are available in  
10:37AM 25 order to prepare for your testimony?

10:37AM 1 A. Correct.  
2 Q. For this morning did we ask you to review  
3 Coroner Number 97-2078?  
4 A. Yes.  
10:37AM 5 Q. And was an autopsy of an individual  
6 identified to you as Nadia Lynn Iverson?  
7 A. It was.  
8 Q. And are you able to tell from your review  
9 of the records who conducted the original autopsy?  
10:37AM 10 A. Yes.  
11 Q. Who was that?  
12 A. A Dr. Bucklin.  
13 Q. And from your work as a medical examiner  
14 do you know that individual to be someone who has  
10:38AM 15 worked as a pathologist at the Clark County medical  
16 examiners office?  
17 A. He did.  
18 Q. Did we also provide for you some  
19 photographs to assist you in your testimony?  
10:38AM 20 A. You did.  
21 Q. Dr. Corneal, I am showing you Grand Jury  
22 Exhibit Numbers 2 through 5. Could you look through  
23 those and let me know when you're done.  
24 A. Okay.  
10:38AM 25 Q. Were those the photographs that you

10:38AM 1 reviewed in preparation for your testimony this  
2 morning?  
3 A. They are.  
4 Q. I am going to put on the overhead Grand  
10:38AM 5 Jury Exhibit 2. We just talked about a case number at  
6 the coroner's office. Does this photograph display the  
7 case number that corresponds to the materials that you  
8 reviewed?  
9 A. It does.  
10:39AM 10 Q. And that's 97-2078?  
11 A. Yes.  
12 Q. And I want to show you Grand Jury  
13 Exhibit 4. Looking at that photograph are you able to  
14 describe the type of injury that you are observing?  
10:39AM 15 A. Yes.  
16 Q. How would you describe that injury?  
17 A. The injury is a contact entrance gunshot  
18 wound of the back of the head.  
19 Q. How are you able to tell that that is a  
10:39AM 20 contact wound?  
21 A. With a contact wound on the skull what  
22 happens when the gun is pressed against the skin and  
23 gases are released, the gases go underneath the skin  
24 and cause this what we call stellate or starlight  
10:39AM 25 tearing of the skin.

10:39AM 1 Q. And this is Grand Jury Exhibit 5.  
2 Obviously that's the face of the individual in the  
3 autopsy?  
4 A. Yes.  
10:40AM 5 Q. And when you look at this photograph, are  
6 you able to note any type of gunshot wound injury?  
7 A. Yes. She has an exit gunshot wound just  
8 inside her left eyebrow area.  
9 Q. How are you able to determine from your  
10:40AM 10 observations that that's an exit wound?  
11 A. Well, the exit wound is more of a tearing  
12 or laceration of the skin. Also in the autopsy report  
13 the doctor did describe external beveling of the skull  
14 in this area which indicates an exit wound.  
10:40AM 15 Q. From your own observations or your own  
16 experience conducting autopsies, is the wound that we  
17 see depicted in this photograph consistent with what  
18 you have seen before as an exit wound type injury?  
19 A. Of the head, yes.  
10:40AM 20 Q. Now, when someone suffers this type of  
21 injury, can you describe the mechanism of death for  
22 them?  
23 A. There's blood loss, there's marked injury  
24 to the brain and your respiratory centers stop working  
10:41AM 25 so you stop breathing.

10:41AM 1 Q. So what would the cause of death be then  
2 in this type of case?  
3 A. Gunshot wound of the head.  
4 Q. And what would the manner of death be?  
10:41AM 5 A. Homicide.  
6 Q. In your review of the records at the Clark  
7 County medical examiners office did you come upon any  
8 type of toxicology report associated with this autopsy?  
9 A. I did.  
10:41AM 10 Q. And did you review that?  
11 A. I did.  
12 Q. What was contained in the toxicology  
13 report?  
14 A. The toxicologist lab at the time tested  
10:41AM 15 blood, liver, urine and they found in her blood  
16 cocaine, cocaine metabolites and methamphetamine.  
17 Q. And in your review of the photographs and  
18 the records would the toxicology have played any role  
19 in the cause or manner of death, would that effect your  
10:42AM 20 previous testimony about the cause and manner?  
21 A. No.  
22 MS. WECKERLY: Thank you very much. I  
23 don't have any other questions.  
24 THE FOREPERSON: By law these proceedings  
10:42AM 25 are secret and you are prohibited from disclosing to

10:42AM 1 anyone anything that transpired before us including  
2 evidence presented to the Grand Jury, any event  
3 occurring or statement made in the presence of the  
4 Grand Jury or any information obtained by the Grand  
10:42AM 5 Jury.  
6 Failure to comply with this admonition is  
7 a gross misdemeanor punishable up to 364 days in the  
8 Clark County Detention Center and a 2000-dollar fine.  
9 In addition you may be held in contempt of court which  
10:42AM 10 is punishable by an additional 500-dollar fine and 25  
11 days in the Clark County Detention Center.  
12 Do you understand this admonition?  
13 THE WITNESS: I do.  
14 THE FOREPERSON: Thank you. You're  
10:42AM 15 excused.  
16 MR. PESCI: State calls Yolanda McClary.  
17 THE FOREPERSON: Please raise your right  
18 hand.  
19 You do solemnly swear the testimony you  
10:43AM 20 are about to give upon the investigation now pending  
21 before this Grand Jury shall be the truth, the whole  
22 truth, and nothing but the truth, so help you God?  
23 THE WITNESS: I do.  
24 THE FOREPERSON: Please be seated.  
10:43AM 25 You are advised that you are here today to

10:43AM 1 give testimony in the investigation pertaining to the  
2 offenses of murder with use of a deadly weapon and  
3 sexual assault with use of a deadly weapon involving  
4 Arthur Lee Sewall.  
10:43AM 5 Do you understand this advisement?  
6 THE WITNESS: I do.  
7 THE FOREPERSON: Please state your first  
8 and last name and spell both for the record.  
9 THE WITNESS: Yolanda McClary.  
10:43AM 10 Y-O-L-A-N-D-A. M-C-C-L-A-R-Y.  
11  
12 **YOLANDA MCCLARY,**  
13 having been first duly sworn by the Foreperson of the  
14 Grand Jury to testify to the truth, the whole truth,  
10:43AM 15 and nothing but the truth, testified as follows:  
16  
17 **EXAMINATION**  
18 BY MR. PESCI:  
19 Q. Ma'am, back in 1997 were you working as a  
10:43AM 20 Crime Scene Analyst with the Las Vegas Metropolitan  
21 Police Department?  
22 A. Yes, I was.  
23 Q. Did you have training and experience that  
24 brought you to that position?  
10:43AM 25 A. Yes, I did.

10:43AM 1 Q. Could you briefly describe that for the  
2 Grand Jury.  
3 A. Yes. We start off with an academy that we  
4 attend for six weeks. Then after that we have field  
10:43AM 5 training for about 540 hours. That's in the beginning.  
6 And then after that as the years go on we're sent to  
7 numerous classes such as homicide investigation, sexual  
8 assault investigation, robbery investigation,  
9 burglaries and so forth.  
10:44AM 10 Q. So by May 8th of 1997 how long had you  
11 been doing that job?  
12 A. Oh, my gosh. Couple years.  
13 Q. I want to show you Grand Jury Exhibits 1  
14 through 16. Did you review those? As you're reviewing  
10:44AM 15 those in anticipation of your testimony today did you  
16 review some photographs to be able to testify today?  
17 A. Yes, I did.  
18 Q. Did you recognize those photographs as  
19 being your own?  
10:44AM 20 A. Yes, I did.  
21 Q. What I mean by that, were you the person  
22 that took those photographs?  
23 A. Yes, I was.  
24 Q. Are those fair and accurate depictions of  
10:44AM 25 the crime scene and the autopsy that you attended?

10:44AM 1 A. Yes, they are.  
 2 Q. The doctor just testified about those  
 3 autopsy photos. Were you present during that autopsy?  
 4 A. Yes, I was.  
 10:44AM 5 Q. And then the crime scene itself, did you  
 6 process it?  
 7 A. Yes, I did.  
 8 Q. When you're processing a scene, do you  
 9 work in conjunction with homicide detectives?  
 10:44AM 10 A. Yes, I do.  
 11 Q. Do you remember a Ken Hardy and a Roy  
 12 Chandler who were assigned to this case?  
 13 A. Yes, I do.  
 14 Q. And did you work that with them?  
 10:45AM 15 A. I did.  
 16 Q. So I am going to grab these from you. Are  
 17 these all fair and accurate depictions?  
 18 A. Yes, sir.  
 19 Q. We've gone through the ones from the  
 10:45AM 20 autopsy. Showing you Grand Jury Exhibit 6 what are we  
 21 looking at here?  
 22 A. What we're looking at is the front of the  
 23 duplex. There's your street and then where it's roped  
 24 off with all the tape is that side of the duplex is  
 10:45AM 25 where the homicide occurred.

10:45AM 1 Q. Did this occur at 1226 Reed Place here in  
 2 Las Vegas, Nevada?  
 3 A. That's correct.  
 4 Q. And were you called out on May the 8th of  
 10:45AM 5 1997?  
 6 A. Yes.  
 7 Q. And you took photographs of the overall  
 8 location to give orientation for people to see this  
 9 location?  
 10:45AM 10 A. That's correct.  
 11 Q. Showing you Grand Jury Exhibit 7 did you  
 12 take a close-up of the front door area?  
 13 A. Yes, I did.  
 14 Q. Was this location under construction so  
 10:45AM 15 there were not actual doors or windows?  
 16 A. The entire community, the whole  
 17 subdivision was under construction.  
 18 Q. Grand Jury Exhibit 8 did you focus in to  
 19 be able to tell us the exact number of this particular  
 10:46AM 20 house?  
 21 A. Yes, I did.  
 22 Q. Which was what number?  
 23 A. 1226.  
 24 Q. And that was Reed Place, correct?  
 10:46AM 25 A. Correct.

10:46AM 1 Q. Showing you Grand Jury Exhibit 8 did you  
 2 work your way around the outside of that building?  
 3 A. Yes, I did.  
 4 Q. And then Grand Jury Exhibit 10, does that  
 10:46AM 5 also show the back side which would be the north side  
 6 of the building?  
 7 A. That's correct.  
 8 Q. When you face 1226, are you looking in a  
 9 north direction?  
 10:46AM 10 A. From the back side now looking south, but  
 11 if you're facing the front, yes, you would be looking  
 12 north.  
 13 Q. Thank you. I asked the wrong question.  
 14 Now, this becomes important because there were no  
 10:46AM 15 walls?  
 16 A. Correct.  
 17 Q. So inside in the process of reconstruction  
 18 the walls had been stripped and it was just studs?  
 19 A. That's correct.  
 10:46AM 20 Q. Showing you Grand Jury Exhibit 11 is this  
 21 the location at the front door if you step into the  
 22 entryway and take a photograph looking north?  
 23 A. That's correct.  
 24 Q. And that north area, would that be the  
 10:47AM 25 northwest corner of this building?

10:47AM 1 A. Yes, it is.  
 2 Q. And is that what appears to be a kitchen  
 3 area?  
 4 A. Yes, it is.  
 10:47AM 5 Q. Staying with 10 and referencing Grand Jury  
 6 Exhibit Number 8, if you walk in that door, and you  
 7 took that last photograph, it would be straight that  
 8 way, correct?  
 9 A. That's correct.  
 10:47AM 10 Q. And now, if we turn to the right as you  
 11 just walk into the door, would that be Grand Jury  
 12 Exhibit 12?  
 13 A. That's correct.  
 14 Q. And is that showing how there are no  
 10:47AM 15 walls?  
 16 A. Yes, it is.  
 17 Q. Now, from that location at the front door  
 18 if you walked straight ahead north a few feet, could  
 19 you then look to the east which is depicted in Grand  
 10:47AM 20 Jury Exhibit 13?  
 21 A. Yes. It shows a hallway.  
 22 Q. And at the end of the hallway were there  
 23 two bedrooms along that hallway?  
 24 A. Correct.  
 10:47AM 25 Q. And the last bedroom straight to the east,

10:47AM 1 which would be the southeast corner of that building,  
2 is that what we see in Grand Jury Exhibit 14?  
3 A. That's correct.  
4 Q. Is that where you found the victim?  
10:48AM 5 A. Yes, it is.  
6 Q. And looking at Grand Jury Exhibit 15 was  
7 that a close-up that you took of the victim?  
8 A. Yes, it is.  
9 Q. And then additionally Grand Jury Exhibit  
10:48AM 10 16, is that also a close-up of the victim?  
11 A. Yes, it is.  
12 Q. Now, why do you take multiple angles when  
13 you're trying to depict what's occurred here?  
14 A. Well, we always -- just similar to the  
10:48AM 15 outside to show where you're at, we do the very same  
16 thing with a victim. We are going to show all sides  
17 that we can of where they're located.  
18 Q. Now, did you work this scene with another  
19 Crime Scene Analyst?  
10:48AM 20 A. I did.  
21 Q. And what was his name?  
22 A. Tom Kern.  
23 Q. You're retired now, correct?  
24 A. Correct.  
10:48AM 25 Q. But did you all have or do all Metro

10:48AM 1 employees have an employee number, a P-number?  
2 A. Yes.  
3 Q. And do you know his P-number?  
4 A. 5220.  
10:49AM 5 Q. When you collect evidence at a scene, will  
6 you impound it under a P-number?  
7 A. Yes, you do.  
8 Q. Speaking of collecting evidence, in this  
9 particular case was there a firearm projectile or a  
10:49AM 10 bullet that was recovered?  
11 A. Yes, there was.  
12 Q. Was that impounded by Mr. Kern?  
13 A. Yes.  
14 Q. Under his P-number, the 5220?  
10:49AM 15 A. That's correct.  
16 Q. Going back to Grand Jury Exhibit Number  
17 13, as we look down that hall towards the body is there  
18 a bedroom before you get to the far east bedroom where  
19 the victim was found?  
10:49AM 20 A. Yes. There's a bedroom that would be  
21 located directly south.  
22 Q. And was the projectile found actually in  
23 the first bedroom as you walk down the hall and not the  
24 bedroom where the victim was found?  
10:49AM 25 A. That's correct.

10:49AM 1 Q. When you processed this scene, you took  
2 photographs; is that correct?  
3 A. That's correct.  
4 Q. And then Mr. Kern impounded that  
10:49AM 5 particular projectile?  
6 A. Yes.  
7 Q. Now, the rest of the house you looked  
8 through as well, correct?  
9 A. Yes.  
10:49AM 10 Q. Did you find any money?  
11 A. No.  
12 Q. Forty dollars in cash?  
13 A. No.  
14 Q. So there's no money found at the scene?  
10:50AM 15 A. No.  
16 Q. Now, after you finished processing this  
17 particular scene did you attend the autopsy?  
18 A. Yes.  
19 Q. When the autopsy is done, do you  
10:50AM 20 photograph that as well as people from the coroner's  
21 office?  
22 A. We do.  
23 Q. And in the process of a case like this is  
24 a sexual assault kit obtained from the victim?  
10:50AM 25 A. Yes, it is.

10:50AM 1 Q. What is that? How does that work?  
2 A. Sexual assault kit is basically evidence  
3 that we recover. We would take, say, pubic air combed  
4 as well as pulled. They would also take a specimen --  
10:50AM 5 vaginal, oral and anal sample also and cut fingernails.  
6 This would all be in the sexual assault kit.  
7 Q. Now, when you say they take a sample, this  
8 is kind of crude, but is it like a Q-Tip or what  
9 happens?  
10:50AM 10 A. Yeah, it's basically like a long Q-Tip  
11 that's inserted into the vaginal area and also into the  
12 mouth area for the oral and into the anal area.  
13 Q. And that kit as it's referred to that has  
14 all those samples, did you recover that and impound it?  
10:51AM 15 A. I did.  
16 Q. In this particular case do you know that  
17 every single incident that Metro has, has what's  
18 referred to as an event number?  
19 A. Correct.  
10:51AM 20 Q. In this case was the event number  
21 970508-0583?  
22 A. That's correct.  
23 Q. So was that sexual assault kit impounded  
24 under your P-number under that event number?  
10:51AM 25 A. Yes, it was.

10:51AM 1 Q. And then someone later can then take that  
2 evidence and process it for whatever scientific  
3 testing?  
4 A. That's correct.  
10:51AM 5 MR. PESCI: Any questions for the ladies  
6 and gentlemen of the Grand Jury?  
7 BY A JUROR:  
8 Q. Why did it take so long for this to come  
9 to us?  
10:51AM 10 MR. PESCI: Unfortunately this witness  
11 cannot answer that question.  
12 THE FOREPERSON: By law these proceedings  
13 are secret and you are prohibited from disclosing to  
14 anyone anything that transpired before us including  
10:51AM 15 evidence presented to the Grand Jury, any event  
16 occurring or statement made in the presence of the  
17 Grand Jury or any information obtained by the Grand  
18 Jury.  
19 Failure to comply with this admonition is  
10:51AM 20 a gross misdemeanor punishable up to 364 days in the  
21 Clark County Detention Center and a 2000-dollar fine.  
22 In addition you may be held in contempt of court which  
23 is punishable by an additional 500-dollar fine and 25  
24 days in the Clark County Detention Center.  
10:51AM 25 Do you understand this admonition?

10:52AM 1 THE WITNESS: I do.  
2 THE FOREPERSON: Thank you. You're  
3 excused.  
4 THE WITNESS: Thank you.  
10:52AM 5 MR. PESCI: State calls Anya Lester.  
6 THE FOREPERSON: Please raise your right  
7 hand.  
8 You do solemnly swear the testimony you  
9 are about to give upon the investigation now pending  
10:52AM 10 before this Grand Jury shall be the truth, the whole  
11 truth, and nothing but the truth, so help you God?  
12 THE WITNESS: I do.  
13 THE FOREPERSON: Please be seated.  
14 You are advised that you are here today to  
10:52AM 15 give testimony in the investigation pertaining to the  
16 offenses of murder with use of a deadly weapon and  
17 sexual assault with use of a deadly weapon involving  
18 Arthur Lee Sewall.  
19 Do you understand this advisement?  
10:53AM 20 THE WITNESS: I do.  
21 THE FOREPERSON: Please state your first  
22 and last name and spell both slowly for the record.  
23 THE WITNESS: My name is Anya, A-N-Y-A.  
24 Lester, L-E-S-T-E-R.  
10:53AM 25

10:53AM 1 **ANYA LESTER,**  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:  
10:53AM 5  
6 **EXAMINATION**  
7 BY MR. PESCI:  
8 Q. Ma'am, what do you do for a living?  
9 A. I am a Forensic Scientist 2 with the Las  
10:53AM 10 Vegas Metropolitan Police Department forensic  
11 laboratory in the firearms and tool marks analysis  
12 detail.  
13 Q. What training and experience do you have  
14 to bring you to that job?  
10:53AM 15 A. I have a Bachelor of Science in forensic  
16 science and upon being hired as a forensic scientist  
17 trainee with Metro, I underwent a comprehensive  
18 training program that lasted for 24 months. At the end  
19 of that training I completed a series of proficiency  
10:53AM 20 tests that allowed me to begin my own independent  
21 casework in the spring of 2011.  
22 Q. Have you testified about firearms evidence  
23 in the Eighth Judicial District Court, in Grand Jury,  
24 Justice Court, District Court?  
10:54AM 25 A. Yes, I have.

10:54AM 1 Q. I want to direct your attention to April  
2 of 2017. Were you asked to call up some evidence under  
3 Event Number 970508-0583?  
4 A. Yes, I was.  
10:54AM 5 Q. Specifically did you look at a bullet that  
6 was impounded by P-number 5220?  
7 A. Yes, I did.  
8 Q. What did you do with that bullet?  
9 A. I was asked to examine the bullet to see  
10:54AM 10 if I could determine its caliber and obtain a list of  
11 potential manufacturers of firearms that could have  
12 fired that bullet.  
13 Q. How do you do that?  
14 A. To measure the caliber, that's based on  
10:54AM 15 the diameter of the base of the bullet. So I took a  
16 measurement and determined the caliber in that fashion.  
17 In order to determine a list of potential manufacturers  
18 that manufactured firearms that could have fired this  
19 particular bullet, I take the diameter measurement  
10:54AM 20 along with the measurement of the rifling impressions  
21 on the sides of the bullet that are imparted there by  
22 the barrel of the gun when the bullet is fired and I  
23 run those numbers through a database that's from the  
24 FBI. It's a general rifling characteristic or GRC data  
10:55AM 25 base and that provides me with a list of potential

10:55AM 1 manufacturers.

2 Q. When you did that in this particular case,

3 what were your conclusions?

4 A. For this particular case I determined that

10:55AM 5 the bullet was consistent with a nominal .38 caliber,

6 most consistent with .357 magnum, but I could not

7 exclude .38 special or 9-millimeter Luger as possible

8 calibers.

9 Q. All right. So when you say it's examined

10:55AM 10 and found to be nominal, what's a nominal .38 caliber.

11 A. Nominal .38 means it belongs to a class of

12 bullets that are named to be in the .38 caliber class.

13 Again that's based on the diameter measurement and

14 there's a variety of cartridges that put in them the

10:55AM 15 same measurement of bullet. So 9-millimeter Luger

16 cartridge, .38 special cartridge, .357 magnum cartridge

17 all place in their cartridge a bullet that's the same

18 diameter and that's why we call that a .38, nominal

19 .38. It's named .38.

10:56AM 20 Q. Were there rifling characteristics on the

21 bullet that you examined?

22 A. Yes, there were.

23 Q. And is rifling characteristics something

24 that's produced or -- well, explain what a rifling

10:56AM 25 characteristic is.

10:57AM 1 THE FOREPERSON: By law these proceedings

2 are secret and you are prohibited from disclosing to

3 anyone anything that transpired before us including

4 evidence presented to the Grand Jury, any event

10:57AM 5 occurring or statement made in the presence of the

6 Grand Jury or any information obtained by the Grand

7 Jury.

8 Failure to comply with this admonition is

9 a gross misdemeanor punishable up to 364 days in the

10:57AM 10 Clark County Detention Center and a 2000-dollar fine.

11 In addition you may be held in contempt of court which

12 is punishable by an additional 500-dollar fine and 25

13 days in the Clark County Detention Center.

14 Do you understand this admonition?

10:58AM 15 THE WITNESS: Yes, I do.

16 THE FOREPERSON: Thank you. You're

17 excused.

18 THE WITNESS: Thank you.

19 MR. PESCI: State calls Cassandra

10:58AM 20 Robertson.

21 THE FOREPERSON: Please raise your right

22 hand.

23 You do solemnly swear the testimony you

24 are about to give upon the investigation now pending

10:58AM 25 before this Grand Jury shall be the truth, the whole

10:56AM 1 A. Inside the barrel of a firearm you have a

2 series of spiral cut grooves. It's kind of like the

3 stripes on a candy cane. What that does is when the

4 bullet travels down the barrel, it imparts a spin on

10:56AM 5 it. When that bullet comes out of the muzzle, it's

6 spinning as it flies through the air and that provides

7 stability. Kind of like when a quarterback throws a

8 football, you want it to be spinning to give it

9 stability as it flies through the air.

10:56AM 10 Q. By looking at the rifling characteristics

11 of this bullet were you able to give an opinion as far

12 as possible manufacturers?

13 A. Yes, I was.

14 Q. What was your opinion?

10:57AM 15 A. Running those measurements through the

16 data base I found that common firearms manufactured

17 with rifling characteristics similar to those present

18 on this bullet included, but not necessarily would be

19 limited to, INA, Rueger, Smith and Wesson and Taurus

10:57AM 20 .38 special or .357 magnum caliber revolvers, and

21 additionally Smith and Wesson, 9-millimeter Luger,

22 caliber pistols and revolvers.

23 MR. PESCI: Thank you very much. Any

24 questions from the ladies and gentlemen of the Grand

10:57AM 25 Jury?

10:58AM 1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE FOREPERSON: Please be seated.

4 You are advised that you are here today to

10:58AM 5 give testimony in the investigation pertaining to the

6 offenses of murder with use of a deadly weapon and

7 sexual assault with use of a deadly weapon involving

8 Arthur Lee Sewall.

9 Do you understand this advisement?

10:58AM 10 THE WITNESS: Yes.

11 THE FOREPERSON: Please state your first

12 and last name and spell each for the record slowly.

13 THE WITNESS: Cassandra,

14 C-A-S-S-A-N-D-R-A. Robertson, R-O-B-E-R-T-S-O-N.

10:58AM 15

16 **CASSANDRA ROBERTSON,**

17 having been first duly sworn by the Foreperson of the

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

19 and nothing but the truth, testified as follows:

10:58AM 20

21 **EXAMINATION**

22 BY MS. WECKERLY:

23 Q. Where are you employed?

24 A. I am currently employed at the Las Vegas

10:59AM 25 Metropolitan Police Department as a quality manager;

10:59AM 1 however, working this case I was a forensic scientist  
2 in the DNA biology section.  
3 Q. When did you promote to be the quality  
4 manager?  
10:59AM 5 A. I'm sorry?  
6 Q. When did you change from being an analyst  
7 to the quality manager?  
8 A. That was December 9, 2017.  
9 Q. And on the case that you're here  
10:59AM 10 testifying about this morning you actually were working  
11 as a DNA analyst?  
12 A. That is correct.  
13 Q. What is your educational background that  
14 allows you to work as a DNA analyst?  
10:59AM 15 A. I have a Bachelor's of Science degree in  
16 molecular biology and microbiology from the University  
17 of Central Florida.  
18 Q. And prior to becoming the quality manager  
19 did you testify before as an expert in the area of DNA  
10:59AM 20 analysis and comparison?  
21 A. Yes. I testified in the state of Florida  
22 previous employment as well as state of Nevada.  
23 Q. So in your work on this case can you just  
24 give us a general overview of what items of evidence  
11:00AM 25 you were looking at.

11:00AM 1 A. In examining evidence in this case I  
2 looked at numerous napkins with possible fecal material  
3 as well as fingernail clippings from a sex assault kit  
4 and a jogging suit.  
11:00AM 5 Q. Now, as an expert in DNA analysis and  
6 comparison can you give us an overview of how DNA is  
7 important in a forensic setting.  
8 A. Yes. So DNA stands for deoxyribonucleic  
9 acid and it is found in every individual and it's  
10:00AM 10 unique to every individual. We get half from our mom  
11 and half from our dad and it's from conception until  
12 death. And it's important to the area of DNA analysis  
13 because it's unique per individual with the exception  
14 of identical siblings such as identical twin, triplet,  
15 quadruplet.  
16 And it's unique because there's a small --  
17 99 percent of the DNA in our body is the same from one  
18 individual to another. That's why we have two eyes,  
19 two ears, two arms and so forth. However, there's  
11:01AM 20 about a one percent part of the DNA molecule that will  
21 set us apart from each other. And as I mentioned  
22 before we inherit half from our mom and half from our  
23 dad. So even between siblings that are not identical  
24 we would have a unique DNA profile.  
11:01AM 25 Q. So as a DNA analyst you're typically

11:01AM 1 comparing a reference standard or a known profile to a  
2 profile generated off a piece of evidence maybe  
3 collected at a crime scene?  
4 A. That is correct.  
11:01AM 5 Q. Now, in terms of your work in this case  
6 did you have like a buccal swab or a known profile of  
7 an individual by the name of Arthur Sewall?  
8 A. I had what is known as a surreptitious  
9 standard. It's not an actual buccal swab that is  
10:02AM 10 normally used as a known reference. However, it's an  
11 item that we can presume that his DNA profile is on  
12 because he left -- it was known that he left that item  
13 behind.  
14 Q. And what was that item?  
11:02AM 15 A. It was a chewing tobacco or snuff as it's  
16 also known as.  
17 Q. So you were working with not a buccal  
18 standard but for your report you were dealing with some  
19 tobacco that someone else collected and identified as  
11:02AM 20 being from him?  
21 A. Correct.  
22 Q. And that would be from Arthur Sewall?  
23 A. Correct.  
24 Q. And then you were able to generate a DNA  
11:02AM 25 profile from that tobacco?

11:03AM 1 A. That is correct.  
2 Q. And then the other items of evidence that  
3 you analyzed in this case, you personally, would have  
4 been fingernail clippings from the victim collected at  
5 autopsy?  
11:03AM 6 A. Yes.  
7 Q. And some paper napkins that were collected  
8 or tissue from the crime scene?  
9 A. That is correct.  
10:03AM 10 Q. And some clothing that belonged to the  
11 victim?  
12 A. That is correct.  
13 Q. Like a jogging suit?  
14 A. Yes.  
11:03AM 15 Q. So let's talk first about what results if  
16 any you were able to get off any of those paper napkins  
17 or tissues that were collected from the crime scene.  
18 Were you able to generate any type of DNA profile from  
19 those items?  
11:03AM 20 A. May I look at my report?  
21 Q. Sure.  
22 A. There were numerous napkins and on the  
23 napkins I took a swabbing of areas that did not have  
24 the appearance of this possible fecal material staining  
11:04AM 25 to try to identify who may have handled it as well as I

11:04AM 1 took a separate swabbing of the possible fecal  
2 material. And I have identified no DNA profile from  
3 swabbing from the non-stained area of one of the paper  
4 napkins as well as no DNA profile on the stained area  
11:04AM 5 from that same napkin.

6 On another napkin I obtained a partial DNA  
7 profile from the swabbing of the non-stained area.  
8 However, it is consistent with originating from at  
9 least one male contributor. However, due to the  
11:04AM 10 limited data available, meaning there was not enough  
11 information present, I could not make any conclusion to  
12 who left behind that information. The same napkin I  
13 swabbed the possible fecal material I obtained a  
14 partial DNA profile consistent with at least one  
11:05AM 15 contributor, I can't tell you if it's a male or female.  
16 However, due to limited information, I could not make  
17 any conclusion. The same thing, there wasn't enough  
18 DNA material behind.

19 On a third napkin I did the same thing,  
20 swabbed the non-stained area, obtained a partial DNA  
21 profile consistent with at least one male contributor.  
22 But limited data so I could not make any conclusions.  
23 And the swabbing from the stained areas obtained a  
24 partial DNA profile originating from at least one  
11:05AM 25 contributor, cannot tell you if it's male or female,

11:05AM 1 and also it's limited data so I could not make any  
2 conclusion. And that's it for the napkin.

3 Q. So in terms of the napkins you were able  
4 to get partial profiles but you didn't have sufficient  
11:05AM 5 data to do any type of comparisons to that tobacco  
6 profile you got or one you may have had of the victim;  
7 is that fair?

8 A. That is correct.

9 Q. And that's just because of the nature of  
11:06AM 10 the results you got from testing those paper napkins?

11 A. Yes.

12 Q. So let's move onto the fingernail  
13 clippings. And those were taken from the victim at  
14 autopsy?

11:06AM 15 A. Yes.

16 Q. And tell us what your results were with  
17 regard to the fingernail clippings.

18 A. For the fingernail clippings I took  
19 swabbing from the right hand fingernail clippings which  
11:06AM 20 is consistent with a mixture with at least one being a  
21 male. And assuming the mixture originated from two  
22 individuals -- mixture being that it's more than one  
23 person DNA mixed in one sample. So assuming the  
24 mixture originated from two individuals, a major DNA  
11:06AM 25 profile was obtained. And when I say a major, that

11:06AM 1 just means that that particular individual contributed  
2 more DNA than the other individual in the mixture. The  
3 major DNA profile consistent with Nadia Iverson and the  
4 surreptitious standard from Arthur Sewall was excluded  
11:07AM 5 as the possible contributor for that major DNA profile.  
6 And due to the limited data available I could not make  
7 any conclusion on the other individual.

8 Q. Okay.

9 A. And that was for the right hand.

11:07AM 10 For the left hand fingernail clippings  
11 it's a full DNA profile consistent with Nadia Iverson  
12 and the surreptitious standard from Arthur Sewall is  
13 excluded as a possible contributor to that full DNA  
14 profile. And there were additional, meaning there were  
11:07AM 15 additional DNA information. However, they were below  
16 our threshold meaning there wasn't enough information  
17 there so I could not make any conclusion.

18 Q. Okay. So in terms of those fingernail  
19 clippings on the right and the left you got a major  
11:08AM 20 profile that was consistent with the victim Nadia  
21 Iverson?

22 A. Yes.

23 Q. And in terms of that major profile Arthur  
24 Sewall was excluded as being a source of that DNA?

11:08AM 25 A. Excluded, yes.

11:08AM 1 Q. Okay. And then there was also a minor  
2 component of DNA on both the right and the left  
3 fingernails?

4 A. Yes.

11:08AM 5 Q. But you didn't have sufficient data to do  
6 any further comparison?

7 A. That is correct.

8 Q. Okay. So that takes away the napkins that  
9 we talked about and the fingernail clippings?

11:08AM 10 A. Yes.

11 Q. You also analyzed some clothing that had  
12 been worn by the victim in this case, some jogging  
13 pants?

14 A. Yes.

11:08AM 15 Q. And did you look at three particular  
16 stains of those jogging pants?

17 A. I looked at two -- yes, there would be  
18 three stains. Sorry.

19 Q. And then also a swabbing of the waistband?

11:09AM 20 A. Yes.

21 Q. So tell us in terms of the swabbing of the  
22 waistband of the jogging pants, let's start there.  
23 What were your findings?

24 A. The DNA profile obtained from the swabbing  
11:09AM 25 of the exterior waistband of the pants is consistent



11:09AM 1 with a mixture of three individuals with at least one  
2 being a male. A partial major DNA profile is  
3 consistent with Nadia Iverson and the statistics to  
4 that is the probability of randomly selecting an  
11:09AM 5 unrelated individual from the general population having  
6 a DNA profile that is consistent with the partial major  
7 DNA profile obtained from the evidence is approximately  
8 one in 492 million. The surreptitious standard from  
9 Arthur Sewall is excluded as a possible contributor to  
10 the partial major DNA profile obtained. And the minor  
11 component, it was limited data obtained so no  
12 conclusion could be made.

13 Q. So in terms of the waistband of those  
14 sweatpants again you have a mixture major component; is  
11:10AM 15 that fair?

16 A. Yes. I had a major.

17 Q. And that was consistent with the victim  
18 Nadia?

19 A. Yes.

11:10AM 20 Q. And then there's also a minor portion of  
21 that DNA as well?

22 A. Yes.

23 Q. And in terms of the major component Sewall  
24 is excluded?

11:10AM 25 A. Yes.

11:10AM 1 Q. And in terms of the minor it's similar to  
2 the other results you got, you just didn't have enough  
3 data to make a comparison?

4 A. That is correct.

11:10AM 5 Q. Okay. Now, that's the waistband. Tell us  
6 the areas of staining, the three stains that you looked  
7 at on those sweatpants.

8 A. There were three areas. I took a swabbing  
9 of a defuse staining area from the interior butt area  
10 of the pants and the results for that is a partial DNA  
11 profile obtained from the -- let me back up. For that  
12 I tested it for possible semen where I've identified  
13 sperm which is a confirmatory test for semen. And so I  
14 took it on for DNA and the result is the partial DNA  
11:11AM 15 obtained from the epithelial fraction of the swabbing  
16 from the defuse staining from the interior butt area of  
17 the pants is consistent with a mixture of two  
18 individuals with at least one being a male. Assuming  
19 Nadia Iverson is a contributor to this mixture, foreign  
20 alleles or foreign DNA information were obtained. And  
11:11AM 21 due to the limited data of that foreign information no  
22 conclusion could be made.

23 The partial DNA profile obtained from the  
24 sperm fraction of the swabbing from the defuse stain  
11:12AM 25 from the interior butt area is consistent with a

11:12AM 1 surreptitious standard from Arthur Sewall and Nadia  
2 Iverson is excluded as a possible contributor to that  
3 profile.

4 Q. Let me ask you some questions about that.  
11:12AM 5 This stain that you're talking about is a swabbing from  
6 the inside of the sweatpants?

7 A. Yes.

8 Q. And you get a mixture profile?

9 A. Yes.

11:12AM 10 Q. And it's sperm positive?

11 A. Yes.

12 Q. And the epithelial portion is consistent  
13 with the victim Nadia?

14 A. It is -- yes. Being that the pants were  
11:12AM 15 known to come from her I can make -- reasonably assume  
16 that her own DNA would be on her own pants. So I was  
17 able to assume her on that mixture and try to identify  
18 the foreign profile which in this case I was not able  
19 to make any conclusion on.

11:12AM 20 Q. But there's a sperm fraction that you were  
21 able to analyze from this interior stain?

22 A. From the same stain, yes.

23 Q. And that sperm fraction is consistent with  
24 that tobacco standard that we had from Arthur Sewall?

11:13AM 25 A. That is correct.

11:13AM 1 Q. Is there any other DNA in that mixture  
2 that's foreign to either one of those two?

3 A. That I can tell, no. More than likely the  
4 foreign alleles or the foreign information from the  
11:13AM 5 epithelial fraction could potentially be a carryover  
6 from the sperm fraction. When I run a semen sample for  
7 DNA, I'm taking one cutting from that sample and during  
8 the process it gets split into two. So that's why I  
9 have an epithelial fraction and a sperm fraction. So  
10 it's very common for the samples to be in one or the  
11 other's fraction.

12 Q. But the sperm fraction from that interior  
13 stain is consistent with that tobacco standard from  
14 Arthur Sewall?

11:14AM 15 A. That is correct.

16 Q. And that's the one from the inside of the  
17 pants?

18 A. That is correct.

19 Q. Did you also analyze a stain from the  
11:14AM 20 outside of those sweatpants?

21 A. Yes. There was a brown/pink staining that  
22 I observed on the exterior back butt area and the  
23 DNA -- I tested that for semen and it came up negative  
24 for sperm meaning I did not find any sperm cells. And  
11:14AM 25 the DNA results for that is a partial DNA profile

11:14AM 1 obtained from the swabbing from the brown/pink staining  
2 observed on the exterior back butt area is consistent  
3 with Nadia Iverson. And the follow-up statistic, the  
4 probability of randomly selecting an unrelated  
11:14AM 5 individual from the general population having a DNA  
6 profile that is consistent with the partial profile  
7 from the evidence is approximately one in 879 billion  
8 and the surreptitious standard from Arthur Sewall is  
9 excluded as a possible contributor.

11:15AM 10 Q. So for this stain that we have that's on  
11 the exterior butt portion of those sweatpants you find  
12 a profile consistent with the victim Nadia Iverson?

13 A. Yes.

14 Q. And Sewall is excluded from that?

11:15AM 15 A. Yes.

16 Q. Now, was there another stain or another  
17 swab taken from the sweatpants?

18 A. Yes. I found another stain and I tested  
19 it for semen as well and it came back negative and I  
11:15AM 20 did not take those stains on for DNA.

21 Q. Because you couldn't do anything more  
22 because there was no sperm or DNA to be analyzed?

23 A. Yes.

11:15AM 24 Q. Now, in your testimony you were able to  
25 give us a statistical framework for the profiles that

11:15AM 1 you identified as being consistent with Nadia Iverson  
2 the victim?

3 A. Yes.

4 Q. But I noticed you didn't give us that same  
11:16AM 5 statistical profile when you said it was consistent  
6 with Arthur Sewall.

7 A. Yes.

8 Q. Is that a lab standard or what's the  
9 reason for that?

11:16AM 10 A. Yes. That is actually our protocol. We  
11 are only allowed to follow up on a statistical  
12 calculation when we have made a comparison to a buccal  
13 swab because it is known that it is from the  
14 individual, it's documented from the individual.

11:16AM 15 Whereas the tobacco, even though it is collected after  
16 the tobacco chew was deposited and it was observed, I'm  
17 making the assumption that it is his DNA on that. So I  
18 cannot confidently say yes, this is consistent and  
19 follow up with a statistic. So it's just a policy,  
20 it's a safeguard for us. We prefer to have the buccal  
21 swab in order to make a statistical calculation.

22 Q. And do you know now was there another  
23 analyst who had the buccal swab who is able to give us  
24 that statistical framework?

11:17AM 25 A. Yes. We did get the buccal swab.

11:17AM 1 However, I am no longer in the section so another  
2 analyst was able to do that.

3 MS. WECKERLY: Thank you. I have no other  
4 questions for the witness.

11:17AM 5 BY A JUROR:

6 Q. What is a buccal swab?

7 A. A buccal swab is actually like a cotton  
8 swab or a Q-Tip and we take a swabbing from the inside  
9 of your cheek. So when we take that swabbing, we put  
10 it in a package and we have your name. So we know when  
11 I run that swabbing, it is going to be -- that profile  
12 will be linked to you.

13 BY A JUROR:

14 Q. You tested napkins, the sweatpants and  
15 both interior and exterior on the sweatpants?

16 A. Yes.

17 Q. Did you test any of the swabs from the  
18 kit?

19 A. No. I did not analyze the swabbing from  
11:18AM 20 the kit.

21 THE FOREPERSON: By law these proceedings  
22 are secret and you are prohibited from disclosing to  
23 anyone anything that transpired before us including  
24 evidence presented to the Grand Jury, any event  
11:18AM 25 occurring or statement made in the presence of the

11:18AM 1 Grand Jury or any information obtained by the Grand  
2 Jury.

3 Failure to comply with this admonition is  
4 a gross misdemeanor punishable up to 364 days in the  
11:18AM 5 Clark County Detention Center and a 2000-dollar fine.  
6 In addition you may be held in contempt of court which  
7 is punishable by an additional 500-dollar fine and 25  
8 days in the Clark County Detention Center.

9 Do you understand this admonition?

11:18AM 10 THE WITNESS: Yes.

11 THE FOREPERSON: Thank you. You are  
12 excused.

13 MR. PESCI: State calls Jessica Acevedo.

14 THE FOREPERSON: Please raise your right  
11:18AM 15 hand.

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

11:19AM 20 THE WITNESS: Yes.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to  
23 give testimony in the investigation pertaining to the  
24 offenses of murder with use of a deadly weapon and  
11:19AM 25 sexual assault with use of a deadly weapon involving

11:19AM 1 Arthur Sewall.  
2 Do you understand this advisement?  
3 THE WITNESS: Yes.  
4 THE FOREPERSON: Please state your first  
11:19AM 5 and last name and spell both for the record.  
6 THE WITNESS: My name is Jessica Acevedo.  
7 It's J-E-S-S-I-C-A. My last name is A-C-E-V-E-D-O.  
8  
9 **JESSICA ACEVEDO,**  
11:19AM 10 having been first duly sworn by the Foreperson of the  
11 Grand Jury to testify to the truth, the whole truth,  
12 and nothing but the truth, testified as follows:  
13  
14 EXAMINATION  
11:19AM 15 BY MS. WECKERLY:  
16 Q. How are you employed?  
17 A. I am employed with the Las Vegas  
18 Metropolitan Police Department forensic lab.  
19 Q. And where do you work in the forensic lab?  
11:19AM 20 A. I am a Forensic Scientist 2 in the biology  
21 DNA unit.  
22 Q. How long have you worked there?  
23 A. I was hired with Metro in December of 2008  
24 and I've been with DNA since June of 2011.  
11:20AM 25 Q. What is your educational background that

11:20AM 1 allows you to work in the forensic lab?  
2 A. I have a Bachelor's of Science degree with  
3 a major in biology and a minor in chemistry from the  
4 University of Nevada Las Vegas.  
11:20AM 5 Q. And have you testified before in the area  
6 of DNA analysis and comparison?  
7 A. Yes.  
8 Q. Now, back in January or February of this  
9 year were you asked to analyze a buccal or a reference  
11:20AM 10 standard from an individual identified to you as Arthur  
11 Sewall?  
12 A. Yes.  
13 Q. And so you would have been the person that  
14 had the buccal swab purportedly taken from Mr. Sewall  
11:20AM 15 and you would have generated the DNA profile off of  
16 that buccal?  
17 A. Yes.  
18 Q. Were you able to generate a profile off of  
19 it?  
11:20AM 20 A. Yes. I obtained a full male profile from  
21 that buccal swab.  
22 Q. Now, because you were the person who was  
23 able to generate the profile, did you then use that  
24 profile to make statistical calculations in reference  
11:21AM 25 to other evidence that was collected and analyzed in

11:21AM 1 this case?  
2 A. Yes. I took that profile and I can make  
3 comparisons to items of evidence to either include or  
4 exclude him on those items of evidence.  
11:21AM 5 Q. And in terms of this case as you sit here  
6 now are you aware of testing done on a sexual assault  
7 kit that was collected from the victim in this case at  
8 autopsy?  
9 A. Yes.  
11:21AM 10 Q. And was that kit analyzed at Metro or did  
11 that kit get sent out to another lab for analysis?  
12 A. It was sent to an outsourcing lab known as  
13 Bode Cellmark Forensics.  
14 Q. So that kit, the sexual assault kit, taken  
11:21AM 15 from autopsy, the swabs there would have been analyzed  
16 and worked by an analyst at that Bode lab?  
17 A. Yes.  
18 Q. But you would have gotten the results from  
19 that analysis to make your statistical calculations to  
11:22AM 20 his known buccal standard?  
21 A. Yes.  
22 Q. So let's review the items of evidence in  
23 this case and go through the conclusions that you made  
24 in terms of the statistics and I'd like to start first  
11:22AM 25 with the fingernail clippings that were taken from the

11:22AM 1 victim at autopsy. We've had previous testimony that  
2 Mr. Sewall was excluded from the major component of  
3 both of those I guess collections of evidence or swabs.  
4 A. Okay. I am going to refer to my report.  
11:22AM 5 Q. Sure. That's just for the record 1.1 and  
6 1.2.  
7 A. Yes. He's excluded from both of those  
8 items of evidence.  
9 Q. And then there were numerous kind of swabs  
11:22AM 10 or tests done on various items of napkins or tissue  
11 paper and there was no identification of Mr. Sewall on  
12 any of those items; is that fair?  
13 A. Yes, that's correct.  
14 Q. And then also sort of moving to item  
11:23AM 15 5.2.1, there was a swabbing done of the exterior  
16 waistband of some sweatpants and he was excluded from  
17 that?  
18 A. Yes, he was.  
19 Q. So now I want to talk to you about the  
11:23AM 20 sperm fraction of a swabbing from the interior of a  
21 pair of sweatpants.  
22 A. Yes. In this case he was included so I  
23 did some statistics on that item of evidence.  
24 Q. And so on this stain that was in the  
11:23AM 25 interior of a pair of sweatpants worn by the victim,

11:23AM 1 there was a sperm fraction that your colleague  
2 identified him as being consistent with; is that fair?  
3 A. Yes.  
4 Q. And she didn't have the buccal standard in  
11:23AM 5 order to do this statistical probability?  
6 A. Yes. That's correct.  
7 Q. But you did?  
8 A. Yes. So I'm the one that performs  
9 statistics and compared his reference standard to the  
11:24AM 10 results that she got and I can read those statistics if  
11 you'd like.  
12 Q. Great.  
13 A. Okay. So I am going to read the  
14 statement. The partial DNA profile obtained from the  
11:24AM 15 sperm fraction of the swabbing from the defuse staining  
16 from the interior butt area of the pants is consistent  
17 with Arthur Sewall. The probability of randomly  
18 selecting an unrelated individual from the general  
19 population having a DNA profile that is consistent with  
11:24AM 20 the partial DNA profile obtained from the evidence  
21 sample is approximately one in 16.2 sextillion.  
22 Q. And how big is a sextillion?  
23 A. So a sextillion is a very large number.  
24 Think of it in terms of zeros. So a million has six  
11:24AM 25 zeros, a billion has nine zeros, a sextillion has 21

11:24AM 1 zeros. So it's a very large number and one in that  
2 number is a very small probability.  
3 Q. Now, I want to move on with some further  
4 statistics. Now, we're still talking about the  
11:25AM 5 sweatpants, okay, just for your reference. And there  
6 was also a stain from the exterior of the butt area of  
7 those sweatpants and from our understanding from  
8 previous testimony Mr. Sewall was not identified on  
9 that stain. He was excluded as being the source of  
10 that stain.  
11 A. That's correct.  
12 Q. Now, also at the time you analyzed the  
13 buccal and generated the statistics you had the results  
14 from Bode, is that fair, the outside lab?  
11:25AM 15 A. Yes, I have their report.  
16 Q. So they analyzed some vaginal swabs,  
17 correct, and some rectal swabs?  
18 A. Yes.  
19 Q. And they were able to get a sperm fraction  
11:25AM 20 of DNA from the vaginal swabs; is that fair?  
21 A. Yes.  
22 Q. And from their data are you able to give  
23 us a statistic of probability in relation to  
24 Mr. Sewall's known sample that you have?  
11:26AM 25 A. Yes. So I did comparisons from their

11:26AM 1 results from the sperm fraction of the vaginal swabs  
2 and compared it to the buccal swab profile. And I did  
3 generate statistics on that sample and I can read those  
4 if you'd like.  
11:26AM 5 Q. Yes, please.  
6 A. So the DNA profile obtained from the sperm  
7 fraction of the vaginal swabs is consistent with the  
8 mixture of at least two individuals with at least one  
9 being male. The major DNA profile is consistent with  
11:26AM 10 Arthur Sewall. The probability of randomly selecting  
11 an unrelated individual from the general population  
12 having a DNA profile that's consistent with DNA profile  
13 obtained from the evidence sample is approximately one  
14 in 3.10 quintillion.  
11:26AM 15 Q. And so quintillion is how big?  
16 A. So quintillion has 18 zeros. It's also a  
17 very large number.  
18 Q. Now, you did the same thing with Bode, the  
19 external lab's result in terms of some rectal swabs and  
11:27AM 20 a sperm fraction taken from those; is that fair?  
21 A. Yes. I did the same thing with the sperm  
22 fraction of the rectal swabs and I can read the  
23 statistics if you'd like.  
24 Q. Please.  
11:27AM 25 A. The DNA profile obtained from the sperm

11:27AM 1 fraction of the rectal swabs is consistent with a  
2 mixture of at least two individuals with at least one  
3 being male. The major DNA profile is consistent with  
4 Arthur Sewall. The probability of randomly selecting  
11:27AM 5 an unrelated individual from the general population  
6 having a DNA profile that is consistent with the DNA  
7 profile obtained from the evidence sample is  
8 approximately one in 3.10 quintillion, the same number  
9 as before, 18 zeros.  
11:27AM 10 MS. WECKERLY: Thank you very much. I  
11 have no other questions.  
12 THE FOREPERSON: By law these proceedings  
13 are secret and you are prohibited from disclosing to  
14 anyone anything that transpired before us including  
11:27AM 15 evidence presented to the Grand Jury, any event  
16 occurring or statement made in the presence of the  
17 Grand Jury or any information obtained by the Grand  
18 Jury.  
19 Failure to comply with this admonition is  
11:27AM 20 a gross misdemeanor punishable up to 364 days in the  
21 Clark County Detention Center and a 2000-dollar fine.  
22 In addition you may be held in contempt of court which  
23 is punishable by an additional 500-dollar fine and 25  
24 days in the Clark County Detention Center.  
11:27AM 25 Do you understand this admonition?

11:28AM 1 THE WITNESS: Yes.  
2 THE FOREPERSON: Thank you. You're  
3 excused.  
4 MR. PESCI: State calls Ken Hardy.  
11:28AM 5 THE FOREPERSON: Please raise your right  
6 hand.  
7 You do solemnly swear the testimony you  
8 are about to give upon the investigation now pending  
9 before this Grand Jury shall be the truth, the whole  
11:28AM 10 truth, and nothing but the truth, so help you God?  
11 THE WITNESS: I do.  
12 THE FOREPERSON: Please be seated.  
13 You are advised that you are here today to  
14 give testimony in the investigation pertaining to the  
11:29AM 15 offenses of murder with use of a deadly weapon and  
16 sexual assault with use of a deadly weapon involving  
17 Arthur Sewall.  
18 Do you understand this advisement?  
19 THE WITNESS: Yes.  
11:29AM 20 THE FOREPERSON: Please state your first  
21 and last name and spell both for the record.  
22 THE WITNESS: My name is Ken Hardy.  
23 K-E-N. H-A-R-D-Y.  
11:29AM 24  
25

11:29AM 1 KEN HARDY,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:  
11:29AM 5  
6 EXAMINATION  
7 BY MR. PESCI:  
8 Q. Sir, are you a retired police officer?  
9 A. Yes, I am.  
11:29AM 10 Q. Did you retire from the Metropolitan  
11 Police Department?  
12 A. Yes, I did.  
13 Q. While you were there did you work in the  
14 homicide section?  
11:29AM 15 A. Yes, I did.  
16 Q. Focusing your attention to May 8th of 1997  
17 were you working homicide at that time?  
18 A. Yes, I was.  
19 Q. Were you assigned to an incident that  
11:29AM 20 occurred or a scene at 1226 Reed Place here in Las  
21 Vegas, Clark County, Nevada?  
22 A. Yes, I was.  
23 Q. And was that event documented under Event  
24 Number 970508-0583?  
11:29AM 25 A. Yes.

11:29AM 1 Q. At that particular location were you  
2 present when the scene was documented by Crime Scene  
3 Analysts?  
4 A. Yes, I was.  
11:30AM 5 Q. Showing you Grand Jury Exhibit 7 do you  
6 recognize that particular scene?  
7 A. Yes. That is the front of 1226 Reed from  
8 the street view.  
9 Q. Showing you Grand Jury Exhibit Number 11  
11:30AM 10 do you recognize that as being the northwest corner of  
11 the building we just looked at?  
12 A. Yes, I do.  
13 Q. Were you aware or were you present inside  
14 this scene to see items that were impounded by Crime  
11:30AM 15 Scene Analysts?  
16 A. Yes, I was.  
17 Q. Specifically in this northwest area were  
18 there some fecal matter?  
19 A. Yes, there was.  
11:30AM 20 Q. And were there some napkins around that  
21 area?  
22 A. Yes, there was.  
23 Q. And were those napkins impounded by one of  
24 the Crime Scene Analysts Kern?  
11:30AM 25 A. Yes.

11:30AM 1 Q. His P-number was 5220?  
2 A. Yes.  
3 Q. This was on May 8th. At the time when you  
4 first arrived did you know who the victim was?  
11:30AM 5 A. No, we did not.  
6 Q. Did you attend the autopsy on May the 9th?  
7 A. Yes, I did.  
8 Q. Showing you Grand Jury Exhibit 3 do you  
9 recognize that individual?  
11:30AM 10 A. That appears to be the victim as to what  
11 she was wearing. I can't see her face.  
12 Q. Do you recognize that clothing?  
13 A. Yes, I do.  
14 Q. Was that the clothing the victim was  
11:31AM 15 wearing at the scene inside the house that you found?  
16 A. Yes.  
17 Q. Showing you Grand Jury Exhibit Number 5,  
18 you just talked about her face. Do you recognize her?  
19 A. I do.  
11:31AM 20 Q. Speaking about autopsy and then we'll go  
21 into recognizing her, at autopsy is there evidence  
22 that's also impounded?  
23 A. Yes, there is.  
24 Q. Specifically speaking of these clothes,  
11:31AM 25 were those clothes, this Turquoise jumpsuit or running

11:31AM 1 suit impounded?  
2 A. Yes, sir. All the clothing was removed  
3 and impounded by CSA.  
4 Q. Is it also standard procedure to take  
11:31AM 5 fingernail clippings at an autopsy?  
6 A. Yes. If you think that the victim had  
7 close contact with the suspect, yes.  
8 Q. And in this particular case you're aware  
9 of the fingernail clippings from this victim being  
11:31AM 10 impounded during autopsy?  
11 A. Yes.  
12 Q. And it was Crime Scene Analyst Yolanda  
13 McClary who was at this autopsy with you?  
14 A. Yes.  
11:32AM 15 Q. Now, focusing on Grand Jury Exhibit Number  
16 5 you said a moment ago that you recognized this face;  
17 is that correct?  
18 A. Yes.  
19 Q. Was that from you being at the murder  
11:32AM 20 scene and at the autopsy?  
21 A. Yes.  
22 Q. How did you identify her?  
23 A. We identified her from -- we received a  
24 phone call from a Raymond Feltis who was in the Clark  
11:32AM 25 County Detention Center and actually one of our general

11:32AM 1 assignment detectives, they work either swing shift or  
2 graves, they had fielded the call. It was after hours  
3 of a guy in Clark County Detention Center said that he  
4 believed from the news article that was showing the  
11:32AM 5 description of her that he knew who the victim was and  
6 he called the general assignment detective who then  
7 called me.  
8 Q. And did you respond to the Clark County  
9 Detention Center to talk to that particular individual  
11:32AM 10 Mr. Feltis?  
11 A. Yes, I did.  
12 Q. Based on information that he gave did you  
13 seek or obtain a booking photo for Nadia Iverson?  
14 A. Yes. I had a booking photo from her  
11:33AM 15 previous arrest I believe on April 24<sup>th</sup> and I showed  
16 it to Mr. Feltis and he said that that was who he knows  
17 as Nadia Iverson.  
18 Q. So she had been arrested and that's what  
19 produced the booking photo?  
11:33AM 20 A. Yes.  
21 Q. Do you remember what the charge was?  
22 A. There was a charge -- there was two  
23 different times. One of them was a grand larceny, the  
24 other one was like pedestrian interference with traffic  
11:33AM 25 or something.

11:33AM 1 Q. Looking at that booking photo did you  
2 recognize the booking photo after having been at the  
3 murder scene and at the autopsy?  
4 A. Yes.  
11:33AM 5 Q. And you recognized it to be?  
6 A. It appeared to be the same person Nadia  
7 Iverson.  
8 Q. And then are you aware of fingerprinting  
9 being done from her hands to identify her?  
11:33AM 10 A. Yes. Well, actually fingerprints are  
11 taken at the autopsy. But there were already  
12 fingerprints on file from her arrest and those were  
13 compared to the Nadia Iverson from the autopsy and they  
14 were identified as the same person.  
11:34AM 15 Q. So you had them to compare because of her  
16 previous arrest?  
17 A. Yes.  
18 Q. So at that point you now knew who your  
19 victim was?  
11:34AM 20 A. Yeas.  
21 Q. Based on knowing that did you and your  
22 partners try to speak with people to gather information  
23 about her?  
24 A. Yes, we did.  
11:34AM 25 Q. Did you gather information from speaking

11:34AM 1 with a variety of witnesses to include a Gregory  
2 Williams, a Gregory Scott Vasilisin, V-A-S-I-L-I-S-I-N,  
3 Joseph Smith and a Tobi Ann Weber?  
4 A. Yes.  
11:34AM 5 Q. You personally spoke to those individuals?  
6 A. I spoke to those individuals, yes. Except  
7 for --  
8 Q. And then --  
9 A. I'm sorry. Go ahead.  
11:34AM 10 Q. And then did you work the case with a Roy  
11 Chandler?  
12 A. Yes, I did.  
13 Q. He was your partner?  
14 A. Yes, he was.  
11:34AM 15 Q. Did he interview people that you weren't  
16 present for?  
17 A. Yes.  
18 Q. Sometimes you interview together?  
19 A. Yes.  
11:35AM 20 Q. Are you aware of those interviews that  
21 were done by Detective Chandler even though you weren't  
22 personally there?  
23 A. Yes.  
24 Q. Are there transcripts made of those that  
11:35AM 25 you can read or review?

11:35AM 1 A. Yes. There are transcripts. And I do  
2 need to correct something.  
3 Q. Go ahead.  
4 A. Mr. Feltis wasn't the one in the Clark  
11:35AM 5 County Detention Center. It was Joseph Smith.  
6 Q. So Joseph Smith was the person that  
7 identified her based on the news article and said I  
8 think I know who this is?  
9 A. Correct.  
11:35AM 10 Q. Feltis didn't actually speak to you?  
11 A. That's correct.  
12 Q. Detective Chandler?  
13 A. Detective Chandler spoke to him by  
14 himself.  
11:35AM 15 Q. But you gathered from Detective Chandler's  
16 interview with Feltis that Feltis had heard that the  
17 girl had taken some of Greg Williams' money and some  
18 drugs?  
19 A. Yes.  
11:35AM 20 Q. And that Feltis was looking for her?  
21 A. Yes.  
22 Q. So this front end you're just talking to  
23 as many people as you can that know her trying to  
24 figure out who might have been with her and things of  
11:35AM 25 that nature?

11:35AM 1 A. That's correct.  
2 Q. So going back to Joseph Smith that you  
3 definitely spoke to in the jail, did he give you some  
4 background as far as Nadia moving to Las Vegas?  
11:36AM 5 A. He had told me that Nadia and her  
6 boyfriend who he referred to as Scott, but that's  
7 really Gregory Vasilisin, whatever it is, that they had  
8 moved out here from Pennsylvania the end of '96 I  
9 believe.  
11:36AM 10 Q. And did Joseph Smith indicate that Nadia  
11 and Scott, this Gregory, had broken up?  
12 A. Correct.  
13 Q. Did he explain why they had broken up?  
14 A. Because he had abused her.  
11:36AM 15 Q. Did you then speak to this Gregory Scott  
16 Vasilisin?  
17 A. Yes. I spoke to him.  
18 Q. And were you trying to gather information  
19 as to who could have done this to her?  
11:36AM 20 A. Yes.  
21 Q. Did he indicate to you that she was  
22 working as a prostitute?  
23 A. Yes.  
24 Q. And did he say that he thought a trick  
11:36AM 25 might have killed her?

11:37AM 1 A. Yes. He told me that.  
2 Q. What is the term trick?  
3 A. Trick would be a prostitute, a hooker, a  
4 whore, a date, however you want -- a trick would be a  
11:37AM 5 date with a John who would be the guy.  
6 Q. And then you also spoke with Toni Ann  
7 Weber?  
8 A. Yes.  
9 Q. And did she indicate who she last saw  
11:37AM 10 Nadia with or that she knew Nadia?  
11 A. She knew Nadia.  
12 Q. Who she last saw Nadia with?  
13 A. I don't recall if she said who, but she  
14 had last seen her on her birthday which was May 4th.  
11:37AM 15 Q. Did she give some information to you that  
16 she had heard that Nadia had stolen some money from  
17 Greg Williams?  
18 A. Yes. That was the second time that we had  
19 heard about the money being stolen from Greg Williams.  
11:37AM 20 Q. And then when asked who could have killed  
21 Nadia, did she, Toni Ann Weber, indicate it could have  
22 been Greg?  
23 A. Yes.  
24 Q. Did you speak with Greg?  
11:37AM 25 A. I did.

11:38AM 1 Q. That information that you had at the front  
2 end did not lead you to an arrest?  
3 A. No.  
4 MR. PESCI: That concludes the questioning  
11:38AM 5 from us. Any questions from the ladies and gentlemen  
6 of the Grand Jury?  
7 THE FOREPERSON: By law these proceedings  
8 are secret and you are prohibited from disclosing to  
9 anyone anything that transpired before us including  
11:38AM 10 evidence presented to the Grand Jury, any event  
11 occurring or statement made in the presence of the  
12 Grand Jury or any information obtained by the Grand  
13 Jury.  
14 Failure to comply with this admonition is  
11:38AM 15 a gross misdemeanor punishable up to 364 days in the  
16 Clark County Detention Center and a 2000-dollar fine.  
17 In addition you may be held in contempt of court which  
18 is punishable by an additional 500-dollar fine and 25  
19 days in the Clark County Detention Center.  
20 Do you understand this admonition?  
11:38AM 21 THE WITNESS: Yes, I do.  
22 THE FOREPERSON: Thank you. You're  
23 excused.  
24 MR. PESCI: Ladies and gentlemen of the  
11:38AM 25 Grand Jury, we are not asking you to deliberate and we

11:38AM 1 will be back with some more evidence.  
 2  
 3 (Proceedings adjourned, to reconvene at a later,  
 4 undetermined time.)  
 11:39AM 5  
 6  
 7 --oo0oo--  
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11:39AM 1 **REPORTER'S CERTIFICATE**  
 2  
 3 **STATE OF NEVADA** )  
 4 **COUNTY OF CLARK** ) ss  
 11:39AM 5  
 6 I, Lisa Brenske, C.C.R. 186, do hereby  
 7 certify that I took down in Shorthand (Stenotype) all  
 8 of the proceedings had in the before-entitled matter at  
 9 the time and place indicated and thereafter said  
 11:39AM 10 shorthand notes were transcribed at and under my  
 11 direction and supervision and that the foregoing  
 12 transcript constitutes a full, true, and accurate  
 13 record of the proceedings had.  
 14 Dated at Las Vegas, Nevada,  
 11:39AM 15 March 11, 2017.  
 16  
 17  
 18 /S/LISA BRENSKE  
 19 Lisa Brenske, C.C.R. 186  
 11:39AM 20  
 21  
 22  
 23  
 24  
 25

11:39AM 1 **AFFIRMATION**  
 2 Pursuant to NRS 239B.030  
 3  
 4 The undersigned does hereby affirm that the  
 11:39AM 5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
 6 17CGJ023X:  
 7  
 8 X Does not contain the social security number of any  
 9 person,  
 11:39AM 10 -OR-  
 11 Contains the social security number of a person as  
 12 required by:  
 13 A. A specific state or federal law, to-  
 14 wit: NRS 656.250.  
 11:39AM 15 -OR-  
 16 B. For the administration of a public program  
 17 or for an application for a federal or  
 18 state grant.  
 19 /S/LISA BRENSKE  
 11:39AM 20 Signature March 11, 2018  
 21 Date  
 22 Lisa Brenske  
 23 Print Name  
 24 Official Court Reporter  
 25 Title



CLARK COUNTY, NEVADA

DISTRICT COURT

Defendant.

)  
)  
)  
)  
) GJ Case No. 17CGJ023X  
) DC Case No. C330650

9:26 a.m.

Volume 2

Reported by: Donna J. McCord, C.C.R. No. 337

1 GRAND JURORS PRESENT ON MARCH 15, 2018:

2

3 PATTI HAYDEN, Foreperson

4 KEITH NELSON, Deputy Foreperson

5 JODI SHERROD, Secretary

6 GAIL ALCALAY, Assistant Secretary

7 MYRL-LEE BOYDEN

8 STEVEN BROWN

9 TAMA CLARK

10 ARTHUR ELLIOTT

11 CARLTON FOGG

12 TIM GRISWOLD

13 VERNA HALL

14 MARCUS KNICKERBOCKER

15 MARCIA LUKES

16 OLGA LYLES

17 SHELLEY MYSZ

18 SCOTT SEXTON

19 SHIRLEY RITZ

20

21

22 Also present at the request of the Grand Jury:

23 Pamela Weckerly,

24 Giancarlo Pesci

25 Chief Deputy District Attorneys

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1 LAS VEGAS, NEVADA, MARCH 15, 2018

2 \* \* \* \* \*

3  
4 DONNA J. McCORD,

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

9 MS. WECKERLY: Good morning. My name is  
10 Pam Weckerly. With me is Giancarlo Pesci and this will  
11 be the continuation of the State of Nevada versus Arthur  
12 Lee Sewall, Grand Jury case number 17CGJ023X. And while  
13 they're setting up the computer I'm just going to grab  
14 the next witness.

15 MR. PESCI: I can get him, Pam. Which one  
16 do you want?

17 MS. WECKERLY: Nicole.

18 MR. PESCI: Okay.

19 THE FOREPERSON: Please raise your right  
20 hand.

21 THE WITNESS: Sorry.

22 THE FOREPERSON: You do solemnly swear that  
23 the testimony that you're about to give upon the  
24 investigation now pending before this Grand Jury shall  
25 be the truth, the whole truth, and nothing but the

1 truth, so help you God?

2 THE WITNESS: I do.

3 THE FOREPERSON: Please be seated.

4 You're advised that you're here today to  
5 give testimony in the investigation pertaining to the  
6 offenses of murder with use of a deadly weapon, sexual  
7 assault with use of a deadly weapon involving Arthur  
8 Sewall.

9 Do you understand this advisement?

10 THE WITNESS: Yes.

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

13 THE WITNESS: Nicole Miulli, N-I-C-O-L-E  
14 M-I-U-L-L-I.

15

16 **NICOLE MIULLI,**

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

20

21 **EXAMINATION**

22 BY MS. WECKERLY:

23 Q Where are you employed?

24 A Bode Cellmark Forensics.

25 Q And where is Bode Cellmark?

1 A We're located in Lorton, Virginia.

2 Q And what's your position at Bode?

3 A I am a forensic biology analyst.

4 Q And in order to work as a forensic biology  
5 analyst, do you have to have a particular education or  
6 training?

7 A Yes, I have a bachelor's of science degree  
8 in forensic science from the University of Baltimore.

9 Q And is Bode the first lab that you've  
10 worked at after graduating?

11 A No, it's not.

12 Q Where else have you worked at?

13 A I've also worked at Prince George's County  
14 DNA Lab in Prince George County, Maryland.

15 Q So back I guess in October of 2016, were  
16 you involved in some testing of evidence or sampling of  
17 evidence that was sent to Bode Forensics from the Las  
18 Vegas Metropolitan Police Department?

19 A Yes.

20 Q And could you describe the nature of the  
21 evidence that you were dealing with for Metro?

22 A May I refer to my notes?

23 Q Sure.

24 A I received a sexual assault kit, and in  
25 that sexual assault kit contained, I'm sorry, seven

1 different envelopes.

2 Q And were the envelope's swabs taken from  
3 the sexual assault kit of the victim in this case?

4 A Yes.

5 Q And did those swabs include vaginal swabs  
6 and smears, rectal swabs and smears and oral swabs and  
7 smears?

8 A Yes, those were three of the items received  
9 in the kit.

10 Q Now, once you receive the sexual assault  
11 kit, are you the person that opens up the kit and gets  
12 it ready for testing by Bode?

13 A So our evidence section receives the  
14 evidence and then I proceed to check out the evidence  
15 from our evidence unit. Then I bring it to the lab with  
16 me and that's where I can open up and examine the items  
17 received.

18 Q So you actually are the one who opens the  
19 items of evidence?

20 A Correct.

21 Q Was there anything that you noted about the  
22 evidence in terms of like the envelopes not being sealed  
23 or damaged or anything like that?

24 A Nope. They were -- I received -- all  
25 envelopes were sealed.



1           Q       Okay. And then once you get them I assume  
2 you open them because Bode is going to be doing testing  
3 on them?

4           A       Correct.

5           Q       And did you do that in this case?

6           A       Yes.

7           Q       After you opened the packages are you the  
8 one that takes samples of the smears and swabs?

9           A       Yeah. After I open them I examine what was  
10 received and then I can sample the swabs.

11          Q       And you aren't the person who does the  
12 actual testing, right?

13          A       Correct.

14          Q       So once you do that it's moved onto testing  
15 but someone else does that?

16          A       Yeah. Once I sample the swabs I put them  
17 into a tube and then it goes on for DNA processing by  
18 other laboratory personnel.

19          Q       Thank you very much.

20                   I have no other questions of this witness.

21           THE FOREPERSON: By law these proceedings  
22 are secret and you are prohibited from disclosing to  
23 anyone anything that transpired before us including any  
24 evidence presented to the Grand Jury, any event  
25 occurring or a statement made in the presence of the

1 Grand Jury or any information obtained by the Grand  
2 Jury.

3 Failure to comply with this admonition is a  
4 gross misdemeanor punishable up to 364 days in the Clark  
5 County Detention Center and a \$2,000 fine. In addition  
6 you may be held in contempt of court punishable by an  
7 additional \$500 fine and 25 days in the Clark County  
8 Detention Center.

9 Do you understand this admonition?

10 THE WITNESS: Yes.

11 THE FOREPERSON: Thank you. You're  
12 excused.

13 THE WITNESS: Thank you.

14 THE FOREPERSON: Please raise your right  
15 hand.

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

20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You're advised that you're here today to  
23 give testimony in the investigation pertaining to the  
24 offenses of murder with use of a deadly weapon and  
25 sexual assault with use of a deadly weapon involving

1 Arthur Sewall.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first  
5 and last name and spell both slowly for the record.

6 THE WITNESS: It's Sandra Gault,  
7 S-A-N-D-R-A G-A-U-L-T.

8

9 **SANDRA GAULT,**

10 having been first duly sworn by the Foreperson of the  
11 Grand Jury to testify to the truth, the whole truth  
12 and nothing but the truth, testified as follows:

13

14 **EXAMINATION**

15 BY MS. WECKERLY:

16 Q How are you employed?

17 A I'm employed at Bode Cellmark Forensics.

18 Q And what is your job at Bode?

19 A I am a senior DNA analyst.

20 Q How long have you worked there?

21 A For about 13 years now.

22 Q Okay. Did you work at any labs prior to  
23 Bode?

24 A No.

25 Q At Bode what is the position you -- what do

1 you do day to day?

2 A So day to day I basically oversee two main  
3 projects, one of which is the Vegas Sexual Assault Kit  
4 Project, and that involves just directing all the  
5 laboratory work, I analyze all the data that comes up  
6 for that and then I generate reports at the end and make  
7 any comparisons if we have any.

8 Q And obviously you've had training in DNA  
9 analysis and comparison?

10 A Yes.

11 Q Can you just briefly describe your  
12 educational background or training that you've had that  
13 allows you to work in that capacity?

14 A So I have a bachelor's of science in  
15 biology from Truman State University and I have a  
16 master's of science in forensic science from the  
17 University of Alabama at Birmingham. I was employed  
18 directly out of graduate school to Bode Technology. At  
19 that point we received training that encompassed all the  
20 laboratory work and all the analysis and interpretation  
21 portions.

22 Q Now, Bode it sounds like has a contract  
23 with the Las Vegas Metropolitan Police Department to  
24 conduct analysis on several sexual assault kits?

25 A Correct.